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Massachusetts Department of Telecommunications)
and Energy Request for Additional Authority to)
Implement Various Area Code Conservation)
Measures in the 508, 617, 781, and 978 Area Codes)

NSD File No. L-99-19

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Massachusetts Department of Telecommunications)
and Energy Petition for Waiver to Implement a)
Technology Specific Overlay in the 508, 617, 781,)
And 978 Area Codes)

NSD File No. L-99-17

New York Department of Public Service)
Petition for Additional Authority to)
Implement Number Conservation Measures)

NSD File No. L-99-21

CC DOCKET 96-98

SPRINT CORPORATION COMMENTS

Jonathan M. Chambers
Vice President - Federal
Regulatory Affairs
1801 K Street, N.W., Suite M112
Washington, D.C. 20006
(202) 835-3617

Joseph Assenzo
General Attorney
4900 Main, 11th Floor
Kansas City, MO 64112
816-559-1000

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Summary of Comments

Number conservation is important, and unquestionably more must be done to improve the efficiency in which carriers use numbers. However, as the Commission recognized only last fall, conservation “cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country.” *Pennsylvania Area Code Order* at ¶ 21. National guidelines are required for number pooling and many other conservation measures, and the Commission is currently considering adoption of such guidelines in response to the industry’s number optimization report. Industry and states agree on many new conservation measures (*e.g.*, 1000s-block pooling), and Sprint Corporation therefore urges the Commission to adopt these consensus guidelines as expeditiously as possible.

Equally important, it bears emphasizing that number conservation is “not a substitute for area code relief” because it does “not provide sufficient assurance that all telecommunications carriers will have access to numbering resources”:

Conservation methods are not . . . area code relief and it is important that state commissions recognize that distinction and implement area code relief when it is necessary. * * * State commissions, by declining to implement area code relief, should not put carriers in the position of having no numbers and therefore being unable to serve customers. *Pennsylvania Area Code Relief Order* at ¶¶ 22, 29, and 38.

Massachusetts and New York have petitioned to obtain additional delegated authority to impose a wide variety of number conservation measures — *before* the Commission adopts the national guidelines to maintain the interoperability of our national telecommunications infrastructure. While Sprint Corporation believes that, as a

general rule, the Commission should encourage states to play an active role in number conservation subject to national guidelines, it must oppose these two petitions. Neither state has demonstrated that it is responsibly exercising the authority the Commission has already delegated to them.

There is a grave numbering crisis in both states that is most strongly felt by new entrants like Sprint. In both states the crisis is largely attributable to the fact that the state commission has been unable (or unwilling) to adopt and implement area code relief timely. There is, consequently, no basis to delegate yet additional numbering authority to these states until they demonstrate that they are in full compliance with prior Commission orders and are capable of implementing relief timely.

Massachusetts' separate request for a waiver of FCC rules to implement a "wireless only" area code must be rejected as well. A rule waiver is appropriate only upon a demonstration of "good cause." The Massachusetts petition does not begin to meet this standard. It does not, for example, even attempt to quantify the benefits of segregating CMRS customers into a separate area code; it certainly does not address the costs and discriminatory impact of such a code, or weigh the costs against the benefits.

The Commission is currently considering who — NANPA or state commissions — should address emergency petitions for relief, when a carrier is in need of an immediate assignment of a NXX code. Because the number availability crisis is widening, there is an urgent need for the Commission to delegate interim authority pending its final resolution of the matter. Sprint Corporation recommends that the Commission delegate such interim authority to the states.

