1 authority. I think regulators have the enforcement
2 authority. There are statements in the guidelines
3 that obligate the administrator to seek out the
4 return of unused numbering resources, but our
5 experience has been that if an entity does not wish
6 to give up a numbering resource, there is very
7 little that the NANPA can do about it or wants to
8 do about it. And if a situation, which I can't
9 recall of any right now, but if a situation were to
10 arise where a resource must be given back, most
11 likely, if certainly it is a national resource, we
12 would go to the NANC or to the FCC. We have no
13 enforcement authority at all.
14 BY MR. ISENBERG:
15 Q. Are you aware of whether the FCC has ever
16 issued any statement regarding reclamation of
17 codes?
18 A. [DEAK] Not to my knowledge.
19 Q. Is the FCC currently investigating
20 virtual pooling?
21 A. [DEAK] The concept of virtual pooling,
22 which has several different definitions, is on the
23 agenda for the Numbering Resource Optimization
24 Working Group. Whether it actually agrees exactly,

ATTACHMENT "C"

1 to project what would be the impact of thousands
2 block pooling on Massachusetts NPAs. Forecasting
3 information is very essential.
4 Q. I understand that it is essential. But
5 let's say somebody comes in with a very rosy
6 scenario on their business prospects and says we're
7 going to be the best company that's ever entered
8 the market and get a million customers in the first
9 two months. Would that just be taken at face value
10 and then factored into the analysis that the
11 numbering administrator does?
12 A. [DEAK] Pretty much, yes.
13 Q. You also described some uncertainty about
14 how long area code relief could be delayed if
15 virtual pooling was implemented and you described a
16 couple of important pieces of information that you
17 would need in order to make that determination on
18 an accurate basis. Is that information that is
19 available to you now or is that information that
20 you would have to collect?
21 A. [DEAK] It would have to be collected.
22 It's highly proprietary and sensitive information.
23 Q. Let me just run down a list for a moment
24 for the record. The information that you would

NEW AREA CODES: A LAUGHING MATTER? NOT REALLY,

***Ex Parte:* Summary of Oral Remarks**
to Commissioners and Staff of the Federal Communications Commission
concerning FCC 99-122, NPRM Regarding NANP, June 18, 1999
Nancy Brockway, Commissioner, New Hampshire Public Utilities Commission

1. **The NPRM is an important step in the right direction.** Jeopardy of exhaust is imminent in many states, including New Hampshire. The FCC in the NPRM recognizes the inefficiency of the present numbering system, and the costs and hardship consumers have suffered as a result. The NPRM also proposes certain valuable steps to alleviate this problem. We welcome the initiative the FCC is taking to address these problems.

2. **The FCC should make it a fundamental goal of its numbering policy to save existing NPAs from exhaust**. The NPRM states the goals of the numbering system and of the NPRM proposals. Nowhere does the FCC state that avoiding exhaust and avoiding the need for imposing a new NPA is, or should be, a goal of the numbering plan. But it is precisely the imposition of a new NPA that is the consumer's main concern.

The FCC should make it an explicit, and key goal, to avoid the imposition of any new area code, unless no practical means can be implemented to avoid it. Doing so will in turn facilitate the extension of the NANP life. And avoiding the imposition of new NPAs can and should be done consistent with competitive neutrality.

3. **The NPRM ignores some potentially valuable tools to avoid NPA exhaust.** For example, while the NPRM discusses delegating authority to the states to *allow* UNP, the FCC does not discuss nor ask for comment on whether states should be given authority to *require* UNP.

4. **The NPRM properly recognizes that the industry cannot be asked to police itself.** As the NPRM rightly states, numbers are a public (and limited) resource. As the NPRM implies, the experience to date is that no industry participant, whether an incumbent or a prospective entrant, has a sufficient incentive to use numbers efficiently, and thus help avoid NPA exhaust. A third party *must* be empowered to enforce adherence to the guidelines at every level, and with some new tools.

5. **The FCC rightly recognizes the difficulty in asking a contractor to make tough resource allocation decisions; state commissions should be delegated the authority, under FCC guidelines.** Given staffing constraints, it makes sense for the FCC to delegate many functions to a NANPA, such as Lockheed-Martin/MIS. However, such a contractor cannot be expected to take vigorous, and thus controversial, enforcement action. The FCC can delegate functions requiring judgment calls and tough decisions to state commissions, within the FCC's competitive neutrality and other core policy parameters. The FCC can and should delegate functions such as optimization pilots and NPA exhaust prevention measures to the state commissions.

