

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	NSD File No. L-98-136 California
)	NSD File No. L-99-19 Massachusetts
State Utility Commission Requests)	NSD File No. L-99-21 New York
For Additional Authority To Implement)	NSD File No. L-99-27 Maine
Telecommunications Numbering)	NSD File No. L-99-33 Florida
Conservation Measures)	
)	CC Docket No. 96-98

BELLSOUTH COMMENTS

BellSouth Corporation,¹ on behalf of itself and its affiliated companies (BellSouth), by counsel, urges the Common Carrier Bureau to dismiss each of the pending state petitions without prejudice to Petitioners to refile after significant progress has been made in the Commission's current number optimization rulemaking.²

As the Common Carrier Bureau notes, many of the delegations of authority sought by the state commissions relate to issues under consideration in the Numbering Resource Optimization (NRO) Docket.³ Nevertheless, the Bureau goes on to state that "because the state utility commissions which have petitioned us face immediate concerns regarding the administration of

¹ BellSouth Corporation (BSC) is a publicly traded Georgia corporation that holds the stock of companies which offer local telephone service, provide advertising and publishing services, market and maintain stand-alone and fully integrated communications systems, and provide mobile communications and other network services worldwide.

² *Numbering Resource Optimization*, Notice of Proposed Rulemaking, CC Docket No. 99-200, FCC 99-122 (rel. June 2, 1999) (NRO Docket).

³ *Common Carrier Bureau Seeks Comment On State Utility Commission Requests For Additional Authority To Implement Telecommunications Numbering Conservation Measures*, NSD File No. L-98-136; NSD File No. L-99-19; NSD File No. L-99-21; NSD File No. L-99-27; and NSD File No. L-99-33, Public Notice DA 99-1198 (released June 22, 1999) at 2. (Public Notice)

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telecommunication numbering resources in their states, we find it to be in the public interest to address these petitions as expeditiously as possible, prior to completing the rulemaking proceeding.”⁴

Until the Bureau issued its Public Notice, the pleading cycle had been closed and each of the pending state petitions were ripe for decision.⁵ The Bureau’s reopening of the comment cycle in each of the five captioned dockets, particularly in the midst of two extremely important numbering dockets, is unnecessary.⁶ There is a full and complete record developed in each of the pending petitions. Indeed the Bureau has stated that it will “give full consideration to the comments and replies already filed on these matters,” and that “parties which have already filed comments need not refile their comments or replies.”⁷

The records developed in each of the state petition proceedings demonstrate that it is premature for the Commission to grant any of the relief sought at the present time, particularly with the comments due in less than two weeks in the NRO Docket. The Commission should therefore dismiss each of the pending state petitions. Such dismissal should be without prejudice to any state refile after August 30, 1999, the date the pleading cycle closes in the NRO Docket. The Bureau should stipulate that any petition filed after that date, and prior to a final order

⁴ Public Notice at 2.

⁵ NSD File No. 98-136 (California) closed on June 28, 1999; NSD File No. 99-19 (Massachusetts) closed on April 19, 1999; NSD File No. 99-21 (New York) closed on April 19, 1999; NSD File No. 99-27 (Maine) closed on May 17, 1999; and NSD File No. 99-33 (Florida) closed on May 28, 1999.

⁶ Comments on the NRO Docket are due July 30. Likewise, the Bureau recently asked for comments on the North American Numbering Council’s Recommendation concerning replacement of the Central Office Code Utilization Survey on July 30, 1999, as well. (Public Notice DA 99-1315).

⁷ Public Notice at 2.

addressing the particular number optimization method at issue in any refiled petition, should cite with persuasive specificity to the relevant portion of the record developed in CC Docket 99-200.

