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

Received

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Common Carrier Bureau  
Network Service Division  
Office of the Chief

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APR 27 1999

Federal Communications Commission  
Office of Secretary

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In the Matter of )  
)  
Massachusetts Department of )  
Telecommunications and Energy's Petition for )  
Waiver of Section 52.19 to Implement )  
Various Area Code Conservation Methods )  
in the 508, 617, 781, and 978 Area Codes )  
)  
and )  
)  
New York State Department of Public Service )  
Petition for Additional Delegated Authority )  
to Implement Number Conservation Measures )

File No. NSD-L-99-19

File No. NSD-L-99-21

REPLY COMMENTS OF AT&T CORP.  
ON PETITIONS FOR WAIVER

Pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, AT&T Corp. ("AT&T") hereby submits its reply to the comments of other parties on the petitions of the Massachusetts Department of Telecommunications and Energy ("MDTE") and the New York State Department of Public Service ("NYDPS"), both of which request additional grants of authority from the Commission to implement various area code conservation measures.<sup>1/</sup>

As AT&T showed in its initial comments, the MDTE and NYDPS petitions are uniformly lacking in any sustainable rationale for the relief they request. Both cite the societal and economic costs associated with the introduction of new area codes as support for granting states

<sup>1/</sup> Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781 and 978 Area Codes, filed February 17, 1999 ("MDTE Petition"); New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures, filed February 19, 1999 ("NYDPS Petition").

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additional authority over numbering administration and conservation.<sup>2/</sup> They fail to explain, however, how delegating federal functions to state commissions would resolve these concerns, or how state-ordered number conservation trials would inform the FCC's consideration of these issues and facilitate the development of national standards. The Commission has considered these issues, and has repeatedly rejected substantively identical requests.<sup>3/</sup> The petitions provide no evidence that warrants revisiting the Commission's conclusions.

The comments filed by various state commissions in support of the petitions similarly bring no new information to light.<sup>4/</sup> Instead, the commenters simply assert that exigent circumstances<sup>5/</sup> and a need for numbering solutions tailored to a state's particular needs<sup>6/</sup> merit granting states additional authority to administer numbering resources. The Commission thoughtfully addressed – and rejected – these arguments in the Pennsylvania Order.<sup>7/</sup> As with the New York and Massachusetts petitions, these comments provide no basis for revisiting the issues settled in that proceeding. As the Commission has long recognized, a proliferation of

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<sup>2/</sup> MDTE Petition at 2-5; NYDPS Petition at 3-5 & n.9.

<sup>3/</sup> 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, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009, 19025 ¶ 23 (1998) (“Pennsylvania Order”).

<sup>4/</sup> The following state commissions filed comments in support of the petitions: California Public Utilities Commission (“CPUC”); Connecticut Department of Public Utility Control (“Connecticut DPUC”); MDTE; NYDPS; and the Public Utility Commission of Texas (“PUCT”).

<sup>5/</sup> See, e.g., Comments of PUCT at 3; Comments of Connecticut DPUC, File No. 99-19 at 2; Comments of CPUC at 2, 11.

<sup>6/</sup> See, e.g., Comments of MDTE at 3; Comments of CTDPUC, File No. 99-21 at 1; Comments of NYDPS at 13; Comments of PUCT at 3.

<sup>7/</sup> Pennsylvania Order at 19025 ¶ 23.

inconsistent state numbering regimes will potentially “jeopardiz[e] telecommunications services throughout the country,” as well as delay the development of national standards for number administration and create additional and unnecessary costs.<sup>8/</sup>

While some other commenters claim to support one or more of the petitioners’ specific requests for expanded jurisdiction, that support is so qualified that it argues strongly against grant of the petitions. For example, MediaOne says that states should be given additional authority over a number of issues, including mandatory thousands block pooling, code reclamation, and hearing requests for additional codes, but then contends that pooling should be conditioned on the plans being non-discriminatory and competitively neutral,<sup>9/</sup> that “sufficient safeguards” must be adopted for code reclamation, and that states should only be able to hear requests for additional codes in limited circumstances.<sup>10/</sup>

The comments of MCI WorldCom (“MCI”) are similarly equivocal. MCI promotes voluntary number sharing via unassigned number porting,<sup>11/</sup> and supports the NYDPS’ request to investigate individual telephone number pooling,<sup>12/</sup> yet it urges the Commission not to grant additional authority to states if doing so would limit the Commission’s ability to set a national numbering policy.<sup>13/</sup> MCI’s comments thus highlight one of the most important aspects of this

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<sup>8/</sup> Id. at 19023-24 ¶21.

<sup>9/</sup> As AT&T showed in its initial comments, the Commission cannot find that the MDTE or NYDPS will implement the conservation measures they propose in a competitively neutral fashion, because their petitions provide no information as to the specific contours of the measures they intend to adopt. See Comments of AT&T at 13.

<sup>10/</sup> Comments of MediaOne at 4-5, 8, and 13.

<sup>11/</sup> Comments of MCI at 4.

<sup>12/</sup> Id. at 10-11.

<sup>13/</sup> Id. at 4.

proceeding – allowing states to develop situation-specific conservation methods would divert much needed resources away from the development and implementation of national standards for number administration and conservation.<sup>14/</sup> Thus, granting the petitioners the authority sought would – by definition – limit the FCC’s ability to set a national numbering policy and promote the efficient use of numbering resources.