The FCC trusts the states to impose controversial new NPAs. It should trust the states to oversee number utilization matters, as well. The FCC should recognize that *the states have as much a need for the national numbering system to work smoothly as the FCC and the carriers.* The states will not allow an unworkable patchwork quilt to develop, and industry advocacy will provide a check on any such outcomes.

6. **The FCC should act quickly to avoid new and unnecessary NPAs in states now in jeopardy.** On TNP, and other issues needing industry action, the FCC should make clear its drive to prevent the imposition of new area codes. The FCC should also act quickly to conclude its proceedings, where they are a condition for industry to implement needed procedures. And the FCC should immediately delegate needed emergency authority to states at risk of imminent exhaust.

MAINE FACT SHEET

Meeting with FCC
June 18, 1999

WHAT THE MPUC NEEDS FROM THE FCC

⇒ ***Immediate Needs***

- Authority to enforce current Central Office Code Assignment Guidelines (Guidelines), especially as to wireless carriers. This would allow the MPUC to:
  - Order return of unused and improperly obtained codes
  - Review code request worksheets and refuse codes to carriers who do not meet current standards
  - Perform audits
- Authority to ration codes prior to making a decision to implement a new code

⇒ ***Near Term***

- Authority to begin thousand block pooling
- Authority to establish and enforce number utilization standards
- Authority to require carriers to participate in *ad hoc* unassigned number porting for rate centers with low utilization rates

SNAPSHOT OF THE 207 AREA CODE

⇒ NANPA's forecasted exhaust date: 4th quarter of 2001 (4Q2001)

⇒ **571** (of 792) central office codes (NXXs) assigned as of 6/1/99

70% assigned to ILECs
15% assigned to Wireless
15% assigned to CLECs

⇒ **3,797,488 unused** numbers available within assigned codes, overall utilization rate of f **33%**

40% ILEC utilization rate
33% wireless utilization rate
1.6% CLEC utilization rate

⇒ Over **1,714** clean thousand blocks within currently-assigned codes, **622** in rate centers that will be LNP-capable by September 1999

MPUC NUMBER CONSERVATION EFFORTS

⇒ NANPA's growth projections for Maine:

	1.7 per month growth
	3.3 per month new entrant growth pool
Total:	**5 per month/60 per year**

⇒ **Total Codes Save By MPUC Since January: 114**

CLEC Application Process:	75
Staff Review of Code Requests:	8
Staff Review of Utilization Data	4
Carrier Revision of Forecast:	27

⇒ ***CLEC Application Process***

Since March, MPUC has certified facilities-based CLECs on an exchange basis rather than granting blanket statewide authority (which could allow a single carrier to request up to 220 initial codes at once)

- Carrier must present evidence that it will have operational facilities in rate center within 6 months
- Carrier discusses growth plans with Staff which allows for building a cooperative relationship, the sharing of relevant information, and better planning

Process has resulted in **savings of at least 75 codes**

⇒ ***Staff Review of Code Requests***

Since January, NANPA has sent Staff an e-mail notification of each code request it has received

- NANPA lists the name of the carrier and the rate center(s) for which the code(s) is (are) requested.
- Staff has 5 days to respond to NANPA to indicate whether carrier is properly certified for the rate center(s) requested
- If carrier is certified but Staff has concerns regarding the request, Staff contacts carrier directly for further information
- Staff notifies NANPA of all calls and information exchanged

The review process, especially direct Staff contact with carriers, has resulted in **savings of 8 codes** because carriers voluntarily withdrew requests. Examples:

- An authorized carrier which had requested 6 additional codes in a rate center where it already had multiple codes with low utilization rates discovers that the request was for other states and mistakenly labeled for a rate center in Maine; **6 codes saved**
- An authorized carrier unfamiliar with Maine exchanges requests a duplicative code; after Staff discussion, carrier withdraws request; **1 code saved**
- An authorized carrier with several subsidiaries requests duplicate codes for same rate center; after Staff discussion, carrier withdraws request; **1 code saved**

⇒ ***Staff Review of Utilization Data***

In October, the Maine Telecommunications Industry agreed to provide the MPUC with number utilization data every six months. Staff reviews the data to ensure that carriers are using codes according to Guidelines.

