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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

|   |   |                      |
|---|---|----------------------|
| In the Matter of                                | ) |                      |
|   | ) |                      |
| Numbering Resource Optimization                 | ) | CC Docket No. 99-200 |
|   | ) |                      |
| Connecticut Department of Public Utility        | ) | RM No. 9258          |
| Control Petition for Rulemaking to Amend the    | ) |                      |
| Commission's Rule Prohibiting Technology-       | ) |                      |
| Specific or Service-Specific Area Code Overlays | ) |                      |
|   | ) |                      |
| Massachusetts Department of                     | ) | NSD File No. L-99-19 |
| Telecommunications and Energy Petition for      | ) |                      |
| Waiver to Implement a Technology-Specific       | ) |                      |
| Overlay in the 508, 617, 781, and 978 Area      | ) |                      |
| Codes   | ) |                      |
|   | ) |                      |
| California Public Utilities Commission and the  | ) | NSD File No. L-99-36 |
| People of the State of California Petition for  | ) |                      |
| Waiver to Implement a Technology-Specific       | ) |                      |
| Area Code                                       | ) |                      |

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COMMENTS OF VOICESTREAM WIRELESS CORPORATION

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## SUMMARY

VoiceStream fully supports the Commission's efforts to conserve critical numbering resources. As a major provider of wireless telecommunications services, VoiceStream relies on these resources to provide service to its customers and, hence, VoiceStream has a major stake in the resolution of numbering-related issues.

VoiceStream submits that, as the first order of business, the existing administrative mechanisms for numbering administration and allocation must be tightened. These mechanisms encourage, rather than discourage, wasteful and imprudent use of numbering resources.

VoiceStream also recommends the adoption of rate center consolidation and mandatory ten-digit dialing, individually or in combination. These solutions meet the Commission's competitive-neutrality mandates.

VoiceStream does not support number pooling or any LNP-based numbering optimization measure. These measures will not provide the benefits contemplated by the Commission. VoiceStream strongly challenges any optimization solution that will require CMRS carriers to implement LNP prematurely. Likewise, VoiceStream opposes any form of area code relief that is technology- and service-specific.

Finally, VoiceStream implores the Commission to continue to assert jurisdiction over numbering-related issues, giving only a very narrowly circumscribed authority to the states. In this regard, VoiceStream encourages the Commission to set national guidelines for numbering optimization.

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COMMENTS OF VOICESTREAM WIRELESS CORPORATION

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VOICESTREAM WIRELESS CORPORATION ("VoiceStream"), through its undersigned counsel and pursuant to the Commission's *Notice of Proposed Rulemaking*,<sup>1</sup> hereby

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<sup>1</sup> *Numbering Resource Optimization*, CC Docket 99-200, *Connecticut Department of Public Utility Control Petition for Rulemaking to Amend the Commission's Rule Prohibiting Technology-Specific or Service-Specific Area Code Overlays*, RM No. 9258, (continued...)

respectfully offers its comments in this proceeding. As more fully set forth below, VoiceStream applauds the Commission's ultimate objectives of slowing the rate of number exhaust in the United States and prolonging the life of the North American Numbering Plan ("NANP"). VoiceStream shares the Commission's numbering resource optimization concerns, and fully supports the Commission's efforts to increase the efficiency with which telecommunications carriers utilize numbering resources. To that end, VoiceStream supports adoption of numbering conservation measures that are technology- and competitively-neutral. VoiceStream opposes, however, number pooling and any numbering optimization measure that would subject commercial mobile radio service ("CMRS") providers prematurely to long-term number portability ("LNP") requirements.

## I. INTRODUCTION

### A. ABOUT VOICESTREAM

VoiceStream, based in Bellevue, Washington, is a leading provider of wireless communications services in the western United States, including Denver, Phoenix, Seattle, Salt Lake City, and Portland. VoiceStream provides personal communications service ("PCS") using the globally dominant Global Systems for Mobile Communications ("GSM") technology in

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(...continued)

*Massachusetts Department of Telecommunications and Energy Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 987 Area Codes, NSD File No. L-99-19, California Public Utilities Commission and the People of the State of California Petition for Waiver to Implement a Technology-Specific Area code, NSD File No. L-99-36, Notice of Proposed Rulemaking (rel. June 2, 1999) (Notice of Proposed Rulemaking).*

eleven United States markets. In conjunction with joint ventures, VoiceStream provides PCS service in four additional markets.

On June 23, 1999, VoiceStream and Omnipoint Corporation ("Omnipoint") approved a definitive agreement to merge. Omnipoint is a leader in commercializing PCS, and currently provides advanced wireless communications services in the eastern United States, including New York, Philadelphia, Boston, Miami, and Detroit. VoiceStream and Omnipoint are members of the North American GSM Alliance, a group of United States and Canadian digital wireless PCS carriers. The combination of VoiceStream and Omnipoint brings together two major providers of GSM in the United States, making the combined company one of the largest licensees in the world employing GSM technology.

As a major commercial mobile radio service provider, VoiceStream utilizes central office codes, also known as NXXs, to provide wireless services to its many customers. Consequently, VoiceStream has a significant stake in the outcome of this proceeding.

**B. OVERVIEW**

In the *Notice of Proposed Rulemaking*, the Commission seeks comments on a variety of administrative and technical measures that would promote efficient allocation and utilization of NANP resources. More specifically, the Commission seeks comments on several numbering resource optimization measures that could be implemented in addition to, or in conjunction with, stricter administrative mechanisms for the administration and allocation of numbering resources which are currently governed by industry-developed guidelines. These measures include both LNP-based and non-LNP based solutions, including rate center consolidation, mandatory ten-digit dialing, and various types of number pooling arrangements.

In light of the potential costs of these numbering resource optimization solutions, however, the Commission seeks comment on whether it would be sufficient simply to require carriers to meet specific number utilization thresholds and leave to each carrier the choice of what numbering optimization method(s) to use to achieve that utilization threshold. Likewise, the Commission considers area code relief methodologies as numbering optimization strategies, recognizing at the same time that its consideration of both short-term and long-term numbering resource optimization measures does not eliminate the states' continued implementation of area code relief in those numbering plan areas ("NPAs" or more commonly referred to as "area codes") that are approaching depletion.

