

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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April 16, 1999

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PAUL B. VASINGTON
 COMMISSIONER

SENT VIA FEDERAL EXPRESS

Magalie Roman Salas, Secretary
 Federal Communications Commission
 Portals II, 445 12th Street SW
 Suite TW-A325
 Washington, DC 20554

DOCKET FILE COPY ORIGINAL

re: DA 99-461, NSD-L-99-19, CC Docket No. 96-98
 Massachusetts Department of Telecommunications and Energy's Reply Comments on its
 Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation
 Methods in the 508, 617, 781, and 978 Area Codes

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 Reply Comments on its Petition
 for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508,
 617, 781, and 978 Area Codes. Kindly stamp one copy and return it to us in the enclosed
 stamped, self-addressed envelope.

I have filed a copy of these reply comments electronically with the Commission's ECFS service
 (proceeding number 96-98).

Sincerely,

Karlen J. Reed
 Karlen J. Reed, Esq.

KJR/kr

Enc.

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

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The Commonwealth of Massachusetts
DEPARTMENT OF
TELECOMMUNICATIONS AND ENERGY

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

DA 99-461
NSD-L-99-19
CC Docket 96-98

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S
REPLY COMMENTS ON ITS PETITION FOR WAIVER OF SECTION 52.19 TO
IMPLEMENT VARIOUS AREA CODE CONSERVATION METHODS IN THE
508, 617, 781, AND 978 AREA CODES

Commonwealth of 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 16, 1999



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

DA 99-461
NSD-L-99-19
CC Docket 96-98

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S
REPLY COMMENTS ON ITS PETITION FOR WAIVER OF SECTION 52.19 TO
IMPLEMENT VARIOUS AREA CODE CONSERVATION METHODS IN THE
508, 617, 781, AND 978 AREA CODES

The Massachusetts Department of Telecommunications and Energy ("Department") respectfully files these Reply Comments regarding its Petition for Waiver ("Petition") to the Federal Communications Commission ("Commission" or "FCC") to waive the provisions of 47 CFR § 52.19(c)(3) and grant the Department additional authority to implement various area code conservation measures in the 508, 617, 781, and 978 area codes in Eastern Massachusetts. This waiver is requested pursuant to 47 CFR § 1.3.

I. BACKGROUND

On September 28, 1998, the Commission 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.) ("Pennsylvania Opinion"). On February 17, 1999, the Department accepted the Commission's invitation in the Pennsylvania Opinion by filing the Department's Petition seeking

additional code conservation authority. On March 5, 1999, the Commission released its Public Notice seeking comment on the Department's Petition.¹ Other state commissions and carriers filed numerous comments, demonstrating substantial interest in the issues raised in the Department's Petition.² Since the filing of the Department's Petition, New York and Maine filed their own petitions for additional code conservation authority³ and U.S. Senator Susan Collins (R-ME) introduced legislation requiring the Commission to develop a plan for efficient allocation of telephone numbers by December 31, 2000.⁴

¹ FCC Public Notice DA 99-461, NSD-L-99-19, released March 5, 1999.

² The Department was provided with comments from the California Public Utilities Commission ("CPUC"), the Connecticut Department of Public Utility Control ("CTPUC"), the Maine Public Utilities Commission ("MPUC"), the New York State Department of Public Service ("NYSDPS"), the Pennsylvania Public Utility Commission ("PaPUC"), the Pennsylvania Office of Consumer Advocate ("PaOCA"), AT&T Corporation ("AT&T"), Bell Atlantic, Focal Communications Corporation of Massachusetts ("Focal"), Level 3 Communications ("Level 3"), MCI WorldCom ("MCI"), MediaOne Group ("MediaOne"), RCN Telecom ("RCN"), SBC Communications, Inc., Sprint Corporation ("Sprint"), and US West, Inc. ("US West").

³ On February 19, 1999, the NYSDPS filed its Petition for Additional Authority to Implement Number Conservation Measures (FCC Public Notice DA 99-462, NSD-L-99-21, released March 5, 1999 ("NYSDPS Petition")). On March 17, 1999, the MPUC filed its Petition for Additional Authority to Implement Number Conservation Measures (FCC Public Notice DA 99-638, NSD-L-99-27, released April 1, 1999).

