

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

RECEIVED

JUN 14 1999

FCC MAIL ROOM

In the Matter of:)
)
Petition of the California Public Utilities Commission)
and of the People of the State of California For Waiver)
to Permit Implementation of Technology-Specific or)
Service-Specific Area Codes)
_____)
Implementation of the Local Competition Provisions of)
the Telecommunications Act of 1996)
_____)

File No. NSD-L-99-36

CC Docket No. 96-98

COMMENT OF BURBANK AND GLENDALE, CALIFORNIA
IN SUPPORT OF THE PETITION OF THE
CALIFORNIA PUBLIC UTILITIES COMMISSION
FOR WAIVER TO PERMIT IMPLEMENTATION OF
TECHNOLOGY-SPECIFIC OR
SERVICE-SPECIFIC AREA CODES

Norman A. Pedersen, Esquire
JONES, DAY, REAVIS & POGUE
555 West Fifth Street, Suite 4600
Los Angeles, CA 90013-1025
Telephone: (213) 243-2810
Facsimile: (213) 243-2539

Attorneys for
CITIES OF BURBANK AND
GLENDALE, CALIFORNIA

June 12, 1999

LA: 1030899v1
017253-012001

No. of Copies rec'd 044
List ABCDE

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

In the Matter of:)	
)	
Petition of the California Public Utilities Commission)	File No. NSD-L-99-36
and of the People of the State of California For Waiver)	
to Permit Implementation of Technology-Specific or)	
Service-Specific Area Codes)	
_____)	
)	CC Docket No. 96-98
Implementation of the Local Competition Provisions of)	
the Telecommunications Act of 1996)	
_____)	

**COMMENT OF BURBANK AND GLENDALE, CALIFORNIA
IN SUPPORT OF THE PETITION OF THE
CALIFORNIA PUBLIC UTILITIES COMMISSION
FOR WAIVER TO PERMIT IMPLEMENTATION OF
TECHNOLOGY-SPECIFIC OR
SERVICE-SPECIFIC AREA CODES**

In accordance with the Public Notice issued by the Common Carrier Bureau of the Federal Communications Commission ("FCC" or "Commission") on May 14, 1999, the Cities of Burbank and Glendale, California ("Cities") hereby comment in support of the Petition of the California Public Utilities Commission and of the People of the State of California For Waiver to Implement a Technology-Specific or Service-Specific Area Code ("Petition"), filed on April 26, 1999 by the California Public Utilities Commission ("CPUC") in the captioned proceeding. The Cities urge the FCC to promptly approve the CPUC's request for a waiver of 47 C.F.R. § 52.19(c) to allow the CPUC to implement technology-specific or service-specific area codes.

Currently, FCC rules prohibit state commissions from relieving area code exhaustion by adopting new area codes that would be technology-specific or service-specific. 47 C.F.R.

§ 52.19(c) reads in relevant part as follows:

(c) New area codes may be introduced through the use of:

(3) an area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code, subject to the following conditions:

(i) No area code overlay may be implemented unless all central office codes in the new overlay area code are assigned to those entities requesting assignment on a first-come, first-serve basis, regardless of the identity of, technology used by, or type of service provided by that entity. No group of telecommunications carriers shall be excluded from assignment of central office codes in the existing area code, or be assigned such codes only from the overlay area code, based solely on that group's provision of a specific type of telecommunications service or use of a particular technology.

The Cities strongly believe that state commissions should be given the flexibility to adopt technology-specific or service-specific area codes. This would permit state commissions to relieve area code exhaustion by assigning new area codes to cellular telephone companies or paging companies.

The customers of wireless carriers are, by definition, mobile. They do not have or need same identification with a geographic area that wireless customers commonly have. Thus, the Cities believe it would be appropriate for the CPUC to have the flexibility to assign area codes to wireless carriers on a technology-specific basis so as to avoid depriving wireline customers of their geographically identified area codes.

Additionally, granting CPUC permission to assign area codes on a technology-specific or service-specific basis would be helpful as an adjunct to the relief requested in the CPUC's April 26, 1999 petition requesting a delegation of authority to allow the CPUC to adopt number pooling arrangements. See File No. NSD-L-98-136, CC Docket No. 96-98. The CPUC's request

for a delegation of authority, if granted, would permit the CPUC to remedy the current grossly inefficient allocation of telephone numbers in California and to avoid continued needless splits or overlays of Numbering Plan Areas ("NPAs").

One of the problems in implementing number pooling arrangements as proposed by the CPUC is that carriers which do not have the capability to implement Local Number Portability ("LNP") are not able to participate in number pooling. The wireless carriers sought and the FCC recently granted a two-year extension of a deadline for wireless carriers to implement LNP. Simultaneously, wireless carriers have argued emphatically to both the CPUC and the FCC that neither the state nor the FCC should implement number pooling because wireless providers cannot participate due to their lack of LNP capability.

For the reasons explained by the CPUC in its April 26, 1999 petition requesting the delegation of authority to permit pooling as well as for the reasons expressed in the companion comment filed today by the Cities in support of the CPUC's request, it is essential that the CPUC be permitted to implement pooling arrangements. The currently effective number allocation system is hopelessly inefficient. It requires that numbers be dispensed in blocks of 10,000. As of April, according to the CPUC, 190 Competitive Local Exchange Carriers ("CLECs") have been certified to provide service in California. In addition, California has approximately 45 cellular carriers and 11 PCS providers. All of them need NXX codes so that they can assign numbers to their customers. California has roughly 800 rate centers. Thus, under the FCC's current number allocation protocols, a carrier seeking to provide statewide service in California is permitted to hold at least eight million numbers, regardless of whether the carrier needs them or not.

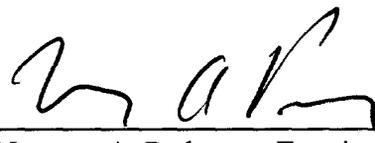
A reasonable solution to the area code exhaustion crisis is to create a more efficient allocation mechanism such as number pooling, which would allow for numbers to be distributed

in blocks as small as 1,000. If number pooling is implemented, most carriers will be able to participate in obtaining numbers in blocks smaller than 10,000. However, one group of carriers - the wireless carriers - has removed itself from participation in that solution by gaining an extension of time from the FCC to implement LNP. The wireless carriers will need to continue to draw NXX codes in blocks 10,000. In that situation, it would be reasonable for the CPUC to have discretion to create separate area codes for the wireless carriers.

The wireless carriers should not be heard to object to the imposition of pooling arrangements, nor should they be heard to object to the imposition of service-specific area codes just for them. They have positioned themselves to be incapable of pooling by virtue of their success in obtaining an exemption from LNP implementation requirements.

Accordingly, the Cities urge the FCC to grant the CPUC's April 26, 1999 request for a waiver of FCC rules to permit the implementation of technology-specific or service-specific area codes.

Respectfully submitted



Norman A. Pedersen, Esquire
JONES, DAY, REAVIS & POGUE
555 West Fifth Street, Suite 4600
Los Angeles, California 90013-1025
Telephone: (213) 243-2810
Facsimile: (213) 243-2539

Attorneys for
**CITIES OF BURBANK AND
GLENDALE, CALIFORNIA**

June 12, 1999