

APR 14 1999

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

Federal Communications Commission
 Office of Secretary

In the Matter of

Petition of Massachusetts Department of
 Telecommunications and Energy

NSD-L-99-17

CC DOCKET 96-98

COMMENTS OF BELL ATLANTIC

The Massachusetts Department of Telecommunications and Energy ("DTE") has asked for a waiver of the Commission's rules to permit the DTE to have the option of adopting some unspecified "technology-specific or service-specific overlay" in four area codes in Massachusetts.¹ While there might possibly be some particular overlay proposal that Bell Atlantic² could support, Bell Atlantic must oppose granting a state commission blanket authority to act in a manner inconsistent with well-established federal rules.

Furthermore, Bell Atlantic is skeptical that any service-specific overlay proposal could pass muster. The Commission has rejected the use of technology- or service-specific overlays as unlawful. The basis for the Commission's prohibition is that it would unfairly burden one sector of the industry and favor others. It is hard to envision any such proposal that would not operate in this discriminatory manner.

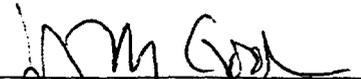
¹ Petition at 1.

² Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; Bell Atlantic-West Virginia, Inc.; New York Telephone Company; New England Telephone and Telegraph Company; and Bell Atlantic Mobile.

Second, from a practical standpoint, a service-specific overlay would not be effective in Massachusetts because there are not sufficient NXX codes available in the 617, 508, 978 and 781 area codes to provide NXXs for carriers excluded from the overlay code. Therefore, a service-specific overlay would not significantly extend the life spans of the existing area codes.

For these reasons, the Commission should deny this petition.

Respectfully submitted,



John M. Goodman

Attorney for Bell Atlantic

1300 I Street, N.W.
Washington, D.C. 20005
(202) 336-7874

Michael E. Glover
Of Counsel

Dated: April 5, 1999



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

April 5, 1999

SENT VIA FEDERAL EXPRESS

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Received

APR 13 1999

Common Carrier Bureau
Network Service Division
Office of the Chief

Re: In the Matter of the New York DPS Petition for Additional Authority
to Implement Number Conservation Measures

NSD File No. L-99-21

Dear Ms Salas:

Enclosed for filing are an original and four copies of the comments of the Pennsylvania Public Utility Commission regarding the above-captioned matter. Additionally, I have enclosed a copy to be time-stamped and returned to me in the attached self-addressed envelope.

Our comments are crucial to the Commission's consideration of the filing and address important underlying issues of state concern.

Very truly yours,

David E. Screven
Assistant Counsel

Enclosures

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of the New York Department :
of Public Service Petition Requesting :
Additional Authority to Implement :
Various Number Conservation : NSD File No. L-99-21
Methods :
:
:
:

The Pennsylvania Public Utility Commission (“the PaPUC”) has considerable experience with the increasing number of area code and numbering concerns emerging in the states. Based on those experiences, the PaPUC urges the Commission to give serious consideration to the New York Department of Public Service’s (New York DPS) request for authority to address area code and numbering concerns in New York.

The PaPUC is of the belief, consistent with its pending Petition for Reconsideration of the Federal Communications Commission’s Pennsylvania Numbering Order¹, and similar pleadings filed with this Commission, that states should be given the option of addressing these concerns when industry is unable or unwilling to satisfactorily address them.

The PaPUC urges this Commission to allow states the option of exercising such authority, when industry is unwilling or unable to satisfactorily resolve area code and numbering matters, both before and after area code and numbering relief plans are implemented. The PaPUC also urges this Commission to take the action necessary so as to ensure that the North American Numbering Plan Administrator (NANPA) and the North American Numbering Council (NANC) evolve into the independent industry bodies they must become if they are to effectively address and resolve the myriad of area code and numbering problems that are emerging across the nation.

¹ *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Order Regarding Area Codes 412, 610, 215, and 717, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Memorandum Opinion and Order and Order on Reconsideration, FCC 98-224, CC Docket No. 96-98, NSD File No. L-97-42, (rel. September 28, 1998).*

The PaPUC is concerned that, in the absence of such an approach, viable competition will be hobbled by the increased number of costly and unpopular area code splits as well as by the acceleration in the consumption rate of scarce numbering resources. The PaPUC believes that there are more effective ways of managing these dilemmas and that individual states should be empowered to craft specialized resolutions responsive to local concerns within the area of the states' jurisdictions.

The PaPUC supports the efforts of the New York DPS in proposing viable solutions to their concerns. Moreover, in the future, states such as Pennsylvania, which has similar numbering concerns, should have the option of proposing number conservation methods such as New York has suggested for the area codes under its jurisdiction.

The PaPUC thanks the Federal Communications Commission for providing this opportunity to comment.

