

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

In the Matter of	)	
	)	
Maine Department of	)	
Public Utilities Commission	)	NSD File No. L-99-27
Petitions for Additional Authority To	)	
Implement Number Conservation	)	
Measures	)	

**COMMENTS OF  
THE CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Cellular Telecommunications Industry Association (“CTIA”)<sup>1</sup> hereby submits its comments on the petition filed by the Maine Public Utilities Commission (“MPUC”) in the above captioned proceeding.

**I. INTRODUCTION**

MPUC has petitioned the Commission seeking a greater role in the area of number conservation and area code relief than the Commission prescribed in the *Pennsylvania Numbering Order*.<sup>2</sup> The MPUC Petition requests additional authority to

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<sup>1</sup> CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (CMRS”) providers and manufacturers, including 48 of the 50 largest cellular and broadband personal communications service (“PCS”) providers. CTIA represents more broadband PCS carriers and more cellular carriers than any other trade association.

<sup>2</sup> 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; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, NSD File No. L-97-42; CC Docket No. 96-98, *Memorandum Opinion and Order on Reconsideration*, 13 FCC Rcd. 19009 (1998) (“*Pennsylvania Numbering Order*”).

implement various number conservation methods in the 207 area code.<sup>3</sup> The MPUC Petition represents a growing number of state-specific requests to recast the balance the Commission struck in the *Pennsylvania Numbering Order*, delegating to the states the critical role of providing timely and non-discriminatory area code relief and reserving to the FCC the establishment of national number conservation and efficient number utilization policies.<sup>4</sup> CTIA opposes the MPUC Petition for the same reasons articulated by the FCC in the *Pennsylvania Numbering Order* and because CTIA strongly believes that conservation measures must be developed at the national level.<sup>5</sup>

## **II. THE COMMISSION SHOULD CONTINUE IN ITS EFFORTS TO ADOPT EFFECTIVE, NATIONWIDE NUMBERING CONSERVATION MEASURES**

The alternative to the adoption of nationwide numbering conservation solutions is a “patchwork” of individualized, local measures that would subject carriers to inconsistent state numbering administration regimes and impermissibly compromise the Commission’s exclusive jurisdiction over the North American Numbering Plan for the United States. The Commission struck an appropriate balance in the *Implementation Order* and the *Pennsylvania Numbering Order* by retaining federal authority over numbering administration, but allowing state commissions to engage in area code relief. The Commission has stated that a nationwide, uniform system of numbering is essential

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<sup>3</sup> *Public Notice*, Common Carrier Bureau, DA No. 99-461, (March 5, 1999), Common Carrier Bureau Seeks Comment on 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.

<sup>4</sup> *See Pennsylvania Numbering Order*.

<sup>5</sup> *Pennsylvania Numbering Order* at ¶¶ 21, 27, 30.

to the efficient delivery of interstate and international telecommunications services.<sup>6</sup> The lack of uniformity also could hamper industry efforts to forecast and plan properly for exhaust of the North American Numbering Plan.<sup>7</sup>

Indeed, the Commission's efforts to adopt nationwide numbering conservation solutions require the cooperation and participation of state utility commissions. Permitting states to adopt individual conservation measures contrary to the conclusions reached in the Commission's Orders could interfere with the Commission's conservation efforts -- which are the subject of the pending number resource optimization proceeding.<sup>8</sup> As the Commission concluded in the *Pennsylvania Numbering Order*, "[i]n delegating authority to the state commissions to implement new area codes, we intended that state commissions would use that authority to implement relief when jeopardy has been declared."<sup>9</sup> Thus, the Commission's Orders clearly establish the role of states in area code relief, distinguishing and reserving conservation to the FCC.<sup>10</sup>

Amazingly, the MPUC Petition is so totally focused on CLEC entry that it never mentions wireless or CMRS carriers. Yet, the authority requested is broad enough to catch wireless carriers in the net being cast for the wireline industry. State-specific numbering regimes pose particular problems to CMRS carriers since wireless service areas often cross state boundaries and CMRS carriers are not subject to state regulation.

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<sup>6</sup> *Ameritech Order* at ¶ 13. *Pennsylvania Numbering Order* at ¶ 21.

<sup>7</sup> *Pennsylvania Numbering Order* at ¶ 21.

<sup>8</sup> *Numbering Resource Optimization Proceeding*, NSD File No. L-98-134.

<sup>9</sup> *Pennsylvania Numbering Order* at ¶¶ 25-26 & 32.

<sup>10</sup> *Id.* at ¶¶ 20-39.

