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May 11, 1999

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Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington, DC 20554

Re: Florida Public Service Commission's Petition for Authority to Implement Number Conservation Measures
CC Docket No. 96-98
NSD File No. L-99-33
DA 99-725

Dear Ms. Salas:

Enclosed please find an original and four copies of the Comments of the Pennsylvania Office of Consumer Advocate for filing with the Commission in the above-referenced matter.

Please indicate your receipt of this filing on the additional copy provided and return to the undersigned in the enclosed self-addressed, postage prepaid, envelope. Thank you.

Sincerely yours,

Philip F. McClelland
Assistant Consumer Advocate

Enclosure
cc: Al McCloud, Network Service Division

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	:	
The Florida Public Service Commission's	:	**NSD File No. L-99-33**
Petition for Authority to Implement	:	
Number Conservation Measures	:	**DA 99-725**

COMMENTS OF THE
PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE

I. Introduction

The Pennsylvania Office of Consumer Advocate ("OCA") hereby submits these Comments concerning the Florida Public Service Commission's Petition for Authority to Implement Number Conservation Measures ("Florida Petition") as submitted to the Federal Communications Commission ("FCC") Common Carrier Bureau on April 2, 1999. The OCA is designated by Pennsylvania state law to represent public utility ratepayers before the Pennsylvania Public Utility Commission, federal agencies and state and federal courts. The OCA is actively involved in representing consumer interests in telecommunications issues in these venues. In particular, the OCA has represented the National Association of State Utility Consumer Advocates in the Number Resource Optimization Working Group in drafting the North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Methods which was submitted to the Common Carrier Bureau on October 21, 1998.[1] The OCA is, therefore, familiar with the issues

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[1] The OCA worked with many other parties through the Number Resource Optimization Working Group ("NRO-WG") to develop the initial report later approved by NANC.

contained in the Florida Petition.

The OCA submits these Comments to support the Florida Petition which the FCC summarized in the Public Notice of April 15, 1999 as follows:

> On April 2, 1999, the Florida Public Service Commission ("FPSC") filed a petition requesting that the Commission delegate to the FPSC authority to implement various number conservation measures. Petitioner requests that the Commission grant it the authority to: (1) institute thousand-block (and perhaps 100 block) number pooling; (2) implement sharing of NXX codes in rate centers; (3) revise rationing measures and institute NXX lotteries (prior to adoption of area code plans or establishment of an area code relief date) to prolong the life of existing area codes; (4) reclaim unused and reserved central office codes; (5) maintain the current central office code rationing measures for at least six months after the implementation of all area code relief plans; (6) expand deployment of permanent number portability; (7) implement unassigned number porting; and (8) implement rate center consolidation.
>
> In addition, petitioner requests that it be granted express permission to use the Line Number Utilization Survey (LINUS) to run NXX reports quarterly. It also requests that the FCC direct NANPA to: (1) update the Central Office Code Utilization Survey (COCUS) report quarterly, instead of annually, to provide a much more current basis for planning area code relief; and (2) establish code allocation standards to more efficiently manage numbering resources. Finally, petitioner requests that the FCC expressly grant the FPSC authority to require wireless carriers to provide the COCUS and other information necessary for the FPSC to carry out its responsibilities.
>
> Petitioner states it is requesting this authority as part of its ongoing area code relief proceeding. The authority is intended to be used to minimize consumer confusion and expenses associated with imposing new area codes.

Notice at 1-2. The FCC specifically requested comment on the issues raised in the Florida Petition's request for authority to implement various area code conservation measures. Notice at 2.

The OCA supports the Florida Petition and submits that the FCC should allow the Florida

Public Service Commission ("FPSC"), and other state commissions, additional authority to implement number conservation measures. In support, the OCA files these Comments.

II. Summary

The OCA submits that the FCC should quickly take action to forestall or eliminate the premature exhaust of the North American Numbering Plan ("NANP"), and slow the introduction of new area codes as the costs to consumers increase rapidly with each successive area code application. The NANP allows customers to be called throughout the United States by a three digit area code and a seven digit telephone number. As area codes continue to be applied at a rapid rate, this numbering system is at risk. The OCA recognizes that the rapid growth in demand for new area codes is a symptom of underlying inefficiencies in the manner in which numbering resources are currently allotted. If these inefficiencies continue, the long-term viability of the NANP could be undermined. The OCA further submits that the restrictions the FCC has placed upon state actions in this area have had a chilling effect on states. This has hurt conservation efforts on a national basis and increased the need for speedy action in order to implement effective number conservation actions.