Respectfully submitted,



David E. Screven
Assistant Counsel

Frank B. Wilmarth
Deputy Chief Counsel

Bohdan R. Pankiw
Chief Counsel

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

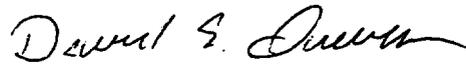
Dated: April 5, 1999

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of the New York Department :
of Public Service Petition Requesting :
Additional Authority to Implement :
Various Number Conservation : NSD File No. L-99-21
Methods :
:
:
:

CERTIFICATE OF SERVICE

I, David E. Screven, hereby certify that I have this 5th day of April, 1999, served an original and four true and correct copies of the Pennsylvania Public Utility Commission's Comment on the New York Department of Public Service Petition for Additional Authority to Implement Number Conservation Measures upon the Secretary of the Federal Communications Commission by Federal Express and that I have served a true and correct copy of the Petition upon the other persons listed below by first class mail:



David E. Screven
Assistant Counsel
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Federal Express:

Magalie Roman Salas, Secretary
Office of the Secretary
Federal Communications Commission
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Washington, D.C. 20554

Via First Class Mail:

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Network Services Division
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STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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PUBLIC SERVICE COMMISSION

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Chairman

JOHN B. DALY
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THOMAS J. DUNLEAVY
JAMES D. BENNETT

LAWRENCE G. MALONE
General Counsel

DEBRA RENNER
Acting Secretary



DOCKET FILE COPY ORIGINAL

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APR 14 1999

Federal Communications Commission
Office of the Secretary
Received

April 5, 1999

APR 07 1999

Common Carrier Bureau
Network Service Division
Office of the Chief

Hon. Magalie Roman Salas
Secretary
Federal Communications
Commission
445 12th Street, S.W., TWA-325
Washington, D.C. 20554

CC DOCKET 96-98

Re: In the Matter of the Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods In the 508, 781, and 978 Area Codes NSD File No. L-99-19

Dear Secretary Salas:

Enclosed is an original and four copies of the Comments of the New York State Department of Public Service in the above-captioned proceeding. In addition, a copy was filed using the Commission's Electronic Comment Filing System and copies were sent to all parties on the attached service list.

Sincerely,

Lawrence G. Malone

Lawrence G. Malone
General Counsel

Enclosure
cc: All Parties

No. of Copies rec'd 2
List ABCDE

RECEIVED

APR 14 1999

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

Federal Communications Commission
Office of Secretary

In the Matter of the)
)
Petition for Waiver of Section) NSD File No. L-99-19
52.19 to Implement Various Area)
Code Conservation Methods In the)
508, 617, 781, and 978 Area Codes)

Received

APR 07 1999

Common Carrier Bureau
Network Service Division
Office of the Chief

COMMENTS OF THE NEW YORK STATE
DEPARTMENT OF PUBLIC SERVICE

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

of Counsel

Cheryl L. Callahan
Assistant Counsel

Dated: April 5, 1999
Albany, New York

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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APR 14 1999

In the Matter of the Massachusetts :
Department of Telecommunications and :
Energy Petitions Requesting :
Additional Authority to Implement :
Various Area Code Conservation : NSD File No. L-99-19
Methods in the 508, 617, 781 and 978 :
Area Codes :

**Federal Communications Commission
Office of Secretary**

The Pennsylvania Public Utility Commission ("the PaPUC") has considerable experience with the increasing number of area code and numbering concerns emerging in the states. Based on those experiences, the PaPUC urges the Commission to give serious consideration to the Massachusetts Department of Telecommunications and Energy's (Massachusetts DTE) request for authority to address area code and numbering concerns in Massachusetts.

The PaPUC is of the belief, consistent with its pending Petition for Reconsideration of the Federal Communications Commission's Pennsylvania Numbering Order¹, and similar pleadings filed with this Commission, that states should be given the option of addressing these concerns when industry is unable or unwilling to satisfactorily address them.

The PaPUC urges this Commission to allow states the option of exercising such authority, when industry is unwilling or unable to satisfactorily resolve area code and numbering matters, both before and after area code and numbering relief plans are implemented. The PaPUC also urges this Commission to take the action necessary so as to ensure that the North American Numbering Plan Administrator (NANPA) and the North American Numbering Council (NANC) evolve into the independent industry bodies they must become if they are to effectively address and resolve the myriad of area code and numbering problems that are emerging across the nation.

¹ *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, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Memorandum Opinion and Order and Order on Reconsideration, FCC 98-224, CC Docket No. 96-98, NSD File No. L-97-42, (rel. September 28, 1998).*

The PaPUC is concerned that, in the absence of such an approach, viable competition will be hobbled by the increased number of costly and unpopular area code splits as well as by the acceleration in the consumption rate of scarce numbering resources. The PaPUC believes that there are more effective ways of managing these dilemmas and that individual states should be empowered to craft specialized resolutions responsive to local concerns within the area of the states' jurisdictions.

The PaPUC supports the efforts of the Massachusetts DTE in proposing viable solutions to their concerns. Moreover, in the future, states such as Pennsylvania, which has similar numbering concerns, should have the option of proposing number conservation methods such as the Massachusetts DTE has suggested for the area codes under its jurisdiction.

The PaPUC thanks the Federal Communications Commission for providing this opportunity to comment.