**Before the
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Massachusetts Department of Telecommunications) and Energy Request for Additional Authority to) Implement Various Area Code Conservation) Measures in the 508, 617, 781, and 978 Area Codes))	NSD File No. L-99-19
Massachusetts Department of Telecommunications) and Energy Petition for Waiver to Implement a) Technology Specific Overlay in the 508, 617, 781,) And 978 Area Codes))	NSD File No. L-99-17
New York Department of Public Service) Petition for Additional Authority to) Implement Number Conservation Measures))	NSD File No. L-99-21

SPRINT CORPORATION COMMENTS

Sprint Corporation (“Sprint”) submits these comments, on behalf of Sprint PCS, Sprint local and Sprint long distance divisions, in response to three petitions filed by the Massachusetts and New York commissions. All Sprint interests – wireless, local, and long distance – believe that states must timely adopt and implement area code relief. Access to telephone numbering resources, however, is crucial for new market entrants like Sprint.

Massachusetts and New York each ask the Commission to delegate additional authority to them so they can implement various measures that they characterize as involving number conservation.¹ Massachusetts additionally seeks a waiver of Rule

¹ *Public Notice*, “Common Carrier Bureau Seeks Comment on Massachusetts Department of Telecommunications and Energy Request for Additional Authority to Implement Various Area

52.19(c)(3) so it can implement technology- or service-specific (e.g., wireless only) overlays.² For the reasons discussed below, Sprint is compelled to oppose these petitions at this time, because the petitioning states have not demonstrated that they are responsibly exercising the authority already delegated to them.

I. The State Petitions Must Be Put in Perspective: While Number Conservation Is Important, At All Times Priority Must Be Given to Implementing Area Code Relief in a Timely Manner

Number conservation is critically important; indeed, the inefficiency in which some carriers use numbers is inhibiting Sprint from obtaining the numbers it needs to provide its services.³ Nevertheless, as the Commission pointed out in its *Pennsylvania Area Code Relief Order* last September,⁴ for two reasons states must give priority to implementing area code relief timely — particularly when a Numbering Plan Area (“NPA”) has been placed in jeopardy (and especially when a NPA has been placed in “extraordinary” jeopardy).⁵

Code Conservation Methods in the 508, 617, 781, and 978 Area Codes,” NSD File No. L-99-19, DA 99-461 (March 5, 1999); and *Public Notice*, “Common Carrier Bureau Seeks Comment on New York Department of Public Service Petition for Additional Authority to Implement Number Conservation Measures,” NSD File No. L-99-21, DA 99-462 (March 5, 1999).

² See *Public Notice*, “Common Carrier Bureau Seeks Comment on Massachusetts Department of Telecommunications and Energy Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area Codes,” NSD File No. L-99-17, DA 99-460 (March 4, 1998).

³ Sprint is doing its part by using its assigned numbers efficiently. In this regard, consumer groups have recognized that Sprint “has taken aggressive steps to fully utilize all telephone numbers it has been assigned.” Consumer Protection Board Comments on Sprint Petition for Emergency Numbering Relief in the 516 NPA, New York Docket 98-C-0689, at 2 (Feb. 12, 1999).

⁴ See *Petition for Declaratory Ruling And Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, 13 FCC Rcd 19009 (1998)(“*Pennsylvania Area Code Relief Order*”).

⁵ A jeopardy condition exists when “when the forecasted or actual demand for NXX resources will exceed the known supply during the planning and implementation interval for area code relief.” *Id.* at 19026 ¶ 25.

First, new number conservation measures will have their greatest impact on new area codes, as opposed to area codes in jeopardy where the number of remaining NXX codes are few and nearly exhausted. As the Commission correctly noted with respect to one conservation measure, pooling:

[N]umber pooling would probably be a more effective conservation tool if applied to new area codes with many whole NXX codes, rather than to codes that already have a high usage rate, because there will be more whole NXXs, including blocks of 1,000 or fewer numbers and individual telephone numbers, to pool.⁶

Accordingly, states choosing to focus on conservation over relief are not solving the underlying problem — and, in fact, are allowing the problem to worsen. Conservation measures can be implemented *after* an area code relief order is adopted and *while* industry is implementing the relief plan.