⁴ Senator Collins' bill, "The Area Code Conservation Act", S. Bill 765, 106th Congress, filed April 12, 1999, also requires the Commission's plan to include local number portability, determines that unassigned numbers are not the exclusive property of a single carrier, and delegates authority to state commissions to implement area code conservation measures while the Commission develops its plan. A copy of the press release by Senator Collins, released April 12, 1999, and the legislation are attached hereto as "Attachment A" and incorporated by reference.

II. THE DEPARTMENT SEEKS A WAIVER OF 47 CFR § 52.19

As noted in our Petition, the Department seeks a waiver of 47 CFR § 52.19 for additional code conservation authority for application to the 508, 617, 781, and 978 area codes in Eastern Massachusetts. Under 47 CFR § 1.3, an applicant seeking a waiver of the Commission's rules must demonstrate good cause for the waiver (id.; AT&T at 7). The Department contends that good cause exists for waiver of § 52.19 as requested because (1) new entrants and new technologies created increased demand, resulting in a severe exchange number shortage in Eastern Massachusetts, (2) the area code administrator declared four Eastern Massachusetts area codes in jeopardy, just one year after the Department created two new area codes in the same number local access transport area ("LATA"), (3) the current federal number allocation system is not meeting the demands placed on Eastern Massachusetts, (4) revisions to the current federal number allocation system are being considered, but the timetable for implementation of those revisions is unknown, (5) the Department's extensive conservation investigation docket, Area Code Conservation, D.T.E. 98-38 ("D.T.E. 98-38"), demonstrates the availability of conservation measures and the need for additional authority from the Commission, and (6) the Department can implement code conservation measures quickly on an interim basis pending issuance of new federal conservation rules.

The Department, in requesting a waiver of § 52.19, seeks additional authority for application after further investigation of the measures to be implemented. The Department's Petition outlined conservation measures which, at this time, hold promise for Massachusetts. The Commission may be assured that no conservation measure will be implemented without a full

consideration of its effects on consumers and carriers. The Commission may be further assured that the Department does not intend to substitute area code conservation for area code relief, if relief is required, or to delay implementation of area code relief plans in the 508, 617, 781, or 978 area codes pending resolution of the Department's Petition.⁵ Rather, as announced during the public hearings conducted in the Area Code Relief docket, D.T.E. 99-11 ("D.T.E. 99-11"), between January 26, 1999, and February 11, 1999, the Department intends to issue its area code relief order on these four area codes this summer, giving sufficient time to implement relief plans before the first area code in Eastern Massachusetts is expected to be exhausted⁶. The Department hopes, however, to not have to implement the relief plans and instead to develop code conservation solutions to this problem in a time frame that preserves the lives of the existing area codes. The Department is hopeful that if the Commission grants the Department the additional

⁵ Sprint is under the mistaken impression that the Department is waiting on the Commission's action on this Petition before deciding on a relief plan (Sprint at 7-8). Sprint asserts that the Department took no action on the jeopardy declarations until the opening of its relief docket, Area Code Relief, D.T.E. 99-11, on January 11, 1999 (*id.* at 7). Sprint's statement is incorrect and misleading because Sprint is a party to the Department's complex code conservation docket, D.T.E. 98-38, opened on April 24, 1998, in response to the jeopardy declarations. Rather than respond with immediate relief as Sprint suggests is appropriate, the Department took a more prudent course by opening a code conservation investigation, premised on the theory that effective code conservation measures might forestall the need for new area codes. This docket currently contains approximately 293 documents representing comments, discovery information requests, motions, petitions, NANPA meeting minutes, letters, notices, objections, transcripts, proposals, responses, orders, petitions, and direct testimony.

⁶ The area code administrator for Massachusetts has advised the Department that the 508 area code is expected to be exhausted during the second quarter of 2000 and that revised exhaust dates for 508, 617, 781, and 978 are expected to be released within the next several weeks.

conservation authority requested in our Petition, we will be able to prevent the need for implementation of a new relief plan. In addition, should the Department determine in the next several months that code conservation will not be successful in delaying or preventing the exhaust of additional codes, and that relief must be implemented, the Department, nevertheless, would use its additional code conservation authority to investigate measures that would prevent the need for any future relief. To ensure the Department's success in this endeavor the Department respectfully asks the Commission to allow the Department to exercise the grant of additional authority both before and, if necessary, after implementation of these relief plans (PaPUC at 1).