Respectfully submitted,



David E. Screven
Assistant Counsel

Frank B. Wilmarth
Deputy Chief Counsel

Bohdan R. Pankiw
Chief Counsel

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Dated: April 5, 1999

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of the Massachusetts :
Department of Telecommunications and :
Energy Petitions Requesting :
Additional Authority to Implement :
Various Area Code Conservation : NSD File No. L-99-19
Methods in the 508, 617, 781 and 978 :
Area Codes :

CERTIFICATE OF SERVICE

I, David E. Screven, hereby certify that I have this 5th day of April, 1999, served an original and four true and correct copies of the Pennsylvania Public Utility Commission's Comment on the Massachusetts Department of Telecommunications and Energy Petition requesting Additional Authority to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes upon the Secretary of the Federal Communications Commission by Federal Express and that I have served a true and correct copy of the Petition upon the other persons listed below by first class mail:



David E. Screven
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of the)
)
Petition for Waiver of Section) Docket No.
52.19 to Implement Various Area)
Code Conservation Methods In the)
508, 617, 781, and 978 Area Codes)

COMMENTS OF THE NEW YORK STATE
DEPARTMENT OF PUBLIC SERVICE

INTRODUCTION AND SUMMARY

The New York Department of Public Service (NYDPS) files these comments in support of the Massachusetts Department of Telecommunications and Energy (Massachusetts DTE) petition to implement various number conservation measures¹. As part of its investigation of area code relief and area code conservation, Massachusetts DTE seeks authority to: reclaim unused and reserved central office codes; maintain central office code rationing for six months after it implements the new area codes; revise the current central office code rationing procedures; review number assignment requests outside rationing plans; establish central office code allocation standards; adopt mandatory thousand block pooling; implement extended local calling areas; implement

¹ We filed a similar request for delegated authority to implement number conservation measures. New York Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures, NSD File No. L-99-21 (New York Petition).

inconsistent rate centers; and implement unassigned number porting².

The Commission has delegated number administration authority to state commissions to implement area code relief.³ The current method and rate of allocating numbers to carriers (in 10,000 blocks essentially upon a carrier's request) have escalated the exhaust of area codes. Adding new area codes without meaningful and efficient number allocation and assignment practices (i.e., conservation) hampers effective use and management of numbering resources. Therefore, the Commission should give the states, who are willing to take on the responsibility, authority to implement conservation measures. Giving states additional delegated authority to adopt number conservation measures will enable us to better manage and implement area code relief. The Commission should grant Massachusetts DTE's request for authority to adopt various number conservation measures to avoid premature exhaust of area codes.

In summary, the Commission should delegate to states additional number administration authority. Number allocation measures, such as mandatory thousand block pooling and unassigned number porting, are necessary to ensure that numbering resources

² We do not believe that Commission authority is required for states to implement extended local calling areas or inconsistent rate centers inasmuch as they involve intrastate rate design issues and not number administration.

³ Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd. 19392 (1996) (Local Competition Second Report and Order).

are allocated to the carriers that need them and in the right quantity (Point I). The Commission should also allow states to establish need-based central office code allocation procedures (Point II A) and rationing procedures (Point II B) to prevent premature area code exhaust. Further, states should be allowed to authorize reclamation of excess, unused office codes (Point II C) and reserved central office codes that are not needed for plant testing (Point II D). Finally, states should be allowed to review requests for number assignments outside of rationing plans (Point II E). As Massachusetts DTE notes, state commissions should have the flexibility to weigh the need for area code relief against the various number conservation measures (Massachusetts DTE Petition at p. 5). States are best able to balance the issues related to area code relief (including number conservation, number allocation, number utilization, and number rationing) and consider the impact on their local communities.

DISCUSSION

I. The Commission Should Delegate Number Administration Authority To State Commissions To Implement Measures That Promote Efficient and Effective Number Usage, Particularly Mandatory Thousand Block Pooling And Unassigned Number Porting

A. State Commissions Should Be Allowed to Implement Mandatory Thousand Block Pooling

Massachusetts DTE seeks authority to implement mandatory thousand block pooling. The Commission has recognized the need to conserve numbering resources and has authorized states to adopt voluntary pooling trials.⁴ However, voluntary trials do not allow us to maximize the effectiveness of this important conservation measure because carriers have not fully participated. To increase the efficiency of number assignments, states should be permitted to require mandatory thousand block pooling. Mandatory thousand block pooling can be implemented with minimum disruptions to carriers, especially since it relies on the local number portability platform now in place in most of the 100 largest Metropolitan Statistical Areas (MSAs). A carrier should not be allowed to retain numbering resources that it does not expect to use in the foreseeable future. Accordingly, we agree with Massachusetts DTE that states should be allowed to implement mandatory thousand block pooling.

⁴ In the Matter of 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, NSD File No. L-97-42, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Memorandum Opinion and Order on Reconsideration, 13 FCC Rcd 19009 (Pennsylvania Area Code Order).

B. State Commissions Should Be Allowed to Implement Unassigned Number Porting

Massachusetts DTE requests authority to implement unassigned number porting (UNP) as an additional number conservation measure. It suggests that some carriers are already using unassigned number porting in Massachusetts.⁵ As stated in the New York Petition, UNP provides an alternative to thousand block pooling by allowing carriers to obtain numbers in the quantity needed to serve their customers (New York Petition at p. 10). The NYDPS supports the use of UNP as an interim number conservation measure (to be replaced by individual number pooling when it becomes available).