Second, as the Commission has again observed, pooling and other conservation measures are “not a substitute for area code relief” because they do “not provide sufficient assurance that all telecommunications carriers will have access to numbering resources”:

Conservation methods are not . . . area code relief and it is important that state commissions recognize that distinction and implement area code relief when it is necessary.⁷

Indeed, the very existence of competition is placed at risk if state commissions do not implement area code relief promptly, because an exhaust of numbering resource disproportionately impacts new entrants — and particularly successful new entrants that are

⁶ *Pennsylvania Area Code Relief Order*, 13 FCC Rcd at 19028 ¶ 29.

⁷ *Id.* at 19025 ¶ 22 and 19028 ¶ 29. *See also id.* at 19027 ¶ 26 (“State commissions may not use conservation measures as substitutes for area code relief or to avoid making difficult and potentially unpopular decisions on area code relief.”).

growing rapidly.⁸ It was for this very reason that the Commission has instructed states in exercising their delegated authority to implement area code relief “promptly”:

When an area code is in jeopardy, a decision on area code relief . . . should occur promptly State commissions, by declining to implement area code relief, should not put carriers in the position of having no numbers and therefore being unable to serve customers. . . . For competition to develop, all carriers must have access to numbering resources.⁹

Sprint finds troubling that the states that have demonstrated an inability to adopt and implement timely area code relief *and* an inability to exercise number conservation measures already at their disposal (*e.g.*, rate center consolidation), are the very states seeking additional authority to adopt other conservation measures.¹⁰ It is demonstrated below that the Commission should refuse to delegate additional authority to any state not demonstrating that it is (a) exercising responsibly its current delegated authority and (b) in full compliance with the Commission’s *Pennsylvania Area Code Relief Order*.

II. Massachusetts and New York, While Presenting Several Proposals Worthy of Serious Consideration, Have Not Demonstrated Entitlement to the Relief They Seek

⁸ Sprint has previously explained this phenomenon to the FCC. See Letter from Jonathan Chambers, Sprint, to Yog Varma, Deputy Chief, Common Carrier Bureau, NSD File No. L-98-134 (Jan. 29, 1998). In the Philadelphia area, for instance, the Local Exchange Routing Guide (“LERG”) shows that each incumbent cellular carrier has about *nine times* the number of NXX codes compared to Sprint. Assuming that Sprint and the incumbents have similar “fill” rates, compared to Sprint, incumbents have *nine times* the numbers in reserve that they can assign to new customers in a time of exhaust — even though Sprint is growing more rapidly than many incumbent carriers.

⁹ *Id.* at 19033 ¶ 38.

¹⁰ The FCC has actively “encourage[d] . . . state commissions to consider other measures and activities, such as rate center consolidation, that affect number usage and may decrease the frequency of the need for area code relief.” *Pennsylvania Area Code Relief Order*, 13 FCC Rcd at 19029 ¶ 29.

Massachusetts and New York advance several number conservation proposals in their petitions that merit serious consideration.¹¹ For example, Sprint agrees with New York that the manner in which NXX codes are now allocated when an area code is in jeopardy needs to be re-examined and that a “needs-based” standard may be appropriate, because the current lottery system may “not target numbers assignments to the carriers with the most critical needs for numbering resources.”¹² Similarly, as discussed in Part IV below, Sprint agrees with Massachusetts that state commissions should have authority to address claims of carriers requiring assignment of codes outside the rationing process.¹³ Sprint also agrees with both States that thousands-block number pooling should be implemented as soon as practical in those locations where some carriers are not efficiently using NXX codes assigned to them (although federal guidelines are indispensable).¹⁴ Moreover, Sprint agrees that, as a general proposition, state commissions should be more active in number conservation measures, and it commends states such as Colorado and Texas that have adopted meaningful rate center consolidation.

