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

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In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Connecticut Department of Public Utility Control)	RM No. 9258
Petition for Rulemaking to Amend the Commission's)	
Rule Prohibiting Technology-Specific or)	
Service-Specific Area Code Overlays)	
)	
)	
Massachusetts Department of Telecommunications)	NSD File No. L-99-17
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 People)	NSD File No. L-99-36
of the State of California Petition for Waiver to)	
Implement a Technology-Specific or Service-Specific)	
Area Code)	

COMMENTS OF MEDIAONE GROUP, INC.

MEDIAONE GROUP, INC.

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TABLE OF CONTENTS

BACKGROUND AND EXECUTIVE SUMMARY.....	2
I. A NATIONAL SET OF NUMBER RESOURCE OPTIMIZATION RULES AND DEFINITIONS IS NECESSARY TO ACCELERATE LOCAL COMPETITION.....	7
A. National Rules Are Consistent with both the Text and the Pro-Competition Spirit of the 1996 Act.....	7
B. Uniform Number Status Definitions Will Promote Regulatory Certainty.....	9
II. CERTAIN ADMINISTRATIVE MEASURES WILL PROMOTE MORE EFFICIENT NUMBER UTILIZATION.....	11
A. Number Resource Verification and Reclamation Procedures Will Promote the Efficient Use of Numbers.....	11
1. The Use of Initial Codes Should be Governed By a Time Limitation.....	12
2. Carriers Should Demonstrate a Need for Growth Codes.....	13
3. MediaOne Favors Months-to-Exhaust Forecasting Because Utilization Rates Generally Discriminate Against New Entrants.....	14
4. The Reclamation Rules Should be Strengthened.....	15
B. Reporting, Record-keeping, Audit, and Enforcement Rules Will Reduce Number Resource Inefficiencies and Improve Carrier Accountability.....	16
1. Reporting and Record-keeping.....	17
2. Audits.....	19
3. Enforcement.....	20
III. THE COMMISSION SHOULD PROMPTLY ADOPT POOLING SOLUTIONS.....	21
A. Thousands-Block Pooling is One Solution to the Numbering Crisis That Can be Implemented Quickly.....	22
B. Other Pooling Implementation Alternatives Show Promise and Should be Explored by the Commission Under the Proper Circumstances.....	23
1. The Commission Should Adopt Distinct Numeric Contamination Levels for CLECs and ILECs.....	23
2. The Commission Should Adopt the Draft INC Guidelines But Exclude the “Sufficiency” Requirement.....	24
3. The Commission Should Implement a Flexible Sequential Numbering Requirement.....	25
4. The Commission Should Implement a Competitively-Neutral Cost Recovery System.....	25

TABLE OF CONTENTS (cont'd)

IV. THE COMMISSION SHOULD CAREFULLY CONSIDER NUMBERING SOLUTIONS THAT ARE NOT BASED ON LNP 26

 A. The Commission Should Establish Guidelines and Encourage State Efforts to Implement Rate Center Consolidation as Soon as Possible..... 26

 B. Mandatory 10-Digit Dialing Is Not a Viable Numbering Alternative 28

V. THE COMMISSION SHOULD CONSIDER INDIVIDUAL TELEPHONE NUMBER POOLING AS A COMPREHENSIVE, LONG-TERM NUMBERING SOLUTION..... 28

 A. The Commission Can, and Should, Take Immediate Steps to Study and Implement ITN Pooling 28

 B. The Commission Should Further Study Unassigned Number Porting 29

 C. A Pricing Mechanism for Numbering Resources Will not Address the Root Cause of Number Exhaust 30

 D. It is Premature to Allow Carriers to “Opt Out” From Implementing Resource Solutions 31

VI. CONCLUSION..... 31

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COMMENTS OF MEDIAONE GROUP, INC.

MediaOne Group, Inc. ("MediaOne"), submits these comments in response to the Federal Communications Commission's ("FCC" or "Commission") numbering resource optimization Notice of Proposed Rulemaking in the above-captioned docket.^{1/} MediaOne is the parent company of one of the largest cable television multiple system operators in the United States.^{2/} MediaOne subsidiaries provide residential facilities-based competitive local telephone service in

^{1/} In the Matter of Numbering Resource Optimization, Notice of Proposed Rulemaking, FCC 99-122, CC Docket No. 99-200 (rel. June 2, 1999) ("NRO NPRM").

^{2/} MediaOne expects to complete a merger with AT&T Corp. in the first quarter of 2000.

Atlanta, Georgia; Los Angeles, California; Pompano and Jacksonville, Florida; several communities surrounding Boston, Massachusetts; Detroit, Michigan and Richmond, Virginia. MediaOne plans to provide telecommunications service to additional markets in the near future.

The rollout of telephony -- together with high-speed data service and video programming -- is a key component of MediaOne's efforts to bring integrated services to millions of consumers. By 2001, MediaOne plans to make voice telephony services available to over 90 percent of all homes passed by the company's cable systems in its multi-state region. MediaOne already is offering these services to a diverse base of residential subscribers, including customers in urban and rural areas with low incomes and ethnically diverse populations. By the end of 2000, MediaOne will have invested over \$7 billion in risk capital to execute its integrated service strategy.

As MediaOne is rapidly upgrading its network to deploy telephony services through its service areas, the current lack of numbers in certain states, particularly California, has significantly impeded MediaOne's efforts to bring local telephone competition to residential customers. As a facilities-based provider of telecommunications services, access to numbers is critical to MediaOne's business plans and integral to achieving Congress's objective of promoting a fully competitive telecommunications marketplace that will bring new packages of services, lower prices, and increased innovation to residential consumers.

BACKGROUND AND EXECUTIVE SUMMARY

The primary purpose of the Telecommunications Act of 1996 (the "1996 Act")^{3/} was to establish "a pro-competitive, deregulatory national policy framework" for the United States

^{3/} Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, codified at 47 U.S.C. §§ 151 et seq.

telecommunications industry.^{4/} In implementing that mandate, the Commission has explicitly recognized that competition in the local telecommunications marketplace is predicated upon the fair and impartial access to national numbering resources by all telecommunications carriers.^{5/} As the Commission has observed, “[i]nefficiencies in the allocation and utilization of numbering resources threaten to slow or halt the growth of competition by preventing new entrants from getting into telecommunications markets, and by preventing carriers already providing services from expanding their offerings.”^{6/} As explained below, inefficient and restrictive allocation and utilization of numbering resources present an imminent threat to new entrants such as MediaOne due to slower deployment of facilities and higher cost structures for new telephony services. This, in turn, denies consumers the full benefits of the 1996 Act.

