OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

This outline represents the efforts of staff members of the following state commissions: California, Connecticut, Maine, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Texas, Washington and Wisconsin. The staffs of these commissions generally support the positions set forth in this outline, although the conclusions presented on the listed issues should not be construed to be unanimous on all items. This outline is intended to serve as a general guide to state views. Silence by a state commission in its separately filed comments on any particular point set forth in this outline does not connote agreement or disagreement with that point. We greatly appreciate the efforts of the Maine Commission staff for preparing this outline.

Q	¶	State Position
1	31	*See specific comments below.*
2	32	*See specific comments below.*
3	33	*No specific comments at this time.*
4	34	*No specific comments at this time.*
5 – 6	35	The current voluntary system embodied in the Central Office Code Administration Guidelines (Guidelines) and administered by the Industry Numbering Committee (INC) does not work; carriers routinely disregard the Guidelines without consequence. Thus, States believe that most of the measures discussed in the NPRM should be adopted as mandatory FCC rules applicable to all carriers in all regions of the country. States, however, should be given some flexibility in implementing the rules so that specific local circumstances can be addressed. Enforcement authority must rest with entities that have both the willingness and ability to order carrier action; neither the industry, NANC, nor NANPA has demonstrated an ability to make such decisions. States recommend joint enforcement authority between the FCC, NANPA, and the states. Indeed, because the states are most familiar with local circumstances and local carrier behavior, states will often be in the best position to enforce any rules that are adopted. Under no circumstances should the industry be allowed to supervise itself or self-police on numbering issues.
7	37	*No specific comments at this time.*
8	38	*NANC item – no state comment necessary.*
9 – 11	39 – 40	States agree with the FCC that uniform definitions should be established to ensure fairness for all involved in the process. States also believe that uniform definitions will all for a more accurate analysis of number utilization data as well as accurate code forecasting. States urge the FCC to incorporate the definitions into FCC rules applicable to all carriers.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

12	41	The definition of employee/official number should be tightened to specify both appropriate and inappropriate uses.
13	41	States agree with the definition of local routing number.
14	41	The definition of test number should be tightened to specify both appropriate and inappropriate uses.
15	41	States agree with the definition of temporary local directory number.
16	41	States agree with the definition of wireless E911 number.
17	42	The FCC should establish specific ranges for aging time periods and allow states to modify those limits to accommodate local conditions. (The necessary aging period may vary between rural and urban and between different carriers.)
18	43	The definition of assigned number should include specific time limits on "pending" times.
19	44	*No specific comments at this time.*
20	45	Both carriers should treat a ported out number as unassignable. The porting out carrier should include the ported number in its overall utilization data. The ported to carrier should report the ported number in special category for ported numbers so that the ported number is not double-counted.
21 – 22	46 – 48	States agree that the definition of reserved numbers is an important issue and that the definition must be narrowly drafted.
22	48	We offer the following definition: a reserved number is a number or a block of numbers which: (1) is being requested (to be reserved) by a service provider (SP) for future use by a business or a residential customer; (2) is not currently assigned; (3) is not currently aging; and (4) resides within a block of numbers. Once reserved, a number must be assigned within 45 days. If the number is not assigned within 45 days, the number(s) will be reclaimed. In order to extend the time for holding a number in reserve, the applicant must show that the date for proposed implementation will be missed due to extenuating circumstances (hardware/software, regulatory delays). The applicant must make a written request for a specific amount of time of less than 30 days . To reserve a block or NXX, the block applicant must demonstrate that the block is essential to accommodate technical, (e.g. switch, network element) or planning constraints or pending regulatory approval of a tariff and/or certification/registration/interconnection. In addition, the applicant must: (1) provide a proposed use date; (2) have received regulatory approval or document that it is in the process of requesting/will be receiving approval to serve a particular market (thereby identifying a particular central office). Blocks should not be

