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Federal Communications Commission
Washington, DC 20554

Re: CC Docket No. 99-200

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Comments of Marsha N. Cohen on CC Docket 99-200

SUMMARY

This comment by an ordinary citizen (with a professional background in regulation) takes the following positions: telephone numbers are a public resource that should be under public management; the possibility that technology changes will have significant impacts on NANP exhaust should be taken into account; individual number pooling is the obvious solution to most efficient use of number resources; in the interim, because it can be effectuated immediately, thousand-number pooling should be implemented, and companies required to provide inventory of their numbers-in-use and return unused numbers to a central administrator; area code overlays are despised by the public; any overlays should reflect a functional (voice vs. data) division; the misnamed 10-digit dialing (misnamed because 11 digits are required) should not be mandated, and consumers should never have to dial more digits than are technologically necessary to complete a call.

INTRODUCTION

I am a citizen commenting on my own behalf, expressing views I believe would be widely shared if the public were as familiar as I have become with the issues in this docket. My views are informed not only by interaction, as an ordinary consumer, with the telecom-munications system, but also by my professional experiences. As a professor of law at the University of California*s Hastings College of the Law, I teach Administrative Law and have followed for many years the regulation and deregulation of various industries. I also served for almost eight years as a member of a California licensing board faced with the need to balance the costs and benefits of regulatory choices.

In recent months, especially in California, where multiple area code overlays were announced by the Public Utilities Commission, media attention has focused on the *area code crisis.* As a result, an ever-larger portion of the public has come to recognize that this crisis is not occasioned primarily by our increasing appetite for cell phones, internet access, pagers, and fax machines, but overwhelmingly by a regulatory scheme that worked well with a telecom-munications monopoly, and well enough when there were a few providers of service, but is not appropriate under today*s conditions of many providers and fierce competition.

This situation has not developed overnight. The best solution * which I describe below * could not have been implemented a decade ago. Solutions suggested in the FCC proposal could and should have been implemented years ago, as soon as the demand for increasing use of numbering resources became obvious. Now that an area code train wreck is virtually upon us, the FCC must act quickly to enable solutions that are effective, efficient, and consumer friendly.

A PUBLIC RESOURCE SHOULD BE UNDER PUBLIC MANAGEMENT:

The public is justifiably angry about the frenzied increase in area codes, angry that this increase could have been significantly slowed by effective regulatory oversight. The costs and inconveniences of area code changes have overwhelmingly been borne by the consuming public. The FCC must take control of the situation out of the hands of industry. Management of the telephone number supply * in its essence a public resource * should be in public hands and managed for the public benefit. Telecommunications companies care to protect only their own interests * this is an observation and not a criticism, as those companies are in business to maximize their market share and their profits. However, the FCC's charge is to protect the public interest, which requires it to make the rules when the industry has failed to do so.

There should be no area code crisis with only a third of all available number combinations in use. Enforceable federal regulation is not popular in some circles, but it is clearly necessary in this case. The FCC should adopt a multi-pronged scheme for defusing the crisis and prolonging (perhaps forever, as noted below) the life of the NANP, and require all telecommunications firms to cooperate with it.

NANP LIFE: PERHAPS FOREVER?

The proposal suggests the inevitability of the addition of an eighth basic digit to all telephone numbers, a change that would be as significant and disruptive as the Y2K problem; it estimates its cost as between \$50 and \$150 billion dollars. Prolonging NANP life is thus worth the expenditure of significant funds. The proposal does not make reference at all to new technologies, soon to be widely available, that allow telecommunications without using any telephone numbers (for example, Internet access via cable) or with fewer telephone numbers (for example, DSL lines). These technologies are likely to divert sufficient usage from traditional phone-number-using technologies that the NANP may well suffice for the foreseeable future. In order to give developing technology adequate time in essence to eliminate the number exhaust problem, it is worthwhile for the FCC to implement the most efficient numbering use system possible.

INDIVIDUAL NUMBER POOLING: THE OBVIOUS SOLUTION

The best way to assure that numbering resources are most efficiently used is to adopt a system of individual number pooling. Such a system would maximize number use and simultaneously allow equal access to all carriers, large and small, old and new. It is the most flexible system for new entrants into the industry, as it would allow an essentially unlimited number of new competitors. Those that obtain customers will receive numbers for them, at the time of service connection