III. MASSACHUSETTS NEEDS ADDITIONAL CODE CONSERVATION AUTHORITY

The Department and other commenters have noted that a key factor in the rising demand for new area codes in Massachusetts and other states is not a lack of telephone numbers but an inefficient national number allocation system (CPUC at 11; PaOCA at 3). State commissions are in the best position to understand local conditions (NYSDPS at 3; CTPUC at 2; US West at 9) and to judge the effectiveness of number conservation measures absent specific national standards (MPUC at 2; PaPUC at 2). Massachusetts urges the Commission to pursue vigorously its investigations into solutions to the states' escalating numbering woes. In the interim, the Department respectfully requests that the Commission delegate to the Department additional authority to implement code conservation measures.

A. Massachusetts should be allowed to reclaim unused and reserved exchange codes

The Commission's Pennsylvania Opinion prevents the Department from using

information on free thousands number blocks for conservation purposes. A number of states and carriers filed comments supporting the Department's request for additional authority to reclaim unused and reserved exchange codes in manners that do not interfere with a carrier's business plan (CPUC at 4; NYSDPS at 8; PaOCA at 6; Level 3 at 3; RCN at 3-4; MCI at 14). The Department should be allowed to reclaim unactivated codes not returned in accordance with the Central Office Code Assignment Guidelines (Focal at 2).

Reclamation can be a meaningful, effective method of code conservation as recently demonstrated by Level 3 Communications, Inc.'s actions in agreeing, at the Department's request, to return voluntarily 164 unactivated NXX codes to the Eastern Massachusetts numbering code administrator (Level 3 at 3-4). This follows the example set by LBC Telephony in February 1999, in returning 60 exchange codes in the 781 and 978 area codes. Together, this represents approximately 2.2 million phone numbers, which will extend the lives of the 508, 617, 781, and 978 area codes for several months. The Department heartily applauds the commitment of Level 3 and LBC Telephony to numbering resource allocation for Massachusetts and encourages all carriers to follow suit. However, the Department seeks authority to reclaim unused numbers and to evaluate efficiency of use because voluntary return, while beneficial, is not as effective as mandatory return. Absent improved enforcement and revised federal standards on code reclamation, the Department should receive the authority to reclaim unused and reserved exchange codes and evaluate use efficiency in a confidential setting.

- B. Maintaining the current central office code rationing measures for six months after implementation of area code relief plans is a reasonable delegation of the Commission's authority

As stated in our Petition, the Department intends to use additional rationing authority to delay future declarations of jeopardy, not to delay implementation of area code relief plans for the current jeopardy situations (Petition at 8). The Department intends to avoid rapid-fire jeopardy declarations, similar to what happened in Massachusetts after the implementation of the 781 and 978 area codes. Rationing has required the carriers to evaluate and review their business plans and needs more carefully -- a positive side-effect that temporarily reduces the carriers' rapid intake of exchange codes. The Department favors (and is supported by commenters) using short-term rationing after implementation of a relief plan (PaOCA at 6; Level 3 at 5; RCN at 5). Rationing will be used not to suppress competition, but to counteract the natural instinct for carriers to hoard codes once pent-up demand is released. California has adopted a similar approach which is based on industry recommendations (CPUC at 5). The Department will examine California's experience with post-relief code rationing in the event the Commission grants the Department authority to implement this conservation measure.

C. The Department should be allowed to revise the current rationing procedures to suit Massachusetts demands

The Department should have the flexibility to tailor the rationing procedures to meet the demands of our consumers and carriers (NYSDPS at 8; PaOCA at 6; Focal at 3). The Department asserts that state commissions are best able to judge the need for and impact of rationing (NYSDPS at 7; Level 3 at 5; RCN at 5). The authority to revise this rationing procedure will allow the Department more flexibility to extend the lives of the existing area codes while the Commission develops long-term numbering solutions.

D. The Department should hear and address claims of carriers seeking additional codes outside of rationing plans

The Department is in the best position to quickly hear and dispose of claims by carriers who need additional codes beyond the strictures of rationing plans (Focal at 3). Other state commissions and carriers have expressed their support for this request if coupled with an evaluation of a carrier's need for the additional codes and/or the public interest (CPUC at 9; CTPUC at 3; MediaOne at 13; Level 3 at 5-6; RCN at 5). The Department intends to use this authority to minimize any anti-competitive effects of rationing plans. If the Commission grants this authority, the Department will insure that adequate procedures are in place to evaluate and expedite carrier requests.

