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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 Petition for Rulemaking to Amend the Commission's Rule Prohibiting Technology-Specific or Service-Specific Area Code Overlays	)	RM No. 9258
	)	
Massachusetts Department of Telecommunications and Energy Petition for Waiver to Implement a Technology-Specific Overlay in the 508, 617, 781, and 978 Area Codes	)	NSD File No. L-99-17
	)	
California Public Utilities Commission and the People of the State of California Petition for Waiver to Implement a Technology-Specific or Service-Specific Area Code	)	NSD File No. L-99-36
	)	
North American Numbering Council Recommendation Concerning Replacement of Central Office Code Utilization Survey	)	NSD File No. L-99-51

COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION

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July 30, 1999

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SUMMARY

The Commission raises a number of issues for comment regarding numbering resource optimization. At the outset, USTA cautions that North American Numbering Plan (NANP) conservation and optimization measures must be distinguished from Numbering Plan Area (NPA) relief measures and that the longer term NANP optimization must be the priority both of this proceeding and in considering requests by individual states for additional authority over number conservation measures.

Many of the issues raised by the Commission have already been considered by the industry and received industry recommendations through the North American Numbering Council (NANC) and the Industry Numbering Committee (INC) forums and committees. The Commission should rely on these consensus recommendations, but follow such administrative procedures that are necessary for it to enable enforcement capability of industry standards and guidelines. The industry guidelines developed through this process should not be promulgated into Commission rules.

The Commission's focus on a cost/benefit comparison as a basis for evaluating numbering resource optimization measures is troublesome. USTA is concerned that estimated costs for NANP expansion are inaccurate and any resulting cost comparison would result in flawed decisions because many of the decisions raised do not lend themselves to such a process. The Commission must first obtain an accurate estimate of NANP exhaust, then the industry needs to develop a plan for expansion and a trigger mechanism that would start the process of NANP expansion. Such a plan should be implemented without further cost/benefit analysis.

USTA supports the NANC recommendation that a hybrid approach be adopted as an alternative to the current Central Office Code Utilization Survey (COCUS). Data reporting

requirements by carriers should be held to a minimum and should be done on a semi-annual basis, at most. A comprehensive audit program should not be implemented. Rather, random audits and "for cause" audits should be relied upon, since they will achieve the desired objectives.

The Commission should not take any further steps regarding rate center consolidation. This measure should not be a prerequisite to pooling, but the states and carriers should examine potential pooling areas for possible rate center consolidation opportunities.

USTA continues to advocate the implementation of mandatory ten-digit dialing under a national uniform dialing plan. The Commission should establish a date certain for its implementation, with total completion to occur in no more than three years. D digit expansion is independent from ten-digit expansion and should be further studied, particularly by INC.

USTA supports the NANC/NRO Report recommendations for thousand block pooling and urges the Commission to direct the implementation of the Report's recommendations. USTA proposes a plan for developing a schedule of implementation in the top 100 MSAs where local number portability exists. An adequate cost recovery mechanism must be adopted, both for carriers that provide thousand block pooling and for non-thousand block pooling capable carriers who nonetheless incur costs because of pooling.

USTA does not see how giving carriers the choice of numbering optimization methods would work because many of them cannot be independently applied. Industry guidelines are more appropriate.

Carriers should not be required to pay for numbering resources, particularly as a means of optimizing the allocation of numbers. Such a proposal has practical, economic, societal and legal problems.

Any additional delegation of authority to the states to implement NPA relief must be evaluated in the context of a national framework for numbering conservation and NANP exhaust. USTA supports the Commission's NPA guidelines regarding geographic splits and all-service overlays, as well as retention of its current general prohibition against service-specific and technology-specific overlays.

As USTA has stated previously in this proceeding, the Commission should not take any actions on individual state requests that would jeopardize the national number conservation measures that will provide for efficient use of number resources and optimization of the NANP. The Commission must further realize that it cannot have an effective national program and at the same time grant relief to the states that would undermine that program.

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COMMENTS
OF THE
UNITED STATES TELEPHONE ASSOCIATION

The United States Telephone Association (USTA) hereby files its comments in response to the Commission's Notice of Proposed Rulemaking (Notice) in the above-captioned proceeding.[1] USTA is the principal trade association of the local exchange carrier (LEC) industry. Its members provide over 95 percent of the incumbent LEC-provided access lines in

[1] FCC 99-122, released June 2, 1999. A separate Public Notice was issued asking for comments on the North American Numbering Council (NANC) recommendation regarding replacement of the Central Office Code Utilization Survey (COCUS) to be included in this proceeding. Public Notice, DA 99-1315, released July 1, 1999.

the United States. USTA has been an active participant in nearly all of the industry meetings pertaining to telecommunications numbering resource optimization in the United States. USTA members are very interested in the efficient use of the numbering resources and believe that such use is beneficial to them as service providers in their ability to meet their customers' needs and to extend the life of the resource.