II. The Commission Should Delegate Number Administration Authority To State Commissions To Adopt Number Assignment Standards And Enforcement Mechanisms

A. State Commissions Should Be Allowed to Develop Need-Based Number Assignment Standards

Massachusetts DTE requests authority to establish and implement more efficient number assignment standards. It points out that current number assignment procedures are not based on the carriers' needs for the numbers requested. It suggests examination of fill rates and inventory levels to assess a carrier's need for numbering resources.

We agree that a need-based number assignment process is necessary to replace the current inefficient assignment practices (New York Petition at p. 11). As stated in our Petition,

⁵ At least one carrier in New York is attempting to use UNP.

successful number administration requires more stringent standards for allocating numbers, as well as more effective enforcement, to ensure that the standards are met (Id.). For example, the following factors could be considered as a basis for determining need-based number assignments:

1. current NPA relief plans,
2. historical utilization,
3. demand forecasts,
4. number conservation efforts,
5. need versus availability, and
6. industry consensus.

These factors should be weighed when reviewing number assignment requests. A need-based approach would require carriers to maximize use of existing resources and help prevent premature exhaust of area codes and compromise the North American Numbering Plan.

**B. State Commissions Should Be Allowed
to Adopt and Modify Central Office Code
Rationing Procedures to Prevent Premature
NPA Exhaust**

Massachusetts DTE seeks authority to continue central office code rationing for six months after it implements the new area code. It also requests authority to revise the current rationing procedures for the 508, 617, 781 and 978 area codes. We agree that continued rationing, where appropriate, is vital to states' efforts to avoid premature exhaust of area codes. Number conservation methods, such as rationing, should not be limited

simply to jeopardy situations but should be available to states as a tool to prevent premature exhaust in the future.

We also agree that the Commission should give state commissions more flexibility to revise existing rationing procedures that will extend the life of existing area codes while states investigate long-term solutions such as area code relief. States, such as Massachusetts, that need to revise rationing procedures are best able to see that rationing is based on need.

C. State Commissions Should Be Allowed to Order the Release of Reserved Central Office Codes When Appropriate

We support Massachusetts DTE's request to investigate whether reserved central office codes can be assigned without disrupting network operations. The incumbent local exchange carriers (ILECs) have reserved some central office codes, called plant test codes, so that carriers can test the operation of the network. It is not clear, however, that the carriers require all of the reserved central office codes for this purpose.

The industry attempts to limit the number of central codes dedicated to plant testing, but this issue is appropriate for further investigation. The states that are willing to take on this responsibility should be permitted to examine the broad range of options, including the availability of reserved central office codes. When appropriate, reserved central office codes that carriers do not need for plant testing should be made available for assignment to carriers.

D. State Commissions Should Be Allowed
to Order Reclamation of Unused
Central Office Codes

Massachusetts DTE requests authority to reclaim unused central office codes from carriers with excess numbering resources (Massachusetts DTE Petition at p. 5).⁶ We support this request. Rather than allowing carriers to retain excess numbering resources, excess numbering resources should be made available for assignment.⁷

E. State Commissions Should Be Allowed
to Adjudicate Number Assignment
Requests Outside Rationing Plans

The Commission has not yet decided whether NANPA or the states should review carriers' requests for additional numbers outside rationing plans. We are willing to work with NANPA to ensure that carriers have access to adequate numbering resources to serve their customers and believe state commissions are uniquely situated to evaluate these claims. We support Massachusetts DTE's request for authority to resolve these claims.

⁶ We use the term "excess numbering resources" to describe numbers that go unused for a long period of time with no prospect of assignment to customers.

⁷ The NANPA, as central office code administration, clearly has authority to reclaim unused NXXS; but it has not done so in New York in situation where reclamation would have been appropriate.

CONCLUSION

For the above stated reasons, the Commission should authorize states to implement mandatory thousand block pooling and UNP. The Commission should also allow state commissions to develop need-based central office code assignment procedures; to reclaim unused excess numbering resources; to reclaim reserved central office codes when appropriate; to adopt and modify central office code rationing to prevent premature NPA exhaust; and to review number assignment requests outside rationing plans.

Respectfully submitted,

Cheryl L. Callahan

for

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

Of Counsel
Cheryl L. Callahan
Assistant Counsel

Dated: April 5, 1999
Albany, New York

In the Matter of

Implementation of the Subscriber)
Carrier Selection Changes Provisions)
of the Telecommunications Act of 1996)
Policies and Rules Concerning) CC Docket No. 94-129
Unauthorized Changes of Consumers)
Long Distance Carriers)

CERTIFICATE OF SERVICE

I, John R. Baugh, hereby certify that an original and four (4) copies of comments in the above-captioned proceeding were sent via Airborne Express to Magalie Roman Salas, Secretary of the Federal Communications Commission. In addition, a copy was filed using the Commission's Electronic Filing System and copies were sent by First Class Mail, postage prepaid, to all parties on the attached service list.