- Staff discovered 4 codes assigned to a carrier which had not been activated within 6 months as required by the Guidelines
- After discussion with Staff, **carrier returned all 4 codes**

⇒ ***Staff Review of COCUS Forecasts***

In October and February, Staff requested that carriers provide copies of all COCUS forecasts. Staff reviewed all forecasts.

- Between October and February 6 carriers voluntarily revised their forecasts downward by **27 codes** through 2002.
- Average US carrier participation in 1999 COCUS: 60%
  Maine's participation: **84%**
  - Average number of US codes represented: 64%
  - Maine codes represented: **94%**

STATE OF NEW HAMPSHIRE

CHAIRMAN
Douglas L. Patch
COMMISSIONERS
Susan S. Geiger
Nancy Brockway

PUBLIC UTILITIES COMMISSION
8 Old Suncook Road
Concord, N.H. 03301-7319

EXECUTIVE DIRECTOR
AND SECRETARY
Thomas B. Getz
TDD Access: Relay NH
1-800-735-2964
Tel. (603) 271-2431
FAX No. 271-3878

December 14, 1998

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington D.C. 20554

RE: NSD-L-97-42 In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Cods 412,610, 215 and 717 (CC Docket No. 96-98

Dear Secretary Salas:

Enclosed for filing in the above matter please find one original and five copies of the New Hampshire Public Utilities Commission's Petition for Reconsideration of the FCC's September 28, 1998 Opinion. Please be kind enough to stamp one copy and return it to us in the enclosed envelope.

Sincerely,

E. Barclay Jackson, Esq.

EBJ/hs
Encl.

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Petition for Declaratory Ruling and	)	
Request for Expedited Action on	)	**NSD File No. L-97-42**
July 15, 1997 Order of the Pennsylvania	)	
Public Utility Commission Regarding	)	
Area Codes 412, 610, 215 and 717	)	
	)	
Implementation of the Local Competition	)	
Provisions of the Telecommunications Act	)	**CC Docket No. 96-98**
of 1996	)	

PETITION FOR RECONSIDERATION

The New Hampshire Public Utilities Commission (NHPUC) respectfully requests that the FCC reconsider its September 28, 1998 Memorandum Opinion and Order on Reconsideration (Opinion) in the above-captioned matter. The NHPUC requests that the FCC (1) remove the

condition in Paragraph 24 that requires a state commission to decide upon a specific form of area code relief before it is allowed to impose central office code (NXX) conservation measures, (2) authorize state commissions to implement NXX conservation measures that do not interfere with the FCC's guidelines for traditional area code relief; and (3) clarify the authority state commissions have to order return of NXXs. The NHPUC joins in the arguments presented in the Petitions for Reconsideration by the Maine Public Utilities Commission (MPUC) and the Massachusetts Department of Telecommunications and Energy in this matter.

The Rhode Island Public Utilities Commission joins New Hampshire in requesting the FCC to reconsider its Opinion. Although the specific facts differ somewhat, Rhode Island agrees that consumers will benefit by a number conservation process that avoids the premature imposition of new area codes.

I. BACKGROUND

The FCC's Opinion, issued September 28, 1998 in response to a petition for declaratory ruling on a Pennsylvania Public Utility Commission order regarding four Pennsylvania area codes, concluded *inter alia* that the following restrictions apply to states' ability to address area code exhaust. (1) State commissions are authorized by the FCC to order NXX code conservation measures only in conjunction with traditional area code relief decisions and only if the industry is unable to reach consensus on a rationing plan to extend the life of an area code. (2) States may implement experimental number conservation efforts only if the FCC's Common Carrier Bureau approves such efforts and grants appropriate additional authority to the states.

The FCC's Order made clear that it retains sole authority for numbering administration, including NXX code allocation and assignment. The FCC confirmed states'

limited authority to introduce new area codes via geographic split, boundary realignment, or overlay[1]. The FCC discussed three main issues: (1) a need for national uniformity and parity in number conservation methods, (2) a need to insure that states address area code relief in timely fashion, and (3) the explicit assignment of numbering authority to the FCC and its appointed North American Numbering Plan Administrator (NANPA).