MPUC requests additional authority to: (1) establish State of Maine-specific number assignment and utilization standards; (2) order interim unassigned number porting; and (3) order thousand block pooling.<sup>11</sup> All three of MPUC's requests are currently under consideration by the Commission in the pending Numbering Resource Optimization proceeding. Granting states the authority to perform conservation measures currently under consideration by the Commission would interfere with the development of uniform conservation solutions and is inappropriate at this time. These measures are not without controversy, and their potential efficacy as conservation measures is currently being explored by the FCC. MPUC's petition also runs afoul of the Commission's recent efforts to develop a new set of uniform, national guidelines for carrier requests for numbering resources upon reaching a prescribed utilization threshold.<sup>12</sup>

**A. CMRS Carriers Must Not Be Required To Deploy LNP Prematurely**

To the extent that the MPUC Petition requests authority to institute conservation measures locally which require wireless carriers to deploy LNP capability, the petition must be denied.<sup>13</sup> The Commission noted in its February 9, 1999, Order granting CTIA's

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<sup>11</sup> CTIA assumes that MPUC's request for authority to order thousand block number pooling is for mandatory participation by all telecommunications carriers. MPUC's Petition does not indicate that participation would be voluntary or otherwise exempt carriers which are not LNP capable. Furthermore, in the *Pennsylvania Numbering Order*, the Commission stated that state-ordered pooling trials were not prohibited so long as the trials were voluntary. *Pennsylvania Numbering Order* at ¶ 30. The MPUC Petition appears to exclude CMRS from UNP since it refers to LNP compliant carriers. MPUC Petition, filed March 19, 1999, NSD File No. L-99-27, at 7.

<sup>12</sup> See In the Matter of Cellular Telecommunications Industry Association's Petition for Forbearance from CMRS Number Portability Obligations, WT Docket No. 98-229, CC Docket No. 95-116, *Memorandum Opinion and Order*, rel. February 9, 1999, at ¶¶ 46-48.

<sup>13</sup> See footnote 11.

forbearance petition that the wireless industry needs additional time to develop and deploy the technology that will allow viable implementation of service provider portability, including the ability to support seamless nationwide roaming.<sup>14</sup> In order for LNP to be viable in the wireless context, *every* wireless switch has to be LNP capable, otherwise roaming will not be possible. Thus, as the Commission has recognized, “local” conservation measures which require LNP capability would affect the wireless industry on a national scale and would prejudice efforts by the FCC to develop national, uniform conservation solutions. In this regard, there is no separation of local and national conservation methods.

CTIA does not object to state conservation plans, like those of the state of Illinois, that provide wireless carriers with access to numbering resources without requiring wireless carriers to support thousand block pooling or unassigned number porting. Conservation measures which require all carriers to have LNP capability necessarily disadvantage and discriminate against the wireless industry, which has implementation issues that are very different from wireline carriers. For that reason, the Commission has determined that requests to institute mandatory pooling trials are discriminatory.<sup>15</sup> Such requests must be denied.

**B. States Have Ample Authority To Manage Area Code Relief While The FCC Implements A National Conservation Plan**

Rather than seeking additional authority to perform number administration functions on an *ad hoc* basis at the state level, the state commissions should be providing

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<sup>14</sup> Id. at ¶ 25.

<sup>15</sup> *See Pennsylvania Numbering Order* at ¶¶ 40-41.

timely area code relief as prescribed by the Commission's Orders. There is no impediment preventing the states from using the tools available to them – area code splits, non-service specific overlays, and rate center consolidation – to provide carriers with the numbering resources they need to fulfill the Congressional mandate of a competitive communications marketplace. The growth in competition has generated unprecedented demands for numbering resources, not unscrupulous practices by carriers. In Maine, much of the problem with stranded numbers appears to arise from the fact of 220 rate centers, many of which have less than a thousand lines.<sup>16</sup> Growth in competition coupled with numerous rate centers explains the 3 million unassigned numbers and Maine correctly concedes that it will conduct an inquiry into rate center consolidation in the near future. Given that much of the “numbering crisis” in Maine is due to MPUC sanctioned multiple rate centers, it would seem more appropriate for the MPUC to focus its efforts on rate center consolidation where it clearly has the requisite jurisdiction.

Maine and the other states which have petitioned the FCC for greater authority over the administration and assignment of numbering resources are concerned about code exhaust in their jurisdiction. However, the appropriate remedy for the most efficient utilization of the nation's numbering resources is the FCC's national approach, which will address the efficient use of both NPA's as well as NXX codes for *all* states and will benefit *all* consumers. The Commission should continue to expeditiously develop the number optimization measures before it, recognizing that an expeditious and effective national solution is far better than a proliferation of narrow and conflicting state-specific measures. State specific solutions subject carriers to multiple and inconsistent regulatory

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<sup>16</sup> See MPUC Petition, filed March 19, 1999, NSD File No. L-99-27, at 6.

compliance and reporting requirements. These inconsistent regimes will impose substantial costs, particularly on wireless carriers who provide service without respect to state boundaries.

The FCC was correct to assign the important function of timely area code relief to the states, while reserving to itself the development and adoption of number conservation mechanisms that require a national solution to be effective.<sup>17</sup> CTIA is committed to working with the Commission to adopt effective, nationwide numbering conservation plans. To that end, CTIA supports requiring all carriers to meet a national, uniform fill ratio before obtaining additional numbering resources, and will urge the Commission to adopt rules that provide all carriers with the flexibility they need to meet this threshold most efficiently before imposing one size fits all solutions, such as thousand block pooling, on any industry segment.

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<sup>17</sup> The difficulties the states have encountered implementing timely area code relief, which remains solely within their control, suggests that number conservation, which will require national solutions, is most appropriately addressed by the Commission.

### III. CONCLUSION

For the foregoing reasons, the MPUC petition should be denied.

Respectfully submitted,

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