

July 15, 1999

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

Re: In the Matter of State Utility Commission Requests for
Additional Authority to Implement
Telecommunications Numbering Conservation
Measures
NSD File Nos. L-98-136; L-99-19; L-99-21; L-99-27;
L-99-33 and DA 99-1198

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 (2 copies)

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of:

State Utility Commission Requests for
Additional Authority to Implement
Telecommunications Numbering
Conservation Measures
NSD File Nos. L-98-136; L-99-19; L-99-21;
L-99-27; L-99-33 and DA 99-1198

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 15th day of July, 1999.

Respectfully submitted,

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Assistant Consumer Advocate

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of	:	NSD File No. L-98-136
State Utility Commission Requests for	:	NSD File No. L-99-19
Additional Authority to Implement	:	NSD File No. L-99-21
Telecommunications Numbering Conservation	:	NSD File No. L-99-27
Measures	:	NSD File No. L-99-33
	:	
	:	DA 99-1198

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

I. Introduction

The Pennsylvania Office of Consumer Advocate (AOCA≅) hereby submits these Comments to the Common Carrier Bureau=s Request for Comment on State Utility Commission Requests for Additional Authority to Implement Telecommunications Numbering Conservation Measures¹ as released by the Federal Communications Commission (AFCC≅) on June 22, 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, a national organization comprised of 42 office of ratepayer advocates, in the Number Resource Optimization Working Group in drafting the North American Numbering Council Report Concerning

¹ The five states which have brought petitions that are the subject matter of this proceeding are California (see, NSD File No. L-98-136), Massachusetts (see, NSD File No. L-99-19), New York (see, NSD File No. L-99-21), Maine (see, NSD File No. L-99-27) and Florida (see, NSD File No. L-99-33) and are collectively referred to as APetitioning State Commissions.≅

Telephone Number Pooling and Other Optimization Methods (ANANC Report²) which was submitted to the Common Carrier Bureau on October 21, 1998.² Furthermore, the OCA has submitted Comments to each of the Petitioning State Commissions= petitions (AState Petitions²) which this docket references. The OCA is, therefore, familiar with the issues contained in the State Petitions. Because the FCC seeks comment on the issues raised in the State Petitions request for delegated authority to implement various number conservation measures and because the State Petitions have important generic implications, the OCA submits these Comments to support the State Petitions, individually and as a whole. The OCA supports the State Petitions and submits that the FCC should allow the Petitioning State Commissions additional authority to implement number conservation measures. In support the OCA files these Comments:

II. Summary

The OCA submits that the FCC should quickly take action to forestall or eliminate the premature exhaust of the North American Numbering Plan (ANANP²), 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

² The OCA worked with many other parties through the Number Resource Optimization Working Group (ANRO-WG²) to develop the initial report later approved by NANC.

in this area have had a chilling effect on state actions regarding numbering issues. 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,³ 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 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.

³ 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.

III. Comments

A. Need to Control Area Code Proliferation Through Usage of Number Resource Optimization Methods.

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 1996,⁴ 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 all state utility commissions 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 their respective states.

⁴ 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)(APennsylvania 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 State Petitions= requests for authority to use number optimization methods such as implementing mandatory number pooling trials, including Thousand Block Pooling,⁵ individual telephone number pooling,⁶ Interim Unassigned Number Porting⁷ along with Rate Center Consolidation⁸ as discussed in the NANC Report and in conjunction with establishing number assignment and utilization standards. As the State Petitions indicate, some of the Petitioning State Commissions have already implemented some of these utilization methods with varying degrees of success. California Petition, at 8; Massachusetts Petition, at 9; New York Petition, at 6..

The OCA submits as support for the State Petitions, and number conversation measures in

⁵ 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.

⁶ 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.

⁷ 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.

⁸ 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.

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 optimization methods in conjunction with establishing number assignment and utilization standards would be effective means of resolving the need for additional area codes in many circumstances and provide relief for consumers from continued area code changes in their states.

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).

