

June 14, 1999

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Petition of the California Public Utilities Commission and the People of the State of California for Waiver to Implement a Technology-Specific or Service-Specific Area Code, NSD File No. L-99-36; 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, NSD File No. L-97-42; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98; Numbering Resource Optimization, CC Docket No. 99-200.

Dear Ms. Salas:

Enclosed herewith for filing are the original and four (4) copies of MCI WorldCom's Comments regarding the above-captioned matters.

Please acknowledge receipt by affixing an appropriate notation on the copy of the MCI WorldCom Comments furnished for such purpose and remit same to the bearer.

Sincerely yours,



Henry G. Hultquist

Enclosure
HGH

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of:)	
)	
Petition of the California Public Utilities Commission and the People of the State of California for Waiver to Implement a Technology-Specific or Service-Specific Area Code)	NSD File No. L-99-36
)	
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)	NSD File No. L-97-42
)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996)	CC Docket No. 96-98
)	
Numbering Resource Optimization)	CC Docket No. 99-200

COMMENTS OF MCI WORLDCOM, INC.

MCI WorldCom, Inc. (MCI WorldCom) hereby submits Comments on the above-captioned Petition of the California Public Utilities Commission and the People of the State of California for a Waiver to Implement a Technology-Specific or Service-Specific Area Code (CPUC Waiver Petition).

Subsequent to placing this petition on public notice, the Commission included this petition and the underlying policy questions in its Notice of Proposed Rulemaking (NPRM) on

Number Resource Optimization (NRO).¹ MCI WorldCom will fully address all issues raised by this petition in its Comments on that NPRM, which will be filed by July 30, 1999. However, it must be noted that, as a petition for waiver, this request cannot be granted. The Commission can waive its rules when “good cause” is shown. In this case, that would mean that circumstances specific to California justify deviation from the generally-applicable rule that prohibits technology-specific or service-specific overlays.²

The CPUC has failed to describe any California-specific circumstances that justify deviation from the general rule. Instead, it has observed: (1) that thousand-block pooling would be a reasonable solution to the existing, inefficient assignment practice; and, (2) that wireless providers will not be able to participate in pooling until after they implement local number portability (LNP). The CPUC then concludes that after pooling is implemented, non-LNP capable carriers will continue to draw numbers in blocks of 10,000, while LNP-capable carriers will draw numbers in blocks of 1,000. The CPUC believes that, in such circumstances, it “*may wish to consider* the reasonableness of creating a separate NPA for non-LNP capable carriers” (emphasis in original).³ In essence, the CPUC is asking for authority to itself determine at some unspecified future date whether or not the rule in question should be waived. The Commission cannot delegate the authority to waive its own rules to a third party.

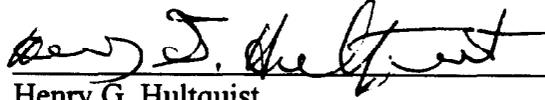
¹ *In the Matter of Numbering Resource Optimization*, Notice of Proposed Rulemaking, CC Docket No. 99-200 (released June 2, 1999) (NRO NPRM).

² See, e.g., *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

³ CPUC Waiver Petition at 7.

This Commission is considering rules that would create a national framework for pooling. The situation described in this waiver petition fails to raise any California-specific circumstances. It effectively seeks delegation of the authority to determine whether or not a waiver is appropriate. The Commission cannot deal with this request by waiver, and must instead address these issues in a more general rulemaking, as it plainly intends to do in the NRO NRPM.

Respectfully submitted,
MCI WorldCom, Inc.



Henry G. Hultquist

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June 14, 1999

CERTIFICATE OF SERVICE

I, Vivian Lee, do hereby certify that copies of the foregoing Comments In the Matter of Petition of the California Public Utilities Commission and the People of the State of California for Waiver to Implement a Technology-Specific or Service-Specific Area Code of MCI WorldCom, Inc. were sent via first class mail, postage paid, to the following on this 14th day of June, 1999.

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