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

		reserved to accommodate vanity numbers because this practice lends itself to hoarding and delaying competitive entry. If a reserved block is not assigned within 45 days, the block should be released and returned for pooling purposes.
23	49	States agree that specific time limits should be established for reserved numbers, reserved blocks, and reserved codes and that 45 days may be an appropriate period of time.
24	49	While States understand the rationale behind requiring a fee, we are concerned that requiring a fee from carriers may impede new entrants. In addition, states are concerned that carriers would pass those fees on to all of their customers, including residential consumers.
25	50	*No specific comments at this time.*
26	51	States agree with the definition of numbers available for assignment so long as it incorporates states' recommendations on other definitions.
27	52	States believe that the definition of numbers unavailable for assignment should be narrowed to exclude reserved numbers, which should be reported in a separate category.
28	53	States do not believe that a definition of working telephone number is necessary because those numbers are subsumed in other categories.
29	58	In order to obtain an initial code in a given rate center, the carrier must: (1) show that it has a valid interconnection agreement (or will have one within 6 months); (2) show that it has state certification for the rate center (either through a state-wide, region-wide, or rate center-wide certificate); and (3) show that it will have facilities in the rate center within 6 months. Proof of the facilities requirement might include a copy of an order for equipment, a contract for UNEs, or other documents. In addition, the carrier must provide the state with a description of its business plan (with appropriate proprietary protections in place).
30	59	Carriers should provide the documentary evidence described in the Response to Question No. 29 with their application and should be required to file the application with both NANPA and the state, if requested by the state. NANPA should be obligated to review the application closely and follow-up on any missing or questionable information. States should then have the option to be included in the process or not. (Some states may not have the resources to review all applications and will need to rely upon NANPA to enforce the application requirements. Other states may want to have the final authority as to whether the codes should be awarded or not. These states might want NANPA to forward them a recommendation but allow States to make the final decision.) Whether these additional requirements will slow the process down depends upon the extent to which carriers comply with the requirements. If all the necessary information is included in the

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

		application and carriers only apply when they are truly ready to proceed, the process should not be slowed down.
31	59	See Responses to Questions Nos. 22, 23, 29, and 30.
32 – 33	60	States agree that the FCC should require carriers to present data proving a need for additional numbers before growth codes can be assigned and that NANPA should be prohibited from assigning codes until a showing of need has been made. States suggest that a process similar to that described in the Response to Question No. 30 above be adopted so that states have the option to participate in the process and/or have final approval.
34	61	The current Months to Exhaust worksheet is not sufficient because there is no objective evidence upon which to evaluate the information contained in the worksheet. Carriers should be required to supply line growth data. If this does not support their need for additional resources, carriers may be allowed to present other evidence such as the fact that they will be instituting a new promotion that has generated a large increase in business in other jurisdictions and that they will exceed their resources before they will have time to order additional resources. States also suggest that the Months to Exhaust worksheet include a certification by a high-ranking official or lawyer that the information provided is accurate and that the need is *bona fide*. The FCC may want to consider including a penalty provision for those circumstances where the certification is found to be false or misleading.
35	61	NANPA should perform the initial evaluation of the worksheet and then allow States to participate if they choose. See Responses to Questions Nos. 30 and 33.
36	61	See Response to Question No. 34.
37 – 42	62 – 63	States agree that a percentage fill rate should be established as a threshold requirement for obtaining additional numbers. States urge the FCC to apply any new utilization standard to <u>all</u> areas of the country; rural areas should have the same utilization standard as urban areas. There is a cumulative benefit from NPA-wide efficient utilization; codes saved in rural areas can be used in urban areas and thus the entire NANP benefits. In addition, if the FCC distinguishes between rural and urban areas, the carriers will likely develop a method to circumvent the system. States recommend an 80-85% fill rate in a particular rate center before an additional code or block may be requested; this should provide carriers with sufficient time to request and obtain additional resources before their current resources exhaust. To the extent that the FCC later determines that a higher threshold is feasible, States would likely support raising the threshold. States urge the FCC not to set the initial threshold too low.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

		Carriers will need to be strongly encouraged to immediately improve their number utilization; a low initial threshold will only allow the carriers to continue their current inefficient practices. The FCC should not set different utilization rates for different segments of the industry. While some carrier-specific variations might be necessary to account for unusual growth, competitive neutrality requires that the FCC not discriminate between industry segments. Thus, states recommend that they (or NANPA is requested by the state) be given the flexibility to adjust the threshold upward or downward depending upon the rate of growth for the specific rate center, carrier, or promotion.
43 – 44	64	States agree with the FCC's proposed calculation of utilization rates, including the FCC's recommendation that reserved, dealer pool, and resellers' numbers be excluded from the numerator.
45 – 47	65	States believe that newly acquired codes must be included in calculating a carrier's utilization rate. If utilization rates will be used as a threshold criterion for obtaining additional resources, it is important to include all carrier resources within a particular rate center when calculating the utilization rate for that rate center. Indeed, it is essential to include new resources; otherwise carriers could acquire additional resources when they have not yet efficiently utilized their current resources within the specific rate center. However, to the extent that NPA-wide carrier utilization rates are used to determine whether assignment of an initial code in a rate center is appropriate, it may be appropriate to exclude numbers acquired within the previous 90 days. With regard to wireless carrier issues, all carriers should be able to accurately forecast their numbering needs and use that information to acquire resources on an as-needed basis and not on a stockpiling basis. If wireless carriers accurately forecast their needs and provide the proper support for their code requests, there is no need to exclude newly acquired numbers from their utilization rate
48 – 49	66 – 67	States believe that it is essential to have rate center specific utilization rates. NPA or statewide rates will not provide the necessary specificity of information for the FCC, states, and/or NANPA to make informed decisions regarding carrier applications for growth codes. Indeed, the existence of so-called "mixed" NPAs necessitates the calculation of utilization rates on a rate center basis. It is not necessary to design elaborate schemes for taking into account regional issues; requiring the carriers to submit rate center based data will provide all interested parties with the underlying data needed to analyze NPA-wide, state-wide, region-wide, and NANP-wide issues.
51	68	States urge the FCC to apply the same utilization rates to all segments of the industry. It is important that all carriers use their numbering resources efficiently. Much of the crisis we are currently experiencing has been

