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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of	)	
	)	
The Use of N11 Codes and Other Abbreviated Dialing Arrangements	)	CC Docket No. 92-105
	)	
North American Marketing Council Recommendation Concerning Abbreviated Dialing Arrangements	)	NSD File No. L-98-139

BELLSOUTH COMMENTS

On September 29, 1998, the North American Numbering Council ("NANC") submitted its report and recommendation on abbreviated dialing arrangements[1] to the Common Carrier Bureau ("Bureau"). BellSouth Corporation, on behalf of its affiliated companies ("BellSouth") and pursuant to the Bureau's request,[2] hereby submits these Comments in support of the NANC report.

I. Introduction

The NANC Report was generated as a consequence of the Commission's *First Report and Order*[3] in its abbreviated dialing rulemaking proceeding. In that *Order*, the Commission reserved the use of certain N11 abbreviated dialing arrangements for specific purposes. In

[1] "Report and Recommendations of the Abbreviated Dialing Ad Hoc Working Group to the North American Numbering Council (NANC) Regarding Abbreviated Dialing Arrangements" (adopted by NANC Sept. 23, 1998) ("NANC Report" or "Report").

[2] Public Notice, Common Carrier Bureau Seeks Comment on North American Numbering Council Recommendation Concerning Abbreviated Dialing Arrangements, DA 98-2541 (released Dec. 14, 1998).

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addition, while the Commission generally concluded that abbreviated dialing "could ... serve many useful purposes," the Commission nevertheless was "unable to find that the public interest support[ed] national reservation ... of any [other] alternative dialing arrangements for any particular purpose."[4] Rather, the Commission merely urged industry fora to continue to explore the feasibility and practicality of such alternative abbreviated dialing arrangements and specifically asked NANC to report back to the Commission on how rapidly abbreviated dialing arrangements could be deployed.[5]

The instant NANC Report is responsive to that request. In order to assess potential deployment timeframes, however, NANC (through its Working Group) necessarily explored various alternative abbreviated dialing schemes, including consideration of the practicality and feasibility of different options. NANC's Report confirms the Commission's own conclusion of the lack of a public interest need for national reservation, administration, or deployment of any alternative abbreviated dialing arrangement. Nevertheless, to be responsive to the Commission's direct request, the Report concludes that if it were decided that an industry-wide abbreviated dialing scheme should be adopted, even those schemes that appear now to be the most feasible and practical would take at least two years for development.

With this Report, NANC has completed its abbreviated dialing task assigned it by the Commission. BellSouth commends the Report to the Commission and hereby supports its acceptance and adoption by the Commission.

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[3] *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, 12 FCC Rcd 5572 (1997) ("*Abbreviated Dialing Order*").

[4] *Abbreviated Dialing Order*, 12 FCC Rcd at 5608.

[5] *Id.*

II. The Commission Should Accept and Adopt the NANC Report

The NANC Report reflects a comprehensive review of various abbreviated dialing options. The Report considered multiple aspects of the various alternatives, including potential collateral effects were any of the options to be adopted as a national or uniform standard. Although NANC was hampered by a lack of any well defined statement of need or application, reasonable assumptions were made regarding likely utilization of abbreviated dialing arrangements. Most important, the Report reflects the good faith efforts of NANC to work through a consensus process to accomplish the task entrusted to it by the Commission. Accordingly, BellSouth encourages the Commission to accept and adopt the NANC Report.

In the *Abbreviated Dialing Order*, the Commission found that while there is "considerable interest" in the notion of alternative dialing arrangements, there was a marked lack of agreement or consistency on either the nature of the applications for which abbreviated dialing schemes might be used[6] or the format of the dialing schemes themselves.[7] In pursuing its task, NANC similarly "recognize[d] the need for service descriptions of abbreviated dialing applications before a more accurate implementation timeframe estimate can be identified."[8] Accordingly, in order to develop its recommendation, NANC was obligated to establish a number of operating assumptions and parameters.