As set forth more fully below, VoiceStream submits that the existing administrative mechanisms for numbering administration and allocation should be tightened to increase their effectiveness in constraining wasteful and unnecessary requests for numbering resources. VoiceStream submits, among other things, that imposing a mandatory utilization threshold on carriers would go a long way in ensuring that numbering resources are used efficiently. Because this measure does not require implementation of new systems or technologies, it can be implemented quickly, at minimal cost, and without significant negative impact on carriers' operations. If the Commission must choose other numbering optimization measures, VoiceStream strongly believes that such measures must be competitively-neutral and must not have a disparate impact on wireless carriers. In this regard, VoiceStream submits that rate center consolidation is the solution that best meets the Commission's competitive-neutrality mandates. The Commission should reject number pooling or other number-pooling-derivative solutions. Most importantly, the Commission must reject any numbering optimization measure that would require CMRS providers to implement LNP in advance of their LNP implementation deadline.

Finally, VoiceStream encourages the Commission to continue to occupy the field of numbering administration, giving only very limited and carefully circumscribed area code conservation and ancillary functions (*e.g.*, limited numbering enforcement authority) to the states. Only by continuing to assert plenary jurisdiction over numbering administration and related matters can a consistent and effective nationwide numbering optimization initiative be realized.

## II. DISCUSSION

### A. THE COMMISSION SHOULD CONTINUE TO ASSERT PLENARY JURISDICTION OVER NUMBERING ADMINISTRATION AND RELATED MATTERS AND SHOULD SET NATIONAL STANDARDS RELATING TO NUMBERING RESOURCE OPTIMIZATION

#### 1. National Standards for Numbering Resource Optimization are Imperative

The Communications Act of 1934, as amended by the federal Telecommunications Act of 1996 (the "Communications Act"), gives the Commission plenary jurisdiction over numbering issues that pertain to the United States. In particular, Section 251(e)(1) of the Communications Act provides that

[t]he Commission shall create or designate one or more important entities to administer telecommunications numbering and to make such numbers available on an equitable basis. The Commission shall have exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States. Nothing in this paragraph shall preclude the Commission from delegating to State commissions or other entities all or any portion of such jurisdiction.<sup>2</sup>

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<sup>2</sup> 47 U.S.C. § 251(e)(1).

In the *Second Local Competition Report and Order*,<sup>3</sup> the Commission delegated the authority to implement new area codes to the state commissions, but otherwise retained broad authority over numbering:

We retain our authority to set policy with respect to all facets of numbering administration in the United States. By retaining authority to set broad policy on numbering administration matters, we preserve our ability to act flexibly and expeditiously on broad policy issues and to resolve any dispute related to numbering administration pursuant to the [Communications Act].<sup>4</sup> . . . We authorize the states to resolve matters involving the implementation of new area codes. State commissions are uniquely positioned to understand local conditions and what effect new area codes will have on those conditions. Each state's implementation method is, of course, subject to our guidelines for numbering administration. . . .<sup>5</sup>

The Commission specifically declined to delegate to states the task of NXX code allocation or assignment, stating that doing so would vest in fifty-one separate commissions oversight of functions that the Commission centralized in the new North American Numbering Plan Administrator ("NANPA").<sup>6</sup> The Commission noted that a uniform, nationwide system of numbering, including allocation of NXX codes, is essential to the efficient delivery of telecommunications services in the United States.<sup>7</sup> The authority delegated by the Commission to the states to date is thus narrowly circumscribed, and limited to implementing appropriate forms of area code relief.

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<sup>3</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) (*Second Local Competition Order*).

<sup>4</sup> *Second Local Competition Order*, 11 FCC Rcd at 19512.

<sup>5</sup> *Id.*

<sup>6</sup> *Second Local Competition Order*, 11 FCC Rcd at 19533.

<sup>7</sup> *Id.*

VoiceStream submits that the Commission should continue its policy of restricting the states' authority in the area of numbering. More specifically, the Commission should remain the predominant authority and final arbiter with respect to the setting of national policies relating to numbering administration and conservation, as well as area code relief. As the Commission has expressly and correctly acknowledged, "[s]ubstantial social and economic costs would result if the uniformity of the North American Numbering plan were compromised by states imposing varying and inconsistent regimes for number conservation and area code relief."<sup>8</sup> VoiceStream concurs that such inconsistency could interfere with, or even prevent, the efficient and correct routing of calls in the United States. To that end, the Commission should establish national standards for numbering resource optimization for implementation by the states. Under no circumstances should a state be allowed to establish its own numbering resource optimization measure. As the Commission has explicitly stated, "conservation methods are not area code relief"<sup>9</sup> and, therefore, any attempt by a state to create its own numbering optimization regime would be inconsistent with the prevailing federal policy.

Allowing the states significant leeway to create and implement their own numbering resource optimization measures would be particularly fatal to wireless service providers. For

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<sup>8</sup> *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; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 13 CR 867, 1998 FCC LEXIS 5036 (Sept. 28, 1998) (*Pennsylvania Numbering Order*).

<sup>9</sup> *Pennsylvania Numbering Order*, at ¶ 22.

example, if the Commission were to allow the states to adopt their own numbering optimization solution, one state might adopt "Individual Telephone Number Pooling,"<sup>10</sup> another might adopt "Thousand Block Pooling,"<sup>11</sup> and yet another might adopt "Unassigned Number Porting,"<sup>12</sup> all of which are LNP-based. Outside of the fact that CMRS providers are not required to implement LNP until November 2002 (and hence CMRS providers would be required prematurely to implement LNP in this example), such a situation would force CMRS providers to deal with vastly differing numbering conservation schemes. Since CMRS carriers typically provide service without regard to state boundaries, forcing CMRS carriers to contend with differing state requirements would be antithetical to the manner in which they provide service.

**2. Any National Numbering Optimization Standard Ultimately Adopted by the Commission Must be Consistent with the Commission's Long-Standing Numbering Policy**

The Commission's regulations generally require, among other things, that numbering administration (a) facilitate entry into the telecommunications marketplace by making telecommunications numbering resources available on an efficient, timely basis to telecommunications carriers; (b) not unduly favor or disfavor any particular industry segment or

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<sup>10</sup> Individual Telephone Number Pooling or "ITNP" is a numbering optimization method under which telephone numbering resources would be assigned to service providers on an individual basis rather than on a block or NXX basis. See Number Resource Optimization Working Group, Modified Report to the North American Numbering Council on Number Optimization Methods, Oct. 20, 1998 (*NANC Report*). VoiceStream notes that ITNP has yet to establish a meaningful application for the industry.