II. ARGUMENT

A. The FCC's Opinion is contrary to the public interest as it causes the imposition of new area codes prior to actual need, thus burdening customers with unnecessary costs and confusion.

On November 6, 1998, NANPA officially declared New Hampshire's 603 area code in "extraordinary jeopardy." As a result, New Hampshire NXXs are now being rationed at a rate of 3 per month in order to insure the area code is not exhausted before a new area code can be introduced, which is projected for the fourth quarter of 2000. If the NHPUC had been authorized to impose conservation measures which could delay jeopardy, New Hampshire might never have needed to plan for a new area code. Certainly the exhaustion of area code 603 would be delayed by some years, during which time technology may very well obviate the need for new area codes. The NHPUC suggests that its close understanding of state conditions will enable better allocation of whatever new numbering resource may be developed. In light of the experience with new area codes of our sister state Massachusetts, recounted in its Motion for Reconsideration filed October 27, 1998, the NHPUC sees a need for state conservation authority.

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[1]A new area code can be implemented via an overlay, assigning the new area code to new customers throughout the current area code, or via a geographic split, assigning the new area code to all of the customers within a specific geographic region of the state. A boundary realignment shifts the boundary between two adjacent area codes, inapplicable to New Hampshire which has only one area code.

State commissions are in the best position to develop NXX conservation measures to implement in order to extend the longevity of an area code. State commissions, as recognized by the FCC at ¶¶ 9 and 21 of the Opinion, have a unique understanding and familiarity with local circumstances, being much closer to particular in-state needs and concerns.

The circumstances in New Hampshire provide a cogent example of why it is important for the FCC to authorize state commissions to implement conservations measures early. In New Hampshire, despite the NANPA's declaration of extraordinary jeopardy, enough numbers exist to avoid area code exhaust. New Hampshire has fewer than 750,000 active wirelines in service and fewer than 1.2 million citizens. As the FCC is aware, a single area code like New Hampshire's 603 contains approximately 7,600,000 usable telephone numbers. Each NXX within an area code contains 10,000 telephone numbers. The problem is that NXXs are assigned in full 10,000 number blocks. As a result of current practices, there may be as many as 1.5 to 3 million unused numbers in the 603 area code. Furthermore, assigned NXXs may contain at least as many unused numbers because competitive providers obtain NXXs in multiple if not all New Hampshire exchanges and serve far fewer customers. Bell Atlantic, the Regional Bell Operating Company, serves many customers but provides multiple NXXs per community.[2] Thus, a large quantity of unused numbers within untainted number blocks exists for use in number conservation efforts and when number pooling becomes technically feasible in the near future.

Introducing new area codes causes significant disruption and expenses to consumers. Businesses incur high costs to change company letterhead, documents, vehicles, and advertisements. All citizens undergo a period of adjustment. Requiring consumers to incur these expenses unnecessarily when measures are available to avoid them conflicts with the NHPUC's

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[2]For example, Portsmouth, a city of 27,000, has six NXXs using up 60,000 numbers.

state legislative mandate to protect consumer interests. The NHPUC therefore urges the FCC to take advantage of our and other states' ability to protect our consumers' interests.

The NHPUC has been working hard for several years to insure the development of local competition. The NHPUC has no motive to use numbering resources anti-competitively and can implement number conservation efforts non-discriminatorily. Conversely, industry members, to whom the FCC has given authority to establish conservation measures, may have reason to use the resources anti-competitively. Some industry members are already well-supplied with unused numbers and will strive to keep that advantage. For that reason, it is unproductive to tie the state commission's hands for a period of time during which the industry is to reach consensus on rationing measures. Consumers will be better served by state initiated action, at least until national efforts are established.

The rational allocation of numbering resources prior to establishing new area codes would benefit both the development of competition and consumers. Requiring states to move forward with the implementation of a new area code before taking steps to conserve the existing area code will, in practice, impede the FCC's pro-competitive goals and unnecessarily harm consumers.

B. The FCC's Concerns can be addressed, without denying states the opportunity to protect state interests, by defining the parameters for approved number pooling and other conservation efforts.