With the accelerating growth of multiple providers under the Telecommunications Act of 1996 ("the Act"), the traditional mode of assigning telephone numbers in blocks of 10,000 for each carrier is forcing a rapid, unnecessary and costly depletion of telephone numbers across the country. Many consumers have expressed their outrage that area codes have proliferated with little apparent management or control. The costs to consumers, as a result of this lack of effective controls, in terms of the addition of new area codes or the implementation of 10 digit dialing, cannot be

understated. The OCA submits that the industry must deal with the serious area code problem that exists in an expeditious and thorough manner in order to complete national pooling and other solutions as soon as possible. The OCA submits that the longer the area code crisis is left unresolved, the greater jeopardy the NANP is placed in and the higher the cost becomes to consumers.

III. Comments

A. Need to Control Area Code Proliferation Through Usage of Number Optimization Methods Such As Thousand Block Pooling, NXX Code Sharing, Unassigned Number Porting and Rate Center Consolidation.

The Act gives the FCC "exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States." 47 U.S.C. §251(e)(1). However, through the Order released by the FCC 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, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,[2] the FCC has delegated to state commissions portions of its number administration authority, particularly, the authority to implement area code relief. The OCA submits that the FCC should allow the FPSC authority to perform number optimization procedures in compliance with any guidelines or national rules established in an attempt to increase the efficiency of the use of telephone numbers within existing area codes in Florida.

In particular, the practice that exists today of assigning numbers, by full central office codes

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[2] Id., Memorandum Opinion and Order and Order on Reconsideration, FCC 98-224, CC Docket No. 96-98, NSD File No. L-97-42 (rel. September 28, 1998)("Pennsylvania Order").

rather than by portions of NXXs[3] or even individual telephone numbers, to meet new service providers' demand for numbers, threatens to exhaust existing area codes much sooner than prior projections by the North American Numbering Plan Administrator. The OCA supports the Florida Petition's request for authority to use number optimization methods such as Thousand Block Pooling,[4] Interim Unassigned Number Porting,[5] Rate Center Consolidation[6] and NXX Code Sharing[7] in conjunction with establishing number assignment and utilization standards. The OCA also supports deployment of permanent number portability as was also requested in the Florida Petition.

The OCA submits as backbone for its support of the Florida Petition, and number conversation measures in general, that between 1961 and December, 1994 the number of assigned

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[3] An NXX is the number of an exchange; i.e., a block of 10,000 numbers in an area code. Similarly, an NPA is an area code such that a phone number can be identified as NPA-NXX-XXXX.

[4] Thousands Block Pooling involves the allocation of blocks of sequential telephone numbers within the same NXX to different service providers and potentially different switches which serve customers within the same rate area. All 10,000 numbers within each NXX continue to be assigned to one rate area, but are allocated among multiple service providers at the 1,000 block level.

[5] Unassigned Number Porting is a telephone number sharing and/or optimization method where available telephone numbers in one service provider's inventory are ported using Location Routing Number (LRN) methodologies to another service provider under the direction of a neutral third party coordinator.

[6] Rate Center Consolidation suggests that the number of rate centers could be reduced by combining or collapsing several existing rate centers into fewer rate centers which would maintain both the current call-routing and call-rating methods. This assumes that an NPA/NXX code need not be used to identify more than one switch so that carriers that have more than one switch in a consolidated rate center can still be assigned NPA/NXX codes at the switch level.

[7] NXX code sharing proposes that an NPA-NXX associated with a specific rate area be distributed among the service providers that serve that rate area. For example, if there were 10 carriers serving subscribers in a given rate area, the NPA-NXX would be assigned by 1000 blocks to a specific switch in each service provider's network. Accordingly, switches would be identified by NPA-NXX-X, rather than the current 6 digit NPA-NXX identification.

area codes in the United States increased from 118 to only 134; however, between December, 1994 to January, 1998 the assigned area codes increased from 134 to 235.[8] This accelerating addition of area codes was addressed by Mr. Alan Hasselwander, Chairman of the North American Numbering Council, in an address to the Numbering Solutions 1998 Seminar. In that address he explained:

> To say we have reached a crisis in numbering in the US is probably too strong a statement. But we are approaching a crisis, and one will occur if effective action is not taken now. Many states have and are facing a frequency of NPA exhaust unknown in the past, and commissions are taking the heat that goes with the costs imposed on consumers by number exhaust.

