

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

In the Matter of)
) CC Docket No. 99 - 200
Numbering Resource Optimization)

**Comments of the
Public Service Commission of Wisconsin**

The Public Service Commission of Wisconsin (PSCW) respectfully submits these comments in the above referenced proceeding to address the important numbering resources issues raised in the Federal Communications Commission (FCC) notice released on June 2, 1999 (Numbering NPRM).

Overview

The PSCW strongly supports this investigation and commends the FCC for initiating this important and broad examination of means to reform the nation's current system of telephone number administration.

Current policies and practices on numbering administration have proved themselves inadequate and ineffective in conserving numbering resources and in efficiently managing this integral piece of the public switched telecommunications network. Recent, and increasingly prevalent, area code exhaust situations in numerous parts of the United States evidence the crisis condition that prevails on the availability and use of telephone numbers. There is an urgent need for the FCC to put in place improved numbering administration

mechanisms to provide relief for the public from continuing cost, inconvenience, and confusion related to area code changes and to avoid the billions of dollars¹ that would be needed to expand or replace the current North American Numbering Plan (NANP).

To address the inadequacies of the current numbering administration situation, the FCC needs to act quickly to establish appropriate, necessary, and enforceable regulations to ensure that telephone numbering resources can be and are used efficiently and fairly. The North American Numbering Plan Administrator (NANPA) must have the necessary tools to enforce numbering regulations, and the state regulatory commissions must have authority to oversee the use of numbers in their states, based on specific and varying conditions and requirements in their jurisdictions.

On some specific issues identified in the Numbering NPRM, the PSCW offers the following comments:

- Enforceable rules and regulations related to number utilization must be adopted. The current system of voluntary guidelines for central office code assignment does not effectively optimize number usage. For purposes of enforcing utilization criteria, definitions of various number categories must be clear, uniform and auditable. The FCC, the NANPA and the states must have the ability to enforce numbering regulations on NXX² code holders.
- Telecommunications providers must not be given the “pick and choose” option for number conservation. This approach will have no impact on number conservation and will not contribute to establishing a unified, national framework on efficient number utilization.
- Thousand block pooling offers the most promise for timely and effective number relief in many parts of the country - both urban and rural. The FCC should act to enable this conservation approach to be used without requiring waivers and trials for its implementation. The FCC should not condition the use of thousand block pooling on rate center consolidation.

¹ Notice of Proposed Rulemaking, *In the Matter of Numbering Resource Optimization* (Numbering NPRM), CC Docket No. 99-200, released June 2, 1999, at par. 34.

² An NXX is a central office code - the first three digits of a seven-digit telephone number.

- States must have a strong enforcement role in numbering administration. In this regard, state commissions must have appropriate and substantial authority to oversee numbering matters and the NXX code holders in their states and must have access to all relevant data that is relevant to those efforts. Further, states must have authority to reclaim unused or underutilized codes, to prevent NXX assignments to providers that do not have authority to operate or that have violated numbering regulations, and to initiate audits on all types of providers that use the NXX codes.
- An FCC mandate for the use of ten-digit dialing on all calls is inappropriate.

These issues are addressed more fully below.

Enforceable Rules and Regulations Are Needed in Lieu of Voluntary Guidelines

The current system of voluntary guidelines for central office code assignment does not effectively optimize number usage. Without rules and sanctions for rule violations, the potential for industry-wide uniformity of assignment and utilization cannot be achieved. Although the historic guidelines developed through NANPA or the North American Numbering Council (NANC) are well-intentioned and logically address most pertinent number issues, they have not been successful in avoiding the current crisis situations that have developed in many parts of the country, and they are not enforceable on providers that use numbers in inefficient ways. FCC rules on numbering administration to address definitions, assignment, utilization, reclamation, and reporting put all providers in all parts of the nation on the same playing field and will permit enforcement when inappropriate number-usage circumstances are identified.

For purposes of enforcing utilization criteria, definitions of various number categories must be clear, uniform and auditable. All providers must count numbers in various categories in a uniform manner, especially when the ability to obtain additional numbers is tied to utilization. The PSCW has no recommendations for many of specific

category definitions at this time, but strongly advocates a set of clear definitions that are uniform and logical for providers to use in reporting number usage and number needs. The definition of reserved numbers is an important one, and the PSCW suggests it be drafted narrowly to avoid any potential for hoarding by providers and to assist and provide a basis for reclamation of unused numbers.