Primary among them was that for any chosen dialing scheme to have greatest utility, it would have to operate in a multi-network environment. That is, the abbreviated code would

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[6] *Abbreviated Dialing Order*, 12 FCC Rcd at 5608 ("Some commenters seek abbreviated numbers in only one local calling area, while others seek a uniform abbreviated number for an entire state, a region, or the whole country.") (citations omitted).

[7] *Id.* ("Commenters suggest using numbers with two to four digits plus a '*' or a '#', such as *XX or NXX#. One commenter suggests codes with '**X'.") (citation omitted).

[8] NANC Report at 3.

have to have common recognition and operation across multiple networks. Although such a multi-network requirement adds substantial complexity to deployment of an abbreviated dialing scheme -- considering both standardization across numerous types of carriers and switch types and minimization of conflict with other pre-established dialing patterns -- such commonality was perceived to be desirable to ensure the greatest deployment of a capability over the widest area. Of course, any such multi-network dialing arrangement necessarily would have to be centrally administered and assigned.[9]

NANC similarly had to anticipate the likely service applications to which abbreviated dialing arrangements might be put. Consistent with the bulk of information that has been generated in Commission proceedings and in other industry initiatives similar to this one, NANC concluded that uses of abbreviated dialing arrangements most likely would be for information services or similar commercial purposes. As a corollary assumption, NANC anticipated that abbreviated dialing arrangements would not be utilized for traditional POTs. Limitations of this nature, if a national abbreviated dialing scheme were adopted, would reduce the likelihood that any reserved codes would quickly exhaust.

The Report also properly attempted to minimize the intrusion of any new abbreviated dialing scheme on existing, pre-established dialing arrangements. Thus, for example, NANC avoided usurping codes or dialing formats that would conflict with vertical service codes (VSCs). VSCs are customer dialed codes standardized in the *XX and *2XX format (11XX and 112XX for rotary phones). VSCs are assigned on a national basis for common use as service

[9] The NANC Report also acknowledged a preference for avoiding conflict with existing intra-network abbreviated dialing arrangements, consistent with the Commission's observation that until any national abbreviated dialing scheme is promulgated and adopted, federal policy does not bar the use of abbreviated codes for intrastate applications. *Abbreviated Dialing Order*, 12 FCC Rcd at 5608-5609.

feature activation indicators. NANC reasonably determined that these existing uses should not be disturbed, nor should any confusingly similar formats be endorsed.

In light of these considerations and others, NANC settled upon dialing arrangements that would utilize either a leading or trailing "#" and four to six digits as the optimal arrangement of the considered alternatives. BellSouth supports this determination as most responsive to the range of often conflicting factors that had to be reconciled throughout NANC's analysis.

BellSouth also believes that even if such abbreviated dialing arrangements were determined to be practical and feasible beyond the theoretical, however, NANC has properly identified a number of additional considerations that would impinge on any rapid widespread deployment of such a capability. As alluded to above, such an arrangement would require centralized administration and assignment. Inherent in this requirement is the need for assignment guidelines, including identification of the entity to make and control assignments, prerequisite or ongoing qualification of recipients of assigned codes, rights of an entity in assigned codes, and circumstances or conditions of reclamation of codes. NANC's Report also does not purport to be an exhaustive treatise on the technical or technological complexities likely to be encountered by widespread deployment efforts. Rather, the Report appropriately summarizes many of them and defers to the vendor community for further elaboration and development. Also, conspicuously absent by design is any attempt to quantify the costs associated with development and deployment of a national abbreviated dialing scheme.

Nonetheless, in the face of these uncertainties and on the basis of reasonable assumptions such as those discussed herein and others, NANC has estimated that any such development initiative would require at least two years before effective deployment could begin. BellSouth

believes this estimate to be reasonable and urges the Commission to accept that projection as responsive to its request.[10]

III. The Minority Views Should Not Be Given Undue Consideration.

Accompanying NANC's Report to the Commission were the "minority views" of two participants in NANC's Abbreviated Dialing Working Group. While minority views always contribute to a healthy discourse in any debate, if not persuasive, they remain just that -- minority views. Accordingly, the Commission should not afford them undue weight in its consideration of the NANC Report.