The OCA submits that Mr. Hasselwander is correct that we are at least approaching a numbering crisis, if we are not already in one. Thousands Block Pooling, Unassigned Number Porting, Rate Center Consolidation and NXX Code Sharing would be effective means of resolving the need for additional area codes in many circumstances and provide relief for consumers from continued area code changes in Florida.

The OCA also proposes that the cost of frequent area code changes upon consumers are substantial and could be avoided by the use of number optimization methods in many instances. A change in a consumer's area code often requires notifying friends and businesses of that change, and also reprinting stationery, advertising, etc. If callers are not aware of a new telephone number, important calls may not be completed. Reprogramming calling data bases and alarm monitoring devices can also be expensive. The cost of reprogramming network equipment for

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[8] Where Have All the Numbers Gone? Long-term Area Code Relief Policies and the Need for Short-term Reform, Economics and Technology, Inc. prepared for The Ad Hoc Telecommunications Users Committee and International Communications Association, March, 1998 at 3 ("ETI Study").

telecommunications carriers are also considerable which could result in increased rates paid by consumer. Thus, there are real costs imposed upon the public as a result of area code changes and the FPSC should be applauded for its efforts in conserving this resource. Additionally, these costs are even greater in Florida because tourism is an important industry and the impact an area code change can have on tourism would be detrimental to Florida's economy.

The OCA submits that the FPSC should be commended in its foresight and its willingness to volunteer as a trial state for number pooling. The FPSC recognizes that the development of mandatory national thousand block pooling guidelines could take considerable time and requests authority to implement its own thousand block pooling requirements in advance of any general federal rules. This willingness to proceed without general federal guidelines illustrates the FPSC's urgency in this matter and determination that Florida is quickly approaching a numbering crisis.

B. Need to Control Area Code Proliferation Through Number Assignment and Utilization Standards.

The OCA supports the Florida Petition's request for authority to establish number assignment and utilization standards, including revising rationing measures and reclaiming unused and reserved central office codes, in an effort to achieve more efficient allocation and use of numbering resources. The OCA has frequently cautioned that whatever number optimization measures are implemented, either on a short-term or long-term basis, successful number administration requires more stringent standards for allocating numbers, as well as more effective enforcement, to ensure that the standards are met. The OCA submits that a carrier should be required to demonstrate that its existing numbering inventory is inadequate to provide service to customers or that it has to rely on costly measures to supply service before it can receive a new NXX. The OCA submits that, at a minimum,

carriers should be required to maximize the use of an NXX before another NXX is assigned. The OCA further submits that greater controls should be placed on the ability to reserve numbers which would further serve to make more telephone numbers available in lieu of opening a new NXX. Controls on number reservations should also include effective auditing to ensure compliance with number assignment and utilization requirements as well as high "fill rates" so that most of the NXX could be utilized.

The OCA submits that it is a fundamental premise that a substantial contributing factor to the pending exhaust of the NANP is the lack of uniform, planned and conservation minded set of requirements for the reservation of telephone numbers. This lack of requirements has led to inconsistent assignment and inefficient utilization of numbering resources throughout the NANP which contributes to consumers expressing their outrage that area codes have proliferated with little apparent management or control. The unrestricted manner by which telephone numbers can be reserved by service providers increases the exhaust of area codes and should cause great concern to the optimization of telephone number usage. The OCA submits that all numbering conservation measures proposed would be of little value if carriers or customers were able to hoard or warehouse (also known as stockpile or bank) telephone numbers which is possible if there are no effective controls on the process by which telephone numbers can be reserved.