<sup>11</sup> Thousand Block Pooling is the allocation of numbers to a service provider, through the use of a neutral third party administrator, by blocks of 1,000 numbers. See *NANC Report*.

<sup>12</sup> Unassigned Number Porting or "UNP" is the ability for a service provider to port a number from another carrier's inventory even though the number may not be active. See *NANC Report*.

group of telecommunications consumers; and (c) not unduly favor one telecommunications technology over another.<sup>13</sup> Thus, for example, the Commission previously found Ameritech's proposed numbering plan which, among other things, required only paging and cellular carriers to return their central office codes, to be unreasonably discriminatory to wireless carriers and violative of the Commission's technology-neutral numbering policy.<sup>14</sup> More recently, the Commission found the Pennsylvania Public Utility Commission's reliance on the use of number pooling and transparent overlays to unduly disfavor wireless and non-Location Routing Number ("LRN") capable carriers because it did not provide adequate assurances that those carriers would have access to numbering resources.<sup>15</sup>

Over the years, the Commission has steadfastly adhered to its nondiscrimination policy in dealing with numbering issues. The Commission should continue to do so and should apply that overarching policy in choosing the appropriate numbering resource optimization solution in this proceeding. More specifically, the Commission should ensure that any numbering optimization solution it ultimately adopts will not have a disparate impact on CMRS carriers.

**B. EXISTING ADMINISTRATIVE MECHANISMS FOR NUMBERING ADMINISTRATION AND ALLOCATION SHOULD BE TIGHTENED**

VoiceStream concurs with the Commission that the lack of discipline in the process by which numbering resources are administered and allocated contributes significantly to number exhaust. Likewise, VoiceStream agrees that the current numbering resource guidelines, *i.e.*, the

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<sup>13</sup> 47 C.F.R. § 52.9(a).

<sup>14</sup> See *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois*, IAD File No. 94-102, Declaratory Ruling and Order, 10 FCC 2d 4596 (1995) (*Ameritech Order*).

<sup>15</sup> See *Pennsylvania Numbering Order*, at ¶ 40.

Central Office Code Assignment Guidelines maintained by the Industry Numbering Committee (“INC”), fails to adequately constrain a carrier’s ability to obtain and stockpile numbers for which it has no immediate need. VoiceStream believes that the Commission should, as starting point, focus its efforts on strengthening the numbering guidelines before embarking on other costlier—and potentially more disruptive—conservation alternatives.

### 1. Uniform Set of Definitions

In the *Notice of Proposed Rulemaking*, the Commission tentatively concludes that a uniform set of definitions for the status of numbers should be established in order for the carriers, the NANPA, and the regulatory entities to have a common understanding of definitions.<sup>16</sup>

VoiceStream agrees that a common understanding of definitions will enhance the ability of all concerned to identify issues relating to numbering resources and address numbering-related problems more effectively.

VoiceStream’s comment on this topic is limited to the definitions of “working telephone number” and “assigned number.” VoiceStream agrees with the Commission that the definition of “working telephone number”<sup>17</sup> in the CO Code Assignment Guidelines contradicts the

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<sup>16</sup> *Notice of Proposed Rulemaking*, at ¶ 39.

<sup>17</sup> “Working telephone numbers” are defined in the CO Code Assignment Guidelines as the quantity of telephone numbers within existing NXX codes that are assigned to working subscriber access lines or other equivalents, *e.g.*, direct inward dialing trunks, paging numbers, special services, temporary local directory numbers (“TLDNs”), etc., within a switching entity or point of interconnection (“POI”). *See* Central Office Code (NXX) Assignment Guidelines, INC 95-0407-008 (rel. Jan. 27, 1999) (“CO Code Assignment Guidelines”).

definition of “assigned number”<sup>18</sup> proposed by the Commission. More specifically, the definition of “working telephone number” considers TLDNs to be working numbers, but the definition of “assigned number” does not. VoiceStream proposes that the definition of “assigned number” include TLDNs, thus removing the loophole whereby TLDNs are held in temporary reserve. Likewise, TLDNs should have a time limit imposed and made eligible for assignment just like any other working telephone number.

## 2. Verification of Need for Numbers

VoiceStream shares the Commission’s concerns that carriers, in some instances, have been able to obtain initial codes for use in areas in which they are not licensed or otherwise certified to provide service. VoiceStream believes that this problem makes it much more difficult for legitimate market licensees to obtain NPA/NXXs in a timely manner, because they effectively are competing for numbering resources against other carriers who have no authority in the first place to provide the service for which the numbers are being requested.

To address this problem, VoiceStream proposes that applicants for initial codes be required to submit proof of their license or certificate of authority with their application for initial codes. VoiceStream does not believe that the onus of verification should fall on the NANPA, since doing so would simply exacerbate the already slow process of requesting and

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<sup>18</sup> An “assigned number” is a number that is: (a) working in the public switched telephone network (“PSTN”) under an agreement (*e.g.*, tariff, contract) at the request of a specific customer for that customer’s use, or (b) not yet working but has a customer service order pending. *Notice of Proposed Rulemaking*, at ¶ 43.

fulfilling numbering requests.<sup>19</sup> It is properly the code applicant's burden to demonstrate that it is a legitimate applicant, particularly in light of the fact that carriers generally have ready access to file copies of their licenses and authorizations.

VoiceStream believes that reclamation of improperly obtained initial central office codes has not been extremely successful in the past. To the extent to which NANPA's reclamation initiatives under the Central Office Code Assignment Guidelines may not have been effective, VoiceStream would support any effort by the Commission to appoint a neutral third-party administrator whose main responsibility is to aid in the retrieval of those NPA/NXXs improperly held by carriers without supporting licenses.

VoiceStream agrees with the Commission that applicants for growth codes should be required to provide documentation to prove that a legitimate need for additional numbers exists, in order to deter potential stockpiling or hoarding of numbering resources, particularly in jeopardy situations. In this regard, the NANPA Months-to-Exhaust forecast is sufficiently detailed to support any request for additional codes tied to the exhaust area. As the Commission recognizes, carriers are already required to complete Months-to-Exhaust Worksheets, submit them to NANPA, and maintain them in their files for audit purposes.<sup>20</sup> VoiceStream understands the Commission's concern that the Months-to-Exhaust Worksheet is forward-looking and, hence, may not be the best proof of need. To address this concern, VoiceStream proposes that carriers

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<sup>19</sup> Some state regulatory commissions do not have an electronic means of verifying their licensees. In many cases, these state commissions rely on voluminous, manually maintained files to verify whether an entity is a licensed utility. And even where the state commissions have electronic databases, many of the electronic files are not updated on a regular basis. Consequently, the process of confirmation could be exceedingly tedious and time-consuming which, in turn, could delay substantially any verification efforts by NANPA.