The current number allocation system, which was designed specifically for a telecommunications model that assumed the existence of one provider -- the incumbent local exchange carrier (“ILEC”) – which offered only wireline telephony to its customers, is clearly not suited to foster the development of a competitive facilities-based local telecommunications marketplace. Indeed, the recent emergence of competitive local carriers has only served to expose the inadequacy and inefficiency of the number assignment system, which imposes huge societal costs, threatens the long-term viability of the NANP, and harms competitors and consumers alike.

^{4/} Joint Statement of Managers, S.Conf. Rep. No. 104-230, 104th Cong., 2d Sess. 1 (1996).

^{5/} NRO NPRM ¶ 13.

^{6/} Id. ¶ 13.

The inherent inefficiency and wastefulness of allocating numbering resources in 10,000 number blocks has produced a tremendous increase in allocated NXXs in recent years, although many allocated telephone numbers may not actually be in use. Because the area code exhaust problem has reached crisis proportions, immediate action is necessary. Current projections show that the NANP itself may completely run out of area codes within the next seven to fifteen years, if no action is taken.^{7/} Even if numbers do not run out immediately, the current exhaustion problem is damaging to carriers, especially CLECs such as MediaOne in the early stages of entry into the telecommunications market.

The numbering crisis is less of a concern to ILECs because they are more likely to have access to enough numbers in every rate center where a customer might need service. New entrants, by contrast, often have to wait months, or, in the case of California, indefinitely, before obtaining the NXX codes they require. Without sufficient NXX codes, the new entrants' inability to provide ubiquitous service in the area they intend to serve creates an advertising dilemma for new entrants because they are unable to conduct mass marketing when there are areas they cannot serve. Similarly, a numbering shortage also provides ILECs with a powerful advertising weapon to attack the quality of the new entrant's telephone service. As the Commission has acknowledged, "[t]he timely availability of numbers is essential if new providers are to enter and new services are to appear in the telecommunications marketplace. . . . Unavailability of numbers, or unreasonable allocations of available numbers, could prevent or discourage consumers from taking new services."^{8/}

^{7/} NRO NPRM ¶ 32.

^{8/} In the Matter of the Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois, Memorandum Opinion and Order at 9, FCC 95-19 (rel. Jan. 12, 1995).

Customers also are harmed by the current numbering situation. The lack of central office codes in many rate centers may very well deny millions of customers the benefits of competition and choice promised in the 1996 Act. In some markets today, new carriers are unable to serve customers and meet demand solely because they are unable to obtain the numbers they need to provide service.

In California, for example, the lack of numbers has reached catastrophic proportions. There still is no clear solution. The California Public Utilities Commission ("CPUC") approved an NPA overlay for the area in greater Los Angeles served by NPA 310 in May of 1998.^{9/} Mandatory ten digit dialing was instituted, on schedule, on April 17, 1999. MediaOne relied on the CPUC's decision and obtained NXX codes in the overlay NPA (NPA 424) and prepared to use those codes to market to new rate centers in July 1999. On June 24, 1999, however, less than three weeks before the 424 area code was to be opened, the CPUC issued an interim opinion suspending the introduction of the overlay in response to a petition filed by a state assemblyman, a Congressman and a number of consumers angry over ten digit dialing and the lack of code conservation measures.^{10/} Without the ability to use the codes obtained in the 424 overlay and with the inability to obtain codes in the existing 310 area code, MediaOne is unable to enter several communities as planned this summer. It has spent millions of dollars upgrading its broadband network in these areas in reliance on the ability to use codes in the overlay NPA. MediaOne is working with the industry to address emergency procedures so that all providers who are ready to serve customers can access codes without further harmful delays. MediaOne

^{9/} Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service, Rulemaking 95-04-043, Decision 98-05-021 (rel. May ___, 1998).

^{10/} Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service, Rulemaking 95-04-043, Decision 99-06-091 (rel. June 24, 1999).

faces monthly lotteries for most of the other codes it needs in California and has often had to wait for months to obtain the codes it needs.^{11/}

To deal effectively with the competitive barriers, societal costs, and continued threats to the viability of the NANP posed by the current numbering regime, MediaOne urges the Commission to adopt the following guiding principles:

- The Commission must adopt a national numbering optimization plan backed by detailed national rules to promote the efficient, effective, and predictable use of numbering resources;
- The numbering plan must conserve numbers and improve carrier accountability;
- The numbering plan should be flexible and convenient to customers;
- The Commission should adopt a numbering plan that provides access to numbers in a manner that levels the playing field for new entrants; and
- Uniform definitions are necessary to clarify differences in terminology and to provide carriers with regulatory certainty.

In support of these principles, MediaOne urges the Commission to adopt several specific numbering resource optimization solutions that involve administrative, local number portability (“LNP”), and non-LNP-based approaches:

- MediaOne supports thousands-block pooling as the most practical and immediate means to conserve and distribute numbers;
- MediaOne encourages the Commission to advocate rate center consolidation at the state level;
- MediaOne supports individual telephone number pooling as a long-term numbering optimization solution;

^{11/} MediaOne is also operating under a numbering lottery in New Hampshire and Massachusetts. Whether MediaOne will be able to obtain numbering resources sufficient to make telephony services available to customers in these states depends on its success or failure in obtaining numbers in the lottery process.

- MediaOne opposes the sale of numbering resources;
- MediaOne supports further analysis of unassigned number porting before its adoption;
- MediaOne emphatically supports the implementation of numbering resource verification and reclamation procedures to promote the efficient use of numbers and minimize costs on the industry and consumers;
- MediaOne supports the implementation of national reporting, record-keeping, audit, and enforcement rules in order to promote efficiency and improve carrier accountability;
- MediaOne supports adoption of flexible sequential numbering requirements;
- MediaOne supports implementation of a competitively-neutral cost recovery system;
- MediaOne opposes mandatory nationwide 10-digit dialing because costs, delays, suspensions and uncertainty associated with 10-digit dialing significantly outweigh any numbering resource benefits; and
- MediaOne opposes “opt out” provisions for carriers at this time.