E. Allowing Massachusetts to set and enforce local code allocation standards promotes more efficient number use

The current national system of number allocation does not appear to be uniformly enforced and is configured to fit national, not local, demands. In Massachusetts, many carriers have less than 10% fill rates at a time when they are requesting additional exchange codes in the same area code. Allowing the Department to tailor and enforce local allocation standards, where feasible, will promote more efficient number use. Other states recognize the value of this authority (CPUC at 10; NYSDPS at 5; see also PaOCA at 6). New York has proposed, in its Petition, a series of allocation standards that the Department will consider in setting its own allocation standards (see NYSDPS Petition at 11-17). In addition, we agree with MediaOne's suggestion that state commissions be allowed to audit carriers' numbering needs during a jeopardy situation because the information is helpful for conservation and relief planning

(MediaOne at 15).

F. The Department should be allowed to institute thousands block number pooling until federal rules are in place

Thousands block number pooling has received support from state commissions and carriers alike in varying degrees (CPUC at 10; NYSDPS at 4; PaOCA at 4; Sprint at 14; Bell Atlantic at 4; AT&T at 11; Focal at 4). The Department urges the Commission to conclude its investigation on number pooling and to implement effective number pooling rules promptly. The Department agrees with MediaOne that mandatory thousands block number pooling plans that are non-discriminatory can be conducted on a state-by-state basis with meaningful results (MediaOne at 7-8). Development of national guidelines could take considerable time. Therefore, the Department requests additional authority to implement its own thousands block number pooling requirements in advance of any federal rules.

G. The Commission should allow the Department to implement extended local calling areas ("ELCAs")

ELCAs can be used as a number conservation measure because ELCAs allow wireless carriers to assign numbers using a single NXX code for an entire geographic area, such as a LATA, rather than assigning numbers using multiple NXX codes. The Department has received support for the use of ELCAs on a voluntary basis (MediaOne at 10; PaOCA at 4). The Department does not intend to use this authority if granted, to impose disproportionate burdens on wireless carriers; however, such authority would allow the Department to explore the possibility of using ELCAs as another code conservation tool.

H. The Department should be allowed to implement inconsistent rate centers (“IRCs”)

As noted in the Number Resource Optimization Working Group Modified Report to the North American Numbering Council on Number Optimization Methods (“NRO-WG Report”), “IRCs conserve NXX codes since [CLECs] using IRCs do not require a separate NXX per ILEC rate area in order to serve all customers” (NRO-WG Report at 33). California supports the Department’s request and asserts that states are in the best position to determine whether uniform rate centers are in the states’ best interests (CPUC at 12). MediaOne, Level 3, RCN, and others support the Department’s request for authority to permit IRCs as a conservation measure (MediaOne at 10; Level 3 at 6; RCN at 6; PaOCA at 4). Under its existing code conservation authority, the Department is aggressively investigating rate center consolidation for Bell Atlantic’s rate centers in D.T.E. 98-38. However, rate center consolidation may not be achievable in the short-term, and therefore, we seek additional authority to permit IRCs and will conduct further investigation of this number conservation measure.

I. Implementing unassigned number porting (“UNP”) is a reasonable delegation

The Department agrees with the CPUC and MediaOne that further study of unassigned number porting is necessary prior to implementation (CPUC at 13; MediaOne at 8). UNP can be used as a number conservation measure to extend the lives of existing codes (NYSDPS at 5; PaOCA at 4; Focal at 5) and is appropriate for trial implementation among local number portability-capable carriers (MCI at 1, 2, 4). Using UNP will allow carriers to acquire numbering resources more quickly than following the current central office code procedures (Focal at 5). As noted by MCI in its comments to the Department’s Petition, UNP can be used

pro-competitively to allow carriers access to more numbering resources, especially in areas where an overlay relief plan has been implemented (MCI at 5-6). The Department has collected additional information on UNP as part of D.T.E. 98-38. CLECs in that investigation have expressed an interest in using UNP as a way for carriers to share number resources. The Department seeks authority to implement UNP on a trial basis.