<sup>20</sup> *Notice of Proposed Rulemaking*, at ¶ 56.

in need of growth codes submit, together with their Months-to-Exhaust Worksheets, a notarized attestation certifying that the applicant has a legitimate need for additional numbers in the exhaust area. While this documentation of need is not fool-proof, it may, at a minimum, serve to deter frivolous or capricious numbering requests.

The Commission seeks comment on whether applicants for growth codes should be precluded from requesting growth codes from the NANPA until they have achieved a specified level of numbering utilization or “fill rate” in the exhaust area.<sup>21</sup> VoiceStream believes that a utilization threshold, combined with the Months-to-Exhaust Worksheet and attestation, as described above, will go a long way in preventing the hoarding of numbers. A growth code request thus must be accompanied by a Months-to-Exhaust worksheet for that exhaust area, demonstrating the code applicant’s need to receive additional growth codes on an expedited basis (*i.e.*, shorter than the standard 120-day NANPA time frame). Accordingly, an applicant for growth codes must, at the time of the request (a) have available a Months-to-Exhaust Worksheet and attestation, and (b) have reached the applicable fill rate (as negotiated between the carrier and the NANPA) on its existing NPA/NXXs.

Moreover, VoiceStream supports the establishment of a nationwide utilization threshold. The establishment of a utilization threshold on a less-than-nationwide basis, *e.g.*, at the state level, will only serve to encourage the tendency to hoard NPA/NXXs. VoiceStream believes, however, that there should be *separate* nationwide utilization thresholds for rural carriers and metropolitan carriers to encourage a more realistic allocation of numbering resources. VoiceStream does not believe that a *uniform* nationwide utilization threshold for both rural and

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<sup>21</sup> *Id.* at ¶ 62.

metropolitan carriers is reasonable because rural and metropolitan carriers operate under vastly different circumstances. For example, a rural carrier may be able to wait 120 days for a growth code while their existing NPA/NXXs have an overall fill rate of 65%. On the other hand, a metropolitan carrier may only be able to wait 120 days if its growth code request to NANPA is made while its NPA/NXXs are at a fill rate of 45%. Consequently, a uniform nationwide utilization threshold applicable to both rural and metropolitan carriers would effectively create potential provisioning problems for metropolitan carriers.<sup>22</sup>

The Commission seeks comments on how utilization thresholds should be calculated.<sup>23</sup> VoiceStream concurs with the Commission that newly acquired and activated NXX codes typically will have lower utilization rates than more mature NXXs. To take this into account in calculating the appropriate utilization level, VoiceStream suggests that “newly acquired” NXXs should be defined as those assigned to the code applicant by the NANPA during the 120 days prior to the application for growth codes.<sup>24</sup>

The Commission seeks comment on whether utilization rate levels should be calculated on an NPA-wide, rate center-wide, or other basis.<sup>25</sup> VoiceStream believes that utilization levels should be calculated on an Metropolitan Service Area-Basic Trading Area (“MSA-BTA”) basis

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<sup>22</sup> VoiceStream notes that the NANPA 120-day assignment period, as well as the process for new NPA/NXX publication by Telcordia, is a contributing factor in carrier motivation to hoard NPA/NXXs. If the new NPA/NXX is not published in a timely manner after assignment, no switching entities will have updated their systems to route traffic to it, or recognize traffic from the area it was ordered to serve.

<sup>23</sup> *Id.* at ¶ 64.

<sup>24</sup> The setting of utilization thresholds could have an added benefit: to the extent to which rural carriers may have initially paid for NXX codes, utilization thresholds could be relied upon to calculate, on a *pro rata* basis, the amount of financial credits rural carriers would receive in return for relinquishing their excess codes.

<sup>25</sup> *Id.* at ¶ 66.

within an NPA so that all existing NXXs (aged more than 120 days) within that NPA are considered by NANPA. The evaluation of utilization levels should not be overshadowed by contrived rate center boundaries, which had been originally established for billing purposes convenient to only some carriers. VoiceStream's proposed method of calculation is least likely to have an anti-competitive effect on the diverse carriers within an NPA, since utilization levels separated by MSA-BTA can apply to all carriers. Likewise, this method is less burdensome for NANPA evaluation.

The Commission also seeks comment on how regional variances in number utilization patterns should be taken into account in the event utilization thresholds are calculated on an NPA-wide basis.<sup>26</sup> VoiceStream submits that regional variances in number utilization will be alleviated by rate center consolidation, as described in Section II.C.1, *infra*.

### 3. Reporting/Record-Keeping Requirements

VoiceStream concurs that the current system of reporting and record-keeping of numbering resource usage is inadequate at best. As the Commission recognizes, the current data reporting mechanisms, which are remnants of the old monopoly regime, are simply insufficient to aid in accurate forecasting and preventing numbering resource abuses. For instance, the NANPA relies in large measure on Central Office Code Utilization Survey ("COCUS"), which is not mandatory for carriers. Without the full cooperation of service providers who use numbering resources, it is virtually impossible to accurately forecast numbering utilization using the data collected through COCUS.

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<sup>26</sup> *Id.* at ¶ 67.

To address this problem, the Commission should mandate that all users of numbering resources supply forecast and utilization data to NANPA on quarterly intervals.<sup>27</sup> To ensure that this reporting requirement does not impose unreasonable costs on carriers, the Commission should allow carriers to submit their data to NANPA via electronic mail. Since this data is competitively sensitive, NANPA should ensure that no other carriers have access to it. In addition, if it should become necessary for NANPA to release this data, the data should be made available in aggregated format (*e.g.*, NPA-wide), and only upon prior notification to the code holders concerned. VoiceStream doubts the wisdom of adopting a more detailed reporting mechanism. Such a requirement is duplicative and will not afford NANPA or the Commission any incremental benefit. Moreover, it may simply open the way for unscrupulous carriers to “mix and match” their utilization forecasts, depending on which reporting entity their advantage relies.

