

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

In the Matter of  
  
Petition of California Public Utilities  
Commission

NSD-L-98-136  
CC Docket 96-98

RECEIVED  
JUN 14 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

OPPOSITION OF BELL ATLANTIC

In the *Pennsylvania Order*,<sup>1</sup> the Commission invited states to request “additional, limited, delegation of authority” to implement specific telephone number conservation plans.<sup>2</sup> 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.<sup>3</sup> The California Public Utilities Commission (“CPUC”) 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.<sup>4</sup> Bell Atlantic,<sup>5</sup> therefore, urges the Commission to deny the CPUC petition, but to remain open to consideration of specific proposals that would advance the ultimate goal of a uniform national approach to number administration.

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

<sup>2</sup> *Pennsylvania Order* ¶ 31.

<sup>3</sup> *Pennsylvania Order* ¶ 31 and ¶ 21.

<sup>4</sup> 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.

<sup>5</sup> 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.

No. of Copies rec'd. 014  
List ABCDE

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 CPUC seeks can be granted only by the Commission.<sup>6</sup>

It would be counter-productive for the Commission to grant the CPUC's request to conduct mandatory number pooling trials.<sup>7</sup> The Commission has tentatively concluded not to require individual number pooling<sup>8</sup> and should reject the CPUC "propos[al] to explore" this form of pooling for that reason alone. In addition, the Commission also tentatively concluded that thousand-block number pooling should be implemented in major markets throughout the country.<sup>9</sup> State-specific trials consume resources that could otherwise be dedicated to developing and implementing thousand-number block pooling. Carriers cannot be expected to change their networks to accommodate different practices in every state. This would be inconsistent with the Commission's finding in the *Pennsylvania Order* that there is a need for a uniform national numbering system:

"[Number conservation] attempts, however, cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country. 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. Such inconsistency could interfere with, or even prevent, the routing of calls in the United States. The lack of uniformity also could hamper the industry's efforts to forecast and plan properly for exhaust of the North American Numbering Plan, and therefore ultimately could accelerate unnecessarily the introduction of a new nationwide numbering plan. Introduction of a new plan would mean costly network upgrades to accommodate a new dialing scheme that would be

---

<sup>6</sup> The CPUC 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 California than in other states that the normal rules should not apply there. Its only point is that California is bigger than other states. Petition at 2 n.1.

<sup>7</sup> Petition at 8-10.

<sup>8</sup> *Numbering Resource Optimization*, CC Docket No. 99-200, Notice of Proposed Rulemaking ¶ 141, rel. June 2, 1999.

<sup>9</sup> *Numbering Resource Optimization*, CC Docket No. 99-200, Notice of Proposed Rulemaking ¶ 138, rel. June 2, 1999.

confusing to consumers. Upgrades would be necessary for carriers' networks as well as for privately owned systems such as private branch exchanges (PBXs)."<sup>10</sup>

The Commission should keep focused on the ultimate goal of achieving national standards for thousand-block pooling that can help relieve numbering crises throughout the country.<sup>11</sup>

The CPUC also asks for authority to adopt its own "efficient number use" standards, including "practices such as 'fill rates' or sequential numbering,"<sup>12</sup> and to order the return of unused NXX codes.<sup>13</sup> This request is inconsistent with the *Pennsylvania Order* and should be rejected for the reasons given by the Commission:

"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."<sup>14</sup>

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.

Bell Atlantic agrees that there is a need to monitor code utilization to determine whether carriers are misusing number resources. The NANC is developing audit procedures for the NANPA (or its agent) to follow which would allow for consistent reporting and auditing

---

<sup>10</sup> *Pennsylvania Order* ¶ 21 (footnotes omitted).

<sup>11</sup> The CPUC's request for authority to reclaim blocks of telephone numbers (Petition at 14-15) is based on its request to conduct pooling trials and should similarly be denied.

<sup>12</sup> Petition at 10-11.

<sup>13</sup> Petition at 13-14.

<sup>14</sup> *Pennsylvania Order* ¶ 33.

requirements. Bell Atlantic has volunteered to trial the NANC's Interim Audit Guidelines that include a review of the Months-to-Exhaust Worksheet, as well as the Central Office Code Utilization Survey process. When the procedures are complete, it may be appropriate for the Commission to incorporate parts of them into its Rules. There is no need to turn this responsibility over to the states, especially when it is being addressed currently by the industry.

### Conclusion

Bell Atlantic agrees with the CPUC that number utilization can and must be improved, but we differ on the path to a solution. Bell Atlantic urges the Commission to promptly conclude its rulemaking to adopt a consistent nationwide plan for thousand-block pooling, with appropriate cost recovery mechanisms. In the meantime, the Commission should only consider state petitions for limited authority to undertake specific plans designed to further uniform national number administration practices.

Respectfully submitted,



John M. Goodman

Attorney for Bell Atlantic

1300 I Street, N.W.  
Washington, D.C. 20005  
(202) 336-7874

Michael E. Glover  
Of Counsel

Dated: June 14, 1999

CERTIFICATE OF SERVICE

I, Fran Folgner, hereby certify that on this 14th day of June 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.

  
Fran Folgner

Helen M. Mickiewicz  
Peter Arth, Jr.  
Lionel B. Wilson  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

ITS \*  
1919 M Street, NW  
Room 246  
Washington, DC 20554

Mr. Al McCloud \*  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room 6A-320  
Washington, DC 20554  
(2 copies)