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. Some states have 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. Consumers have already expressed their discontent to some of the Petitioning State Commissions with the inconveniences they have incurred as a result of area code proliferation.¹¹

Thus, there are real costs imposed upon the public as a result of area code changes and the Petitioning State Commissions should be applauded for their efforts in wanting to conserve this resource. The OCA submits that the Petitioning State Commissions should be commended in their foresight and willingness to implement number optimization methods in advance of national

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

¹¹ The Maine Public Utility Commission stated in its Petition that when it ordered 11 digit dialing in 1994 as part of the Interchangeable Numbering Plan Area Code structure adopted by the FCC, it received a >flurry of communications from discontented customers= which caused it to grant a request for reconsideration of that order and adopt 7 digit dialing instead. Maine Petition, at footnote 1.

guidelines.¹² This willingness to proceed without general federal guidelines illustrates the urgency in this matter and determination that some states are quickly approaching a numbering crisis.

¹² In particular, the Florida Public Service Commission recognized in its Petition that the development of mandatory national thousand block pooling guidelines could take considerable time and, therefore, requested authority to implement its own thousand block pooling requirements in advance of any general federal rules. Florida Petition, at 3.

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

All five Petitioning State Commissions requested authority from the FCC to implement some type of number assignment and utilization standards to further maximize the effectiveness of the number conservation methods. The OCA supports the State Petition=s request for authority to establish number assignment and utilization standards, including revising rationing measures and reclaiming unused and reserved central office 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 also include effective auditing measures to ensure compliance with number assignment and utilization requirements as well as high Afill rates≅ so that most of the NXX could be utilized.

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 State Petitions= request for authority to adopt enforcement mechanisms and auditing requirements to achieve more efficient allocation and use of numbering resources. In particular, the OCA submits that all state utility commissions should be allowed to establish fill rates and needs-based criteria for the acquisition of additional codes. State utility commissions should also be allowed to establish mandatory number utilization reporting requirements and procedures to audit carrier utilization reports. More specifically, the OCA supports some of the State Petitions= request for additional authority to use Line Number Utilization Survey (ALINUS≅) and Central Office Code Utilization Survey (ACOCUS≅)¹³ reporting and submits that these reports should be updated quarterly instead of annually so that a more current basis for planning area code relief could be provided. The OCA also supports the State Petitions= request to require wireless carriers to provide the necessary COCUS and other information needed to investigate the feasibility for various pooling scenarios. Finally, state commissions should be able to reclaim codes which are being used in violation of FCC guidelines or state law including codes that have not been put in

¹³ The OCA is also familiar with COCUS and LINUS issues through its involvement in

service within the time provided.

C. Technology Specific Overlays Should Be An Option Available To State Commissions In Order To Avoid The Consumer Hardships Created By Persistent Area Code Changes For Customers.

Although not specifically addressed in the State Petitions which are referenced in this proceeding, the OCA submits that an additional appropriate solution to the area code exhaust crisis in this country is the implementation of technology specific area codes. Some states have separately petitioned the FCC for authority to implement such technology specific area codes¹⁴ which the OCA has also supported. The OCA encourages the FCC to allow states commissions to use technology specific area code overlays. Such overlays would be an effective means of resolving the need for additional area codes in many circumstances and provide relief for consumers from continued area code changes.

Consumers support using technology specific overlays as a method of avoiding the additional inconvenience, confusion and expense associated with frequent NPA relief. In a proceeding before the Missouri Public Service Commission concerning area code relief for the 314 area code, many consumers volunteered that a technology specific overlay would be an appropriate alternative. In that proceeding, 39% of letters received by the Commission and the Missouri Office of Public Counsel

the NROWG as discussed above in the Introduction.

¹⁴ See, In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781 and 978 Area Codes, NSD File No. L-99-17, DA 99-460; and In the Matter of 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, NSD File No. L-99-36, DA 99-929.

expressed interest in a technology specific overlay, more specifically, a wireless overlay. In the Matter of the Investigation into the Exhaustion of Central Office Codes in the 314 Numbering Plan Area, Case No. TO-98-212, Order of August 4, 1998 at 24. The testimony at public hearings on the exhaust of the 314 area code included many customer comments suggesting a wireless overlay and much questioning as to why this option was not available. The OCA understands that this alternative has been proposed in other state proceedings considering area code changes. As a result, the OCA suggests that the FCC should reconsider its prior prohibition on technology specific overlays where such overlays could avoid some of these costs.