The Commission seeks comment on several alternative data collection options the industry has proposed, including the Line Number Utilization Survey (“LINUS”).<sup>28</sup> As currently proposed, LINUS would conduct a survey of forecast data quarterly at the rate center level; utilization data would be collected quarterly at the thousands-block level by rate center. While VoiceStream agrees with a quarterly survey of forecast data, VoiceStream does not agree that utilization data should be collected based on the outmoded wireline-specific rate centers at the

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<sup>27</sup> VoiceStream agrees that this requirement should be in addition to the demand forecasting requirement that the COCUS currently places on carriers. *See Notice of Proposed Rulemaking*, at ¶ 75.

<sup>28</sup> *Id.* at ¶¶ 80-81.

thousands-block level. Historically, wireless minutes of use grew 70% during 1998 and is projected to sustain a 15-20% annual rate of increase over the next 3 to 5 years. Since wireless service providers use NXXs over several rate centers, their NXX utilization is more efficient than wireline service providers who may or may not have the customers in that rate center to fill the entire NPA/NXX. Thus, from a wireless perspective, the practicality of reporting NXX utilization at the thousands-block level is suspect, since the information provided will be obsolete as soon as it is released.

#### **4. Audits**

VoiceStream is fully cognizant of the utility of audits. Indeed, audits can serve as a deterrent to fraudulent misrepresentation of numbering resource requirements. Combined with the requirements verification measures and data collection program proposed by the Commission in this proceeding, a comprehensive audit program can go a long way in promoting the efficient and prudent use of numbering resources.

VoiceStream concurs that "for cause" and "regularly scheduled" audits should be adopted. Since "for cause" audits are conducted only if there is reason to believe that the carrier has provided fraudulent or misleading information, the utility of "for cause" audit cannot be overemphasized. VoiceStream agrees that there should be follow-up audits on carriers who had been subjected to "for cause" audits and found to have provided inaccurate data in the past. "Regularly scheduled" audits when applied indiscriminately to all numbering resource holders are also an appropriate deterrent mechanism. VoiceStream recognizes that auditing all holders of numbering resources on a yearly basis may be too costly and unmanageable. Accordingly, regularly scheduled audits may be held every three years, as the Commission proposes.

## 5. Enforcement

Any resource optimization measure, however well-intended, will not be effective unless the appropriate entities have enforcement powers and are willing to use those powers to exact compliance. VoiceStream recognizes that the Commission, the NANPA, and the state commissions each has a role to play in enforcing the numbering rules. VoiceStream believes, however, that the Commission should be the principal "enforcer," consistent with the overarching policy of establishing "national" numbering optimization rules.

VoiceStream does not agree that NANPA's enforcement powers should be expanded. In particular, NANPA should not be empowered to withhold central office codes as a sanction for violation of the CO Code Assignment Guidelines. Nor should the Commission itself withhold numbering resources for violations of the numbering rules. While the withholding of numbering resources may serve to directly punish the errant carrier, it is the errant carrier's customers who ultimately will suffer for the carrier's violations because they will not be able to obtain service from the errant carrier. To the extent to which the Commission must withhold numbers, it should do so only in egregious circumstances and after all other enforcement options have proven futile.

The Commission ostensibly has other enforcement mechanism on which it can rely to punish errant carriers without withholding numbering resources. For example, the Commission can assess penalties or forfeitures against errant carriers. Section 503(b) of the Communications Act provides for the imposition of forfeitures for willful and/or repeated violations of the Communications Act and/or the Commission's rules. The Commission has not hesitated in the

past to assess such forfeitures against entities over which it has jurisdiction.<sup>29</sup> Similarly, the Commission is empowered to revoke a license under certain circumstances.<sup>30</sup> These enforcement mechanisms alone are adequate to exact compliance with the Commission's numbering rules.<sup>31</sup>

Finally, VoiceStream believes that a narrowly circumscribed delegation of enforcement authority to the state commissions may be appropriate, as long as the authority ultimately delegated by the Commission is consistent with its national numbering policy. VoiceStream recognizes that such a limited delegation of authority would place the states in the position of performing numbering administration functions. However, this concern is easily addressed by carefully delineating what the states can and cannot do under very limited circumstances. A narrowly circumscribed delegation of enforcement authority to the states is necessary and unavoidable because many carriers do not have federal licenses that the Commission can revoke. In contrast, most if not all wireline carriers have state certifications which the appropriate state regulatory authority can revoke upon a showing of violation (usually after a "show cause" proceeding). Consequently, in order to facilitate enforcement, state commissions must have limited authority to impose punishments (*i.e.*, revocation of state authorizations or certificates of

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<sup>29</sup> See, *e.g.*, *Hicks Broadcasting of Indiana; Order to Show Cause Why the License for FM Radio Station WRBR(FM), South Bend, Indiana, Should Not Be Revoked; and Pathfinder Communications Corp.; Order to Show Cause Why the License for FM Radio Station WBYT(FM) Elkhart, Indiana, Should Not Be Revoked*, FCC 99D-2, MM Docket No. 98-66, 1999 FCC LEXIS 2013 (May 11, 1999); *Business Discount Plan, Inc.*, FCC 98-332, File No. Enf-98-02; NAL/Acct. No. 916EF0004, *Apparent Liability for Forfeiture*, 14 CR 784, 1998 FCC LEXIS 6405 (December 17, 1998).

<sup>30</sup> See, *e.g.*, 47 U.S.C. § 312.

<sup>31</sup> VoiceStream emphasizes that revocation of licenses and authorizations should be undertaken only in rare and egregious circumstances, and only after all other options have been considered.

public convenience and necessity) in instances where a carrier has shown a complete disregard for the Commission's numbering rules.

#### **6. Reclamation and Reuse of Numbering Resources**

The Commission proposes to modify the current activation and reclamation requirements and timeframes in the CO Code Assignment Guidelines in order to optimize the use of numbering resources.<sup>32</sup> For example, the Commission proposes to modify the current reclamation provisions by requiring the NANPA to initiate NXX code reclamation within 60 days of the central office code assignee's applicable activation deadline. VoiceStream does not believe that the proposed reclamation and reuse mechanisms can achieve an effective increase in long-term NANP availability. Rather, a combined initiative in new NXX activation methods and, ultimately, reformatted NANP numbering specifications, must be reached in order to prolong the life of the NANP.

