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

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In the Matter of	)	
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Massachusetts Department of Telecommunications and Energy Request for Additional Authority to Implement Various Area Code Conservation Methods in the 508, 617, 781 and 978 Area Codes	)	NSD File No. L-99-19
	)	
New York Department of Public Service Petition for Additional Authority to Implement Number Conservation Measures	)	NSD File No. L-99-21

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REPLY COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association (USTA) hereby submits its reply comments to the comments filed on the petitions filed by the Massachusetts Department of Telecommunications and Energy (Massachusetts) and the New York Department of Public Service (New York) for authority to implement various area code conservation measures in the above-captioned proceedings.[1] USTA filed comments on both of the petitioners' requests.

In their petitions, Massachusetts and New York requested the Commission to waive various provisions of the Commission's rules and grant them authority to implement

[1]Massachusetts Petition - Public Notice, DA 99-460, released March 4, 1999; New York Petition - Public Notice, DA 99-462, released March 5, 1999.

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specific number conservation measures. In its comments, USTA recognized the urgency of finding means to conserve numbering resources, but emphasized that all of the resources available to the industry are addressing these issues at the national level. Under the circumstances, the effect of granting the Massachusetts and New York petitions would be to divert efforts from these national activities, and to undermine the Commission's authority to determine which conservation measures are appropriate and when and where they should be applied. Grant could be expected to result in a flood of requests for similar authority in multiple additional jurisdictions. Such an effect could be fatal to the Commission's attempts, in concert with the industry, to find answers to these questions on a national level in a timely manner.

The comments overwhelmingly show that the industry consensus is in accordance with the Commission's *Memorandum Opinion and Order and Order on Reconsideration* in 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, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98 (Pennsylvania Order).[2] The first fundamental step in the process of relieving the shortage of codes for assignment is timely planning for relief. This process has not been undertaken in a timely fashion.[3]

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[2]FCC 98-224, released September 28, 1998.

[3]*See, e.g.*, Sprint Comments at 11-12. On a more specific matter, NANC recommended to the Commission that the NANPA, rather than the states, should have

I. THE STATES SHOULD NOT BE GRANTED ADDITIONAL NUMBER CONSERVATION AUTHORITY.

The overall issue here is whether the states should be given the opportunity to implement a variety of measures in relation to number conservation, the result of which would be to develop conflicting requirements in different jurisdictions, and that may or may not be in agreement with standards being developed in the national process. NANC was chartered in order to develop a uniform national framework for administration of numbering resources and is working to provide the Commission with the best answers that the industry can produce. USTA shares the states' impatience with the speed of the process, but these are complex issues with difficult choices that must be made. Developing parallel requirements in the states would involve the same parties addressing the same issues in a variety of different venues and would turn the objective of uniform national requirements on its head. USTA believes that these petitions themselves have distracted valuable resources from the problems that must be resolved in the industry and at the Commission. USTA recommends that, in order for the Commission to retain control of numbering administration issues and to obtain the most timely answers to the issues

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responsibility for determining whether a carrier is assigned an NXX outside of a rationing plan by a 15-7 vote. This action was taken at the North American Numbering Council (NANC) November 18-19, 1998 meeting as reflected in the Meeting Minutes, pages 12-13 and 20. In its comments, page 12, Sprint relies on action taken by NANC to support its contention that states should be given interim authority to act on emergency petitions for relief. However, Sprint mischaracterizes the above-cited action by stating that NANC was unable to reach consensus on the question of whether the North American Numbering Plan Administrator (NANPA) or the states "should entertain petitions for extraordinary relief." According to the Meeting Minutes, Sprint's account accurately portrays neither the specific issue considered nor the outcome of the vote.

outstanding in the industry, the Commission should deny the petitions.

Development of uniform national standards is the most fundamental objective that the Commission, the states and the industry must address. The Commission itself recognized this fact when it stated:

> As the Commission has stated, a nationwide, uniform system of numbering is essential to the efficient delivery of telecommunications services in the United States. The Commission, the state commission, and the industry should work together to bring about as quickly as possible national methods to conserve and promote efficient use of numbers that do not undermine that uniform system of numbering. Such attempts, however, cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country.[4]

In addition, many of the commenters recognized this fact.[5]

II. UNASSIGNED NUMBER PORTING SHOULD SPECIFICALLY NOT BE GRANTED TO THE STATES.

Special attention must be given to one specific issue - that of grant of the option to

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[4]Pennsylvania Order at ¶21.