COMMENTS

I. A NATIONAL SET OF NUMBER RESOURCE OPTIMIZATION RULES AND DEFINITIONS IS NECESSARY TO ACCELERATE LOCAL COMPETITION

A. National Rules Are Consistent with both the Text and the Pro-Competition Spirit of the 1996 Act.

MediaOne agrees with the suggestion in the NRO NPRM that the numbering resource optimization measures adopted by the Commission should be incorporated into the FCC’s rules. MediaOne has advocated that the Commission delegate interim authority to state commissions to take certain measures where numbering resources have entered a jeopardy situation. In the long run, MediaOne believes that the expedited establishment of a uniform set of federal rules and definitions would be the most effective method of optimizing numbering resources. If the

Commission, the states, and the industry work together now toward this goal, MediaOne is confident that an effective number optimization plan can be developed.^{12/}

The Commission recognizes that many of the proposals set forth in the NRO NPRM are derived from unregulated industry guidelines and, therefore, it seeks to strike a balance between reliable enforcement and deregulation.^{13/} MediaOne supports the Commission's effort to avoid unnecessary regulation. However, the current numbering crisis is national in scope. A uniform set of national rules best guarantees that all telecommunications carriers will have fair and impartial access to national numbering resources.

A uniform set of national rules is consistent with the 1996 Act, which assigned to the Commission the responsibility for implementing a national numbering policy.^{14/} Section 251(e)(1) specifies that the Commission has plenary jurisdiction over numbering issues that pertain to the United States. In the Local Competition Second Report and Order, the Commission made clear that it intended to retain broad authority over numbering in order to "preserve [its] ability to act flexibly and expeditiously on broad [numbering] policy issues . . ."^{15/}

While the FCC should establish a uniform set of rules and definitions to govern the optimization of numbering resources, the states should play a key role in defining any uniform

^{12/} In addition, pursuant to its plenary authority over numbering issues, the Commission should continue to authorize individualized petitions for emergency numbering relief in situations where the requested carrier has adequately demonstrated its genuine and immediate need for the requested relief. See, e.g., March 12, 1999, Letter from Yog R. Varma, Deputy Chief, FCC Common Carrier Bureau, to Ronald R. Conners, Director, North American Numbering Plan Administrator granting Sprint PCS' Request for Emergency Numbering Relief (released March 12, 1999).

^{13/} NRO NPRM ¶ 35.

^{14/} See 47 U.S.C. § 251(e)(1); see also In the Matter of 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, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009, 19022 ¶ 21 (1998) ("Pennsylvania Order").

numbering optimization requirements promulgated by the Commission and the states should be heavily involved in establishing the national rules. Moreover, until national rules are established, the Commission must delegate interim authority to state commissions so that they may take certain numbering resource measures—such as code rationing and short-term pooling trials—in instances where numbering resources are severely limited.

B. Uniform Number Status Definitions Will Promote Regulatory Certainty

MediaOne agrees with the FCC’s tentative conclusion that a uniform set of definitions for the status of numbers should be established.^{16/} As the Commission observed, a uniform set of number status definitions ensures that all participants in the number administration process use a common framework from which number resource optimization decisions can be made.^{17/}

Uniform definitions will also improve the Commission’s ability to collect accurate data on number utilization and demand in order to properly forecast number exhaust. Moreover, uniform definitions will help ensure that the CO Code Guidelines are truly enforceable. MediaOne submits that, at a minimum, the following uniform number status definitions should be codified as part of the FCC’s rules:

- **“Aging”**—MediaOne concurs with the Commission’s definition of the aging process and its conclusion that “[a]n aging interval includes any announcement treatment period, as well as the blank telephone number intercept period.”^{18/} MediaOne urges the Commission to complete its aging definition by setting specific aging intervals. For residential customers the interval should generally be 90 days, 180 days for businesses. These time frames are usually sufficient to allow carriers to conduct two necessary operations on all aged numbers: (i) provide an announcement treatment period; and (ii) provide a blank telephone number

^{15/} 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, 19512 (1996) (“Local Competition Second Report and Order”).

^{16/} See NRO NPRM ¶ 39.

^{17/} See id.

^{18/} See id.

intercept period. In cases of extreme jeopardy, shorter aging periods are appropriate. For example, to address the shortage of codes in California, MediaOne supports a 30-day aging period as an interim emergency measure.

- **“Assigned Number”**—The Commission defines an assigned number as a number that is “working in the PSTN under an agreement (e.g., tariff, contract) at the request of a specific customer for that customer’s use, or ... not yet working but has a customer service order pending.”^{19/} MediaOne shares the Commission’s view that this definition should be further refined by limiting the time during which a customer service order may be considered “pending.”^{20/} In setting a time limitation on pending orders, however, the Commission should consider the fact that telecommunications carriers, including MediaOne, may take service orders in advance of provisioning service to their customers. Accordingly, a 30-day limitation on pending orders should be sufficient to ensure that carriers have sufficient time to properly provision each telephone number without the threat of backlog.
- **“Ported-Out Number”**—The Commission defines a ported-out number as an assigned number that is ported from the code holder/block holder to another service provider.^{21/} Among other things, the Commission asks whether both carriers should treat a ported number as unavailable for assignment. The answer to this question, however, depends on the manner in which the number is ported-out. Generally, there are two ways that telephone numbers can be ported-out. The first category is comprised of “true” ported-out numbers where a customer selects another provider. In this case, the number should be treated as unavailable for assignment in both carriers’ telephone number inventories because the number is in-use by a customer. The second ported-out scenario involves donations to the telephone number pool. When numbers are donated, the numbers should not be treated as available for assignment in the donating company’s telephone number inventory, but should be considered available for assignment in the receiving company’s telephone number inventory.
- **“Unavailable for Assignment”**—The Commission includes administrative, aging, assigned and reserved telephone numbers as those unavailable for assignment.^{22/} MediaOne opposes the exclusion of reserved numbers from the list of numbers unavailable for assignment because a number reservation automatically takes such numbers out of the pool of numbers to be assigned. Although the Commission has a legitimate concern that abuse of reserved numbers may lead to hoarding, such concerns are better addressed by ensuring that reservations are made pursuant to customers’ bona fide requests and limiting the reservations period to 45 days. Such measures more directly answer the Commission’s concerns and, more importantly, do not remove reserved numbers from their appropriate category.
- **“Soft Dialtone”**—The FCC states soft dial tone is a number temporarily assigned to line equipment and facilities which permits restricted dialing (e.g., operator, 911, service provider

^{19/} See *id.* ¶ 43.