Notwithstanding the fact that VoiceStream believes the proposed reclamation and reuse mechanisms are inadequate to address the dwindling number of numbering resources on a long-term basis, VoiceStream offers the following modifications to the existing CO Code Assignment Guidelines. VoiceStream believes that these modifications may, in the short-term, alleviate the potential exhaust of numbering resources.

First, the central office code assignee must be required to place the code "in service" within 90 days of assignment. The CO Code Assignment Guidelines currently require an

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<sup>32</sup> *Notice of Proposed Rulemaking*, at ¶ 98.

assigned code to be placed "in service" within 6 months after the initially published effective date. The definition of placing an NXX code "in service" should be clarified to mean not just activation of the code through the transmission of local routing information to the Local Exchange Routing Guide ("LERG"), but also should mean that the assignee has begun to activate and assign to end users telephone numbers within the NXX in question.

Second, in the event a central office code is not activated within the required timeframe, the central office code assignee should only be allowed to petition the NANPA for an additional 30 days within which to activate the numbers. Currently, the CO Code Assignment Guidelines permit a CO code assignee to extend the activation date by up to 90 days. Requests for extensions should not be routinely granted. Rather, requests for extensions should be granted only where the CO code assignee has provided adequate documentation demonstrating good cause for an extension. For example, an extension would be appropriate where the CO code assignee demonstrates that is unable to finish outside plant infrastructure or an unforeseen natural disaster has negatively impacted its ability to meet its commitments.

Third, the CO code assignee should be permitted to reserve the code for only six (6) months. Under the current CO Code Assignment Guidelines, if a reserved code is not activated within 18 months, the code will be released from reservation. Reducing the amount of time a code can be held in reserve will enable the code administrator to promptly free up numbers that are not being utilized.

Fourth, the Code Assignment Guidelines permit one reservation extension of six months, upon written request, when the proposed code use date will be missed due to circumstances beyond the control of the applicant (*e.g.*, hardware/software provisioning delays, etc.). This extension should be reduced to a single three-month extension; extensions should be granted

only in very rare instances, and only where the applicant is able to demonstrate extenuating circumstances, such as switching equipment modifications and pending mergers and acquisitions making the point of interconnection (“POI”) that supports the NPA/NXX unavailable. Any indeterminate length of unsubstantiated extensions must be removed from the CO Code Assignment Guidelines.

Finally, the NANPA should initiate NXX code reclamation within sixty (60) days of expiration of the code assignee’s applicable activation deadline. Currently, the CO Code Assignment Guidelines require the NANPA to initiate code reclamation guidelines if an assigned code is not activated within 18 months. This protracted reclamation interval encourages misuse of numbering resources by allowing code assignees to “sit” on their numbers.

**C. THE COMMISSION SHOULD FOCUS ITS EFFORTS ON NON-LNP-BASED NUMBERING OPTIMIZATION MEASURES**

**1. Rate Center Consolidation is the Solution that Best Meets the Commission’s Competitive-Neutrality Mandates**

As discussed in Section II.A.2, *supra*, the Commission has adopted the policy of nondiscrimination in dealing with numbering issues. In particular, the Commission in the past has steadfastly rejected any numbering plan that favors one technology or service over another. Applying that overarching policy in this case, VoiceStream believes that rate center consolidation best meets the Commission’s objectives.

It is beyond doubt that the current structure of rate centers lends itself to wasteful use of numbering resources. There are thousands upon thousands of rate centers in the United States for which separate NXXs for each facilities-based telecommunications carrier must be assigned. This system engenders imprudent and unnecessary requests for numbering resources. Because

the number of rate centers dictates, to a large measure, the number of NXXs that must be assigned to CO code applicants, the consolidation or aggregation of several existing rate centers will have a downward effect on the number of NXX requests. This, in turn, will maximize the use of dwindling numbering resources, perhaps ultimately circumventing the need to adopt a more drastic numbering optimization measure in the near-term.

As the Commission already has recognized, rate center consolidation is an attractive numbering optimization measure because, among other things, it allows carriers to retain their existing call-routing and call-rating methods, is competitively neutral, and does not depend on the implementation of LRN LNP.<sup>33</sup> Moreover, several state commissions have already required implementation of rate center consolidation,<sup>34</sup> so there already exists a sufficient body of state experience upon which to base other rate consolidation initiatives (either state- or Commission-imposed).<sup>35</sup> Accordingly, the Commission should mandate rate center consolidation and require the states to implement it before considering other numbering optimization alternatives.<sup>36</sup>

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<sup>33</sup> *Id.* at ¶ 114.

<sup>34</sup> *See, e.g., In the Matter of Rate Center Consolidation with the 303 Area code, Creation of a Single Local Calling Area Defined as All Territory within the 303 Area Code, and Permissive 11 Digit Dialing*, Decision No. C98-439, Docket No. 97M-548T, Decision and Order (adopted Apr. 29, 1998) (requiring consolidation of 38 rate centers into 11 rate centers on theory that doing so would result in fewer NXX codes being required by local exchange carriers to provide service).

<sup>35</sup> Because rate centers are inextricably linked with local call rating and routing issues—which fall within the jurisdiction of state public utility commissions—states have full authority to order rate center consolidation. *See Notice of Proposed Rulemaking*, at ¶ 117. However, because states are not currently required (but are authorized) to implement rate center consolidation, some states have avoided rate center consolidation at all cost. Consequently, a federal mandate to implement rate center consolidation may be appropriate to trigger a positive response from the states.

<sup>36</sup> VoiceStream also supports establishment of nationwide standards for 911 default routing coincident with the implementation of rate center consolidation.

**2. Mandatory Ten-Digit Dialing is an Equally Effective, Competitively-Neutral Numbering Resource Optimization Solution**

VoiceStream fully supports the implementation of mandatory ten-digit dialing for both local and toll, intra- and inter-NPA calls. Ten-digit dialing does not require LNP and, therefore, will not necessitate the implementation by wireless carriers of LRN LNP well in advance of their implementation schedule.