[5]*See* Focal Communications Corporation Comments on Massachusetts at 4, "the overall order and consistency of the NAPA [sic] should not be compromised by varying local rules."; U S WEST Comments at 10, "Competitors should not have to work the digit-dialing issue - or the number conservation issue, for that matter - in every United States jurisdiction, particularly those that are regional or national carriers."; Bell Atlantic Comments on Massachusetts at 3 and on New York at 4, "If the Commission finds it appropriate to reform the number administration guidelines, it should direct the NANPA to work with the industry to develop technologically and commercially feasible alternatives nationwide."; MCI Worldcom Comments at 2, "The Commission should not, however, authorize state commissions to make piecemeal decisions regarding number resource optimization methods that require national implementation."; CTIA Comments at 6, "conservation measures must be developed at the national level."; PCIA Comments at 7, "the FCC should not abandon its role as the Congressionally-sanctioned arbiter of the nationwide numbering system."; and Level 3 Comments on Massachusetts at 7, "the Petition should be denied in part because it would undermine national efforts to develop uniform number administration procedures."

deploy unassigned number porting (UNP) on a state level. USTA believes that UNP has many very serious deficiencies, is being provided appropriate consideration at the national level, and should not be permitted to be deployed by any state at this time. In making its recommendation, MCI Worldcom's logic is suspect. At numerous points in its comments, appropriate cautions are urged in regard to inconsistencies. Specifically, MCI Worldcom states that, "The Commission should not, however, authorize state commissions to make piecemeal decisions regarding number resource optimization methods that require national implementation." and that, "The Commission should not delegate authority that it is, itself, preparing to exercise".[6] However, MCI Worldcom seems to have no trouble with the Commission granting states authority to experiment with UNP.

The problems with UNP are well known and have been described in the Number Resource Optimization Report.[7] They are also recounted in comments in this proceeding.[8]

Deployment of UNP in any near-term time frame (or any other form of pooling, for that matter) would also require the local regulator to determine which carriers must deploy LNP and which carriers are not required to do so. LNP deployment is necessary for any of the forms of pooling sought by Petitioners.[9] As correctly stated by CTIA, "to the extent that

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[6]MCI Worldcom Comments at 2.

[7]*Number Resource Optimization Working Group Modified Report to the North American Numbering Council on Number Optimization Methods*, October 21, 1998, at 129-130 (NRO Report).

[8]*See* PCIA Comments at 10, BellSouth Comments on New York at 5, Level 3 Comments on Massachusetts at 9, and MediaOne Comments at 8.

[9]CTIA Comments at 7.

the [Massachusetts] and [New York] petitions request authority to institute conservation measures locally which require carriers to deploy LNP capabilitiy, the petitions must be denied."[10]

The industry is working toward establishment of standards for pooling and considering the costs of its implementation. The last thing that is needed at this time is state-specific implementation of any pooling method, let alone one so defective as UNP. MCI Worldcom's support of a phased introduction of UNP in support of the New York and Massachusetts petitions is misdirected.

III. A COMPREHENSIVE, INDUSTRY-WIDE APPROACH TO NUMBER RELIEF IS ESSENTIAL.

USTA firmly believes that the conditions set forth in the Pennsylvania Order are appropriate and are essential in order to develop an effective system for uniform national numbering administration. USTA believes that the points raised in the Massachusetts and New York petitions are not the end, but only the beginning in this process. Many other issues will arise; the conditions of preemptory authority will be tested again and again. Indeed, that fact is supported by other petitions from the States of Maine and Florida. If the Commission does not make a clear decision to enforce its rules, it will have taken a major and irreversible step to abandon them.[11]

Nevertheless, USTA remains very concerned about the current situation. Numbering resources are under extreme pressure, and many of the issues that the

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[10] *Id.*

[11] *See* Sprint Comments at 11.

petitioners raise are real and critical. Nonetheless, the situation would be considerably eased if the states would more directly address the need to engage in timely planning for relief. The effect of a Commission decision to enforce its rules would place additional pressures on the national processes to develop the answers that are needed. USTA believes that these issues urgently require action, and if the industry is going to support the Commission in the need to sustain its rules, it must also work toward development of the necessary national provisions as soon as possible. USTA looks forward to working in the industry processes to achieve that objective.

IV. Conclusion

. For the reasons stated above and in USTA's comments, the petitions of Massachusetts and New York must be denied.

Respectfully submitted,

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April 19, 1999

CERTIFICATE OF SERVICE

I, Robyn L.J. Davis, do certify that on April 19, 1999, Reply Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.

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