^{20/} See *id.* ¶ 43.

^{21/} *Id.* ¶ 45.

^{22/} *Id.* ¶ 52.

business office). The Commission should be mindful that in some states, carriers are required to provide soft dialtone for emergency services if local service is disconnected for nonpayment or the property is vacant.

II. CERTAIN ADMINISTRATIVE MEASURES WILL PROMOTE MORE EFFICIENT NUMBER UTILIZATION

MediaOne urges the Commission to implement several administrative measures to promote more efficient number utilization. Specifically, MediaOne supports: (i) time-limited initial codes; (ii) need-based growth codes; (iii) competitor-specific utilization rates once thousands-block pooling has been implemented; and (iv) strengthened number resource verification and reclamation procedures. MediaOne also encourages the Commission to adopt strong reporting, recordkeeping, audit and enforcement requirements. Such measures are essential to any numbering solution because they do not require implementation of costly new systems or technologies and they may be implemented in a relatively short time period.^{23/} MediaOne's administrative suggestions may be deployed regardless of whether a provider has deployed number portability. The Commission should therefore adopt these administrative rules to prevent carriers from obtaining and holding numbers for which they have no immediate need.

A. Number Resource Verification and Reclamation Procedures Will Enhance Carrier Accountability Concerning the Use of Numbers

MediaOne agrees with the Commission's concern that, under the current guidelines, carriers may obtain numbering resources well in advance of when they will actually be able to provide service. This situation is counterproductive to number optimization because it encourages and rewards the inefficient use of numbers to the competitive disadvantage of other carriers. The Commission should therefore institute administrative measures to verify and reclaim telephone numbers.

1. The Use of Initial Codes Should be Governed By a Time Limitation

An initial code is the first NXX code assigned to the carrier at a new switching entity, point of interconnection (“POI”) or individual rate center.^{24/} Because the current CO Code Guidelines do not require applicants to demonstrate their readiness to utilize initial codes, carriers may be able to game the process of initial code distribution in order to obtain numbers that they do not plan to use in the near term. For this reason, the Commission seeks comment on what type of showing carriers should make in order to obtain initial codes.

MediaOne submits that the easiest way to reduce inefficiencies in distributing initial codes is simply to limit the amount of time carriers have to initiate service using those codes.^{25/} Six months will generally provide a carrier with sufficient time to initiate service. This time limitation should be subject to a three-month, one-time extension in instances where the requesting carrier can demonstrate that either: (i) technical and operational difficulties justify an extension; or (ii) delay has occurred through no fault of the requesting carrier. If the carrier fails to meet this test, it must automatically forfeit its codes. By granting one-time extensions on an as-needed basis, carriers will not be penalized for circumstances beyond their control, such as instances in which an ILEC may delay access to necessary network elements. A time limitation

^{23/} See *id.* ¶ 39.

^{24/} *Id.* ¶ 55.

^{25/} The Commission should adopt a needs-based test consistent with its desire to promote a competitive local telecommunications marketplace for all Americans, particularly residential consumers, in determining how initial codes should be distributed. Such a needs-based test might be designed in order to provide a preference for carriers who demonstrate that they are ready to provide service to customers using the code. Such a needs-based test might take into consideration: (i) the existence of an approved interconnection agreement and (ii) the existence of interconnection arrangements, facilities, and operations support in place to provide service to customers in the rate center for which the code is requested.

on the implementation of initial codes obviates the need for the Commission to require that carriers make an administratively burdensome showing of the type of equipment they intend to use, the state of readiness of their network, or several other factors contemplated in the NRO NPRM.^{26/} The Commission's proposed itemized showing would waste valuable carrier and Commission resources and ultimately delay the processing of initial code applications.

2. Carriers Should Demonstrate a Need for Growth Codes

MediaOne agrees with the FCC's tentative conclusion that a carrier should be required to provide data that supports its need to obtain growth codes.^{27/} Currently, a growth code may be obtained after an applicant certifies that existing codes associated with that switch, POI or rate center will exhaust within eight months, and prepares a Months-to-Exhaust Worksheet. MediaOne believes that the submission of a "Months-to-Exhaust Worksheet," with data provided at the rate center level, is the most efficient and non-burdensome manner to distribute growth codes because it allows carriers to make growth code determinations without investing unnecessary time and capital. Furthermore, a Months-to-Exhaust analysis is better suited to the needs of competitors whose future numbering requirements will likely outpace past demand. Although the Months-to-Exhaust analysis is forward-looking in nature, the Commission can adequately protect against abuse of growth codes through stringent enforcement and reclamation processes. In emergency situations, a shorter exhaust period (i.e., 90 days) should be required before a carrier can obtain a growth code.

^{26/} See NRO NPRM ¶ 58.

^{27/} See id. ¶ 56.

3. **MediaOne Favors Months-to-Exhaust Forecasting Because Utilization Rates Generally Discriminate Against New Entrants**

The Commission seeks comment on whether establishing utilization rates may be an alternative to the use of forecasting for the issuance of growth codes.^{28/} At this time, MediaOne favors Months-to-Exhaust forecasting over utilization rates because utilization rates generally discriminate against new entrants. As the Commission recognizes, “newly acquired and activated NXX codes will have lower utilization rates than older, more ‘mature’ NXXs.”^{29/} Utilization rates could further negatively affect new entrants, especially at the NPA level, because incumbents can easily distort their utilization rates by including reserved and other numbers, even when such numbers are not being used to provide any type of service.^{30/}

If the Commission decides to implement utilization rates, it should consider implementing multiple sets of such rates, with data provided at the rate center level, based on the identity of the carrier to level the playing field for new entrants. For certain telecommunications carriers, primarily ILECs, the rates would naturally be higher to reflect their established presence in a rate center. For new entrants, the utilization level would be lower based on the carrier’s established presence in that rate center. Establishing a sliding utilization rate scale is key because incumbents and new entrants are dissimilarly situated and therefore cannot reasonably be expected to share the same rates. Additionally, the Commission should exclude reserved numbers and numbers in dealer numbering pools from the category of “telephone numbers unavailable for assignment” in the Commission’s proposed utilization calculation scheme.^{31/}

^{28/} Id. ¶ 62.