Nevertheless, Sprint cannot support at this time the conservation petitions filed by Massachusetts and New York. While the Commission has stated that it would consider delegating additional authority to the states, it further ruled that it would con-

¹¹ Sprint certainly does not agree with all the proposals contained in the Massachusetts and New York petitions. Among other things, Sprint cannot agree to the Massachusetts proposal that would appear to require CMRS providers to utilize incumbent LEC reverse billing services. *See* Petition at 10-11. States do not have the legal authority to tell CMRS providers which type of services they may and may not offer. Besides, as Sprint has earlier documented, LEC reverse billing prices often approach the retail prices a CMRS provider charges its own customer for its mobile services — leaving the CMRS provider with little or no margin to cover its own costs. *See* Sprint Corp. NRO Comments, NSD File No. L-98-134, at 1-5 (Dec. 21, 1998).

¹² New York Petition at 14.

¹³ *See* Massachusetts Petition at 8-9.

¹⁴ *See* Massachusetts Petition at 9-10; New York Petition at 6-9.

sider such action only if the applicant demonstrates that it is “compl[ying] with the other conditions outlined in” the *Pennsylvania Area Code Relief Order*.¹⁵ Neither the Massachusetts nor the New York petition has made this necessary demonstration.

A. Massachusetts and New York Have Not Demonstrated That They Are Exercising Their Existing Delegated Authority Responsibly

In evaluating whether to delegate additional authority to a state, it is prudent to examine how the state in question has exercised the authority it has already been delegated. Unfortunately, Sprint must report that neither Massachusetts nor New York merit warrant high marks regarding their exercise of their existing delegated authority over area code relief.

The Commission has delegated to the states rather extensive authority regarding the adoption and implementation of area code relief, and it has imposed relatively few conditions on the exercise of this relief authority.¹⁶ One such condition is that states must make “telecommunications numbering resources available on an efficient, timely basis to telecommunications carriers” — that is, they must adopt *and* implement area code relief “promptly.”¹⁷ As the Commission has stated:

State commissions, by declining to implement area code relief, should not put carriers in the position of having no numbers and therefore being unable to serve customers.¹⁸

¹⁵ *Pennsylvania Area Code Relief Order*, 13 FCC Rcd at 19027 n.90.

¹⁶ See 47 C.F.R. § 52.19(b).

¹⁷ See 47 C.F.R. §§ 52.9(a)(1) and (b), and *Pennsylvania Area Code Relief Order*, 13 FCC Rcd at 19033 ¶ 38.

¹⁸ *Pennsylvania Area Code Relief Order*, 13 FCC Rcd at 19033 ¶ 38.

However, neither Massachusetts nor New York has demonstrated an ability to implement area code relief timely.

Massachusetts. Over a year ago, on March 4, 1998, the Massachusetts Commission learned that the Boston (617) and southeastern Massachusetts (508) area codes had been placed in an “extraordinary jeopardy” condition.¹⁹ Two months later it further learned that the Boston suburbs (781) and northeastern Massachusetts (978) area codes had been placed in jeopardy as well.²⁰ *For nearly 10 months the Massachusetts Commission took no action in response to this crisis, waiting until January 11, 1999 before it even commenced its area code proceeding.*²¹ This inexplicable delay had the effect of worsening the crisis as public demand for services (and, accordingly, numbers) continued. Yet even today, the Massachusetts Commission has not indicated when it will adopt an area code relief plan.²² Nor has it assured the public that a relief plan will be in place before all remaining NXX codes are exhausted — even though one of the codes (508) is expected to exhaust in early 2000, and two other codes (781 and 978) are expected to exhaust later in 2000.

New York. The Long Island (516) area code was placed in “extraordinary jeopardy” 17 months ago, on November 18, 1997.²³ Although told that an area code re-

¹⁹ See Massachusetts Petition at 1.

²⁰ See *ibid.* Comments were filed on March 26, 1999, and industry is waiting for the Massachusetts Commission to render its decision.