IV. CONCLUSION

The limitations on state authority contained in the Pennsylvania Opinion have had a chilling effect on state commissions everywhere (PaOCA at 3). Other state commissions have recognized the merits of the Department's Petition and urge its adoption (CPUC at 2; CTPUC at 4; MPUC at 1; NYSDPS at 1; PaPUC at 2; PaOCA at 10). Accordingly, the Department respectfully requests that the Commission grant the Department the authority for the 508, 617, 781, and 978 area codes to:

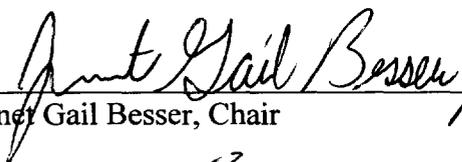
1. Reclaim unused and reserved exchange codes;
2. Maintain the current central office code rationing measures for at least six months after implementation of all the area code relief plans;
3. Revise the current rationing procedures;
4. Hear and address claims of carriers seeking additional codes outside of the rationing plan;
5. Set code allocation standards;
6. Institute thousands block number pooling;
7. Implement Extended Local Calling Areas;

8. Implement Inconsistent Rate Centers; and
9. Implement Unassigned Number Porting.

Respectfully submitted,

Massachusetts Department of
Telecommunications and Energy

By:



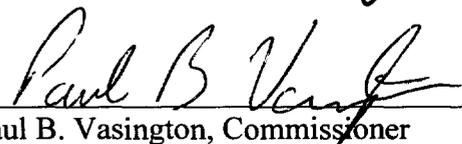
Janet Gail Besser, Chair *pn*



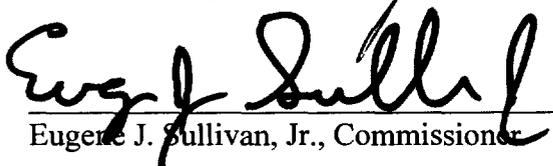
James Connelly, Commissioner



W. Robert Keating, Commissioner



Paul B. Vasington, Commissioner



Eugene J. Sullivan, Jr., Commissioner

100 Cambridge Street, 12th Floor
Boston, MA 02202

ATTACHMENT A TO M.D.T.E. REPLY COMMENTS

U. S. SENATOR SUSAN COLLINS (R-ME) LEGISLATION,
AREA CODE CONSERVATION ACT, SENATE BILL NO. 765



UNITED STATES SENATOR MAINE
SUSAN COLLINS
P R E S S R E L E A S E



For Immediate Release
April 12, 1999

Contact: Felicia Knight
(202) 224 2523

**SENATOR SUSAN COLLINS INTRODUCES LEGISLATION TO
CONSERVE AREA CODES**

*Bill designed to spare American businesses and households expense and inconvenience
of unnecessary changes in area codes*

WASHINGTON, D.C. — Senator Susan Collins today introduced legislation to prevent small businesses, households, and State agencies from incurring expenses due to the unnecessary assigning of new area codes. The Area Code Conservation Act will resolve current problems with an inefficient system for assigning area codes.

“Our current system for allocating numbers to local telephone companies is woefully inefficient, leading to the exhaustion of an area code long before all the telephone numbers covered by the code are actually in use,” explained Senator Collins.

Currently, when a new carrier wishes to provide competitive telephone service in a community, it must obtain at least one central office code (prefix). Because it contains its own unique three-digit prefix within an area code, each central office code includes 10,000 telephone numbers. Thus, even if a carrier expects to serve only 500 customers in the community, it will exhaust 10,000 phone numbers in the process. The ultimate effect of this occurring on a repeated basis is to exhaust all of the numbers in the area code, thereby requiring that a new one be created.

“The State of Maine dramatically reflects the problem inherent in the current system,” the Senator said. “With a population of about 1.2 million, we have 5.7 million unused telephone numbers out of the roughly eight million usable numbers in our 207 area code. However, more than three million of the unused numbers are within central office codes that already have been assigned, making them unavailable for other carriers. Thus, despite the fact that more than 70 percent of the telephone numbers in the 207 area code are not in use, Maine has been notified by the North American Numbering Plan Administrator that it will be forced to create a new area code by the Spring of 2000.”

This inefficiency in the midst of a telecommunications revolution has the potential to cause real hardship for small business in Maine and across the country.

— MORE —

172 RUSSELL SENATE OFFICE BUILDING • WASHINGTON, DC 20510 • 202-224-2523 FAX: 202-224-2693

"We have heard from business people in our coastal communities—a gallery owner in Rockport, an innkeeper in Bar Harbor, and a schooner captain in Rockland—who are rightly concerned about the cost of updating brochures, business cards, and other promotional literature, all of which will be necessitated by a new area code. And as the innkeeper told us, it takes as long as two years to revise some guidebooks, the biggest source of information for many of his guests. Changing the area code could lead to significant losses in business," the Senator said.