The FCC Opinion indicates approval of a number pooling trial currently being conducted by Illinois. While granting Illinois continued authority because "the Illinois trial does not interfere with the operation of the guidelines that the Commission has established for

traditional area code relief,"[3] the FCC' Opinion denied other states permission to implement similar trials of conservation methods that similarly do not interfere with the guidelines. Instead, the FCC Opinion required states to apply to the FCC's Common Carrier Board for such permission.[4] By thus establishing an FCC proceeding for each state that wants to protect its citizens from unnecessary area code exhaust, the FCC has missed an opportunity to take advantage of state expertise and at the same time creating the uniformity and parity it deems necessary. The FCC, under its exclusive jurisdiction over numbering, could have enumerated for states the acceptable number conservation methods and manner of implementation.

The FCC has the information and ability to set the parameters for state number conservation efforts prior to NANPA's declaration of jeopardy. Doing so would assist consumers without endangering competition or the smooth functioning of telecommunications services nationally. Therefore, the NHPUC requests the FCC to authorize state commissions to impose NXX conservation measures that, like the Illinois efforts, will not interfere with the FCC's traditional area code relief guidelines.

Furthermore, enabling states to participate in the efficient use of NXXs will insure that states act in a timely fashion to implement area code relief. The fact that forecasting will reflect efficient use of NXXs rather than inefficient waste will not impair the accuracy of the forecasting. States will participate in traditional area code relief planning, as they have in the past, but with confidence that they are meeting their responsibilities to state consumers.

C. The Opinion is overbroad in its blanket denial of state authority to reclaim NXX codes.

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[3]Opinion at ¶30.

[4]*Id.* at ¶31.

Paragraph 24 of the Opinion states that "state commissions do not have authority to order return of NXX codes or 1,000 number blocks to the code administrator." While it appears from the context of the Opinion that this statement is limited to code conservation-related orders, the language used in the Opinion is very broad and could be interpreted to mean that a state commission may never order the return of a code. Such a conclusion would unreasonably limit a state's ability to enforce its own rules and regulations regarding the provision of service within its boundaries. Carriers do sometimes wrongfully obtain and/or use numbering resources to the detriment of other properly certified and operating carriers and hence to the detriment of competition. The NHPUC agrees with the Maine PUC (MPUC) that state commissions need authority to enforce state rules and regulations regarding the provision of services within the state.

The NHPUC also agrees with the MPUC that the Industry Number Committee's Central Office Code Administration Guidelines (Industry Guidelines), which the Commission relies on, do not guarantee an effective and fair code allocation process. Pursuant to the Industry Guidelines, cases of improper acquisition and misuse of NXXs will be subject to a lengthy process involving industry consensus prior to referral to a regulatory body. The NHPUC contends that industry consensus in a newly competitive industry will be hard won, if at all, and very time consuming. The Industry Guidelines set no time lines so there is no guarantee that the NANPA would even get involved for months.

In the post-Act era, a state commission's role is often that of arbitrator between competitive carriers, rather than that of rate regulator. State commissions should be allowed to perform that function in regard to numbering infractions because states are in the best position to

police numbering infractions. The Industry Guidelines are incapable of performing that function effectively. For example, in New Hampshire as in Maine, carriers obtain many more NXX code telephone numbers than they intend to serve. For example, one carrier applied for 23 NXXs, i.e. for 230,000 telephone numbers, merely to enable start-up operations in the 23 local calling areas where operation is intended. Fortunately, the request appears to have been made subsequent to the NANPA jeopardy declaration and thus the wasteful allocation of numbers will not occur, but this example clearly demonstrates the problem of waste.

There are also New Hampshire carriers which obtain NXXs in order to serve Internet Service Providers customers toll free. These anti-competitive mis-uses of numbering resources must not be allowed to continue unabated during a prolonged industry process. The NHPUC contends that states are able to address the problems more quickly and more efficiently than NANPA and consistent with the federal aims. Therefore, the NHPUC requests that the FCC clarify the language in ¶24 and delegate the necessary additional state authority in the following limited manner. The NHPUC requests authority to reclaim NXXs obtained or used in violation of state rules, regulations, and policies.