²¹ See *Petition of Lockheed Martin, the North American Numbering Plan Administrator, for Area Code Relief for the 508, 617, 781, and 978 Area Codes*, D.T.E. 99-11 (MA, Jan. 11, 1999).

²² It is also possible that the Massachusetts Commission may defer adopting any relief plans pending the outcome of its technology/service-specific overlay petition. It is therefore important that the FCC act expeditiously on the Massachusetts petition.

²³ See Memorandum from D. Wayne Milby, Bell Atlantic Manager – NPA/Code Administration, to 212 and 516 Code Holders and Other Industry Members (Nov. 18, 1997).

lief decision was needed by April 1998,²⁴ *the New York Commission took no action in response to this crisis for nearly a year*, waiting until December 2, 1998 before it even asked its staff to prepare an “options paper.”²⁵ This inexplicable delay had the effect of worsening the crisis as the public demand for services (and, accordingly, numbers) continued. Yet even today, the New York Commission has not indicated when it will adopt an area code relief plan.²⁶ Nor has it assured the public that a relief plan will be in place before all remaining NXX codes in the 516 area code are exhausted— even though it acknowledges that the 516 code *will exhaust later this year.*²⁷

Given this track record of inaction and delay with regard to the exercise of their current delegated authority, Massachusetts and New York have not demonstrated good cause for delegation of additional authority. Accordingly, the Commission should not grant any additional relief until each State documents how it will ensure that no carrier is deprived of the numbering resources it needs *at the time it needs them*. At minimum, the Commission should withhold the delegation of any additional authority until these States adopt relief plans for the area codes now in extraordinary jeopardy.

B. Both Massachusetts and New York Misunderstand the Role of Number Rationing

²⁴ See Letter from Myra L. Walls, Bell Atlantic Manager – NPA/Code Administration, to Hon. John C. Crary, New York Commission Secretary (Jan. 29, 1998).

²⁵ See *Ruling Concerning Future Course of Proceeding*, Case 98-C-0689 (N.Y. ALJ, Dec. 2, 1998). With the pleading cycle having been completed and public hearings conducted, industry is waiting for the New York Commission to render its decision. The longer the Commission takes, the less time there will be to implement the relief plan ultimately adopted.

²⁶ Reply comments were filed on February 22, 1999, and the New York Commission conducted several consumer “information forums” between March 23-25, 1999. Industry is now waiting for the Commission to render its decision.

²⁷ See New York Petition at 5 n.9 (“Current projections indicate a 1999 exhaust date.”)

Last September the Commission delegated new authority to the states to become involved in the code rationing process — but *only after* they adopt an area code relief plan.²⁸ Massachusetts and New York now petition to receive additional authority so they can become involved in the rationing process *before* they adopt an area code relief plan.²⁹ These States assert that such expanded rationing authority will enable them “to fashion meaningful NPA relief”³⁰ — that is, “extend the lives of the existing area codes.”³¹ In short, the same states that have already delayed adoption of much needed area code relief want to use rationing as a means to delay even longer adoption and implementation of a relief plan.

Massachusetts and New York fundamentally misunderstand the role of rationing in the overall numbering process. Rationing is *not* a conservation measure; it does not improve in any way the efficiency with which carriers use numbers. Rather, rationing is a way of slowing *artificially* industry demand for numbers when the public demand for services (and associated numbers) *does not slow in any way*. The fact that rationing is employed in a given NPA indicates that the area code process has not worked properly — because a relief plan has not been implemented soon enough.³²

²⁸ See *Pennsylvania Area Code Relief Order*, 13 FCC Rcd at 19025-26 ¶ 24; 47 C.F.R. § 52.19(a) (“A state commission may impose a central office code rationing plan only if the state commission has decided on a specific form of area code relief . . . and has established an implementation date for that relief.”)

²⁹ Massachusetts goes farther than New York by seeking rationing authority even when an area code is not in jeopardy. See Massachusetts Petition at 4 (seeking authority to “maintain . . . rationing measures for at least six months after implementation of all the area code relief plans.”).