Therefore, the OCA supports the Florida Petition's request for authority to adopt enforcement mechanisms and auditing requirements to achieve more efficient allocation and use of numbering resources. In particular, the OCA submits that the FPSC should be allowed to establish fill rates and needs-based criteria for the acquisition of additional codes. The FPSC should also be allowed to establish mandatory number utilization reporting requirements and procedures to audit carrier

utilization reports. More specifically, the OCA supports the FPSC's request for additional authority to use Line Number Utilization Survey (LINUS) and Central Office Code Utilization Survey (COCUS)[9] reporting and concurs with the request that these reports should be updated quarterly instead of annually so that a more current basis for planning area code relief could be provided. The OCA also supports the FPSC's request to require wireless carriers to provide the necessary COCUS and other information needed to investigate the feasibility for various pooling scenarios. Finally, the FPSC should be able to reclaim codes which are being used in violation of FCC guidelines or state law including codes that have not been put in service within the time provided.

C. State Role In Number Optimization Implementation

The OCA submits that number optimization methods, such as Thousands Block Pooling, Unassigned Number Porting and Rate Center Consolidation, should be subject to only general federal guidelines as approved by the FCC. Such guidelines should not restrict states in their implementation of number conservation methods but allow states to use the methods best geared toward resolving their local concerns leaving it entirely to the state commissions when and how to address their individual situations. The FCC should generally permit states to implement number optimization methods where states decide this is appropriate. Additionally, in response to the FCC's Pennsylvania Order involving area code relief, the OCA submits that states should not be forced to individually petition and wait for the Commission to act before any number optimization actions are permitted. If general guidelines are developed in advance, such methods would then be available

[9] The OCA is also familiar with COCUS and LINUS issues through its involvement in the NROWG as discussed above in the Introduction.

for state use whenever any such request is made. Implementation of these number conservation measures would increase efficiency and competitiveness in the telecommunications marketplace and should not be delayed until jeopardy or near-jeopardy situations appear.

Additionally, the OCA cautions against FCC guidelines which would unduly restrict how number optimization measures can be implemented. States should be able to customize these optimization efforts to their own unique circumstances. The FPSC has committed to making its number optimization efforts efforts consistent with FCC policy. This would ensure that number resources would be made available in an equitable, efficient and timely basis to all carriers and in a manner that does not unduly favor or disfavor any particular segment or group of telecommunications consumers. As further support for the request for additional authority, the FPSC cites to the exhaustion of 20 NXX's in the 305 NPA which were anticipated by the NANPA to last until the year 2012 but are now exhausted after just more than a year after their assignment. Therefore, the OCA believes the FPSC should be allowed to determine what is best for it to relieve the strain on Florida consumers created by the area code exhaust situation.

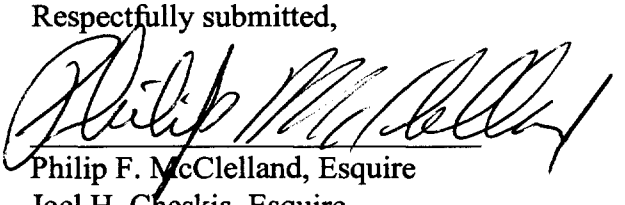
The OCA submits that, without additional authority, states are frustrated in efforts to timely address needed NPA relief before the costs to consumers increases. This authority needs to come in the form of both the ability to implement additional number optimization methods and to adopt enforcement mechanisms and audit requirements to achieve more efficient allocation and use of already existing numbering resources. The OCA further submits that the increasing rate of number assignments is problematic and that states' ability to implement number conservation measures and to explore alternatives to the current inefficient number assignment process are necessary to adopt more effective area code relief. Therefore, the OCA supports the Florida Petition's request for

additional delegated authority to implement the measures discussed in the Florida Petition to ensure more effective numbering resource utilization.

IV. Conclusion

The Pennsylvania Office of Consumer Advocate requests the FCC to review these Comments as it considers what actions to take concerning the Florida Public Service Commission's Petition for Additional Authority to Implement Number Conservation Measures. The OCA submits that the FPSC is in the best position to evaluate the specific circumstances in Florida and establish competitively-neutral criteria for the acquisition and utilization of number resources until the Commission promulgates general requirements.

Respectfully submitted,



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Dated: May 11, 1999

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of:

Florida Public Service Commission's Petition for Authority to
Implement Number Conservation Measures
CC Docket No. 96-98
NSD File No. L-99-33
DA 99-725

I hereby certify that I have this day served a true copy of the foregoing document, Comments, upon parties of record in this proceeding.

Dated this 11th day of May, 1999.

Respectfully submitted,

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