III. CONCLUSION

The NHPUC has taken steps to assist the industry to reach voluntary consensus regarding a plan for number conservation measures in New Hampshire. On December 22, 1998, the NHPUC will host an industry meeting for the purpose of achieving voluntary participation in such a plan. We anticipate in submitting that plan to the FCC for review and appropriate delegation of authority to implement the plan in the near future. Nonetheless, for the reasons described above, the NHPUC respectfully requests that the FCC (1) strike that portion of its

Opinion which restricts states from imposing number conservation methods until after a final decision is made regarding the implementation of a new area code, (2) delegate the necessary authority to states for implementing NXX conservation measures that do not interfere with the FCC's guidelines, and (3) clarify ¶ 24's overbroad language in order to permit states to reclaim improperly obtained or used codes.

Respectfully submitted,

E.Barclay Jackson, Esq.
New Hampshire Public Utilities Commission
8 Old Suncook Road
Concord, New Hampshire 03301
(603) 271-2431

Adrienne G. Southgate
General Counsel
Rhode Island Public Utilities Commission
100 Orange Street
Providence, RI 02901
(401) 222-3500, x105

(603)

STATE OF NEW HAMPSHIRE

CHAIRMAN
Douglas L. Patch
COMMISSIONERS
Susan S. Geiger
Nancy Brockway

PUBLIC UTILITIES COMMISSION
8 Old Suncook Road
Concord, N.H. 03301-7319

EXECUTIVE DIRECTOR
AND SECRETARY
Thomas B. Getz
TDD Access: Relay NH
1-800-735-2964
Tel. (603) 271-2431
FAX No. 271-3878

April 2, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals II
445 12th Street, S.W.
Washington, D.C. 20554

Re: Public Notice Nos. DA-99-461, DA-99-462, DA-99-638; NSD File Nos. L-99-19, L-99-21, and L-99-27; In the Matter of Petitions for Additional Delegated Authority to Implement Number Conservation Measures filed by the Massachusetts Department of Telecommunications and Energy, the New York State Department of Public Service, and the Maine Public Utilities Commission

Dear Secretary Salas:

Enclosed for filing in the above referenced matters please find one original and nine copies of the New Hampshire Public Utilities Commission's Comments concerning the Petitions for Additional Delegated Authority to Implement Number Conservation Measures in the states of Massachusetts, New York, and Maine, respectively. Please be kind enough to date stamp one copy and return it to us in the enclosed envelope.

Sincerely,

E. Barclay Jackson, Esq.

Encl.

CC: Al McCloud, Sr. Paralegal Specialist
Network Services Division
2000 M. Street N.W., Room 235
Washington, D.C. 20554

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	)	
	)	
Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes	)	NSD File No. L-99-19 Public Notice No. DA-99-461
	)	
New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures	)	NSD File No. L-99-21 Public Notice No. DA-99-462
	)	
Maine Public Utilities Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures	)	NSD File No. L-99-27 Public Notice No. DA-99-638
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98

COMMENTS OF THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

April 5, 1999

I. Introduction and Background

On February 17, 1999 and February 19, 1999, respectively, the Massachusetts Department of Telecommunications and Energy (MDTE) and the New York State Department of Public Service (NY-D.S.) filed petitions with the Federal Communications Commission ("FCC" or "Commission") requesting that the Commission grant additional delegated authority to implement a variety of number conservation measures.[1]

The New Hampshire Public Utilities Commission (NHPUC) currently faces the prospect of the introduction of a new area code in our state and we are actively seeking to remediate the number exhaust problem by considering a combination of appropriate number conservation measures for which we will seek FCC approval. As such, the NHPUC applauds the efforts of the state regulatory agencies of New York, Massachusetts, and Maine (see *Maine Public Utilities Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures*, dated March 17, 1999) who share our concerns about the need for state regulatory agencies to have delegated to them appropriate authority to implement number conservation measures which could forestall the need for, and associated societal costs of, the implementation of a disruptive new area code within our respective jurisdictions.

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[1] Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, dated February 17, 1999 ("MDTE Petition"). New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures, dated February 19, 1999 ("NY-DPS Petition").