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

		caused by a large number of carriers with a relatively small presence within an NPA using their resources inefficiently. The cumulative impact of 10 small inefficient carriers can be more significant than the impact of one large inefficient carrier.
52	69	States agree that the accuracy of number forecasting and reporting needs to be increased.
53	72	States agree that the current COCUS mechanism is unreliable, especially because: (1) carriers are not required to submit their forecasts; and (2) there is no penalty for requesting/obtaining resources in excess of a carrier's forecast.
54 – 57	73	States agree that forecast and utilization reporting must be mandatory and that a more detailed and uniform reporting mechanism must be developed. While states agree that NANPA should serve as a single point of collection nation-wide, states must: (1) have the flexibility to require additional information from carriers; and (2) be allowed to review all data collected at the national/federal level.
58	74	Carriers should report data in the categories identified earlier in the NPRM. The FCC should not allow carriers to aggregate data. The FCC, NANPA, and the states will be able to do better analyses with more granular data. Once the carriers establish their reporting system, continued regular reporting should not be burdensome.
59	75	States agree that any utilization reporting will be in addition to forecasting requirements and suggest that carriers be required to submit forecast data on a rate center basis and specifically identify the rate centers for which they anticipate requesting codes.
61 – 64	76	The FCC should not adopt an urban/rural dichotomy on this issue. Carriers should report data on a thousand block level by rate center in all areas of the country, even if they are not LNP-capable and even if thousand block pooling is not yet available. Prior to the implementation of thousand block pooling, it will be necessary for carriers to preserve uncontaminated thousand blocks. Having data utilization and forecasting data on a thousand block level will enable NANPA and/or state regulators to monitor carrier compliance with preservation protocols. While the states are unable to offer specific cost estimates at this time, at least one state already requires this type of reporting and has not received any complaints relating to cost.
65 – 67	77	States agree that carriers should be required to submit both utilization and forecasting data on a quarterly basis and that uniform reporting requirements should apply across all segments of the industry. However, to the extent that a state or NANPA (after consultation with a state) determines that specific circumstances warrant more (or less) frequent reporting, states and NANPA should be free to order specific carriers or segments of the industry to report on a different schedule.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

68 – 70	78	To the extent that the FCC determines that individual carrier data is proprietary, the FCC should protect that data and require that states and NANPA afford the same protections. This will allow the states, NANPA, and the FCC to freely exchange data, an essential element in coordinated state and federal efforts. Indeed, States must have access to all data submitted by carriers, not just aggregated data. Carriers have submitted confidential information to state commissions on other sensitive issues; there is no reason to preclude state review of the detailed numbering information as long as states provide the same level of protection provided by NANPA and the FCC
71 – 72	79	States urge the FCC to adopt uniform reporting requirements for all carriers but to delegate to the states the authority to deviate from those requirements if local circumstances warrant.
73	80	*No specific comments on Thousand Block Pooling guidelines at this time.* States agree that data should be collected at the thousand block level on a rate center basis and support the FCC's proposal to require quarterly reporting, which should eliminate the problem of defining when a carriers forecast has "significantly changed." States urge the FCC to apply these types of requirements to all carriers in all areas. In addition, all reporting requirements must be made mandatory; states strongly object to voluntary reporting.
74	81	States support the underlying concepts of the LINUS proposal, especially the idea that collection of data would increase as an NPA neared jeopardy, as well as the mandatory nature of the reporting requirements. States question whether there is a need to have different requirements for the top 100 MSAs and other areas.
75	82	States do not support the adoption of AT&T's proposal because it does not require frequent reporting. States do, however, support AT&T's idea of separating out forecasting data to show growth codes, initial codes for new entrants, and initial codes for new switches.
76	83	States agree that a comprehensive audit program is necessary to ensure carrier compliance with the new rules and regulations.
77	84	States support the use of all three types of audits identified by the FCC.
78 – 79	85	States agree that for cause audits should be available to the FCC, NANPA, and states and that carriers subject to for cause audits will likely require follow-up audits to ensure continued compliance with the rules and regulations.
80	86	States support a three year schedule for regular audits as long as the standard for initiating a for cause audit is not too high and the FCC requires submission of number utilization data on at least a semiannual basis.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