The advantages of mandatory ten-digit dialing cannot be overemphasized. As the Commission already has acknowledged, mandatory ten-digit dialing frees up numbering resources by enabling the reclamation of "protected codes." Likewise, the adoption of mandatory ten-digit dialing may encourage the states to adopt overlays for area code relief. VoiceStream agrees with PageNet that ten-digit dialing will reduce entry barriers.<sup>37</sup> Similarly, VoiceStream agrees with GTE that ten-digit dialing will prevent discrimination among service providers.<sup>38</sup>

VoiceStream recognizes that mandatory ten-digit dialing may have some disruptive effects initially. For instance, the Commission is concerned that consumers often object to the inconvenience and confusion associated with having to remember and dial three extra digits.<sup>39</sup> This and other concerns can easily be addressed, however. With respect to the confusion associated with dialing three additional digits, VoiceStream believes that this problem will disappear as telephone consumers become increasingly used to dialing ten as opposed to seven

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<sup>37</sup> See *Notice of Proposed Rulemaking*, at ¶ 124.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at ¶ 125.

digits.<sup>40</sup> Moreover, any potential confusion can be alleviated—or even eliminated—by implementing a federally mandated, intensive consumer education program prior to the initiation of mandatory ten-digit dialing. In the past, the Commission has adopted intensive and meaningful consumer education programs in other contexts to alleviate consumer confusion.<sup>41</sup>

At bottom, virtually all of the concerns outlined by the Commission in the *Notice of Proposed Rulemaking* can be addressed with adequate long-term planning. More importantly, when viewed against the potential benefits that can accrue from ten-digit dialing, these concerns pale in comparison. Accordingly, the Commission should mandate ten-digit dialing independent of, or in conjunction with, rate center consolidation.

**D. THE COMMISSION SHOULD NOT CONSIDER NUMBER-POOLING OR OTHER LNP-BASED NUMBERING OPTIMIZATION MEASURES**

VoiceStream strongly believes that, viewed from a cost-benefit perspective, number pooling is not the most optimal numbering optimization solution and, consequently, the Commission should not mandate its implementation. More importantly, VoiceStream vehemently challenges any numbering optimization solution, such as number pooling, that would effectively accelerate CMRS providers' obligation to provide LRN LNP.

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<sup>40</sup> VoiceStream posits that confusion is likely to occur only where consumers are required to dial seven digits in one NPA and ten digits in another. This situation is entirely avoided in the case of a nationally-mandated ten-digit dialing scheme. In this regard, a “flash-cut” ten-digit dialing implementation may well be appropriate.

<sup>41</sup> See, e.g., *Amendment of Part 76 of the Commission's Rules Concerning Carriage of Television Broadcast Signals by Cable Television Systems*, FCC 86-357, MM Docket No. 85-3491, Report and Order, 61 RR 2d 792, 1 FCC Rcd 864, 1986 FCC LEXIS 2274 (1986); *Billed Party Preference for InterLATA 0+ Calls*, FCC 98-91, CC Docket No. 92-77, Second Report and Order on Reconsideration, 1 CR 1, 63 FR 11612, 63 FR 15315, 1998 FCC LEXIS 460 (1998).

**1. No Incremental Benefit will Accrue by Requiring CMRS Carriers to Participate in Number Pooling Arrangements**

CMRS participation in number pooling would be of marginal value to number conservation efforts. First, CMRS carriers have a very high utilization rate, typically in the 70-80% range. Thus, CMRS carriers would have very few, if any, numbers to contribute to the pools.

Second, CMRS carriers in the 100 largest MSAs typically can exhaust a 10,000 number NXX block in less than 10 weeks. Because CMRS providers consume central office codes within very short timeframes, it is more efficient and administratively manageable for CMRS providers to receive entire NXX blocks as opposed to multiple thousands-blocks.

Finally, CMRS carriers draw numbers from only a few rate centers within an NPA. Thus, their pooled numbers would be available for wireline assignment only in those rate centers.

**2. Requiring CMRS Carriers to Participate in Number Pooling Prior to the LNP Implementation Deadline is Improper and Contrary to Public Interest**

The Commission seeks comments on three number pooling arrangements: thousands-block pooling, individual telephone number pooling, and unassigned number porting. These methods rely on LNP infrastructures to route calls. As explained below, any solution that relies on LNP is problematic for CMRS carriers and must be rejected at this time.

The Commission has required wireline carriers in the top 100 MSAs to implement LNP in switches that another carrier has requested to be made LNP-capable, as of December 31, 1998. As of January 1, 1999, local exchange carriers ("LECs") may request that other LECs implement

LNP in their switches in areas outside of the largest 100 MSAs within six months of a LEC request.<sup>42</sup>

The LNP obligations of wireless carriers, however, are vastly different. "Covered" CMRS providers are not required to implement LNP in the largest 100 MSAs until November 24, 2002;<sup>43</sup> they are not required to implement LNP outside the largest 100 MSAs until they receive a request from a competing carrier. "Non-covered" CMRS providers, such as paging carriers, are not required to implement LNP at all.<sup>44</sup> Because "covered" CMRS carriers are not required to implement LNP until November 2002, at the earliest, requiring CMRS carriers to participate in mandatory number pooling arrangements prior to that date is inappropriate.

In the *First Report and Order*, the Commission outlined the LNP requirements and deployment schedules for wireline and wireless carriers. In setting the deployment schedule for CMRS number portability, the Commission noted that wireless carriers were only beginning to develop the technical standards and protocols needed to support number portability on their

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<sup>42</sup> See *Number Portability*, FCC 96-286, CC Docket No. 95-116, RM 8535, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352 (1996) (*First Report and Order*); *Telephone Number Portability*, FCC 97-74, CC Docket No. 95-116, RM-8535, First Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd 7236 (1997).

<sup>43</sup> The original implementation date of December 31, 1998, for CMRS carriers had been extended on several occasions due to technical concerns. See, e.g., *Telephone Number Portability, Petition for Extension of Implementation Deadlines of the Cellular Telecommunications Industry Association*, CC Docket No. 95-116, Memorandum Opinion and Order, DA 97-2576 (rel. Sept. 1, 1998).