1. Technology Specific Overlays Will Facilitate the States= Ability to Achieve Long-Term NPA Relief.

In the recent Missouri case referenced above, it was established that wireless carriers accounted for approximately 30% of the assigned numbers in the NPA. Technology specific overlays, such as a wireless overlay, would allow the states to slow the rate of new code demand from existing NPAs. Based on specific carrier projections of 1998 and 1999 NXX code demand, the Missouri Office of Public Counsel developed a forecast of wireless NXX demand. The results of that forecast indicated that 49 NXX codes over that two year period could be saved by assigning additional wireless codes from a wireless area code overlay.¹⁵

Currently, wireline providers, for example, serve customers through facilities that are tied to a specific geographic location. Commercial Mobile Radio Service (ACMRS≅) providers are not

¹⁵ The Missouri Office of Public Counsel also determined that wireless carriers had actually used a large number of the NPA-NXX codes that had been assigned at the time of the study. Wireline carriers had used 386 of the NXX codes, while wireless carriers had used 160 of the NXX codes. Other NXX codes could not be assigned, e.g. NXX codes within the 000-199 blocks, leaving only 204 NXX codes available for assignment.

bound by the traditional geographic servicing areas of incumbent local companies. Wireless carriers may provide service to their entire serving area from a single or a few locations within that area where they interconnect with the facilities of wireline providers. Wireless carriers are assigned NXX codes based upon those exchanges where interconnection occurs, but the use of those NXX codes is not limited to a single exchange. Wireless carriers have the ability to adjust their code requests once a geographic split boundary has been identified. Thus, wireless carriers have the opportunity to choose in which area code they will locate their NXX codes.

The number exhaust problem is aggravated by the rapid growth in availability and demand for wireless technologies in urban areas and an increasing number of wireless providers and agents for these providers. Thus, wireless providers may quickly deplete NXX codes available in a particular urban NPA by concentrating their NXX requests in that area. This can have the effect of quickly exhausting an area code soon after it is created. By allowing state commissions to adopt wireless overlays and assigning wireless NXX codes from that overlay, the FCC will promote the ability of states to ensure longer-term relief measures by extending the life of a particular geographic split while simultaneously allowing wireless carriers to concentrate their NPA-NXX requests in that same area.

2. Technology Specific Service Providers Continue To Provide A Distinct Form Of Telecommunications Service From That Offered By Other Service Providers, Are Not Competing For The Same Service, And Different Area Code Options Should Be Allowed For Those Technology Specific Carriers.

a. Lack Of Local Competition.

The Massachusetts Petition asserts correctly that virtually no competition exists between some service providers, namely wireless and wireline service providers. Massachusetts Petition, at 6-9. The OCA supports this conclusion and submits that the same situation exists in other states as well. Little or no competition exists between these two types of service providers.

This fact is important considering that the FCC has based its earlier prohibition against an area code specifically for wireless service providers based upon the assumption that such a technology specific overlay would discriminate against wireless service providers. In the Matter of Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech - Illinois, Declaratory Ruling and Order, 10 FCC Rcd. 4596, 4608 (1995) (Ameritech Order); In the Matters of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd. 19392, 19518 (1996) (Second Report and Order). The reasoning behind these rulings appears to have been that placing wireless carriers into a different area code than that used by wireline carriers would discourage consumers from switching their service from a wireline to a wireless carrier.

In the years following those Orders, it has become increasingly apparent that there is little, if any, local service competition taking place between wireless and wireline carriers. Customers do not choose between wireless and wireline services. Generally, wireline service remains the basic service of choice for residential and business customers, while wireless is chosen as an additional service to be used when a consumer is away from home or business. Thus, the advantage that was

to accrue to consumers in the form of competition between wireline and wireless providers, has not occurred. Even so, the restrictions imposed by the FCC have created a disadvantage for wireline consumers, i.e. the proliferation of area codes.

b. Prohibition of Technology Specific Overlays Has Harmed Local Competition.

Moreover, the OCA shares the FCC=s concern that numbering administration, as well as other regulatory policies, should encourage competition for local telephone service. However, the FCC=s prohibition against a technology specific overlay has served to retard the growth of local competition - not promote it. The OCA emphasizes that the prohibition against a technology specific overlay has served to delay the provision of area code relief to many competitive local exchange carriers (ACLECs≅) where NPA-NXX codes are otherwise unavailable. The application of a technology specific overlay would provide technology specific carriers additional NPA-NXX codes and allow CLECs a greater opportunity to use NPA-NXX codes otherwise available in existing NPAs.