Dated: April 5, 1999
Albany, New York

Lawrence Strickling, Chief
Common Carrier Bureau
Federal Communications Commission
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Washington DC 20554

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Washington, D.C. 20554



STATE OF MAINE
 PUBLIC UTILITIES COMMISSION
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 18 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0018

William M. Nugent

THOMAS L. WELCH
 CHAIRMAN

WILLIAM M. NUGENT
 STEPHEN L. DIAMOND
 COMMISSIONERS

April 2, 1999

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APR 14 1999

Via Federal Express

Magalie Roman Salas, Secretary
 Federal Communications Commission
 The Portals
 445 Twelfth Street, S.W.
 Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL Federal Communications Commission
 Office of Secretary

Re: DA No. 99-461
 DA No. 99-462

NSD-L-99-21

Dear Ms. Salas:

CC DOCKET 96-98

Enclosed for filing please find an original and five copies each of the Maine Public Utilities Commission's Comments in Support of Massachusetts' Request for Additional Authority and Comments in Support of New York's Request for Additional Delegated Authority.

Kindly stamp one copy of each filing and return them to me in the enclosed self-addressed envelope.

Sincerely,

Trina M. Bragdon
 Trina M. Bragdon

cc: Lawrence G. Malone (w/enc.)
 Karlen J. Reed (w/enc.)
 Lawrence E Strickling (w/enc.)
 Anna M. Gomez (w/enc.)

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APR 14 1999

Before the
Common Carrier Bureau of the
Federal Communications Commission

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Massachusetts Department of)	
Telecommunications and Energy's)	DA No. 99-461
Request For Additional Authority to)	
Implement Various Area Code)	
Conservation Methods in the 508,)	
617, 781, and 978 Area Codes)	

**MAINE PUBLIC UTILITIES COMMISSION'S
COMMENTS IN SUPPORT OF
MASSACHUSETTS' REQUEST FOR ADDITIONAL AUTHORITY**

The Maine Public Utilities Commission (MPUC) supports the Massachusetts Department of Telecommunications and Energy's (MDTE) Request for Additional Authority to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes (Request) and respectfully requests that the Common Carrier Bureau delegate to the MDTE the additional authority it has requested.

I. THE AUTHORITY REQUESTED BY THE MDTE IS NECESSARY TO ENSURE THE FAIR AND EFFICIENT ALLOCATION OF PUBLIC NUMBERING RESOURCES

As the MPUC recently stated in its own Petition for Additional Delegated Authority, efforts underway at the national level to address number conservation measures are moving very slowly. Current conditions in individual states require more immediate action in order to protect consumers from the unnecessary expense and confusion associated with new area codes as well as to ensure that sufficient

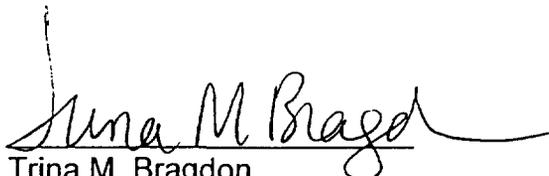
numbering resources are available to all carriers actually providing facilities-based services within a specific rate center.

State commissions, such as the MDTE, are in the best position to evaluate the specific circumstances in their state and establish competitively-neutral number conservation measures for use until the FCC promulgates specific requirements. None of the specific requests made by the MDTE are new or novel; they all involve measures which either are already contemplated by the Central Office Code Administration Guidelines or have been explored in detail at the national level. The Common Carrier Bureau should not hold the MDTE nor the citizens of Massachusetts hostage to slow-moving proceedings at the national level; the MDTE has a crisis on its hands, and it should be given the authority to utilize currently available technology and common sense to address the crisis.

Accordingly, the MPUC respectfully requests that the Common Carrier Bureau grant the MDTE's Request for Additional Authority to Implement Various Code Conservation Measures.

Respectfully submitted,

MAINE PUBLIC UTILITIES COMMISSION



Trina M. Bragdon
Staff Attorney

Dated: April 2, 1999

**Before the
Common Carrier Bureau of the
Federal Communications Commission**

In the Matter of)
)
New York State Department of Public)
Service Petition For Additional Delegated) DA No. 99-462
Authority To Implement Number)
Conservation Measures)

**MAINE PUBLIC UTILITIES COMMISSION'S
COMMENTS IN SUPPORT OF NEW YORK'S
REQUEST FOR ADDITIONAL DELEGATED AUTHORITY**

The Maine Public Utilities Commission (MPUC) supports the New York State Department of Public Service (DPS) Petition For Additional Delegated Authority To Implement Number Conservation Measures (Petition) and respectfully requests that the Common Carrier Bureau delegate to the DPS the additional authority it has requested.