II. Comments

The NHPUC agrees with the Massachusetts DTE petition's conclusion that, "Whether a given area code conservation method would unreasonably discriminate and unduly inhibit competition in Massachusetts can be best explored by state regulators on the basis of their knowledge of local market conditions." (MDTE Petition, p. 5) The NHPUC further concurs with MDTE that the rulings in the "Pennsylvania Opinion"[2] serve to severely restrict the authority of state commissions to conserve NXX codes and thereby extend the lives of existing area codes. The NHPUC filed a Petition for Reconsideration of the Pennsylvania Opinion on December 14, 1998, and awaits the FCC's ruling in this matter.

Further, the NHPUC believes that state commissions should be afforded as many number conservation options as possible in order to address the rapid depletion of numbering resources in our states and therefore affirmatively supports the requests of the NYDPS and MDTE to implement a variety of relief methodologies. In brief, the more tools there are in the toolbox, the easier it is to make repairs.

III. Conclusion

As previously stated, the NHPUC supports the instant petitions filed by the state

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[2] Memorandum Opinion and Order, *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 312, 610, 215, and 717*; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 98-224, NSD File No. L-97-42, issued September 28, 1998 (published November 16, 1998, Fed. Reg.) ("Pennsylvania Opinion").

agencies requesting additional authority to implement number conservation measures . In addition, the NHPUC believes that timeliness regarding area code policy and associated number conservation implementation is of paramount importance and therefore urges expedited decisionmaking by the Commission regarding the instant petitions, as well as any petitions that may be submitted to the FCC in the future. The NHPUC also urges the FCC to delegate to states the authority to implement as many alternative measures as possible, so that states may tailor their number conservation efforts to rectify the specific causes of area code exhaust in the most effective manner and remain responsive to the unique state-level impacts of these changes. Should the FCC ultimately determine that, for one or more of the options requested, state authority is denied, this should not be allowed to interfere in any way with a timely grant of authority to the state(s) to implement the remaining undisputed number conservation measures.

The NHPUC concludes that the FCC must take immediate action in the various dockets before it concerning number conservation and area code issues to facilitate state commission initiatives to resolve this problem. The combined energies of federal and state regulators could go far in achieving the desired result of a societally optimal resolution to the multiple area code crises taking place across the nation, if artificially erected jurisdictional barriers do not persist in undermining those efforts. Given the clear indication in the Telecommunications Act of 1996 that the FCC may delegate "all or any portion" of the FCC's jurisdictional authority over number administration[3], such barriers need not debilitate the

[3] See NY-DPS Petition, p. 1, footnote 1.

process of number conservation. The NHPUC recognizes the FCC's previously expressed interest in working cooperatively with state commissions[4] and sees the instant petitions as a prime opportunity for the FCC to work with states in such a manner. Therefore, the NHPUC respectfully requests that the Common Carrier Bureau grant the aforementioned requests for additional authority to implement number conservation measures.

[4]See Pennsylvania Opinion at paras. 30-31.

STATE OF NEW HAMPSHIRE

CHAIRMAN
Douglas L. Patch
COMMISSIONERS
Susan S. Geiger
Nancy Brockway

PUBLIC UTILITIES COMMISSION
8 Old Suncook Road
Concord, N.H. 03301-7319

603

EXECUTIVE DIRECTOR
AND SECRETARY
Thomas B. Getz
TDD Access: Relay NH
1-800-735-2964
Tel. (603) 271-2431
FAX No. 271-3878

December 18, 1998

DEC 18 1998

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, D.C. 20554

Re: NSD File No. L-98-134, DA 98-2265 (Released November 6, 1998), Common Carrier Bureau Seeks Comment on North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Measures

Dear Secretary Salas:

Enclosed for filing in the above matter please find one original and nine copies of the New Hampshire Public Utilities Commission's Comments on North American Numbering Council (NANC) Report Concerning Telephone Number Pooling and Other Optimization Measures. Please be kind enough to date stamp one copy and return it to us in the enclosed envelope.

Sincerely,

E. Barclay Jackson, Esq.

EBJ/hs
Encl.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	)	
	)	
COMMON CARRIER BUREAU	)	
SEEKS COMMENT ON NORTH	)	NSD File No. L-98-134
AMERICAN NUMBERING	)	
COUNCIL REPORT CONCERNING	)	
TELEPHONE NUMBER POOLING	)	
AND OTHER OPTIMIZATION	)	
MEASURES	)	

COMMENTS OF THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

December 21, 1998