The FCC, the NANPA, and the states must have the ability to hold NXX code holders to compliance with any adopted numbering regulations. Telephone numbers are a scarce resource. To protect that resource, to use it efficiently, and to take actions against those that are not adhering to requirements, there must be sanctions and there must be means to take action against the offenders. A guideline system has not worked, so the new administration scheme must “have teeth” to meet the objectives for number optimization.

The reclamation of NXX numbers that have been assigned but not used offers the potential to immediately bolster the inventory of numbers that are available in an area code. Past practices that have assigned NXXs without substantive proof of need and that have resulted in some NXXs sitting idle while an area code approaches exhaust cannot be continued and should be reversed. Numbering requirements must be established so that the states and NANPA can reclaim these wasted NXXs when they are encountered.³

In the same vein, the requirements must allow flexibility for the states to have a stronger role in the actual assignment of NXX codes. The establishment of utilization criteria, a meaningful showing of need, and an enforceable process related to the distribution of NXXs will help avoid the assignment of new NXXs when not needed; however, those

³ When pooling is an option, the reclamation of unused thousand number blocks is also an important tool that must be covered by the requirements established in this proceeding, and which must be available to the states and NANPA to make conservation more effective.

commissions that want to exercise a larger gate keeping role in assigning NXXs in their states must be given that option. State certification processes differ across the nation, making proof of certification alone an imprecise tool to judge the legitimacy of an NXX request. States need the authority to provide input to, or to make the determination on, specific NXX requests in their jurisdictions, if they choose to undertake that role.

The FCC should adopt specific rules and requirements and delegate enforcement to the states and to NANPA. Clearly, NANPA will have regular and substantial ongoing administrative duties and it should have the ability to take (or refuse to take⁴) action on carrier requests and performance pursuant to the rules. States should have a role also to the extent they have the resources. Where those state resources may not permit a substantial enforcement role, NANPA should work with the states to ensure that the state has the information it needs and that procedures are in place to assure appropriate communications with NANPA on numbering issues specific to any particular state.

The PSCW recommends that any rules adopted on utilization should require that the number usage criteria be uniformly applied in rural and urban areas. Any urban and rural split in requirements could dilute the effectiveness of the utilization rules. Further, utilization measurement should be on a rate center basis as opposed to an area code or statewide basis. Numbers are used on a rate center basis. To aggregate number usage across an entire area code or state could mask problem areas, could lead to gaming of the system by inefficient providers, and generally make the rules less effective in allocating

⁴ The most effective enforcement mechanism may well be denial of numbering resources to providers that fail to comply with the rules.

numbers where they are needed. The rule criterion on number utilization must be focused at the rate center level.

One suggestion for the administrative regulations on numbers raised in the Numbering NPRM is the concept of charging providers for new NXX blocks. Although the economic rationale of this approach is logical, the PSCW withholds endorsement of that proposal at this time. Charging for numbers raises the potential for a barrier to entry by new and small providers. Further, a charge to providers inexorably leads to charges or surcharges imposed directly on customers. With increasingly prevalent Universal Service Fund (USF) surcharges, Primary Interexchange Carrier Charge (PICC) flow throughs, monthly Local Number Portability (LNP) charges, and monthly fixed fees or minimum bills for long distance service that are already frustrating consumers, the establishment of the potential for yet another itemized customer billing amount is not desirable⁵. Utilization criteria, enforced requirements on the legitimacy of requests for NXX codes, and strong reclamation processes for unused numbers may provide as effective a control on usage as would charges to the providers.

A “Pick and Choose” Approach on Number Conservation Methods for Providers Should Not Be Adopted

Telecommunications providers must not be given the option to “pick and choose” the number conservation measures they will use. This would be tantamount to doing nothing and continuing the current system. The current system has wasted numbering

⁵ Obviously customers use and benefit from telephone numbers and the availability of numbers. Customers did not cause the current numbering "crisis" however. One thread that flows through the FCC's Numbering NPRM is the issue of cost recovery and cost/benefit analyses. These are legitimate issues; however, the

resources, put the exhaust of the NANP on the horizon, and raised a public outcry over the confusion, cost, and inconveniences of area code changes. These are not the kinds of conditions to perpetuate.