^{29/} Id. ¶ 65.

^{30/} Id. ¶ 64.

^{31/} See id. ¶64.

4. The Reclamation Rules Should be Strengthened

Perhaps the most straightforward number optimization measure available today is the reclamation and reuse of unused NXX blocks. MediaOne supports the FCC's tentative conclusion that the current activation and reclamation requirements and time frames in the CO Code Guidelines should be strengthened through shorter time lines to make more efficient use of NXX codes. Modified reclamation rules would also conserve numbering resources.^{32/} Specifically, MediaOne recommends that the Commission reduce the period of time carriers have to activate codes after they are assigned from 18 months to six months.

Currently, CO Code Guidelines require a carrier to return an NXX code if it is no longer needed for the purpose for which it was originally assigned, or if it is not activated within a specified time frame, which may extend up to 18 months following assignment of the NXX Code.^{33/} MediaOne urges the Commission to reduce the amount of time a carrier may hold an unactivated NXX code from 18 months to six months, and reduce the period of potential extension to three months. The Commission should also modify the current reclamation provisions to require the NANPA to initiate NXX code reclamation within 60 days of expiration of the assignee's applicable activation deadline. This would accelerate recycling of unused NXX codes.

^{32/} For example, in Massachusetts 21 carriers hold over 5,200 unassigned, uncontaminated thousands blocks. See Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation methods in the 508, 617, 781 and 978 Area Codes, NSD File No. L-99-19 ¶ 6 (filed Feb.17, 1999) ("Massachusetts Petition").

^{33/} CO Code Guidelines, §8.2.1. Because telephone numbers are not yet assigned in blocks of 1000, the CO Code Guidelines do not address reclamation of unassigned thousand-blocks of numbers within activated NXX codes. Once thousands-blocks pooling becomes a viable conservation alternative, the return of thousands-blocks will be imperative for the maximization of numbering resources.

Simply shortening the reclamation period, however, is not enough. The Commission must also alter the definition of “in service” that applies to NXX codes. Currently, “in service” means activation of a code through the transmission of local routing information to the Local Exchange Routing Guide (“LERG”). MediaOne believes that this definition is overly broad. Delivery of the routing information alone does not constitute an “in service” code because doing so is not an irreversible commitment to providing service. Rather, as suggested by the Commission, an NXX code should be considered “in service” when the carrier begins to assign end users numbers within the NXX code. While carriers may be able to side-step such a definition of in service by activating only a few numbers in an otherwise unused NXX block, such concerns will be eliminated if the Commission implements MediaOne’s sequential numbering proposal discussed in Section III(B)(2) below.^{34/}

B. Reporting, Record-keeping, Audit, and Enforcement Rules Will Reduce Number Resource Inefficiencies and Improve Carrier Accountability

MediaOne generally agrees with the FCC’s tentative conclusions and proposals to strengthen the various reporting, record-keeping, audit and enforcement rules.^{35/} MediaOne strongly believes that an overhaul of these rules is necessary because the current data reporting, audit, and enforcement mechanisms were designed at a time when number exhaustion was not a critical concern. Now, however, such measures are a necessary function to eliminate any incentive for carriers to hoard numbers.

^{34/} MediaOne proposes a sequential numbering requirement slightly different than the Commission’s proposal, which is designed to give residential and business customers greater flexibility. See Section III(B) below.

^{35/} See NRO NPRM ¶ 69.

1. Reporting and Record-keeping

The NANPA currently collects information (offered voluntarily by carriers) on the utilization of numbering resources in order to project future demand for numbering resources, allocate numbering resources efficiently, and reliably forecast NPA exhaust dates. Each of these tasks, however, is dependent on the quality of the data received by NANPA. In recognition of this fact, the Commission states that “it is necessary to strengthen the current system for forecast and utilization data collection, both to enhance the accuracy with which the NANPA may predict patterns of number usage [and exhaust], and also to serve as a check on the ability of unscrupulous carriers to hoard numbers or otherwise abuse the number allocation and administration system.”^{36/}

As a threshold matter, MediaOne supports the Commission’s conclusion that reporting and record-keeping procedures require revision. In setting such requirements, the FCC should follow five basic principles to ensure that the rules are truly effective.

First, the Commission should mandate that all users of numbering resources supply forecast and utilization data to the NANPA. Allowing NANPA to serve as the single point of collection for usage and forecast data will ensure that the data collection process is streamlined and non-duplicative.^{37/} To ensure that carriers submit the required data, the FCC should link the distribution of codes to a carrier’s compliance with this and all other reporting and record-keeping requirements.

^{36/} NRO NPRM ¶ 69.

^{37/} To accomplish this goal, the Commission should grant the NANPA additional authority to enforce compliance with the reporting and record-keeping rules.

Second, the FCC should develop reporting and record-keeping requirements that are not overly burdensome or inefficient. As indicated in the NRO NPRM, the Commission is considering establishing “a more extensive, detailed and uniform reporting mechanism.”^{38/} MediaOne cautions that the adopted mechanism must collect only data that relates to code conservation, namely, for forecasting number availability, number utilization, and enforcement purposes. Limiting the data to code conservation related material adequately balances the Commission’s need for such information with the deregulatory focus of the 1996 Act.

Third, the Commission should require the reporting of information at the rate center level. However, once thousands-block pooling is implemented (as explained in Section V(A) below), reporting and record-keeping data should then be maintained at the thousands-block level by all service providers regardless of whether or not they are LNP capable.

Fourth, to keep pace with the current trends in number exhaust, carriers should be required to provide quarterly reports for the top 100 MSAs and jeopardy areas for a period of one year. Thereafter, reports for the top 100 MSAs and jeopardy areas should be required on an annual basis. In other areas, annual reports would be sufficient.

Fifth, all reports should be treated with the utmost confidentiality because they contain business plans, growth rates and other extremely sensitive business information. To guard against unwarranted disclosure of such information, the Commission should have carriers submit reports directly to the NANPA. The NANPA is the logical choice for reporting because it already assumes that role. When the NANPA receives the data, it may provide such information to the state commissions pursuant to a request which specifically states the purpose for use of the

^{38/} NRO NPRM ¶ 73.

materials. If there is a request for data by a state, NANPA should provide the data only in its aggregate form without identifying the specific carrier.