<sup>44</sup> See *Cellular Telecommunications Industry Association's Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability*, FCC 99-19, WT Docket No. 98-229, CC Docket No. 95-116, Memorandum Opinion and Order, 15 Communications Reg. (P&F) 82, 64 FR 22562 (1999) (*CMRS LNP Forbearance Order*).

networks. Moreover, the Commission observed that wireless carriers faced certain unique technical challenges in implementing number portability, in particular the need to configure their network so that wireless users with ported numbers would be able to place and receive phone calls while roaming outside their home service areas.<sup>45</sup>

In subsequently extending the LNP implementation deadline for CMRS carriers, the Commission concluded in the *CMRS LNP Forbearance Order* that

the record demonstrates that forbearance from the application of wireless number portability requirements until the completion of the broadband PCS buildout period is consistent with the public interest. First, we find that the wireless industry needs additional time beyond the March 31, 2000 implementation deadline to develop and deploy the technology that will allow viable implementation of service provider portability, including the ability to support seamless nationwide roaming. Second, we conclude that extending the deadline until November 2002 is consistent with the public interest for competitive reasons because it will give CMRS carriers greater flexibility in that time-frame to complete network buildout, technical upgrades, and other improvements that are likely to have a more immediate impact on enhancing service to the public and promoting competition in the telecommunications marketplace. Conversely, we see insufficient competitive benefit to justify the cost and technical burden of implementing LNP more rapidly.<sup>46</sup>

Thus, the Commission already has concluded, based on very strong and incontrovertible evidence, that implementation of LNP for wireless carriers prior to November 2002 would be inappropriate, in light of technical, competitive, and other considerations. The fundamental bases of the Commission's conclusions in the *First Report and Order* and the *CMRS LNP Forbearance Order* remain valid today. For example, it is VoiceStream's understanding that the development of the MIN/MID separation standard was completed in late August 1998, but the wireless industry has, to date, not completed the standard balloting and adoption of process to

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<sup>45</sup> *First Report and Order*, 11 FCC Rcd at 8440.

<sup>46</sup> *CMRS LNP Forbearance Order*, 15 Communications Reg. (P&F) at 90.

allow manufacturers to begin work on software delivery to CMRS providers. Following the adoption of the MIN/MID standard, manufacturers would need approximately 18 months to two years to provide software to CMRS providers; CMRS providers in turn would need twelve months to conduct laboratory and field testing to ensure the reliability, integrity, and quality of the service.

Likewise, accelerating the deployment of LNP for wireless carriers would have potentially devastating financial and operational ramifications. As the Commission recognized in the *CMRS LNP Forbearance Order*, the costs to the industry of implementing wireless number portability is substantial.<sup>47</sup> Requiring wireless carriers to implement LNP well in advance of the CMRS LNP implementation deadline would force them to divert available financial and technical resources from other initiatives that could have a more immediate impact on competition, such as network buildout. In addition, as the FCC also has recognized:

CMRS carriers are currently devoting substantial resources to Y2K issues and to other regulatory requirements, such as 911 and CALEA, which are designed to meet *important public interest needs* but likely will result in some additional technical burden. Thus, if carriers are required to implement number portability within the same time frame as these other initiatives, this could slow network buildout and system development efforts necessary to meet these other demands.<sup>48</sup>

Thus, subjecting CMRS providers to LNP obligations at this point is not in the public interest.

Aside from the fact that such an accelerated LNP implementation would contradict the Commission's prior decisions (and hence the factual and legal bases upon which those decisions

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<sup>47</sup> Wireless carriers approximate that, on an individual basis, it would cost them millions of dollars in network upgrade, switch replacement, and changes in back office operations in order to implement LNP.

<sup>48</sup> *CMRS LNP Forbearance Order*, at ¶ 38 (citations in original omitted; emphasis added).

were made), it also would jeopardize the CMRS providers' performance of other equally important, publicly beneficial obligations.

Finally, the Commission already has found the "public interest in efficient use of numbering resources is not harmed"<sup>49</sup> by not imposing an earlier deadline for LNP implementation on CMRS carriers. Accordingly, there is no legitimate reason why CMRS carriers should now be subject to mandatory number pooling at this time.

**E. THE COMMISSION SHOULD CONTINUE TO PROHIBIT SERVICE- OR TECHNOLOGY-SPECIFIC AREA CODE OVERLAYS**

VoiceStream concurs that the adoption of numbering resource optimization measures does not, in and of itself, eliminate the states' involvement in area code relief implementation. To guide the state commissions in choosing the appropriate form of area code relief, where necessary, VoiceStream implores the Commission to vigilantly enforce its numbering policy, as articulated in the *Ameritech Order* and the *Second Local Competition Order*. That nondiscrimination policy requires that numbering administration should: (1) seek to facilitate entry into the communications marketplace by making numbering resources available on an efficient and timely basis; (2) not unduly favor or disadvantage a particular industry segment or group of consumers; and (3) not unduly favor one technology over another.<sup>50</sup>

To that end, the Commission should continue to reject any area code relief plan that would disparately impact wireless carriers and, as a result, inhibit competition. As the Commission itself has recognized, wireless services are competing with traditional wireline

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<sup>49</sup> *Id.* at ¶ 48.

<sup>50</sup> *See Ameritech Order*, 10 FCC 2d at 4604.

services to become the preferred “method of choice” for consumers’ telecommunications needs. Thus, the Commission must ensure that are code relief plans do not “tip the scale” back in favor of traditional landline telephone usage over wireless usage. VoiceStream believes that technology- and service-specific overlays are, by their very nature, discriminatory and should never be an option. Indeed, the Commission is correct that “service-specific or technology-specific overlays raise serious competitive issues.”<sup>51</sup> Accordingly, the Commission should take this opportunity to reaffirm its national numbering administration policy of nondiscrimination.

### III. CONCLUSION

VoiceStream is cognizant of the problems posed by the dwindling amount of numbering resources under the current NANP scheme. VoiceStream believes, however, that the currently available numbering resources can be optimized by tightening the existing administrative mechanisms for numbering administration and allocation. Likewise, VoiceStream believes that rate center consolidation and mandatory ten-digit dialing, individually or in combination, would go a long way in prolonging the life of the NANP. VoiceStream does not believe that the other numbering optimization measures proposed by the Commission, such as number pooling, would provide the benefits contemplated by the Commission. VoiceStream strongly challenges any

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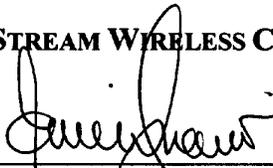
<sup>51</sup> *Notice of Proposed Rulemaking*, at ¶ 257.

proposal to subject CMRS providers, as part of a numbering optimization measure, prematurely to LNP obligations. Moreover, VoiceStream opposes anticompetitive area code relief plans, such as technology- and service-specific overlays. Finally, VoiceStream implores the Commission to continue to assert predominance over numbering issues, giving only very limited and narrowly circumscribed authority to the states.

Respectfully submitted,

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