I. THE AUTHORITY REQUESTED BY THE DPS IS NECESSARY TO ENSURE THE FAIR AND EFFICIENT ALLOCATION OF PUBLIC NUMBERING RESOURCES

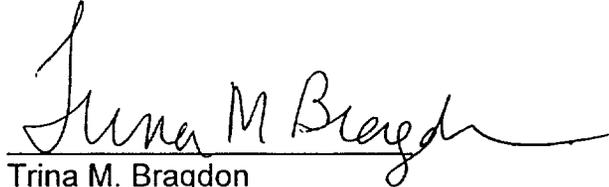
As the MPUC recently stated in its own Petition for Additional Delegated Authority, efforts underway at the national level to address number conservation measures are moving very slowly. Current conditions in individual states require more immediate action in order to protect consumers from the unnecessary expense and confusion associated with new area codes as well as to ensure that sufficient numbering resources are available to all carriers actually providing facilities-based services within a specific rate center.

State commissions, such as the DPS, are in the best position to evaluate the specific circumstances in their state and establish competitively-neutral number conservation measures for use until the FCC promulgates specific requirements. None of the specific requests made by the DPS are new or novel; they all involve measures which either are already contemplated by the Central Office Code Administration Guidelines or have been explored in detail at the national level. The Common Carrier Bureau should not hold the DPS hostage to slow-moving proceedings at the national level; the DPS has a crisis on its hands and it should be given the authority to utilize currently available technology and common sense to address the crisis.

Accordingly, the MPUC respectfully requests that the Common Carrier Bureau grant the DPS's Petition for Additional Delegated Authority to Implement Number Conservation Measures.

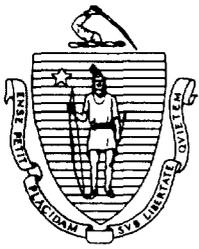
Respectfully submitted,

MAINE PUBLIC UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Trina M. Bragdon". The signature is written in black ink and is positioned above a horizontal line.

Trina M. Bragdon
Staff Attorney

Dated: April 2, 1999



COMMONWEALTH OF MASSACHUSETTS
 OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
**DEPARTMENT OF
 TELECOMMUNICATIONS & ENERGY**
 100 CAMBRIDGE STREET, 12TH FLOOR
 BOSTON, MA 02202

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Federal Communications Commission
 Office of Secretary

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JANE SWIFT
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DANIEL A. GRABAUSKAS
 DIRECTOR OF CONSUMER AFFAIRS
 AND BUSINESS REGULATION

JANET GAIL BESSER
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 COMMISSIONER

PAUL B. VASINGTON
 COMMISSIONER

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Magalie Roman Salas, Secretary
 Federal Communications Commission
 445 12th Street, S.W.
 Washington, DC 20554

Common Carrier Bureau
 Network Service Division
 Office of the Chief

CC DOCKET. 96-98

re: NSD-L-99-21 In the Matter of New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures

Dear Ms. Salas:

Enclosed for filing in the above matter please find one original and six copies of the Massachusetts Department of Telecommunications and Energy's Comments in Support of the New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures. Kindly stamp one copy and return it to us in the enclosed stamped, self-addressed Federal Express envelope.

Sincerely,

Karlen J. Reed

Karlen J. Reed, Esq.

KJR/kr

Enc.

cc: Mass. DTE Commission (w/enc.)
 Thomas E. Bessette, Acting General Counsel, Mass. DTE (w/enc.)
 Attached Service List (w/enc.)

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DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY

Federal Communications Commission
Office of Secretary

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

DA 99-462
NSD-L-99-21

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S
COMMENTS IN SUPPORT OF THE NEW YORK STATE DEPARTMENT OF PUBLIC
SERVICE PETITION FOR ADDITIONAL DELEGATED AUTHORITY TO IMPLEMENT
NUMBER CONSERVATION MEASURES

Massachusetts Department of
Telecommunications and Energy

Janet Gail Besser, Chair
James Connelly, Commissioner
W. Robert Keating, Commissioner
Paul B. Vasington, Commissioner
Eugene J. Sullivan, Jr., Commissioner

100 Cambridge Street, 12th Floor
Boston, MA 02202
617-305-3500

Dated: April 2, 1999



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

DA 99-462
NSD-L-99-21

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S
COMMENTS IN SUPPORT OF THE NEW YORK STATE DEPARTMENT OF PUBLIC
SERVICE PETITION FOR ADDITIONAL DELEGATED AUTHORITY TO IMPLEMENT
NUMBER CONSERVATION MEASURES

In response to the Common Carrier Bureau ("Bureau") of the Federal Communications Commission's ("FCC" or "Commission") Public Notice released March 5, 1999, the Massachusetts Department of Telecommunications and Energy ("Department") respectfully submits these comments in support of the New York State Department of Public Service ("NYSDPS") Petition for Additional Delegated Authority to Implement Number Conservation Measures filed February 19, 1999 ("Petition"). The NYSDPS seeks additional authority to implement (1) mandatory thousand block pooling, (2) individual telephone number pooling, and (3) interim unassigned number porting (Petition at 1). The NYSDPS also seeks a delegation of authority to adopt enforcement mechanisms and audit requirements for a more efficient allocation and use of numbering resources (*id.*). The Department supports the Petition because granting the Petition will allow states like New York and Massachusetts to tailor solutions to numbering issues that are particular to those states' circumstances and issues.