³⁰ New York Petition at 15.

³¹ Massachusetts Petition at 8.

³² Sprint does not mean to suggest that state commissions are solely at fault in failing to implement area code relief timely. To the contrary, code/relief administrators share a large portion of the blame because of their delays in notifying industry of the need to adopt area code relief. Nev-

The Commission has squarely ruled that a state may not impose “a rationing plan on its own to avoid making a decision on area code relief.”³³ If states were allowed to use rationing as a technique to delay relief, there would be an increased risk that carriers in need of numbers will be unable to obtain them and an increased likelihood that code relief would be delayed “well beyond the projected exhaust dates.”³⁴ The Commission should, therefore, reaffirm in the clearest of terms that states may not use rationing as a substitute for area code relief or to avoid making difficult decisions on area code relief.

III. Massachusetts Has Not Demonstrated Good Cause Warranting Entry of a Waiver to Implement a Service-Specific Overlay Plan

Twice in recent years the Commission has ruled unequivocally that technology- or service-specific overlays “would be unreasonably discriminatory and anti-competitive in violation of Sections 201(b) and 202(a) of the Communications Act.”³⁵ Massachusetts nonetheless asks that the prohibition of technology/service-specific overlays be waived so it can consider a “wireless only” overlay “as part of its ongoing area code relief plan” for the four Massachusetts area codes now in extraordinary jeopardy.³⁶

ertheless, it is inexcusable for a state commission to do nothing for months (or longer) once an area code has been placed in a jeopardy situation.

³³ *Pennsylvania NPA Order* at 19026 ¶ 25.

³⁴ *Id.* at 19033 ¶ 38.

³⁵ *See Local Competition Order*, 11 FCC Rcd 19391, 19517 ¶ 281 (1996). *See also Ameritech NPA Order*, 10 FCC Rcd 4596, 4611-12 ¶ 35 (1995). This prohibition is contained in 47 C.F.R. § 52.19(c)(3)(i) (“No group of telecommunications carriers shall be excluded from assignment of central office codes in the existing area code, or be assigned such codes only from the overlay area code, based solely on that group's provision of a specific type of telecommunications service or use of a particular technology.”).

³⁶ *Massachusetts Overlay Petition* at 1. *See also id.* at 6 (“[W]e would like to have a full range of options available to us in our area code docket, D.T.E. 99-11.”).

This Massachusetts request graphically demonstrates the obstacles industry is encountering in some states. As noted above, the Massachusetts Commission waited almost 10 months after a crisis had been declared before it even commenced its relief proceeding. Now, it appears that the Massachusetts Commission intends to further delay adoption of a relief plan until this Commission acts on its waiver request — even though one area code (508) will exhaust within a year.

This Commission must make a decision: it must either (1) enforce its rules, or (2) abandon them. Even more important is that the Commission render a decision quickly. Given that the 508 NPA will exhaust in early 2000 and that the 781 and 978 NPAs will exhaust in mid-2000, it is imperative that a relief plan — any relief plan — be adopted immediately so industry has time to implement the plan and educate the public about the new arrangements — before the supply of NXX codes exhausts completely. Absent swift action, new entrants such as Sprint will be precluded from providing their services, thereby undermining the entire competitive regime that Congress has directed be fostered.

Commission rules specify that a rule waiver may be granted only upon a demonstration of “good cause.”³⁷ The Massachusetts petition does not meet this standard. The petition does not, for example, even attempt to quantify the benefits of segregating CMRS customers into a separate area code.³⁸ But whatever decision the Commis-

³⁷ 47 C.F.R. § 1.3.