The Commission states that it initiated this proceeding to determine how to best create national standards for numbering resource optimization. It also indicates that the purpose of the proceeding is to slow the rate of number exhaust and to prolong the life of the North American Numbering Plan (NANP). Toward that end, the Commission seeks comment on many proposals that are intended to be North American Numbering Plan Administration (NANPA) conservation and optimization measures or Numbering Plan Area (NPA) relief measures.

I. General Comments

USTA offers several general comments concerning the overall approach taken by the Commission on the expanse of the Notice and the specific issues raised for comment in the Notice. First, many of the issues raised have already been thoroughly considered by the industry and in some cases have been the subject of industry recommendations that have already been forwarded to the Commission. As stated above, USTA has participated in the activities of the North American Numbering Council (NANC), its working groups, and the Industry Numbering Committee (INC) and its working groups and stands by the consensus recommendations of those groups. The existing open industry forum and committee processes provides for study, review and recommendations where there is full opportunity for participation and Commission consideration of the industry consensus positions that are developed. Examples are the thousand block pooling technical requirements adopted by the Alliance for Telecommunications Industry

Solutions (ATIS) T1S1.6 Working Group on Number Portability[2] and the INC Thousand Block Pooling Guidelines.[3] USTA urges the Commission to rely on the standards and guidelines developed through these processes and to take such administrative steps as are necessary for it to retain appropriate enforcement capability relative to those industry standards and guidelines. In those instances where particular issues have already been subject to public comment, USTA stands by its positions and will refer to its previous comments on the record without wasting time in repeating those arguments.

Second, the Commission repeatedly asks if it should adopt as rules existing or proposed industry guidelines that have been crafted by the open and complete process described above.[4] USTA fully supports the existing industry process and opposes Commission adoption of parallel or more restrictive regulations. The Commission should be moving away from burdensome rules and here has a shining example of where the industry-wide process is yielding a superior result. Commission reference to the guidelines without codification of them will also permit them to be modified in response to changing conditions.

Third, the Commission's focus on a cost/benefit comparison as a basis for evaluating numbering resource optimization measures needs to be placed in context. USTA is concerned that such an analysis would create unnecessary fear and would result in flawed decisions because many of the instant decisions do not lend themselves to such a process. For example, it would be a mistake for the Commission to make optimization decisions that are based on the estimated costs for NANP expansion as set forth in the Notice. Those estimated costs are unjustified, unsubstantiated, and portray an inaccurate message that expansion is too expensive. The

[2] Notice at ¶ 177.
[3] *Id.* at ¶ 28, n. 40.
[4] *See Id.* at ¶ 35.

Commission and the industry have to accept that the NANP will eventually exhaust. The industry must be allowed to proceed with its work and consider optimization measures that make overall sense and prolong the life of the ten-digit plan as long as practicable. Also, the Commission needs to obtain an accurate estimate of NANP exhaust. The industry needs to develop a plan for expansion and a trigger mechanism that would start the process of NANP expansion. When such a trigger mechanism is reached, appropriate action should be implemented and not be subjected to additional cost/benefit analysis. The concern is that NANP expansion costs have yet to be accurately determined, contrary to the estimate presented in the Notice, and could rival those of other optimization methods, such as thousand block pooling. Accordingly, triggering a decision for expansion could negate the need for other optimization activities.

Fourth, the Commission raises a number of issues that deal with NANP exhaust and others that affect NPA exhaust. The existing and proposed relief measures must be kept separate from the optimization measures and evaluated as such. The states' concerns regarding NPA exhaust are parochial and immediate. Often their proposed solutions will lead to premature NANP exhaust and must be evaluated by the Commission and the industry with a general framework on a national level. The states need to have such a framework in order to protect the NANP and which would specify criteria under which they can operate. In addition, the April 22, 1999 NANP Exhaust Study prepared by Lockheed Martin CIS is flawed and was based on many unsound assumptions, as indicated by the industry comments.[5] There is a need for additional studies to be performed using realistic assumptions and data. There is also a need for an ongoing

[5] Report of the NANP Exhaust Review Team, May 3, 1999, forwarded to the Commission by the NANC after its April 1999 meeting.

effort to perform exhaust studies using accurate and realistic assumptions that will benefit the entire industry.

II. Specific Issues

USTA offers the following comments on a number of the specific issues raised by the Commission in its Notice.