Finally, the Commission should not be persuaded by comments that seek to invoke the experiences of other jurisdictions as “precedents” for grants of additional authority. The Connecticut DPUC, for example, argues that the NYDPS should be given the same authority that the Commission previously delegated to Illinois to implement mandatory thousands block pooling.<sup>15/</sup> However, the Connecticut DPUC ignores the fact that in order to avoid “multiple, inconsistent pooling trials throughout the country,” the FCC expressly limited this exception to Illinois.<sup>16/</sup> Nor is there any merit to the Connecticut DPUC’s contention that, like California, the MDTE should be allowed to maintain rationing measures after the implementation of area code relief.<sup>17/</sup> Contrary to Connecticut’s suggestion, California was not granted permission to continue its lottery system after implementation of area code relief. Rather, the Commission gave California limited authority, on an interim basis, to use its state-developed rationing regime prior

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<sup>14/</sup> Indeed, ensuring that the conditions suggested by MediaOne and other commenters for state-driven pooling, code reclamation, and other numbering plans are satisfied would require intensive oversight by the Commission. Moreover, to the extent that state-specific measures prove to be inconsistent with national policies adopted by the Commission, the industry, states and the Commission will be forced to expend additional resources to undo those state programs prior to implementing national standards.

<sup>15/</sup> Comments of Connecticut DPUC, File No. 99-21 at 2.

<sup>16/</sup> Pennsylvania Order at 19039 ¶ 49. The FCC was also favorably inclined to grant the exception because it was satisfied that the trial was nondiscriminatory, and would be superseded by any national pooling policy. Id.

to adoption of a new area code even though the Pennsylvania Order precludes states from instituting conservation measures in the absence of an NPA relief plan.<sup>18/</sup> Finally, the Connecticut DPUC argues that the MDTE, like Pennsylvania, should have authority to hear requests for additional codes.<sup>19/</sup> Pennsylvania was granted that exception, however, only after it presented the FCC with significant evidence that its situation was both dire and unusual.<sup>20/</sup> The instant petitions have provided no such evidence. More importantly, the Pennsylvania Order referred to the NANC the question of whether such authority should be delegated to state commissions in the future, and the Commission has yet to rule on that issue.<sup>21/</sup>

The Commission is currently reviewing the public comments on the North American Numbering Council's Number Resource Optimization Report , and has indicated that it plans to initiate a rulemaking on specific number optimization proposals shortly. Prompt commencement of this proceeding will significantly mitigate many of the petitioners' concerns. AT&T urges the Commission to act as expeditiously as possible, and stands ready to continue to assist in developing national standards for number pooling and other conservation methods. In the meantime, nothing would be gained by granting states piecemeal authority over certain numbering administration issues. Moreover, soliciting public comment on petitions filed seriatim by individual states requires the Commission, the states, and commenting parties to expend valuable resources addressing nearly identical arguments – arguments that were

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<sup>17/</sup> Comments of Connecticut DPUC, File No. 99-19 at 3.

<sup>18/</sup> Letter from Yog Varma, Deputy Chief, Common Carrier Bureau, to Helen M. Mickiewicz, California Public Utilities Commission, NSD File No. L-98-136 (Dec., 1, 1998).

<sup>19/</sup> Comments of CTDPU at 3.

<sup>20/</sup> Pennsylvania Order at 19039 ¶ 49.

<sup>21/</sup> Id. at 19039 ¶ 51.

definitively resolved mere months ago in the Pennsylvania Order.<sup>22/</sup> Instead of taking and reviewing comments on petition after petition, the Commission should act promptly to deny the instant requests, and then devote its resources fully to crafting the national standards necessary to optimize the nation's numbering resources. By doing so, the Commission can address petitioners' concerns without permitting the creation of multiple, inconsistent state number administration regimes.

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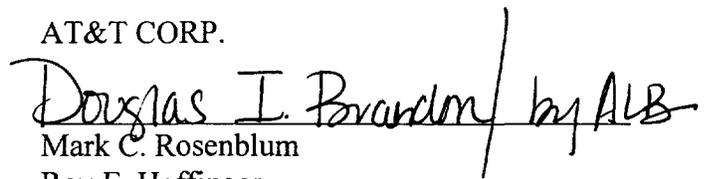
<sup>22/</sup> Similar petitions from Maine and Florida have been noticed for public comment. Public Notice, Common Carrier Bureau Seeks Comment on the Maine Public Utilities Commission's Petition for Additional Authority to Implement Number Conservation Measures, NSD File No. L-99-27 (rel. Apr. 1, 1999); Public Notice, Common Carrier Bureau Seeks Comment on the Florida Public Utilities Commission's Petition for Additional Authority to Implement Number Conservation Measures, NSD File No. L-99-33 (rel. Apr. 15, 1999).

## CONCLUSION

For the foregoing reasons the Commission should reject the petitioners' requests. The instant proceeding has afforded interested parties ample opportunity to be heard, and has provided the Commission a substantial record on which to base a reasoned decision. The Commission should promptly confirm that the Pennsylvania Order struck the proper balance of authority over numbering issues. Having put this issue to rest, the Commission, the states, and the industry can redirect their resources to rapidly developing the national standards necessary to alleviate the strains caused by inefficiencies in the current number administration regime.

Respectfully submitted,

AT&T CORP.

Handwritten signature of Douglas I. Brandon in cursive, with the initials "ALB" written at the end of the signature.

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April 19, 1999

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## CERTIFICATE OF SERVICE

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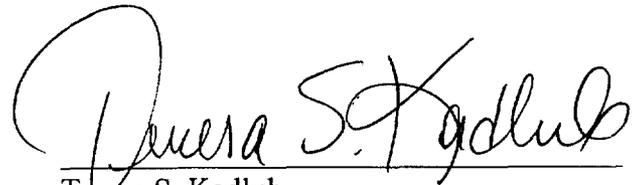
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