Not being able to apply a technology specific overlay, state commissions have been left with the options of splitting area codes into ever smaller geographic areas or applying area code overlays for the required use of wireline carriers.¹⁶ Having only these options available, area code relief has often taken considerable time to implement. Determining where an area code should be split has often been difficult and resulted in delays in implementing such geographic splits. Applying an area code overlay also frequently requires delay due to the need to implement 10 digit dialing for all calls

¹⁶ In many instances, state commissions have exempted technology specific carriers from having to change their telephone numbers to the new area code. Thus, technology specific carriers have often been treated preferentially and avoided the hardships imposed upon wireline consumers.

and results in competing CLECs receiving NPA-NXX codes in a new, more unfamiliar overlay area code. Where CLECs require new NPA-NXX codes to begin competing, the prohibition against wireless overlays has often meant delays in the local competition that the FCC wishes to promote.

c. Delay in Wireless Local Number Portability Supports the Need for Technology Specific Overlays.

The OCA also understands that the FCC has postponed the deadline for wireless carriers to provide Local Number Portability (ALNP≅) until November, 2002. In the Matter of Cellular Telecommunications Industry Association=s Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability, WT Docket No. 98-229, CC Docket No. 95-116, February 9, 1999 at & 1. The OCA submits that one of the factors that the FCC used to support this decision was the lack of wireless/wireline competition in the telecommunications market today. Unfortunately, the LNP delay has meant that wireless carriers will not be able to support the pooling of NPA-NXX codes until 2002. This will further aggravate the difficulty that states will have in avoiding the addition of new area codes.

Accordingly, it would seem appropriate that B even as wireless carriers cannot contribute any portion of their NPA-NXX codes through pooling in order to avoid additional area codes B they should be required to take NPA-NXX codes from a separate NPA. The OCA recognizes and accepts the fact that wireless carriers will not be able to use LNP based pooling for many years to come. However, states should then be able to segregate wireless demand into a separate area code as a result.

d. Technology Specific Consumers Are Not Affected By Many Of The Same Concerns Associated With Area Code Changes For Other

Consumers.

The OCA suggests that allowing state commissions to choose technology specific overlays to provide further NPA-NXX codes to technology specific providers would be an appropriate method to address the competitive concerns of all parties affected. A technology specific overlay should allow technology specific carriers to receive NPA-NXX codes needed by other carriers as those industries continue to grow.

The OCA suggests that the delays related to splitting existing area codes and uncertainty related to the imposition of a new and unfamiliar area code overlay should not be considered as factors discouraging the application of new overlay area code for technology specific carriers. Simply applying technology specific overlays would not raise the problems now encountered with a geographic split. The OCA therefore supports the Massachusetts Petition which would allow Massachusetts the flexibility to choose to implement a technology specific overlay.

D. States= Role In Number Optimization Implementation.

The OCA submits that number optimization methods, such as Thousands Block Pooling, Unassigned Number Porting and Rate Center Consolidation, 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, including the Petitioning State Commissions, 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 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 for the Petitioning State Commissions. For example, the California Public Utility Commission (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, and other state utility commissions, should be allowed to determine what is best for it to relieve the strain on its 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 individually

implement number conservation measures and to explore alternatives to the current inefficient number assignment process are necessary to adopt more effective area code relief nationwide. Therefore, the OCA supports the State Petitions= request for additional delegated authority to implement the measures discussed in the State Petitions to ensure more effective numbering resource utilization.

IV. Conclusion

The Pennsylvania Office of Consumer Advocate requests the Federal Communications Commission review these Comments as it considers what actions to take concerning the Petitions of California, Massachusetts, New York, Maine and Florida requesting additional delegated authority to implement various number conservation measures. The OCA submits that state commissions are in the best position to evaluate the specific circumstances of their own state and establish competitively-neutral criteria for the acquisition and utilization of number resources at this time. The OCA further submits that the FCC act quickly to reduce any further burden the number exhaust situation has created for consumers.

Respectfully submitted,

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Dated: July 15, 1999