A. The Minority Views Impugn the Integrity of NANC.

In its minority view statement, Low Tech alludes to the "incumbent LEC and wireless dominated" Abbreviated Dialing Working Group. MCI similarly chirps that the Working Group was "dominated by ILECs ... [and] by wireless carriers." In reality, the Working Group was not "dominated" by any industry segment or segments. Rather, the Working Group operated to reach consensus -- a consensus that included and satisfied everyone except two lone minority viewpoints. The Commission should be wary of these two parties' sour grapes attempts to tarnish the product of the Working Group and to impugn the integrity of NANC.

The Commission established NANC under the Federal Advisory Committee Act ("FACA"). NANC operates pursuant to its charter originally filed with Congress in October, 1995. Its members are appointed by the Commission. By law, NANC's membership is required

[10] BellSouth again cautions, however, that the Commission should not misinterpret NANC's adoption of a most practical and feasible abbreviated dialing format for purposes of NANC's assessment of deployment timeframes as an endorsement of a nationally implemented abbreviated dialing scheme. The NANC Report does not overcome the lack of record support for "national reservation ... of any alternative dialing arrangements for any purpose."

to be a balanced representation of the industry. This same principle of industry balance extends to working groups detailed by NANC to address specific issues.

Indeed, this principle holds true in the instant case. As Appendix C to the NANC Report reflects, the Working Group was made up of representatives of LECs, IXCs, wireless carriers, and ISPs (Low Tech). The Working Group was even co-chaired by an IXC (MCI).[11] Participation in the Working Group was open to all interested parties. The NANC Report is the culmination of the good faith effort of this group to drive issues to consensus resolution.

Indeed, these good faith efforts and spirit of compromise are demonstrated in the Report itself. For example, wireless representatives supported the Report, notwithstanding its recognition that any abbreviated dialing solution that utilizes a trailing "#" has the potential in certain circumstances and absent corrective modifications to cause incorrect translations, unexpected service activation, and customer confusion.[12] Similarly, to minimize differences in dialing schemes internal to different types of networks and to support uniformity and avoid confusion over different uses of the same dialing scheme, CTIA has urged wireless carriers to refrain from using VSC-like formats for abbreviated dialing arrangements.[13] Thus, the Report demonstrates on its face that carriers took their task seriously and responded in earnest to arrive at a point on which consensus could be based.

By their minority views, Low Tech and MCI imply that the NANC Working Group process to develop its recommendations was not fair and open. Nothing could be further from the truth. The NANC Report is the result of full analysis and consideration developed through an open, fair industry process. Through this process, governed by the strictures of the FACA, the

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[11] NANC Report at 34 (Appendix C).

[12] NANC Report at 13.

[13] NANC Report at 11.

Commission has been able to streamline its consideration of abbreviated dialing. To ensure the continued value of this participatory process through NANC or other industry fora, the Commission should be particularly circumspect not to second-guess widespread industry consensus merely because individual entities want a second bite at the apple to press their parochial interests.

B. The Minority Views' Substantive Claims Have No Merit.

Aside from the unfounded claims of lack of procedural fairness, Low Tech and MCI reiterate the substantive positions they advanced in the Working Group. These positions were considered in the Working Group and rejected in favor of the consensus resolution. They gain no merit through repetition as minority views.

Low Tech's assertion that its preferred *XXXX/11XXXX abbreviated dialing format is the only "legal" approach is patently absurd. The sole basis for this claim is the Commission's prior acknowledgement that the "#" symbol cannot be dialed from a rotary phone and has no dialing surrogate. Such an observation by the Commission is a far cry from a legal or regulatory constraint on industry approved dialing schemes.