I. BACKGROUND

On September 28, 1998, the Commission issued a Memorandum Opinion and Order which outlined state commission authority to order the implementation of exchange code conservation methods. In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 312, 610, 215, and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 98-224, NSD File No. L-97-42 (published November 16, 1998, Fed. Reg., 13 FCC Rcd. 19009) ("Pennsylvania Opinion"). On October 27, 1998, the Department filed a Petition for Reconsideration of the Pennsylvania Opinion.¹ This petition, and several other similar petitions, are currently under consideration by the Commission.

On February 19, 1999, the NYSDPS filed a Petition for additional authority to implement (1) mandatory thousand block pooling, (2) individual telephone number pooling, and (3) interim unassigned number porting (Petition at 1). The NYSDPS also seeks a delegation of authority to adopt enforcement mechanisms and audit requirements for a more efficient allocation and use of numbering resources (id.). On March 5, 1999, the FCC issued a public notice seeking comment on the issues presented in the NYSDPS's Petition².

¹ See Massachusetts Department of Telecommunications and Energy's Petition for Reconsideration of the FCC's September 28, 1998 Opinion, filed October 28, 1998, NSD-L-97-42, CC Docket No. 96-98.

² FCC Public Notice - DA 99-462 "Common Carrier Bureau Seeks Comment on New York State Department of Public Service Petition for Additional Authority to Implement Number Conservation Measures (NSD File No. L-99-21)".

II. DISCUSSION

The FCC has encouraged state commissions to develop creative and innovative solutions to numbering issues (Pennsylvania Opinion at ¶¶ 30-31). Petitions such as the NYSDPS Petition and the Department's own pending petitions on numbering issues³ are the first steps in developing such solutions. Mandatory thousand block pooling, unassigned number porting, and the ability to set allocation standards of numbering resources, advocated by both New York and Massachusetts, offer significant opportunities to relieve the pressure of premature exchange code exhaust which plagues both states. Individual number pooling also holds promise as a code conservation technique.

The Department supports the NYSDPS Petition because delegating additional numbering authority to states like New York and Massachusetts would allow states to tailor numbering solutions to numbering issues that are particular to those states' circumstances. New York, like Massachusetts, is undergoing the arduous task of selecting and implementing area code relief for several area codes due, in large part, to the current inefficiency in the number allocation system. The Department agrees with the NYSDPS that mandatory pooling more efficiently allocates numbering resources and can be used to enhance competition and improve number use (Petition at 3). Allowing the NYSDPS to explore further the feasibility of individual telephone number pooling and unassigned number porting gives New York and other states additional flexibility to

³ The Department filed a Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area Codes on February 12, 1999 (FCC Public Notice DA 99-460, NSD-L-99-17, released March 4, 1999). The Department filed a Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes on February 17, 1999 (FCC Public Notice DA 99-461, NSD-L-99-19, released March 5, 1999).

manage their numbering resources, and the Commission should approve proposals such as the NYSDPS's proposals whenever feasible.

The Department fully supports the NYSDPS's needs-based approach to setting the standards for allocating numbers and enforcement of those standards. The current system of number assignment is clearly wasteful, and the NYSDPS's revised procedures concerning fill rate levels, return of unused blocks, use of utilization surveys, use of NXX code-rationing plans before NPA relief is required, and regulatory (not self-policing) enforcement, can be combined to delay the need for additional area codes. The Department also supports the NYSDPS audit proposals as an effective means to bench-mark its conservation efforts. The Department has found that the code conservation experiences of one state can benefit other states. Hence, an FCC approval of the NYSDPS proposals can benefit many jurisdictions.

III. CONCLUSION

For the foregoing reasons, we support the Petition for Additional Delegated Authority to

Implement Number Conservation Measures filed by the NYSDPS .

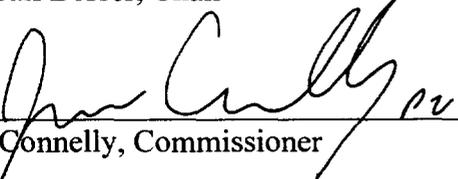
Respectfully submitted,

Massachusetts Department of
Telecommunications and Energy

By:



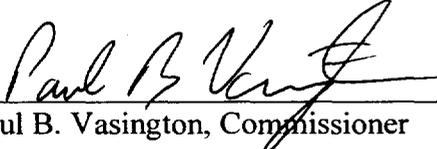
Janet Gail Besser, Chair



James Connelly, Commissioner



W. Robert Keating, Commissioner



Paul B. Vasington, Commissioner



Eugene J. Sullivan, Jr., Commissioner

100 Cambridge Street, 12th Floor
Boston, MA 02202
617-305-3500

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Washington, DC 20554

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jl

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BIRCH, HORTON, BITTNER AND CHEROT

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**Common Carrier Bureau
Network Service Division
Office of the Chief**

By Hand Delivery

April 5, 1999

Ms. Magalie Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

cc DOCKET 96-98

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APR 14 1999

Re: NSD File No. L-98-21 (Petition of New York
Department of Public Service)

**Federal Communications Commission
Office of Secretary**

Dear Ms. Salas:

Please find the original and eleven copies of the Comments of the Missouri Public Service Commission in this matter. There is an extra copy that I ask you to stamp as received so that the messenger may return it to us for our records.