A. Reporting/Record-keeping Requirements/COCUS Reports

The NANC report[6] analyzed four proposed alternatives to the COCUS and recommended the Hybrid approach as the preferred method of forecasting and utilization of data for numbering resource demand and usage. USTA supports this recommendation. With regard to data collection and reporting by carriers, requirements that hold down costs and the need for imposing additional reporting requirements, particularly on smaller LECs, should be carefully weighed. The purpose of reporting requirements should be to forecast exhaust and the recommended requirements fulfill that purpose. If NANPA sees a particular problem, it can obtain additional information from carriers on a case-by-case basis.

USTA participated in the development of the NANC report and supports its recommendations defining the reporting structure and level of granularity, including that reporting of data be semi-annually, at the most. Furthermore, USTA believes that this requirement should be lessened to an annual basis for rural carriers and carriers with little growth. Specifically, after their initial filing, such carriers should be allowed to satisfy their obligation by reporting that no change exists in their number utilization situation. NANC also proposes that the utilization and forecast data should be reported at the NPA level.

[6] *See* n. 1, *supra*.

B. Audits

USTA opposes implementation of a comprehensive audit program, as suggested by the Commission. Rather, random audits on a schedule determined by the industry and "for cause" audits will accomplish the goals of promoting number resource optimization and compliance with federal rules and industry guidelines. The additional cost burdens of regular audits on carriers are not warranted and are not consistent with the objectives of this inquiry. These audits should be conducted by an independent third party on a high level, but if problems are detected, they should go into whatever detail is necessary to resolve any problems.

C. Enforcement

USTA continues to advocate that the Commission retain at the federal level the enforcement measures in place. It should take necessary administrative steps to assure that it has the enforcement capability relative to industry standards and guidelines, where appropriate, without adopting additional federal regulations, as was stated in Section (I) above. With the Commission retaining responsibility, it or NANPA would enforce appropriate measures. NANPA currently has specifically-prescribed areas of enforcement authority, but its enforcement capability should only be expanded with care so that any additional authority is limited and reasonable within NANPA's purview. Also, the Commission should be cautious in delegating any additional authority to the states, since such action might compromise implementation of national requirements.

D. Rate Center Consolidation

The Commission need not take any further steps with regard to rate center consolidation (RCC), except to remind the states to maintain a view of the future impacts of RCC plans related to NANP exhaust. RCC should not be a prerequisite to pooling, but the states and carriers

should examine candidate pooling areas for possible rate center consolidation opportunities. This position was more fully set forth in USTA's comments on the NANC/NRO Report.[7]

The Commission discusses possible technological solutions to the need for numbering optimization, particularly the Colorado Telephone Numbering Task Force recommendations, that would need to be further developed.[8] Numbering optimization efforts may better serve the public if future efforts are focused on development of Location Portability,[9] rather than Unassigned Number Porting (UNP) or Individual Telephone Number (ITN) pooling. According to the NANC/NRO Report, both UNP and ITN could take as long to implement as Location Portability and may be just as costly.

E. Mandatory Ten-Digit Dialing and Related Measures

USTA continues to support mandatory ten-digit dialing. This must be implemented in accordance with a national uniform dialing plan. Implementation of ten-digit dialing is a conservation measure itself, and would also remove the largest hurdle to implementing overlays and would facilitate the NANP expansion plans that are built on a ten-digit dialing format. USTA urges the Commission to establish a date certain for implementation of mandatory ten-digit dialing and suggests that the timeframe for full implementation be no more than three years.

D digit expansion is a complicated and involved issue[10] that requires more analysis, which is under active consideration by INC as Issue Number 159.[11] Ten-digit dialing should be implemented on a date-certain schedule as addressed above, but D digit expansion is

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[7] USTA Comments in *North American Numbering Council Report Concerning Telephone Number Pooling and Other Optimization Methods*, NSD File No. L-98-134, filed Dec. 21,1998.

[8] Location Portability may be the ultimate solution to this problem and would better serve the consumer.

[9] Location Portability is also referred to as Geographic Portability.

[10] *See* Notice at ¶ 128.

[11] *See Id.* at n. 223.

independent[12] and should not be implemented in the short term.[13] It should be further studied because of the myriad of practical implementation problems involved. If D digit expansion is ultimately implemented, it must be done throughout the NANP, and cannot be implemented in specific areas.[14]

F. Number Pooling

Thousand block pooling must be viewed as a long term NANP optimization mechanism, not an NPA relief method. The NANC/NRO Report concluded that a national structure is needed for thousand block pooling and that pooling is most effective in areas that have competition and multiple rate centers. The NRO Report provides a baseline for the implementation of thousand block pooling, and it embodies the only industry consensus assumptions and decisions available to the industry. Now the Commission must direct that this be implemented. The industry has continued to work on thousand block pooling since the NRO Report's completion and those efforts indicate that the implementation would fall more toward the high end of the time required for implementation, *i.e.*, 19 months, based on the complexities that have surfaced.[15]

It seems logical that thousand block pooling implementation begin in the top 100 MSAs because of the direct relationship between pooling and local number portability (LNP) capabilities. However, a global requirement to implement pooling in all of the top 100 MSAs is not reasonable. The anticipated benefits of pooling are more significant in certain segments of

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[12] This fact is recognized by the Commission, *Id.*

[13] Notice at ¶ 128.

