

June 14, 1999

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

Re: Petition of the California Public Utilities Commission
and the People of the State of California for
Delegation of Additional Authority Pertaining to Area
Code Relief and to NXX Code Conservation
Measures
NSD File No. L-98-136
CC Docket 96-98

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 matters.

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,

Joel H. Cheskis
Assistant Consumer Advocate

Enclosure

cc: Al McCloud, Network Services Division

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of :
Petition of the California Public Utilities : **NSD File No. L-98-136**
Commission and the People of the State :
of California for Delegation of Additional : **DA 99-928**
Authority Pertaining to Area Code Relief :
and to NXX Code Conservation Measures: :

**COMMENTS OF THE
PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE**

I. Introduction

The Pennsylvania Office of Consumer Advocate (AOCA≡) hereby submits these Comments in support of the Petition of the California Public Utilities Commission and the People of the State of California for Delegation of Additional Authority Pertaining to Area Code Relief and to NXX Code Conservation Measures (ACalifornia Petition≡) as submitted to the Federal Communications Commission (AFCC≡ or ACommission≡) on April 23, 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 contained in the

¹ The OCA worked with many other parties through the Number Resource

California Petition.

Because the California Petition has important generic implications, the OCA submits these Comments to support the California Petition which the FCC summarized in the Public Notice of May 14, 1999 as follows:

On April 23, 1999, the California Public Utilities Commission and the People of the State of California (APetitioner≅) filed a petition requesting delegation of additional authority pertaining to area code relief planning and implementation, and to NXX code conservation measures. The Petitioner specifically requests authority for the following: (1) to order one or more mandatory number pooling trials, which could include 1,000-block pooling and individual telephone number (ITN) pooling; (2) to order efficient number use practices within NXX codes, such as threshold fill rates before additional numbering resources could be allocated to a carrier, or sequential number assignment; (3) to hear and address requests by individual carriers seeking assignment of NXX codes outside the California monthly lottery process; (4) to order carriers to return to the code administrator unused NXX codes; and (5) to order the return of unused or under-utilized portions of NXX codes to the pooling administrator, when one is selected.

Petitioner states that California faces a numbering crisis unparalleled in the United States and seeks this additional authority to respond to the needs of the public as well as the needs of the industry.

Notice at 1-2. The FCC specifically requested comment on the issues raised in the California Petition=s request for delegation of additional authority to implement the above conservation methods. Notice at 2.

The OCA supports the California Petition and submits that the FCC should allow the California Public Utilities Commission (ACPUC≅), and other state commissions, additional authority

Optimization Working Group (ANRO-WG≅) to develop the initial report later approved by NANC.

to implement number conservation measures. In support, the OCA files these Comments.

II. Summary

The telephone number exhaust crisis in this country may be worse in California than anywhere else in the country. As the California Petition indicates, California is about to jump from 25 area codes to over 40 by the end of 2002. California Petition, at 2. Furthermore, California has roughly 800 rate centers which means a carrier seeking to provide service statewide in California would need 8,000,000 numbers to begin offering service, under the current number allocation methods. Id. Of the area codes currently existing in California, approximately 20 have been placed in Ajeopardy≡ status by the North American Numbering Plan Administrator with telephone numbers in 17 of those area codes being assigned to carriers by lottery.² There are also 7 area code overlays in California where consumers already must use 10-digit dialing for all calls.³ Perhaps, the most unfortunate aspect of California=s numbering crisis is that there are approximately 200 million telephone numbers currently available in California but the CPUC estimates that the total amount of telephone numbers in use is only between 35 and 40 million. California Petition, at 13.

² Rohde, David, AFCC Looks to Avert New Phone Number Crisis.≡ NetworkWorld, April 19, 1999.

³ ANorthern California=s 650 Area Code to Receive New 764 Overlay Code; Phone Numbers to be Assigned to State=s 7th Overlay on Sept. 16, 2000,≡ Lockhead Martin IMS, May 3, 1999.

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 distributed 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 per rate center is forcing a rapid, unnecessary and costly depletion of telephone numbers across the country. Additionally, the inefficient use of those blocks of 10,000, or NXXs,⁴ has exacerbated the depletion of telephone numbers. 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, are enormous. The OCA submits that the industry must deal with

⁴ An NXX is the number of an exchange; i.e., a block of 10,000 numbers in an area code. Similarly, an NPA is a numbering plan area, or area code. Together, an NPA and an NXX identify a telephone number as NPA-NXX-XXXX.

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 Number Pooling and NXX Code Sharing.

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 1996,⁵ 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 CPUC authority to perform number optimization procedures in compliance with any guidelines or rules established in an attempt to increase the efficiency of the use of telephone numbers within existing area codes in California.

⁵ 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)(A Pennsylvania Order).

In particular, the practice that exists today of assigning numbers, by full central office codes rather than by portions of NXXs 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 California Petition=s request for authority to use number optimization methods such as implementing mandatory number pooling trials, including Thousand Block Pooling⁶ or individual telephone number pooling,⁷ and NXX Code Sharing⁸ in conjunction with establishing number assignment and utilization

⁶ 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.

⁷ Individual Telephone Number pooling is similar to Thousands Block Pooling except the telephone numbers are allocated individually using a pooling administrator, service provider location number portability components and service provider operational support systems.

⁸ 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.

standards. The CPUC requests authority to implement **mandatory** number pooling trials immediately prior to the establishment of FCC guidelines which may be many months away. The CPUC requests mandatory pooling instead of voluntary pooling as the CPUC has previously established a Task Force to explore **voluntary** number pooling but the voluntary trials have been ineffective due to the incumbent local exchange carriers refusing to participate in a voluntary trial. California Petition, at 8.