81	87	States agree that random audits would be an effective tool in keeping carriers "honest," especially once an NPA has been declared in need of relief rather then just during the jeopardy phase. States should also be given the authority to order random audits if local circumstances suggest a widespread problem with number utilization reporting.
82 – 84	88	States believe that the FCC should direct NANPA to conduct all three proposed types of audits as part of NANPA's numbering administration duties, although states should also have independent authority to conduct their own audits, especially for-cause audits, at any time. States should be allowed to participate in any audit as an observer, a consultant, or an active participant. The FCC should direct NANPA to work cooperatively with the states to ensure that state concerns are taken into account. In for-cause audit situations, states should be consulted both prior to the initiation of the audit and during the audit itself. Finally, states should be kept apprised of all auditing activities and be given access to the information supplied to the auditors as well as the auditors' findings.
85	89	States agree with the breadth of the audits suggested by the FCC.
86	89	*No specific comments at this time.*
87	90	NANC ITEM – no comments necessary.
88	90	See Response to Question Nos. 82-84.
89	91	States urge the FCC to tightly enforce the rules and regulations it adopts through this NPRM. Enforcement must be uniformly strong, with minimal exceptions, so that carriers will have an incentive to comply. The FCC's goal should be to set up a system where it is a competitive advantage, not disadvantage, to conserve numbering resources. States agree that NANPA, the FCC, and state commissions all have a role to play in enforcement. States urge the FCC to adopt specific, mandatory requirements and then delegate the enforcement of those requirements to NANPA and state commissions. States should be allowed to determine how involved in enforcement action they want to be. To the extent states want to be very involved, NANPA should be required to work with individual states to set up the appropriate processes to ensure a cooperative and effective working relationship. To the extent that a state does not have the resources to be involved in daily activities but wishes to be kept informed or to be consulted, NANPA should be required to work with that state and establish the appropriate procedures.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

		States agree that NANPA should be able to withhold codes for violations of rules, regulations, or guidelines. States also agree that NANPA should withhold future numbers based on current violations when there are no pending requests for that carrier. During the transition from the voluntary, industry-controlled number administration, carriers must be strongly encouraged to follow the new rules. The only way to ensure compliance is to have strong penalties for violation. Monetary fines, while helpful, may not deter carriers who determine that the cost of the fine is worth the violation. Withholding of numbers would likely be the most effective method and would provide the carriers with a competitive incentive to conserve resources.
93	93	States must have enforcement authority to ensure that carriers do not hide behind "national" policies to perpetrate practices which negatively impact local numbering administration. State enforcement should not raise any concerns; most carriers have been subject to state jurisdiction for years and all states are trying to promote the development of competition. States need to ensure carrier attention to specific numbering issues in their jurisdiction. With regard to the states' role *vis a vis* the FCC, states would like to establish a cooperative relationship. Given current staffing at the FCC, states should be given primary responsibility (in conjunction with NANPA) for enforcement and the FCC should act as an "appeals court" and coordinator when carriers-specific issues cross state lines.
94	94	States agree that fines, forfeitures, and certification revocation should be available as enforcement mechanisms. The standard for revocation of certification should be based on a combination of objective criteria (such as the number of violations, the number of codes/numbers involved) and subjective criteria (such as the impact of the violations on the state or NPA, whether the violation was intentional, willful, or negligent).
95 – 96	98	States agree that the definition of "in service" should be revised to mean when the carrier actually starts assigning numbers but also agree that carriers might abuse such a standard. States suggest that perhaps a standard requiring that numbers be assigned to "real" customer before a code can be deemed to be in service (no company lines, no reserved numbers, no employee numbers etc.).
97, 100	99	States agree that NANPA should be more aggressive in reclaiming codes and recommend that the reclamation process become part of the FCC's rules. States specifically recommend that NANPA begin the process by contacting the carrier 15 days after deadline. If the carrier fails to provide evidence of extenuating circumstances within 30 days, the code is reclaimed. Using this timeline, the code reclamation process would be completed **within** 60 days rather than begin 60 days after the deadline.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