The Area Code Conservation Act will set a date by which the Federal Communications Commission (FCC) must develop a plan for the efficient allocation of telephone numbers. The plan must include measures to ensure that phone numbers will be portable between carriers, and that unassigned numbers in a central office code will not be the exclusive property of a single carrier. It would also give decision-making authority to the State Public Utilities Commissions to implement area code conservation measures while the FCC is developing its plan.

###

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S.L.C.

106TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Ms. COLLINS (for herself and Mr. TORRICELLI) introduced the following bill;
which was read twice and referred to the Committee on _____

A BILL

To ensure the efficient allocation of telephone numbers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress makes the following findings:

5 (1) The premature exhaustion of telephone area
6 codes causes economic dislocation for businesses and
7 unnecessary inconvenience for households.

8 (2) The Telecommunications Act of 1996 (Pub-
9 lic Law 104-104) was enacted with the objective of
10 facilitating the development of competitive markets
11 in telecommunications services. The efficient alloca-

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S.L.C.

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1 tion of telephone numbers would further the achieve-
2 ment of that objective.

3 (3) The technology and procedures for the effi-
4 cient allocation of telephone numbers are currently
5 under development and should be available in 2 to
6 3 years.

7 (4) The combination of rapid growth in com-
8 petition for telecommunication services and the inef-
9 ficient allocation of numbering resources devoted to
10 such services will result in the creation of scores of
11 new telephone area codes, almost all of which will
12 become wholly unnecessary once procedures for the
13 efficient allocation of telephone numbers are in
14 place.

15 (5) The premature exhaustion of telephone area
16 codes can be prevented by measures to conserve the
17 allocation of so-called central office codes.

18 (6) State regulatory authorities have the inter-
19 est and capability to tailor mechanisms to conserve
20 telephone numbers to the needs of the telecommuni-
21 cations markets.

22 (7) Mechanisms for the conservation of tele-
23 phone numbers can be implemented without imped-
24 ing competition for telecommunications services.

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S.L.C.

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1 **SEC. 2. EFFICIENT ALLOCATION OF TELEPHONE NUMBERS.**

2 (a) **PLAN.**—Not later than December 31, 2000, the
3 Federal Communications Commission shall develop and
4 implement a plan for the efficient allocation of telephone
5 numbers.

6 (b) **ELEMENTS.**—The plan under subsection (a)
7 shall—

8 (1) include mechanisms to ensure full port-
9 ability of telephone numbers;

10 (2) provide for full sharing of unassigned tele-
11 phone numbers among telecommunications carriers;
12 and

13 (3) take into account any telecommunications
14 technology widely available as of December 31,
15 2000, that requires a telephone number.

16 (c) **DELEGATION OF NUMBERING JURISDICTION.**—

17 Until the Commission has fully implemented the plan re-
18 quired by subsection (a), the Commission shall, upon the
19 request of a State commission, delegate to the State com-
20 mission the jurisdiction of the Commission over tele-
21 communications numbering with respect to the State
22 under section 251(e)(1) of the Communications Act of
23 1934 (47 U.S.C. 251(e)(1)) to the extent that such delega-
24 tion will permit the State commission to implement meas-
25 ures to conserve telephone numbers, including measures
26 as follows:

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S.L.C.

4

1 (1) To establish minimum use and so-called
2 "fill" rate requirements for central office codes.

3 (2) To conduct audits of the use of telephone
4 numbers and central office codes.

5 (3) To require telecommunications carriers to
6 return unused or underused central office codes and
7 to return central office codes that have been ob-
8 tained in a manner contrary to Federal or State
9 numbering guidelines or protocols.

10 (4) To establish individual number pooling,
11 mandatory 1000-block pooling, and interim unas-
12 signed number porting.

13 (5) To ration central office codes.

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

The Massachusetts Department of)
Telecommunications and Energy's Reply)
Comments on its Petition for Waiver of) DA 99-461, NSD-L-99-19,
Section 52.19 to Implement Various Area) CC Docket 96-98
Code Conservation Methods in the 508,)
617, 781, and 978 Area Codes)

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