2. Audits

The FCC concludes that the “only comprehensive method for verifying the validity and accuracy of utilization data submitted by users of numbering resources is through the use of audits.”^{39/} MediaOne wholeheartedly agrees. The Commission should, therefore, employ all three varieties of audits—“for cause,” “regularly scheduled,” and “random”—in order to enhance data accuracy and improve carrier accountability.

“For cause” audits should be used to deter and identify carriers that abuse the numbering resource process. Such audits are not a strain on the system because they require some evidence of non-compliance prior to the deployment of Commission resources. To the extent a carrier is determined to have supplied inaccurate or misleading data, during a “for cause” audit, the carrier should then be subject to a sliding scale of mandatory random audits.

“Regularly Scheduled Audits” should be used to promote general compliance. Due to the expense of such audits, regular audits should be utilized on a multi-year basis. MediaOne supports a three-year time frame as an acceptable balance between the goals of auditing and the ideal of cost confinement. More frequent scheduled audits should be unnecessary so long as the Commission implements all three forms of audits.

“Random audits” should be used in tandem with regularly scheduled audits for the top 100 MSAs and jeopardy areas. Random audits on a more regular basis should also be performed

^{39/} Id. ¶ 83

whenever past audits indicate that the carrier has submitted inaccurate or misleading data. Such a requirement will help focus Commission resources on troublesome carriers.

3. Enforcement

The Commission's numbering optimization efforts would be meaningless without credible enforcement.^{40/} If the revised number optimization rules take effect without adequate and swift enforcement mechanisms, there will be little incentive for carriers to alter current behavior which has, in part, resulted in the current numbering crisis. Proper enforcement mechanisms must shift the incentives toward compliance and away from the potential for numbering abuse.

MediaOne submits that NANPA and the Commission should share responsibility for enforcing the numbering resource rules. The Commission would enjoy primary responsibility for enforcement while NANPA would act in concert with the Commission on enforcement issues. In this regard, MediaOne proposes that NANPA use the data it receives from carriers to determine whether a rule violation has occurred. NANPA would then submit a proposed disposition of the rule violation. The Commission would then have 30 days to determine whether it would impose the sanctions proposed by NANPA. In the event that the NANPA's suggestion is not acted on by the Commission within 30 days, the proposed disposition would automatically convert to a final order of the Commission.

The Commission should also establish an expedited dispute resolution/appeals process to handle any disagreements. An expedited process is needed due to the time sensitive nature of

^{40/} See NRO NPRM ¶ 91.

numbering problems. Such a process will also ensure that carriers immediately benefit from the market opening aspects of the 1996 Act. Therefore, to accomplish the goal of rapid dispute resolution, the Commission should follow the example of the Accelerated Complaint Resolution Branch of the Common Carrier Bureau and ensure that it resolves numbering complaints within 60 days by using expedited discovery and, if necessary, a hearing. MediaOne urges the Commission to either establish a “Numbering Accelerated Docket” or explicitly state that such matters are within the jurisdiction of the Accelerated Complaint Resolution Branch of the Common Carrier Bureau.

III. THE COMMISSION SHOULD PROMPTLY ADOPT POOLING SOLUTIONS

Designing an efficient system for number optimization has been a critical issue for the Commission over the last several years. At the request of the Common Carrier Bureau, the NANC studied the issue, and concluded that “thousands-block pooling is the pooling option with the greatest potential,” and recommended that the Commission focus its initial efforts on implementing this mechanism.^{41/} In the NRO NPRM, the FCC tentatively concludes that “implementing thousand-block pooling in major markets is an important numbering resource optimization strategy that is essential to extending the life of the NANP.”^{42/}

MediaOne fully supports these conclusions because number pooling will allow numbers to be allocated in smaller increments, so that multiple carriers can use numbering resources from a single NXX code. More specifically, thousands-block pooling will greatly extend the life of at least some area codes by permitting multiple LECs to use the same central office code and can be

^{41/} North American Numbering Council Recommendation Regarding the Report of the Numbering Resource Optimization Working Group at 1 (Sept. 23, 1998).

^{42/} NRO NPRM ¶ 138.

implemented faster than individual telephone number pooling (“ITN”) or unassigned number porting (“UNP”). MediaOne, therefore, urges the Commission to: (i) establish national rules to implement thousands-block pooling on an expedited basis; (ii) adopt numeric thresholds for contamination of thousand blocks; (iii) eliminate the INC guidelines sufficiency requirement; (iv) implement a flexible sequential numbering requirement; and (v) advance a competitively-neutral cost recovery system.

A. Thousands-Block Pooling is One Solution to the Numbering Crisis That Can be Implemented Quickly

MediaOne strongly believes that the Commission must move quickly and decisively to implement thousands-block pooling as a near-term solution to the numbering crisis. In light of the fact that numbering shortages are most acute in the top 100 MSAs and in jeopardy areas, the FCC should mandate thousands-block pooling in these areas first. Other areas should be included shortly thereafter. MediaOne believes that the implementation of thousands-block pooling can be accomplished in less than a year.^{43/}

As the Commission moves forward with thousands-block pooling implementation, however, it must do so in a non-discriminatory manner. Absent unrectifiable technical problems, the Commission should require that all carriers participate in thousands-block pooling, whether or not they have implemented LNP.^{44/} Because all carriers either benefit or are hindered by the

^{43/} MediaOne believes that a ten-month implementation projection is realistic. The industry has paid for pooling in the Number Portability Administration Center (“NPAC”) software which is scheduled to be deployed on or before October 1999. As a part of the deployment, there will be methods and procedures on the interface and interaction between the pool administrator, the NPAC and service providers. Work should begin immediately on finding a pooling administrator. RFPs could be issued with a 90 day window for response. Carriers should be given 30 to 45 days to file reports concerning their telephone number inventories.

^{44/} In addition, the FCC should consider bona fide requests to opt into a nationwide thousands-block pooling architecture.

current numbering situation, the Commission should not protect any carriers at the expense of others. In particular, CMRS providers should be required to participate in thousands-block pooling upon implementation of LNP in 2002.

MediaOne believes that the staggered timetables used to implement LNP provide a reasonable framework from which to establish a thousands-block pooling deployment schedule. For example, Phase 1 LNP cities such as Atlanta, Los Angeles, and Minneapolis should become Phase 1 thousands-block pooling cities.^{45/} Jeopardy areas, such as the Boston metropolitan area and California, should also be included in the Phase 1 period. MediaOne believes that Phase 1 cities could be completed in no more than ten months. Thereafter, each additional phase could be completed in no more than three months.