³⁸ The experience in other states confirms that “wireless only” overlays provide marginal relief and have the effective of doubling the number of area codes that must be implemented — thereby doubling the “disruptions, inconvenience, and costs [to] consumers.” Massachusetts Overlay Petition at 5. While a “wireless only” overlay would providing numbering relief to CMRS carriers (*albeit* creating new issues for wireless customers such as discriminatory dialing), a Colorado study has documented that such an overlay would do little to remove the remaining exhaust for

sion makes, it is essential that it render its decision promptly, so a relief plan can be adopted and implemented and so a new supply of numbering resources becomes available.

IV. All States Should Be Given Interim Authority to Act on Emergency Petitions for Relief

In its *Pennsylvania Area Code Relief Order*, the Commission delegated to the Pennsylvania Commission (but not to other states) the authority to address carrier emergency petitions demonstrating that their supply of numbers was exhausting and that they are in need of the immediate assignment of a NXX code.³⁹ The Commission also asked NANC to recommend whether “in the future, the state commissions or the NANPA” should entertain petitions for extraordinary relief.⁴⁰ Regrettably, NANC has been unable to make a recommendation because its members were unable to reach consensus on this issue.⁴¹

The question posed by the Commission is an important one. Nonetheless, as evidenced by the recent matter involving Sprint in Long Island,⁴² other than in Pennsylvania, the Commission needs to clarify who has the authority to act on emergency petitions pending the Commission’s final determination on this matter. Sprint, therefore,

landline carriers and would delay adoption of a relief plan for landline years by one year (or perhaps 18 months). See Sprint Comments, RM-9258, at 3 and Exhibit B (May 7, 1998). See also Texas Commission Comments, RM-9258, at 2-3 ((May 6, 1998) (“If the wireless carriers could be reassigned to a service-specific overlay, . . . NPA relief for the two existing Houston area NPAs could be deferred for a year or more.”)).

³⁹ See *Pennsylvania Area Code Relief Order*, 13 FCC Rcd 19029 at ¶ 49.

⁴⁰ *Id.* at 19039 ¶ 51.

⁴¹ See NANC Meeting Meetings, at 12-13 (Nov. 18-19, 1998).

⁴² See *Daily Digest*, “Sprint Request for Emergency Relief in the 516 NPA,” DA 99-505 (March 15, 1999).

recommends that, in this interim, all states be given delegated authority to entertain petitions for extraordinary relief. The Commission should further reaffirm that it will entertain petitions for relief if a state fails to act timely or if it takes action inconsistent with Commission orders and rules.⁴³

V. The Commission Should Give Its Highest Priority to Adopting National Number Pooling Guidelines

The Commission has noted that all involved — it, state commissions, and industry — must work together “to bring about as quickly as possible national methods to conserve and promote efficient use of numbers that do not undermine [the] uniform system of numbering.”⁴⁴ One particularly promising approach that would improve considerably the efficiency in which certain landline carriers use numbers is thousands-block number pooling.⁴⁵ As the Commission has correctly noted, however, national pooling guidelines are necessary because piecemeal implementation of pooling could jeopardize the continued viability of our national telecommunications infrastructure:

Substantial social and economic costs would result if the uniformity of the [NANP] were compromised by states imposing varying and inconsistent regimes for number conservation and area code relief. Such inconsistency could interfere with, or even prevent, the routing of calls in the United States. The lack of uniformity also could hamper the industry’s efforts to forecast and plan properly for exhaust of the [NANP], and therefore ultimately could accelerate unnecessarily the introduction of a new nationwide numbering plan.⁴⁶

⁴³ See, e.g., *Pennsylvania Area Code Relief Order*, 13 FCC Rcd at 19027 ¶ 26 and 19032 ¶ 35.

⁴⁴ *Pennsylvania Area Code Relief Order*, 13 FCC Rcd at 19023 ¶ 21.

⁴⁵ See *id.* at 19024 ¶ 22 (“The Commission recognizes that number pooling should result in significant efficiencies in NXX administration and use.”). Thousand-block number pooling could reduce CLEC demand for numbers by *up to 90%* — *without* negatively impacting their ability to provide their services.