Yours truly,

BIRCH HORTON BITTNER AND CHEROT

James H. Lister
James H. Lister

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APR 14 1999

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

File No. NSD-L-98-21

Common Carrier Bureau
Network Service Division
Office of the Chief

COMMENTS OF THE MISSOURI PUBLIC SERVICE COMMISSION

The Missouri Public Service Commission (MoPSC) generally supports the relief requested by the New York Department of Public Service (NYDPS) and offers these comments in support of the petition.

The MoPSC has concerns similar to those expressed by the NYDPS regarding number conservation and the MoPSC supports the NYDPS position that additional relief measures are necessary. The MoPSC agrees that the alternative conservation measures requested by the NYDPS are needed in light of the rapid exhaustion of numbers that is occurring not only in New York, but also in Missouri and throughout the nation. The ability of state commissions to conserve exchange codes and to extend the lives of existing area codes could be harmed by constraints that restrict the state's authority to implement efficient numbering measures. The individual states that are experiencing number exhaustion have an advantage in their knowledge of local conditions, and the NYDPS is in a position to implement the relief best suited for the condition of number exhaustion in New York.

The MoPSC appreciates the opportunity to comment on the petition filed by NYDPS and hopes that its additional input can provide the FCC with further affirmation of the NYDPS petition.

Respectfully submitted,

DANA K. JOYCE
General Counsel


Marc D. Poston
Missouri Bar No. 45722

Attorney for the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
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(573) 751-9285 (Fax)

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

Federal Communications Commission
Office of Secretary

In the Matter of)
)
NEW YORK DEPARTMENT OF PUBLIC)
SERVICE PETITION FOR ADDITIONAL)
AUTHORITY TO IMPLEMENT)
NUMBER CONSERVATION MEASURES)

File No. NSD-L-98-21

CC DOCKET 96-98 **Received**

APR 13 1999

Motion to Accept Late-Filed Comments

Common Carrier Bureau
Network Service Division
Office of the Chief

Omnipoint Communications, Inc. ("Omnipoint"), by its attorneys, respectfully requests permission to submit the enclosed comments in the above-referenced proceeding on a late-filed basis. If accepted, Omnipoint's comments will be filed one day out of time.

Due to the unusually heavy bus and tourist traffic in the downtown area of Washington, D.C. surrounding the FCC's headquarters on April 5, 1999, the messenger delivering Omnipoint's comments to the Commission was unusually delayed. As a result, the messenger lost his margin of error and arrived at the Secretary's Office one minute after it closed at 5:30 PM. Omnipoint consequently missed the April 5 filing deadline by which comments in this proceeding were due.

Since the Commission's Electronic Comment Filing System did not recognize the Network Services Division file number pertaining to this proceeding, Omnipoint had previously discovered that it was unable to file its comments electronically. As a result, despite the traffic problems Omnipoint had no alternative to making a traditional paper filing with the Secretary's Office.

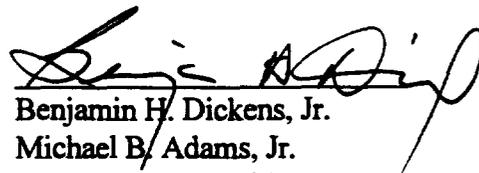
Omnipoint respectfully submits that the Commission and the record will benefit from its views tendered in its Comments accompanying this Motion. Omnipoint is

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uniquely positioned to assess and discuss the impact of the New York Department of Public Service proposal, the subject of this proceeding, given Omnipoint's position as one of the major wireless providers within the State of New York.

In light of Omnipoint's best efforts to make the filing deadline for comments in this proceeding, the unusual and unexpected nature of the obstacle to filing its Comments, the absence of alternative means of submitting its comments and the likelihood that no prejudice will result to any other party, Omnipoint respectfully seeks the acceptance of the accompanying comments one day out of time.

Respectfully Submitted,



Benjamin H. Dickens, Jr.
Michael B. Adams, Jr.
Blooston, Mordkofsky,
Jackson & Dickens
2120 L Street, N.W.
Washington, D.C. 20037

*Attorneys for
Omnipoint Communications, Inc.*

April 6, 1999



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

April 5, 1999

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Federal Communications Commission
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Common Carrier Bureau
Network Service Division
Office of the Chief

Re: In the Matter of the Massachusetts DTE Petition Requesting Additional Authority
to Implement Various Number Conservation Methods in the 508, 617, 781, and
978 Area Codes

NSD File No. L-99-19

Dear Ms Salas:

CC DOCKET 96-98

Enclosed for filing are an original and four copies of the comments of the Pennsylvania
Public Utility Commission regarding the above-captioned matter. Additionally, I have enclosed
a copy to be time-stamped and returned to me in the attached self-addressed envelope.

Our comments are crucial to the Commission's consideration of the filing and address
important underlying issues of state concern.

Very truly yours,

David E. Screven
Assistant Counsel

Enclosures

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