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 OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
**DEPARTMENT OF
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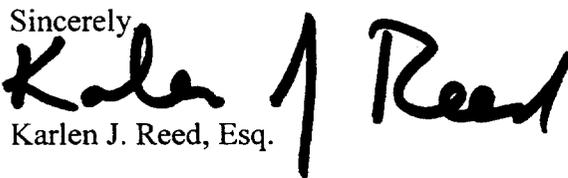
Magalie Roman Salas, Secretary
 Federal Communications Commission
 Portals II, 445 12th Street SW
 Suite TW-A325
 Washington, DC 20554

re: NSD-L-99-27, DA 99-638, CC Docket 96-98
 In the Matter of Maine Public Utilities Commission's 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
 Maine Public Utilities Commission's 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.

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

Sincerely

 Karlen J. Reed, Esq.

KJR/kr

Enc.

cc: MDTE Commission (w/enc.)
 Thomas E. Bessette, Acting General Counsel, Mass. DTE (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 99-638
NSD-L-99-27
CC Docket 96-98

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S
COMMENTS IN SUPPORT OF THE MAINE PUBLIC UTILITIES COMMISSION'S
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 27, 1999



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

DA 99-638
NSD-L-99-27
CC Docket 96-98

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S
COMMENTS IN SUPPORT OF THE MAINE PUBLIC UTILITIES COMMISSION'S
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 April 1, 1999, the Massachusetts Department of Telecommunications and Energy ("Department") respectfully submits these comments in support of the Maine Public Utilities Commission's ("MPUC") Petition for Additional Delegated Authority to Implement Number Conservation Measures filed March 17, 1999 ("Petition"). The MPUC seeks additional authority to (1) establish number assignment and utilization standards, (2) order interim unassigned number porting, and (3) order thousands block number pooling (Petition at 1). The Department supports the Petition because granting the Petition will allow Maine to tailor solutions to numbering issues that are particular to that state's 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 CommissionRegarding 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"). Several petitions for reconsideration, such as the Department's petition filed October 28, 1999,¹ are currently under consideration by the Commission.

On March 17, 1999, the MPUC filed its Petition for additional authority to (1) establish number assignment and utilization standards, (2) order interim unassigned number porting, and (3) order thousands block number pooling (Petition at 1). On April 1, 1999, the Commission issued a public notice seeking comment on the issues presented in the MPUC Petition². On April 12, 1999, 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, 2000.³

¹ 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 96-98.

² FCC Public Notice - DA 99-638 "Common Carrier Bureau Seeks Comment on Maine Public Utilities Commission's Petition for Additional Authority to Implement Number Conservation Measures (NSD File No. L-99-27)."

³ 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."

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 MPUC Petition, the Department's petitions,⁴ and the numbering issue petitions of Maine, New York, and Florida⁵ are the first steps in developing such solutions. The ability to set number assignment and utilization standards, interim unassigned number porting, and mandatory thousand block pooling, advocated by Maine, Massachusetts, New York, and Florida in their petitions, offer significant opportunities to relieve the pressure of premature exchange code exhaust which plagues these states.

The Department supports the MPUC Petition because delegating additional numbering authority to Maine will allow Maine to tailor solutions to Maine's numbering issues. Maine, 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 MPUC that the numbering problem affecting states like Maine

⁴ 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) ("MDTE Petition").

⁵ The New York State Department of Public Service filed a Petition for Additional Delegated Authority to Implement Number Conservation Measures on February 19, 1999 (FCC Public Notice DA 99-462, NSD-L-99-21, released March 5, 1999). The Florida Public Service Commission filed a Petition for Authority to Implement Number Conservation Measures on April 2, 1999 (FCC Public Notice DA 99-725, NSD-L-99-33, released April 15, 1999).

and Massachusetts lies in an inefficient administration of numbering resources under the Central Office Code Administration Guidelines (Petition at 2, 3). Maine is in the best position to evaluate Maine's special circumstances and to create competitively-neutral criteria for numbering resource utilization in the absence of specific Commission regulations.

The Department fully supports the MPUC's proposals to establish fill rates and a needs-based approach to setting the standards for acquisition of codes. The current system of number assignment is clearly wasteful. The MPUC's procedures concerning reclamation of codes, mandatory number utilization reporting requirements, and auditing carrier utilization reports can delay the need for imposing additional area codes (Petition at 5). The Department, like the MPUC, has advocated delegation of Commission authority to implement unassigned number porting for local number portability-capable carriers and mandatory interim thousands block number pooling (MDTE Petition at 9-12).

III. CONCLUSION

The Department has found that the code conservation experiences of one state can benefit other states. The MPUC Petition presents useful, creative, and innovative proposals on code conservation for the Commission's consideration. For the foregoing reasons, we support the

Petition for Additional Delegated Authority to Implement Number Conservation Measures filed by the MPUC.

Respectfully submitted,

Massachusetts Department of
Telecommunications and Energy

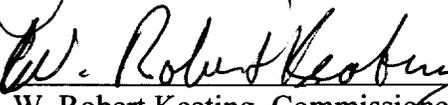
By:



Janet Gail Besser, Chair



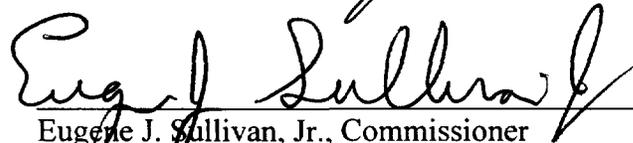
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W. Robert Keating, Commissioner



Paul B. Vasington, Commissioner



Eugene J. Sullivan, Jr., Commissioner

100 Cambridge Street, 12th Floor
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ATTACHMENT A TO M.D.T.E. INITIAL COMMENTS

U. S. SENATOR SUSAN COLLINS' (R-ME) LEGISLATION,
AREA CODE CONSERVATION ACT, SENATE BILL 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.

###

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-

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 ineffi-
9 cient 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.

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:

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 Maine Public Utilities Commission's)
Petition for Additional Delegated Authority) DA 99-638, NSD-L-99-27
to Implement Number Conservation Measures) CC Docket 96-98

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