98 – 99	99	States agree that the time for reserving a code should be limited to 3 months and that any extension time be firm and limited to 30 days. Carriers have abused the reservation process and caused many unnecessary new NPAs. So long as NANPA moves swiftly in the number assignment process, there should be no detriment to carriers.
101	100	States support the FCC's decision to delegate additional authority to state commissions to order reclamation and urge the FCC to broaden the circumstances under which NANPA and/or states may initiate reclamation proceedings.
102	101	See Response to Question No. 99. States agree that NANPA should send disputes to the states rather than INC. INC takes too long, has a conflict of interest, and has been totally ineffective to date. States should be free to use their current processes to adjudicate any disputes referred by NANPA.
103	102	*No specific comments at this time.*
104	102	Clearly, the benefits of moving to a more efficient numbering system far outweigh the societal costs of the current inefficient system that unnecessarily imposes the costs of new area codes on both residential and business customers. None of the administrative measures proposed by the FCC should generate significant costs for the carriers.
105	103	States agree that costs should be recovered according to the current NANP formula.
106	104	States agree that the costs associated with the proposed administrative measures should be borne by all carriers and agree with the FCC's tentative conclusions and legal analysis.
108	106	*No specific comments at this time.*
109	116	States agree that rate center consolidation should be encouraged but strongly object to the FCC conditioning the availability of other, more effective number conservation measures to the completion of rate center consolidation. The FCC must recognize that this solution may not work well in all states and that it is usually a very lengthy process. Rate center consolidation often raises very complex regulatory issues, such as rate rebalancing, which cannot be resolved quickly, easily, or cheaply. While states can be encouraged to evaluate the costs and benefits of rate center consolidation, they should not be precluded from moving forward on other conservation measures at the same time.
110	118	States should be given the authority to order the return of unused numbers after consolidation has occurred. *No specific comments on the other issues raised in this paragraph at this time.*
113	119	States agree that rate center consolidation by itself will not solve the underlying problems with the numbering system.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

114	120	States believe that the idea of distinguishing the rating from the routing function of NXXs should be further explored because it could have a significant impact on the need for codes.
115	120	States strongly urge the FCC not to condition the availability of pooling upon rate center consolidation. States believe that pooling and consolidation can be implemented at the same time – the pool can be expanded as the rate center expands. Further, rate center consolidation raises a long list of complex issues that may require a considerable amount of time to resolve. States should not be precluded from moving forward on pooling while these complex issues are resolved.
117	121	*No specific comments at this time.*
118	125	*No specific comments at this time.*
119	126	The FCC should not adopt nationwide 10-digit dialing. Dialing patterns are a matter of local jurisdiction, not federal jurisdiction, and states must maintain the flexibility necessary to respond to local needs and preferences.
120	127	*No specific comments at this time.*
121	129	States discourage the FCC from moving forward on this issue at this time. Given the potential problems associated with implementing D digit dialing and the minimal resources saved from its implementation, states believe the FCC should defer further exploration of this issue until thousand block pooling has been implemented.
122 – 123	138	States agree that the FCC should adopt thousand block pooling but strongly disagree with the FCC's proposal that the implementation be limited to the major markets. The FCC should order initial implementation in all rate centers that will be LNP-capable by January 1, 2000 and then rolling implementation as switches become LNP-capable. States, however, should have the option of delaying implementation or requiring that pooling be used in conjunction with other conservation measures if local circumstances so require. There is no need to conduct further analysis of pooling; there have already been extensive cost/benefit analyses conducted by NANC, NANPA and others.
124	141	States believe that the FCC should move forward as soon as possible on thousand block pooling but that it should not abandon ITN or UNP. Both ITN and UNP allow for exponentially more efficient use of NANP resources. While states acknowledge that resource limitations may require a prioritization of conservation measures, we believe that many of the technological changes necessary for ITN will be put in place during the implementation of thousand block pooling and thus it may not take as long as the industry expects to