Moreover, Low Tech's claimed concerns over callers' abilities to dial "#" is a red herring. Users of rotary telephones today are already substantially hampered in their ability to interact with ISPs or other interactive voice response (IVR) platforms that operate on DTMF signaling. Yet, many users of these phones retain them as a matter of choice because they do not perceive there to be added value in upgrading to a touch-tone set. These users either do not utilize IVR services often, or they do not mind, and may even prefer, "timing-out" and talking to a real person on those occasions that they do reach IVR platforms. Meanwhile, Low Tech advocates that abbreviated dialing use a leading "*" format and that number assignments be

limited to carriers and providers of "advanced hybrid telecom/info services." In other words, Low Tech would have this Commission believe that it is important to adopt an abbreviated dialing scheme that users of rotary telephones can utilize to quickly reach IVR platforms with which the users are then unable to communicate by any further touch-tone signaling. This *extremely* marginal benefit of faster dialing from rotary phones hardly rises to a level of importance necessary to drive adoption of a nationwide abbreviated dialing scheme. The Commission should not be swayed by Low Tech's ruse.

Alternatively, Low Tech asserts that a national abbreviated dialing scheme could be implemented utilizing AIN-based technology. Low Tech's contribution suffers from the same deficiency that has inhibited development of an AIN solution in other industry fora. Specifically, there has been no specification of need upon which an AIN service structure could be built.[14] Speculative development of AIN capabilities to address general, ill-defined expressions of interest would not be prudent and is not warranted.

MCI's minority views fare no better. First, MCI's subjective assessment of the intent of other participants in the Working Group is both misplaced and wrong.[15] As the Report itself reflects, the Working Group accepted its task with deliberation and responsibility. The Group

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[14] As noted previously, the Commission has already recognized that notions of preferred abbreviated dialing formats have numerous permutations. The Commission also should note that the same lack of definition of service need hampered INC's previous abbreviated dialing initiative. *See*, Industry Numbering Committee (INC) Issue #021, at 2 (resolution date March 8, 1996) ("Agreement was reached that a national service description of an inter-network abbreviated dialing plan will be necessary in order for work on INC Issue #021 to proceed (move forward). There is clearly also a need to define what inter-network abbreviated dialing could be used for along with clear definition of the need for inter-network abbreviated dialing, in order to proceed.").

[15] MCI asserts that a majority of participants "did not intend to address the task assigned, but rather intended to restrict others." NANC Report, MCI Minority View, at 29.

worked in good faith to address the matter entrusted to it. MCI simply has no basis for its claim of ulterior intent by any Working Group participant.[16]

Second, MCI's claim that BellSouth is restricting nationally administered abbreviated dialing while promoting abbreviated dialing for its own use is utterly void of substance. BellSouth introduced "#1" as a dialing arrangement from its payphones, but the dialing translation is wholly contained within the payphone CPE. Any other CPE provider could offer the same capability. In this sense, "#1" is not abbreviated dialing at all, but is simply CPE-implemented speed dialing. Moreover, BellSouth also recognizes, in the spirit of compromise, that if a national abbreviated dialing scheme using a leading "#" is ever adopted, its "#1" functionality may need to be modified to conform to technological constraints or customer expectations.

Finally, MCI's implicit sideswipes at BellSouth's N11 service are out of place. BellSouth offers N11 service on an *intra*-network basis, which does not preclude any other facilities based carrier from offering its own N11 service. Additionally, BellSouth's N11 service is available for resale within BellSouth's service area. As the only carrier with a widespread abbreviated dialing offering that was developed in response to ISP requests, that does not preclude other carriers from offering the same service, and that is available for resale by competitors, BellSouth does not see how its offering can be indicative of an attempt or desire to "restrict the market." MCI's wandering logic should be rejected.

[16] One might consider whether it is the minority participants, *i.e.*, those who refuse to accept the consensus of the majority, who came to the working group with pre-formed intent.

CONCLUSION

For the reasons stated herein, BellSouth commends the NANC Report to the Commission and urges its acceptance and adoption.

Respectfully submitted,
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