BellSouth and others have already stressed in comments filed in various numbering dockets the importance of a strong federal approach to number optimization, and the need to avoid state by state balkanization.⁸ The Commission recognized the importance of a national policy for telephone number optimization in its *Pennsylvania Order*.⁹ The Commission correctly articulated the need for national uniformity or standards relative to telephone number conservation and administration, and BellSouth supports the Commission findings in that order. BellSouth recognizes that the state commissions are well positioned to understand local conditions and what effect new area codes will have on those conditions.¹⁰ However, the state commissions are not as well positioned as the FCC, which has the benefit of its own federal advisory committee on telephone numbering issues, to determine the overall national interest and policy relative to telephone number conservation and optimization. Local decisions can undermine the development of a coherent national strategy. Therefore, no additional authority

⁸ *New York Department of Public Service Petition for Additional Authority to Implement Number Conservation*, NSD File No. L-99-21, BellSouth Comments (filed April 5, 1999) at 2; *Common Carrier Bureau Seeks Comment on North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Measures*, NSD File No. L-98-134, Comments of GTE (filed December 21, 1998) at 18; *Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717*, NSD File No. L-97-42, Petition for Reconsideration and Clarification by SBC Communications, Inc. (filed Dec. 16, 1998) at 3.

⁹ *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*, 13 FCC Rcd 19009, 19023 (1998).

¹⁰ *Implementation of the Local Competition Provisions of the Telecommunications Act*, 11 FCC Rcd 19392, 19517 (1996).

should be granted to the states, at least until uniform national standards for number conservation and optimization have been developed by the industry and approved by the Commission.

Because the delegations of authority sought by the states in fact relate fundamentally to the issues under consideration in the NRO Docket, the Bureau should find it in the public interest to complete its rulemaking process in Docket 99-200 “as expeditiously as possible.”¹¹ To the extent the Commission is inclined to grant any relief to a state, it should only do so as part of its findings relative to the NRO Docket, provided the requisite showing can be made that such additional authority is necessary and will not undermine national efforts. None of the state petitions filed to date have succeeded in carrying their burden of demonstrating why, under the *Pennsylvania Order*, additional authority should be delegated.

The NRO Docket covers the entire spectrum of telephone number resource optimization issues and also seeks comments as to whether the Commission should reconsider some of the issues already articulated as settled federal numbering policy. The NRO docket offers states yet another opportunity to make their case as to why previously established federal numbering policy should be changed to delegate additional authority. Further, the comments and reply comments will provide states with another opportunity to assess whether such grants of additional authority are truly necessary. Any decision to grant such authority now would be premature and inadvisable until the comments and the reply comments received in the NRO Docket have been reviewed and analyzed. In particular, the Commission should not grant the states the authority to require mandatory number pooling at this time. No record compiled in any of the pending state petitions, or in any other Commission proceeding, demonstrates that

¹¹ Public Notice at 2.

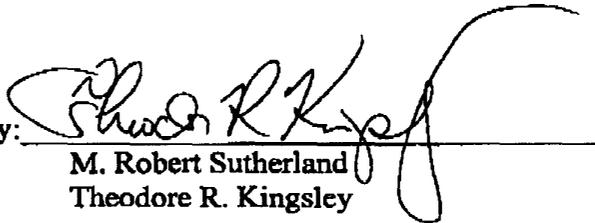
piecemeal mandatory number pooling implemented prior to the finalization of national standards is in the public interest.

CONCLUSION

Each of the pending state petitions should be dismissed without prejudice to refile after the record in the Numbering Resource Optimization Docket has been developed. No state should receive any additional authority until the record in the NRO Docket has been analyzed and the Commission has taken action on the number optimization issues pending therein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that I have this 16th day of July, 1999, served the following parties to this action with a copy of the foregoing *BELLSOUTH COMMENTS*, reference NSD File No. L-98-136 California; NSD File No. L-99-19 Massachusetts; NSD File No. L-99-21 New York; NSD File No. L-99-27 Maine; NSD File No. L-99-33 Florida; and CC Docket No. 96-98, by hand delivery or by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties as set forth on the attached service list.


Lenora Biera-Lewis

SERVICE LIST

**NSD File No. L-98-136 California
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NSD File No. L-99-21 New York
NSD File No. L-99-27 Maine
NSD File No. L-99-33 Florida
CC Docket No. 96-98**

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