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MAY 17 1999

Common Carrier Bureau
Network Service Division
Office of the Chief
In the Matter of

Petition of Florida Public Service Commission

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

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MAY 14 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

NSD-L-99-33

CC DOCKET: 96-98

OPPOSITION OF BELL ATLANTIC

In the *Pennsylvania Order*,¹ the Commission invited states to request “additional, limited, delegation of authority” to implement specific telephone number conservation plans.² The Commission recognized that states, after consultation with the North American Numbering Council (“NANC”), could serve as important laboratories for testing new ideas, but emphasized the need for a uniform national numbering system.³ The Florida Public Service Commission (“FPSC”) petition, however, seeks numbering administration authority far beyond what the Commission contemplated in the *Pennsylvania Order*, in that it does not ask for “additional, limited delegation,” but rather describes a variety of number administration methods and asks for broad authority to adopt any or all of them. Bell Atlantic,⁴ therefore, urges the Commission to

¹ *Memorandum Opinion and Order on Reconsideration*, 13 FCC Rcd 19009 (1998) (“*Pennsylvania Order*”).

² *Pennsylvania Order* ¶ 31.

³ *Pennsylvania Order* ¶ 31 and ¶ 21, noting that “substantial social and economic costs would result if the uniformity of the North American Numbering Plan were compromised by states imposing varying and inconsistent regimes for number conservation and area code relief.”

⁴ Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; Bell Atlantic-West Virginia, Inc.; New York Telephone Company; New England Telephone and Telegraph Company; and Bell Atlantic Mobile.

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deny the FPSC petition, but to remain open to consideration of specific proposals that would advance the ultimate goal of a uniform national approach to number administration.⁵

In addition, because the petition asks for relief not delegated to the Bureau in paragraphs 31 and 57 of the *Pennsylvania Order*, the Bureau does not have authority to grant this petition, and the relief the FPSC seeks can be granted only by the Commission.⁶

The FPSC's petition suggests that the Commission has granted similar authority to California.⁷ This, of course, is not the case. The only additional authority the Commission granted California was the temporary permission to continue to conduct certain lotteries while the Commission considered California's request for permanent authority.⁸ This is in no way comparable to the sweeping authority Florida seeks. California recognizes this fact, as it recently filed for the same sort of additional authority that Florida is asking for.⁹

The FPSC asks for authority to adopt its own NXX code assignment rules, including mandatory fill rates and to reclaim codes under a variety of circumstances.¹⁰ This request is inconsistent with the *Pennsylvania Order* and should be rejected for the reasons given by the Commission:

⁵ Details and specifics are essential for the industry and the Commission to determine whether a particular proposal will advance the development of nationally applicable number administration measures.

⁶ The FPSC also has not made the factual showing necessary to support a waiver of Commission rules. It has not shown, for example, that conditions are so different in Florida than in other states that the normal rules should not apply there.

⁷ Petition at 1-2, 6-7.

⁸ Letter from Yog R. Varma to Helen M. Mickiewicz, dated December 1, 1998.

⁹ Petition of the California Public Utilities Commission and of the People of the State of California for Delegation of Additional Authority, dated April 23, 1999.

¹⁰ Petition at 3-4.

“If each state commission were to implement its own NXX code administration measures without any national uniformity or standards, it would hamper the NANPA’s efforts to carry out its duties as the centralized NXX code administrator. In that event, the NANPA would have the potentially impossible task of performing its NXX code administration and area code relief planning functions in a manner that is consistent with both Commission rules and industry guidelines, as well as fifty-one different regimes for overall NXX code administration. Further, a lack of consistency in NXX code administration could interfere with forecasting and projections for exhaust of the North American Numbering Plan and could force implementation of a new plan earlier than would otherwise be necessary to ensure that numbers are always available for telecommunications service providers.”¹¹

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.

The Commission should also not permit any state to require unassigned number porting (“UNP”)¹² because it is inconsistent with, and would divert industry and regulatory resources from, thousand-block pooling. In recommending thousand-block pooling, the NANC concluded that UNP would require new processes, system development, guidelines and administration. Attempting to implement UNP with thousand-block pooling would only complicate and delay that effort, while providing no appreciable optimization benefits. For example, UNP would undermine efforts of carriers to preserve uncontaminated blocks of numbers for donation to number pools. Pooling will be most effective if uncontaminated blocks are available when it is implemented.

The FPSC also asks for authority to “expand deployment of number portability.”¹³ If this means to expand it to include commercial mobile providers, then the Commission should deny

¹¹ *Pennsylvania Order* ¶ 33.

¹² Petition at 4-5.

¹³ Petition at 4.

the request as inconsistent with its recent order deferring number portability for these carriers for several years. If it is merely asking to be able to require landline local exchange carriers to provide number portability outside the Commission-mandated areas, it would seem to be unnecessary; Commission rules already require these carriers to provide number portability upon request of another carrier, and that process should satisfy any demand for this capability in these areas.

Finally, the FPSC asks the Commission to order the NANPA to change its current practices in two respects and to require that certain information be provided by wireless carriers.¹⁴ It is not clear whether it is asking that these changes apply only in Florida or whether these should be new national practices. If it is the former, the request is inconsistent with the above-quoted provisions of the *Pennsylvania Order*. If it is the latter, the FPSC has not indicated that it has even tried to get the industry to agree to the changes it proposes, nor has it made any case that the proposed changes are necessary and in the public interest.

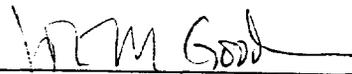
Conclusion

Bell Atlantic agrees with the FPSC that number utilization can and must be improved, but we differ on the path to a solution. Bell Atlantic urges the Commission to take action on a consistent nationwide plan for thousand-block number pooling, with appropriate cost recovery mechanisms. In the meantime, the Commission should consider only those state petitions for

¹⁴ Petition at 5.

additional authority that contain specific proposals designed to further uniform national number administration practices.

Respectfully submitted,

Handwritten signature of John M. Goodman in black ink, written over a horizontal line.

John M. Goodman

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Dated: May 14, 1999

CERTIFICATE OF SERVICE

I, Mary Liz Hepburn, hereby certify that on this 14th day of May 1999, a copy of the foregoing Bell Atlantic Opposition was served by US Mail on the following parties. Where indicated with an asterisk, service was via hand-delivery.


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