The OCA submits as support for the California Petition, and number conversation measures in general, that between 1961 and December, 1994 the number of assigned 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 235.⁹ 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. Number Pooling, NXX Code Sharing and establishing number assignment and utilization standards would be effective means of resolving the need for additional

⁹ 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 (AETI Study \cong).

area codes in many circumstances and provide relief for consumers from continued area code changes in California.

The OCA 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 telecommunications carriers are also considerable which could result in increased rates paid by consumers. California has also already experienced some problems in the handling of 911 calls due to the telephone number exhaust situation. California Petition, at 4. Furthermore, these real costs are exacerbated given the expected depletion of the entire NANP in 2007.¹⁰ Complete exhaustion of the NANP could result in eleven or twelve digit dialing thus causing an entirely new set of real costs to consumers as well as a massive amplification of those costs noted above.

Thus, there are real costs imposed upon the public as a result of area code changes and the CPUC should be applauded for its efforts in wanting to conserve this resource. The OCA submits that the CPUC should be commended in its foresight and its willingness to implement mandatory number pooling in advance of national guidelines. This willingness to proceed without general federal guidelines illustrates the CPUC's urgency in this matter and determination that California is quickly approaching a numbering crisis.

¹⁰ ANorth American Numbering Plan Exhaust Study,≡ Submitted by North American Numbering Plan Administrator Lockheed Martin, April 22, 1999.

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

The California Petition seeks comments from the FCC on what measures, if any, should be imposed in all area code relief plans pertaining to efficient management of numbers within NXX codes. California Petition, at 10. The California Petition further states that the CPUC has no interest in assigning NXX codes but does have a strong interest in ensuring that numbers within each NXX code are allocated to, and used by, customers in the most efficient manner possible. Id., at 11. California=s numbering crisis is perhaps most evident given the fact, as indicated above, that less than 20% of California=s available telephone numbers are currently in use. See, page 3, supra. This is a problem of number assignment and utilization standards. Most importantly, the CPUC recognizes that number pooling cannot work effectively or efficiently if carriers are allowed to retain blocks of unused or under-utilized numbers within NXX codes. California Petition, at 14.

The OCA supports the California Petition=s request for authority to establish number assignment and utilization standards, including establishing fill rates and reclaiming unused or under-utilized portions of NXX 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 include effective auditing to ensure compliance with number assignment and utilization requirements as well as high Afill rates≡ so that most of the NXX could be utilized.

Additionally, 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 California Petition=s request for authority to order efficient number use practices within NXX codes such as fill rates or sequential number allocation and to order carriers to return unused or under-utilized portions of NXX codes. In particular, the OCA submits that the CPUC should be allowed to establish fill rates and needs-based criteria for the acquisition of additional codes. The CPUC should also be allowed to establish mandatory number utilization

reporting requirements and procedures to audit carrier utilization reports. More specifically, the OCA submits that the CPUC should use Line Number Utilization Survey (LINUS) and Central Office Code Utilization Survey (COCUS)¹¹ reporting which should be updated more frequently than annually so that a more current basis for planning area code relief could be provided. Finally, the CPUC should be able to order the NANPA 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

¹¹ The OCA is familiar with COCUS and LINUS issues through its involvement in the NROWG as discussed above in the Introduction. The OCA recognizes that the NROWG is working on revisions to COCUS which will be reviewed by the North American Numbering Council. The OCA submits the CPUC should also be able to use this hybrid plan upon approval.

The OCA submits that number optimization methods, such as Thousands Block Pooling, Unassigned Number Porting¹² and Rate Center Consolidation,¹³ 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 for state use whenever any such request is made. Implementation of these number conservation measures

¹² 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.

¹³ 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.

would increase efficiency and competitiveness in the telecommunications marketplace and should not be delayed until jeopardy or near-jeopardy situations appear.

States ability to individually implement number optimization measures is particularly important in California. The CPUC reports that public ire about the increasing number of area codes is mounting as CPUC staff field hundreds of communications from members of the public complaining bitterly about the number of area code changes taking place in California. California Petition, at 3-4.

The rapid change in area codes in California is evident in the 323 area code which was implemented on April 13, 1999 but NXX code assignments were frozen by the code administrator two days later because the area code was already facing exhaust. California Petition, at 6. The OCA believes the CPUC should be allowed to determine what is best for it to relieve the strain on California consumers created by area code exhaust.

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 OCA submits that, without additional authority, states are frustrated in efforts to timely address needed NPA relief before the costs to consumers increase.

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 California Petition=s request for additional delegated authority to implement the measures discussed

in the California Petition to ensure more effective numbering resource utilization.

IV. Conclusion

The Pennsylvania Office of Consumer Advocate requests the Federal Communication Commission to review these Comments as it considers what actions to take concerning the Petition of the California Public Utilities Commission and the People of the State of California for Delegation of Additional Authority Pertaining to Area Code Relief and to NXX Code Conservation Measures.

The OCA submits that the CPUC is in the best position to evaluate the specific circumstances in California and establish competitively-neutral criteria for the acquisition and utilization of number resources at this time.

Respectfully submitted,

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Dated: June 14, 1999

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of:

Petition of the California Public Utilities Commission
and the People of the State of California for Delegation
of Additional Authority Pertaining to Area Code
Relief and to NXX Code Conservation Measures
NSD File No. L-98-136
CC Docket 96-98

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 14th day of June, 1999.

Respectfully submitted,

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