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

		implement ITN once thousand block pooling is in place. In addition, UNP is feasible today and states should be allowed to order its use on an *ad hoc* basis to augment other conservation measures.
125 – 126	142	The FCC should give states the authority to determine when and where UNP is appropriate and the authority to order carriers to participate in state-sponsored UNP programs. In many rural areas, UNP can be a very effective conservation measure. It also encourages carriers to work cooperatively with one another on numbering issues.
127	144	States strongly disagree with the FCC's tentative conclusion that thousand block pooling should only be rolled out in the top 100 MSAs. Such a limited deployment will severely hamper conservation efforts in states without large MSAs or with limited geographical areas within the top 100 MSAs. Deployment should coincide with the availability of LNP. (As an example, Maine has no large MSAs yet will be LNP-capable by August 1999. Maine should be allowed to participate in thousand block pooling.)
128 – 131	145	If the FCC has the authority to order implementation of LNP for thousand block pooling purposes, there is no need to create a higher standard for switches that are not currently LNP-capable. The practical effect will be that current non-LNP switches will not be ready for thousand block pooling as early as LNP-capable switches. There is no need to add any further delay or administrative proceedings to the process. *No specific comments on the other issues raised in this paragraph at this time.*
132	146	State commissions should be given the authority to determine when and where to implement pooling within their states.
133	147	States agree with the concept that states should be able to opt in or out of thousand block poling and that if they choose to give up the right to make that decision, another entity, such as NANPA or the FCC can make the decision.
135	148	States urge that any criteria established include sufficient flexibility for states to respond to local circumstances as quickly as possible. As the FCC aptly notes, any cost/benefit analysis will be based partially upon a subjective analysis of the particular circumstances. Thus, states support the establishment of general criteria but urge the FCC to delegate the final decision regarding pooling to the states.
136	149	The FCC should not establish thresholds for the number of participants in pooling. By waiting to impose thousand block pooling until a critical mass is reached, the FCC will be encouraging the inefficient use of numbers by carriers until the time arrives and/or discouraging carriers from becoming LNP-capable. While some efficiencies may be gained if carriers are required to conserve uncontaminated thousand blocks, waiting may cause irreparable harm in some areas. For example, in Maine where there are a small number of CLECs,

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

		it might not meet the threshold for several years. In the meantime, Maine will be forced to implement a second area code, which would be unnecessary if thousand block pooling was available in all LNP-capable rate centers.
137	150	The FCC must be careful not to unduly limit the applicability of thousand block pooling. Even if pooling will not save the current code, it should be put into place to conserve the new code. In the few areas where there is not yet a numbering crisis, thousand block pooling may enable those areas to avoid the crisis altogether. In addition, the relationship between the number of remaining codes and the potential effectiveness of thousand block pooling will vary from state to state and NPA to NPA. By requiring such an analysis, the FCC will only further complicate the matter and delay implementation.
138	151	Rate center consolidation should not be a pre-condition of implementing thousand block pooling. The FCC should recognize that the effectiveness and efficiencies of rate center consolidation will vary widely among the states and that it may cause significant rate increases for customers. Some states, like Texas, have large local exchanges with multiple rate centers. In these states, rate center consolidation is administratively and financially less difficult. On the other hand, in states like Maine, because of the high cost of providing local service there a large number of single exchange rate centers and rate center consolidation will require a major overhaul of the toll/local dichotomy and universal service scheme. In these states, rate center consolidation is not immediately helpful or efficient. States should not be precluded from participating in pooling if they have not been able to complete rate center consolidation.
139	152	The FCC should not require detailed studies of the effectiveness of pooling. The analyses that have already been conducted by NANPA, NANC, and INC and the practical experience in Illinois and New York provide ample evidence of the benefits of thousand block pooling while NANPA's NANP Exhaust Study clearly documents the costs associated with failing to implement thousand block pooling.
140	153	*No specific comments at this time.*
141 – 144	154	States should be given the choice of opting in or out of a nationwide pooling mechanism on a rate center by rate center basis. The initial deployment should include all LNP-capable switches in states which have chosen to opt into the nationwide mechanism; the FCC should not stagger the implementation schedule. Immediate implementation is necessary to avoid irreparable harm.
145	158	*No specific comments at this time.*
146	161	States agree that once covered CMRS carriers are LNP-capable they should be ordered to participate in thousand block pooling.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