⁴⁶ *Pennsylvania Area Code Relief Order*, 13 FCC Rcd at 19023 ¶ 21.

Industry submitted last October for Commission review a consensus plan to implement thousands block number pooling.⁴⁷ The Commission has received extensive public comment concerning the NANC recommendations regarding pooling and other conservation measures.⁴⁸ The Massachusetts and New York petitions illustrate the strong state interest in pursuing this alternative. Other such petitions have been filed recently,⁴⁹ and still more are anticipated.⁵⁰ Sprint therefore urges the Commission to adopt its national pooling guidelines as quickly as possible.

Swift FCC action should do much to alleviate the concerns of some state commissions. And, the availability of number pooling may make some states more receptive to adopting timely area code relief.

VI. Conclusion

We face a serious numbering crisis in some parts of the country. Everyone involved is expending considerable resources and time on the issue, but the crisis is worsening, not improving. To be sure, not enough is being done with regard to number conservation, and more must be done. But the fact is that the current crisis will not be solved until all state commissions timely adopt and implement area code relief.

⁴⁷ See *Public Notice*, "Common Carrier Bureau Seeks Comment on NANC Report Concerning Telephone Number Pooling and Other Optimization Measures," NSD File No. L-98-134, DA 98-2265 (Nov. 6, 1998).

⁴⁸ See, e.g., Sprint Corp. NRO Comments, NSD File No. L-98-134 (Dec. 21, 1998).

⁴⁹ See Maine Public Utilities Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures, NSD File No. L-97-42 (filed March 17, 1999)(requesting authority to "order thousand-block pooling").

⁵⁰ See *Communications Daily* (April 2, 1998)(reporting that the Florida Commission "also will seek FCC permission to implement local number pooling with 1,000-number blocks").

This Commission can do its part by acting swiftly on the Massachusetts and New York petitions and by adopting promptly national guidelines for thousands-block number pooling. While the Commission should, as a general proposition, favorably consider state petitions for additional number conservation authority, it should not grant any such petition until the state demonstrates that no carrier will be deprived of essential numbering resources when it needs them and that the state is capable of adopting and implementing area code relief timely.

Respectfully submitted,

SPRINT CORPORATION

By:



Jonathan M. Chambers,
Vice President – Federal Regulatory Affairs
1801 K Street, N.W., Suite M112
Washington, D.C. 20006
(202) 835-3617

Joseph Assenzo, General Attorney
4900 Main, 12th Floor
Kansas City, MO 64112
816-559-1000

April 5, 1999

Certificate of Service

Anthony Traini certifies that he caused to be served the foregoing Sprint Corporation Comments *via* first-class mail this 5th day of April 1999 (with hand delivery to the persons designated by an asterisk).

*Al McCloud
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street, N.W., Room 235B
Washington, D.C. 20554

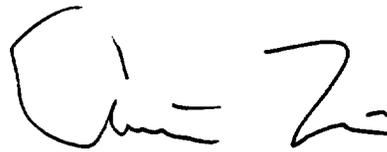
*Yog R. Varma
Deputy Chief
Common Carrier Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W., Room C-345
Washington, D.C. 20554

*Anna Gomez
Chief, Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street, N.W., Room 235B
Washington, D.C. 20554

*ITS
1231 20th Street, N.W.
Washington, D.C. 20056

Janet Gail Besser, Chair
James Connelly, Commissioner
W. Robert Keating, Commissioner
Paul B. Vasington, Commissioner
Eugene J. Sullivan, Jr., Commissioner
Commonwealth of Massachusetts
Department of Telecommunications
and Energy
100 Cambridge Street, 12th Floor
Boston, MA 0220s

Lawrence G. Malone
Cheryl L. Callahan
Public Service Commission
of the State of New York
Three Empire State Plaza
Albany, New York 12223-1350



Anthony Traini