B. Other Pooling Implementation Alternatives Show Promise and Should be Explored by the Commission Under the Proper Circumstances

1. The Commission Should Adopt Distinct Numeric Contamination Levels for CLECs and ILECs

MediaOne reasserts its support for a 10 percent threshold for establishing the contamination of a thousands block for CLECs, and a twenty-five percent threshold for ILECs. MediaOne's support of a ten percent threshold for CLECs is consistent with the recommendations of the INC that blocks with a 10 percent contamination level be considered as available for pooling.^{46/} While a 10-percent contamination rate is appropriate for CLECs, whose number inventories consist of many uncontaminated blocks, it is not appropriate for ILECs, who

^{45/} For the purposes of the NRO NPRM, MediaOne encourages the Commission to view Boston and Detroit (two Phase II LNP cites) as Phase I because both New York and Chicago are currently initiating thousands-block pooling measures.

^{46/} See NANC Report at 99, §8.21.1.2 (fn. 17).

typically have the most thousands-block assignments and the highest contamination levels.

Under the current NANC proposal, the pool will consist mainly of thousands blocks donated by new entrants, while other carriers, primarily ILECs will likely retain most of their numbers. MediaOne believes that to compensate for the anti-competitive advantage created by the substantially higher number of contaminated blocks that the ILECs possess, the contamination level for ILECs should be at least twenty-five percent. This difference would help to ensure that ILECs and CLECs contribute to the industry pool in an equitable way and will recognize the inherent difference between ILECs and CLECs.

2. The Commission Should Adopt the Draft INC Guidelines But Exclude the “Sufficiency” Requirement

The Commission recognizes that nationwide implementation of thousands-block pooling will require detailed administrative guidelines.^{47/} To this end, the INC has already drafted guidelines relating to the functioning of the Pooling Administrator and entities requesting numbering resources from the Pooling Administrator. MediaOne generally supports the draft INC guidelines and recommends that the Commission adopt these INC guidelines as Commission rules. However, the guidelines appear to suggest that carriers could lose a thousands-block if they do not have “sufficient” activity. Such a requirement would be devastating to carriers whose customers choose to port their existing numbers -- hence, resulting in limited activity in certain thousands blocks. MediaOne and other such carriers’ business models require that they have at least one block per rate center. MediaOne must be allowed to keep each block regardless of the activity, so long as MediaOne is offering service. This will allow MediaOne to maintain its own numbers so that it can offer service to new customers (i.e.,

^{47/} Id. ¶ 182.

those that don't have a number to port), additional services to existing customers (i.e., second lines), and customers who are willing to accept a new number. If the Commission were to craft rules that eliminated such “native” numbers, CLECs would suffer a competitive disadvantage.

3. The Commission Should Implement a Flexible Sequential Numbering Requirement

The Commission seeks comment on whether there should be a sequential numbering requirement prior to the actual implementation of number pooling.^{48/} The Commission envisions a sequential numbering requirement that requires carriers to assign numbers within thousand-blocks sequentially.^{49/} Under the FCC’s tentative plan, carriers would be required to fill or “substantially fill” each thousands-block before beginning to assign numbers to additional blocks.^{50/} While MediaOne supports the concept of sequential assignment, it urges the Commission to implement sequential blocks rather than sequential numbers. Under MediaOne’s proposed requirement, a carrier would still be required to substantially fill a block before moving to another block. However, carriers would be given flexibility to assign numbers within that block in order to better meet the needs of their customers. Thus, the “substantial fill” requirement will serve as a built-in safeguard obviating the need for rigid sequential numbering.

^{48/} Id. ¶ 190.

^{49/} Id.

^{50/} Id.

4. The Commission Should Implement a Competitively-Neutral Cost Recovery System

The Commission has tentatively concluded that Section 251(e)(2) authorizes it to provide the distribution and recovery mechanism for both intrastate and interstate costs of number pooling. Notably, the Commission highlights the fact that Section 251(e)(2) grants it the authority to ensure that carriers bear the costs of numbering administration on a competitively neutral basis and seeks comment on such a requirement.^{51/}

The most important aspect of the Commission's cost recovery system is that it be competitively neutral, as mandated by Section 251(e)(2) of the Act.^{52/} Section 251(e)(2) does not permit the Commission to establish a pricing mechanism based on the market value of numbering resources to carriers because such dramatic measures are not contemplated in the legislative language and are not reasonable extensions of the available language. In any event, in order to provide competitors with needed flexibility, the Commission should allow new entrants to recover their costs in any reasonable fashion.^{53/}

IV. THE COMMISSION SHOULD CAREFULLY CONSIDER NUMBERING SOLUTIONS THAT ARE NOT BASED ON LNP

A. The Commission Should Establish Guidelines and Encourage State Efforts to Implement Rate Center Consolidation as Soon as Possible

MediaOne supports the efforts of the Commission and state commissions to promote rate center consolidation. The current rate center scheme, a product of incumbent carrier-designated

^{51/} 47 U.S.C. §251(e)(1); see In the Matter of Telephone Number Portability, CC Docket No. 95-116, Third Report and Order, 13 FCC Rcd 11701 (1998) ("Telephone Number Portability Third Report and Order").

^{52/} Section 251(e)(2) provides that the costs of numbering administration arrangements and number portability shall be borne by carriers on a competitively neutral basis as determined by the Commission.

^{53/} Telephone Number Portability Third Report and Order, ¶ 136.

geographic locations, necessitates that carriers obtain a whole NXX per rate center in order to serve any customers in that area. Rate center consolidation creates larger geographic areas in which individual NXX codes can be used and allows carriers to serve many more customers with fewer NXXs. Rate center consolidation is particularly useful because it can be implemented by the states regardless of which pooling measure the FCC eventually adopts. MediaOne applauds those states that have implemented rate center consolidation and urges the Commission to establish specific guidelines to advance further rate center consolidation measures in other states – thereby reducing the demand for central-office codes.^{54/}

In particular, the Commission should encourage the states to consolidate rate centers as soon as possible. To facilitate the states in this area, the Commission should carefully consider rate center consolidation information provided by state commissions that have initiated such measures, including those in Texas, Colorado, and Minnesota. The Commission can use these state commissions as a resource to answer its inquiries concerning any negative impact of rate center consolidation on certain customers and competitive toll carriers.