147 – 148	165	States agree with NANPA and previous statements by state regulators that CMRS participation in pooling would significantly improve the effectiveness of thousand block pooling. While CMRS carriers claim to be the most efficient utilizers of numbers, some states have data which would dispute their assertion and confirm NANPA's assertion that CMRS participation would significantly extend the life of the NANP.
149	165	NANC item – no comment necessary.
150	165	*No specific comments at this time.*
151 – 152	166	States strongly disagree with limiting the extension of wireless pooling to top 100 MSAs; coverage should include all carriers in all LNP-capable rate centers. *No specific comments on the cost issue at this time.*
153 – 154	167	CMRS carriers should participate in the process of creating the pooling architecture based upon the assumption that they will be participating at some point. States agree that if work is begun immediately on implementing pooling for wireline carriers and wireless carriers begin now to plan for their participation, CMRS providers will benefit and their implementation period should be shorter. *No specific comments on the timeframe issue at this time.*
155	168	States believe that the FCC should accelerate the LNP schedule for CMRS providers so that they can participate in pooling. In many areas, wireless carriers consume large blocks of numbers, often in a very inefficient manner. In additional, wireless carriers often enjoy minimal regulation by state commissions and thus have unfettered access to numbers. Wireless carriers should be required to conserve numbers like all other carriers.
156	170	The states believe that all LNP-capable carriers in LNP-capable rate centers should presumptively be required to participate in pooling if required by their state commission.
157	171	*No specific comments at this time.*
158	173	*See Response to Question No. 156.*
159	174	States support continued exploration of the feasibility of conservation measures for non-LNP capable carriers, especially those states which have a large number of small rural LECs which may not become LNP-capable in the near future. Each of the programs described in Paragraph 174 should be investigated.
160	176	States agree that it will be important to set up an allocation method that does not unfairly discriminate between LNP-capable and non-LNP-capable carriers.
161	178	*No specific comments at this time.*
162	178	*No specific comments at this time.*

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

163	181	*No specific comments at this time.*
164	182	States recommend that the FCC adopt specific rules for thousand block pooling. The current Central Office Code Administration Guidelines have been ineffective in the competitive market place. Mandatory rules must be put into place if there is to be any hope of positively impacting the current crisis.
165 – 169	183 – 186	States recommend that NANPA be appointed as the thousand block pooling administrator. States believe that there will be substantial efficiencies gained by having the same entity allocating all numbers. In addition, NANPA already has experience in serving as the pooling administrator in both Illinois and New York. Bringing in a new entity will only serve to slow the process down by requiring training of new personnel and the coordination of the new entity's duties with NANPA's duties. States recommend, however, that the FCC (not NANC) enter into a separate contract with NANPA which specifically delineates NANPA's pooling duties and obligations.
170	188	States believe that an initial contamination level of 10% should be set and that states should be given the flexibility of increasing that threshold depending upon the particular circumstances in their state or the particular utilization patterns of a carrier.
171 – 172	189	States believe that the same initial threshold should be set for all segments of the industry. *No specific comments on the network capacity and SCP implications at this time.*
173 – 178	190 – 191	States urge the FCC to immediately adopt sequential numbering requirements for all carriers in all areas of the country. Every effort should be made to protect uncontaminated blocks from contamination during the transition to thousand block pooling. Eventually pooling will cover all NPAs and rate centers and thus all NPAs and rate centers will eventually benefit from immediate implementation of sequential numbering. States, however, should be delegated authority to allow exceptions to the requirement upon a showing of special circumstances. Finally, while sequential numbering may have a larger impact on wireline carriers who serve large customers with very specific yet diverse needs, the potential savings of numbers outweigh the potential burdens.
179	192	The states recommend a six-month inventory of numbers as is currently required under the Guidelines for jeopardy situations.
180 – 212	193 – 212	*No specific comments at this time.*

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

214	213	The states believe that we will eventually need to move from thousand block pooling to ITN pooling and that we should build our thousand block system in a manner that will allow for an easier transition to ITN. However, to the extent that building such a system will substantially delay the implementation of thousand block pooling, it may be necessary to forgo certain long-term benefits in order to ensure that thousand block pooling is implemented as soon as possible.
215	214	The states believe that UNP and thousand block pooling can be used simultaneously. Carriers utilizing this method should be careful not to unnecessarily contaminate thousand blocks that can be used for pooling.
216	214	Yes, carriers should be allowed to port number by mutual agreement in all areas where thousand block pooling has not been implemented.
217 – 231	216 – 224	States strongly object to allowing carriers to chose their own methods of conservation as long as they meet a utilization threshold. Adoption of the approach is tantamount to continuing the current scheme and will lead to a worsening of the numbering crisis, the premature exhaust of the NANP, and public outcry over the wasting of public resources. The industry has consistently argued against state authority over numbering issues on the grounds that there should be a uniform national system, despite the fact that states have taken very consistent positions on how they would handle numbering issues. If the FCC adopts the pick and choose approach, there will be no national uniformity, no increased efficiencies, and no delay in the exhaust date of the NANP. In addition, individual carrier decisions will undermine any positive impacts of other carrier decisions. Since the FCC issued its Order in the Pennsylvania case last September, many carriers have become increasing uncooperative on numbering issues and have refused to voluntarily participate in thousand block pooling. If carriers are given the freedom to choose their own conservation measures, this lack of cooperation will only worsen. Without mandatory participation by all eligible carriers, the effectiveness of pooling will be significantly impaired. If carriers with large amounts of spare numbers choose not to participate in pooling, the pooling administrator will be forced to request additional resources which will result in the inefficient allocation of resources. If carriers who need only a few resources in a given rate center choose not to pool, they will be awarded their own code and will squander scarce numbering resources. A pick and choose scheme will be impossible to administer – the FCC's own requests for comments reflect the impossibility of designing an effective scheme. States will be held hostage to the whims, business plans, and competitive agendas of individual carriers; states will be powerless to develop a comprehensive, competitively neutral, and effective conservation plan.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