As noted in the previous section, number administration must be made more uniform and more enforceable. Letting individual providers decide on the conservation techniques they will use, and will not use, ignores uniformity, frustrates enforcement, complicates cost recovery issues, and undermines the potential effectiveness of some conservation efforts. “Pick and choose” does not well serve number resource optimization goals.

Thousand Block Pooling Should Be Made Available as Soon as Possible - Without a Mandate for Rate Center Consolidation

Thousand block pooling offers the most promise for timely and effective number relief in many parts of the country - in both urban and rural areas. Thousand block pooling should not be limited to the 100 largest markets. The aggravations and costs of area code changes is not limited to those markets; the promise of pooling to extend area code lives should be available everywhere.

The FCC should act to enable this conservation approach to be used without requiring waivers and trials for its implementation. No additional cost/benefit analyses of the thousand block pooling concept are needed. The system is being trialed. NANPA and NANC have examined the pooling concept and offered substantial input to what pooling can accomplish and how it can be implemented. States that need to act soon to address

PSCW does not support a federally-imposed solution to the current situation built on higher rates for local

numbering and area code crises should have thousand block pooling available in the arsenal to address the numbering needs in specific areas.

The FCC should not condition the use of thousand block pooling on rate center consolidation. Rate center consolidation is a potential tool for number resource conservation. States should examine this option.⁶ Rate center consolidation has the potential to cause permanent and profound impacts on the service customers receive and the rates they pay. These issues must be balanced with the potential benefits from this conservation option. But that review is one for the state commission. Local rates and local calling areas are intrastate issues. But even beyond the jurisdictional issue, it is inappropriate for the FCC to hold hostage the benefits that may accrue from thousand block pooling to the implementation of another complex and controversial conservation measure. The two approaches may work well together; however, they need not be tied together by mandate of the FCC.

States Must Have a Strong Role in Numbering Administration and Must Have Access to Relevant Data

States must have the ability to take a strong role in enforcing numbering administration. Resources will dictate the extent of that role in every jurisdiction; however, the states should have the ability to make that determination.

In this regard, whether actively overseeing and enforcing numbering requirements,

customers and cost-insulation guarantees for providers.

⁶ The demands of competitive local exchange companies (CLECs) for NXXs to match the local calling scopes of the incumbent providers have certainly contributed to the area code exhaust situations around the country. Examination of the need for this matching of rate centers, or of approaches to consolidate the rate centers and thus reduce CLEC NXX needs is a logical and reasoned step for any state that is exploring number conservation.

or working with NANPA on these matters, state commissions must have access to data on all number usage in their states and must have the ability to take steps as needed, regardless of the type of provider an NXX code holder may be, to effectively administer numbers in their states. The extent of state authority must extend to the ability to reclaim unused or underutilized codes; to prevent assignments to providers that do not have authority to operate, that do not have legitimate needs for the requested NXXs, or that have violated numbering regulations, and to initiate audits on all types of providers that use the NXX codes.

An FCC Mandate for the Use of Ten-Digit Dialing on All Calls Is Inappropriate

As noted by the FCC, one of the issues that arises in the context of area code relief, is the specter of ten-digit dialing of all local calls when the option of an area code overlay is under review. In general, states get ample input as to the public's distaste for such a dialing requirement. This has been an issue in Wisconsin's two proceedings on area code relief.⁷ Although, in both cases to date, the PSCW has directed area code splits, the overlay is certainly an alternative that will be examined when the next area code case needs to be addressed. Overlays and ten-digit dialing cannot be taken off the table as matters for future consideration. However, that consideration belongs to the state commission when addressing the needs for relief in a state. The FCC should not mandate such a dialing requirement; this matter is one of local dialing and does not fall to the FCC for determination.

⁷ Dockets 05-TI-142 and 05-TI-181.

Conclusion

The PSCW urges the FCC to move expeditiously in this proceeding to develop rules on number conservation. The numbering crisis is real and expanding. The PSCW respectfully requests these comments be considered in the development of those rules and requirements for number administration.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission

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