MediaOne suggests that the simultaneous implementation of rate center consolidation and the use of thousands-block number pooling may be the optimal near-term solution to the current numbering dilemma. This is not to say that these concepts should be explicitly linked by the Commission. Given the urgency with which numbering resource issues must be addressed, any attempt to link the implementation of one resource measure with another should be rejected at this time.

^{54/} Currently, there are extraordinarily high number of rate centers in certain states. In Massachusetts, there are 203 rate centers; over 800 rate centers exist in California.

B. Mandatory 10-Digit Dialing Is Not a Viable Numbering Alternative

Implementation of mandatory 10-digit dialing is problematic because it will cause significant confusion and hardship for residents and businesses. MediaOne opposes the establishment of 10-digit dialing due to the near-universal contempt that customers have toward such measures. In addition to the inconvenience and massive reprogramming of telecommunications equipment that 10-digit dialing requires, customers oppose 10-digit dialing because: (i) senior citizens and those who are ill and disabled find it difficult to remember to dial the 10 digits in order to phone for assistance; and (ii) such measures result in serious loss of revenue and time due to over use of other access numbers.

Customers' resistance and opposition to overlays can prove costly to telecommunications carriers, particularly new carriers, which incur costs based on the assumption that a given area will be subject to overlays. Notably, the problems with 10-digit dialing are not balanced by its benefits. Even the NANC Report notes that 10-digit dialing does not effectively deal with the issues of inefficient use of numbering resources.^{55/} MediaOne submits that the public interest is disserved due to the costs, delays, suspensions and uncertainty associated with 10-digit dialing.

V. THE COMMISSION SHOULD CONSIDER INDIVIDUAL TELEPHONE NUMBER POOLING AS A COMPREHENSIVE, LONG-TERM NUMBERING SOLUTION

A. The Commission Should Take Immediate Steps to Study and Implement ITN Pooling

MediaOne believes that ITN is likely the most effective long-term numbering resource optimization solution. Under ITN, the available numbers are ported to a neutral, third party administrator where they are placed in a rate center based pool from which carriers may draw.

^{55/} NANC Report at § 12.1.

ITN holds out great promise because it permits specific allocation down to the individual number. ITN also resolves some of the flaws inherent in thousands-number pooling by obviating the need for maintaining large inventories of numbers on hand and eliminating the block contamination dispute. The Commission should therefore take immediate steps to begin the process of studying and implementing ITN pooling methods.

While MediaOne recognizes that ITN pooling may take longer to implement than thousands-block pooling, a four to six year implementation timeline is unnecessarily conservative. Indeed, no other industry effort of comparable magnitude (e.g., LNP, 800 portability, equal access) has required such a prolonged interval. In fact, unlike other major efforts that require the development and deployment of new, interconnected database systems, ITN pooling would be built on the existing LNP databases and resources. As such, the FCC should set a three-year deadline for implementation of ITN pooling. The long-run competitive and efficiency advantages provided by this system should far outweigh the initial costs of implementation.

B. The Commission Should Further Study Unassigned Number Porting

MediaOne believes that the Commission should move cautiously as it contemplates implementing UNP. UNP is a telephone number sharing and/or optimization method where available telephone numbers in one service provider's inventory are ported (using the Location Routing Number ("LRN") method) to another service provider. UNP, as described in the NRO NPRM, differs from pooling because telephone numbers are not donated to a pool but are transferred directly from one service provider to another service provider under the direction of a neutral third-party coordinator. Significantly, the UNP neutral third party acts as a coordinator

rather than an administrator, and would not entertain additional administrative responsibilities related to pooling.

Because there is no administrator, UNP would allow carriers to port numbers amongst each other through mutual agreement. The Commission must examine UNP closely to determine whether implementation of UNP would affect carriers in ways that are discriminatory and anti-competitive. In particular, the Commission should carefully consider whether UNP: (i) rewards number hoarding, (ii) encourages bidding wars for numbers, (iii) or provides a discriminatory advantage for carriers that have a significant amount of unused numbers. Until these questions are adequately answered, any Commission implementation of UNP would be premature.

C. A Pricing Mechanism for Numbering Resources Will not Address the Root Cause of Number Exhaust

The Commission should not implement a pricing scheme for the allocation of numbering resources because such a measure would tip the competitive scale in favor of some telecommunication carriers, in particular, ILECs. First, paying for numbers will not discourage these carriers from hoarding. It is difficult to imagine a pricing scheme that would be sufficiently arduous to prevent deep-pocket carriers from hoarding numbers. In fact, if the Commission were to set pricing at a level that accomplished that goal, many new entrants would likely be priced out of the market. As such, pricing would do little to discourage inefficient use of numbers and, at the same time, would raise yet another barrier to telecommunications competition.

In addition, charging for numbering would grant incumbents a property interest in the vast imbedded store of numbers they hold. Telephone numbers, however, are a public resource which are not owned by either the party dispensing them (NANPA) or receiving them (service

providers). Under the Commission's pricing proposal, the numbers resources accumulated by the incumbents would become a legacy that could protect their dominance into the next generation. Furthermore, requiring payment for numbers would complicate reclamation because carriers could then argue that the act of reclaiming numbers is a regulatory taking.

D. It is Premature to Allow Carriers to "Opt Out" From Implementing Resource Solutions

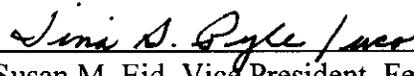
MediaOne opposes the Commission's proposal to allow carriers to opt out of numbering resources measurements once they meet certain utilization thresholds. In light of the fact that the Commission has not yet established reliable record-keeping, reporting and other rules, which have been proposed in order to collect sufficient data that enables the Commission to take necessary numbering resource measures to allocate and assign numbers in a more efficient manner, it would be premature to allow carriers to "opt out" from implementing resource solutions. At a minimum, NANPA and the Commission should first compile data that will permit NANPA and the Commission to determine whether the rules, guidelines, and measures have evolved to the extent that an "opt-out" provision may be warranted.

VI. CONCLUSION

For the forgoing reasons, MediaOne requests that the Commission establish reform for the nation's numbering system consistent with these comments.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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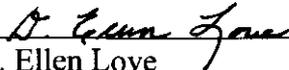
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