		It will be next to impossible to enforce a pick and choose scheme unless the FCC is willing to put carriers out of business for not meeting their utilization rates. Financial penalties will not be effective unless they are drastic – otherwise carriers will do a cost/benefit analysis and decide that it is worth violating the rules to have a stockpile of numbering resources. A pick and choose approach will also unnecessarily complicate cost recovery issues. The industry and the FCC will waste valuable time and resources trying to work out a solution to a problem which should not have been created in the first place.
232	228	While the states commend the FCC for its long-range thinking on this matter, the states encourage the FCC to defer further exploration of this issue until it has resolved the issues relating to the implementation of thousand block pooling and number utilization data reporting requirements. The current numbering crisis requires immediate action by the FCC on issues relating to conservation measures capable of having an appreciable effect on the crisis in the near future.
233	229	*No specific comments at this time.*
234	229	States agree that numbering resources are a public resource and that they should not be turned into a private commodity. A licensing regime might be a feasible alternative if the FCC determines to institute a pricing mechanism.
235	229	Charges for numbers should be monthly so as not to unnecessarily burden new entrants.
236	229	The FCC should adopt some type of mechanism to discourage carriers from acquiring excess resources. The problem in designing the pricing mechanism is that the charge will have to be very high to prevent carriers from hoarding yet the same high prices may discourage competitive entry.
237	230	See Responses to Questions Nos. 235 and 236.
238	231	See Response to Question No. 236. To the extent that competitive neutrality is a concern, some type of regulatory intervention may be necessary, yet this intervention may upset the market forces and cause uneconomic pricing.
239 – 249	232 – 236	*No specific comments at this time.*
250	237	The funds generated should be used to fund the costs of continually updating the network to allow for increasingly efficient ways of allocating numbering resources.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

251	238	States support the gradual introduction of a priced-based system. States, however, urge the FCC to put this issue aside until it has substantially resolved issues relating to thousand block pooling and data reporting.
252	239	States suggest that the FCC issue a follow-up NPRM on this issue next year.
253	239	*No specific comments at this time.*
254	239	*No specific comments at this time.*
255	240	*No specific comments at this time.*
256	247 – 249	States support revisiting the prohibition on service-specific overlays. Indeed, states support reversing the FCC's current prohibition and allowing states to implement service and/or technology specific overlays. Many of the circumstances underlying the FCC's concerns regarding the potential anti-competitive effects of such overlays have changed over the past few years.
257	252	*No specific comments at this time.*
258	252	States believe that dialing patterns fall under state jurisdiction and that states should have the flexibility to address specific local concerns and issues.
259	252	In circumstances where rationing has been used prior to the implementation of the new area code, it is necessary to continue rationing for some period of time to ensure that pent up demand/fear of scarcity does not result in the immediate exhaustion of the new code. Implementation of needs-based requirements for obtaining codes should alleviate some of the problem but likely not all of it.
260	252	*No specific comments at this time.*
261	253	*No specific comments at this time.*
262	254	*No specific comments at this time.*
263	255	*No specific comments at this time.*
264	255	*No specific comments at this time.*
265 – 266	257	Clearly, if "calling party pays" were adopted, a service specific overlay would be a good way to notify customers that they are calling a wireless number.

OUTLINE OF STATE RESPONSE TO NUMBERING NPRM

267 – 270	258 – 260	States know first-hand that there is considerable public interest in separate area codes for specific services or technologies. In addition, the wireless industry, in obtaining a deferral of the requirement that it implement LNP, will not be able to participate in number pooling until it has LNP capability. Thus, if wireless providers are not assigned to separate area codes, they will continue to draw numbers in blocks of 10,000, while carriers participating in pooling will be limited to numbers in blocks of 1,000. Assigning wireless providers to discrete area codes mitigates this problem.
271 – 272	261	The FCC should establish federal guidelines for implementation of service-specific or technology-specific area codes, but then should delegate to states the authority to implement such area codes, if the states commission believes creating such area codes would serve the public interest. This delegation of authority would be consistent with states' existing authority to implement area codes splits, overlays, or boundary realignments.