[14] If D digit expansion is implemented anywhere in the NANP, all switches and networks must be configured to permit dialing of the new numbers as network addresses.

[15] Development and deployment of NPAC enhancements and service provider switch and OSS modifications and development based on the INC Thousand Block Pooling Administration Guidelines and Committee T1's Technical Requirements contain much greater details than were available at the time the NRO Report was written.

the top 100 MSAs and the industry does not have the resources for a short-term general implementation. Therefore, those areas in which the greatest benefit are to be achieved should be the focus of the pooling rollout.

For purposes of developing an implementation schedule for implementing thousand block pooling in the top 100 MSAs, USTA proposes the United States be segmented. The first division would be the seven regional Number Portability Administration Center (NPAC) areas. Then, the top 100 MSAs could be mapped into the NPAC areas, and finally the individual NPAs could be identified within the MSAs. Qualitative federal standards have been developed in the NRO Report and those criteria and guidelines should be utilized to assess the benefits of pooling in each candidate area. This assessment should be based on whether the life of the NPA would be extended by a particular time frame, *e.g.*, by five years, as would be set by the Commission. In addition, an even more detailed set of criteria should be developed to select areas best suited for pooling implementation. Existing exclusions from pooling for non-LNP capable carriers need to remain in effect. The Commission could develop a schedule for pooling implementation similar to the LNP schedule. Care should be exercised in developing such a schedule to take into account such practical concerns such as manpower, timing, cost and complexity. Once federal criteria establish a schedule for the top 100 MSAs by quarter per year, the states could determine the NPA scheduling sequence within the top 100 MSAs by NPAC, but should be limited to one NPA per NPAC area per quarter. The states' determinations must be consistent with the objectives of NANP preservation. The Commission has the responsibility to assure that the states resist the temptation to schedule those NPAs closest to exhaust first for pooling implementation, since those areas will not maximize the benefits of pooling. The total time for rollout of pooling in the applicable MSAs should be between 24 and 36 months.

USTA supports the ATIS T1S1.6 Working Group's technical requirements that define the switch and number portability database requirements for thousand block pooling. As stated in Section (I) above, requirements such as this one should be supported, since they have been developed through an industry process with full industry participation and consensus. The Commission should incorporate these requirements, but not codify them. To do otherwise would be duplicative, inefficient, and cause further delay.

For the same reasons, USTA supports Commission endorsement of the INC guidelines as the discipline for the industry to follow in numbering activities. The recommended block contamination level (10 percent) should be consistent for all industry segments. Different levels for the various segments would be discriminatory. The nine month industry and service provider inventories, as determined by INC, are the most appropriate levels in meeting all service provider and Pooling Administrator's needs and should not be adjusted at this time.

With regard to sequential number assignment, USTA supports maintaining the greatest number of clean thousand blocks through assignments on a "thousand block by thousand block" basis, but also asserts that there is no need to do sequential thousand block assignments. Many states have excellent guidelines in place that accomplish the desired result, which should be used as a guide to develop national guidelines for a structure of assignments on a thousand block by thousand block level. USTA believes those state's requirements are effective and supports them for achieving the desired results. There is a need for some flexibility in the assignment process, especially for smaller LECs, in meeting certain customer needs.[16] USTA presumes that service providers are voluntarily complying with the state guidelines. USTA recommends that the Commission affirm that federal requirements are necessary.

[16] To meet customer requirements, number assignments may require going out of sequence.

Costs associated with pooling are both one-time and ongoing. An adequate cost recovery mechanism must be adopted. USTA recommends that the one-time costs be recovered through an end user charge over a specified period of time, similar to the LNP cost recovery mechanism.[17] An end user charge is appropriate because these costs are incurred to meet customer demand for multiple lines. In fact, the pooling charge could be coupled with the LNP charge and renamed the "numbering charge." This combination would lead to less customer confusion and would be administratively simple for price cap carriers to implement. One-time costs would be recovered outside price caps, but ongoing costs should be an exogenous adjustment under price caps. If an end-user charge is not implemented, a carrier charge outside price caps could be considered.

Costs will also be incurred by incumbent local exchange carriers (ILECs) who are not obligated to provide thousand block pooling in specific serving areas. Such charges would be similar to those associated with LNP, including contributions to the cost of the regional Number Portability Administration Centers (NPACs) and query charges. Whatever cost recovery mechanism is adopted should include a means for the non-thousand block pooling capable ILECs to recover their ongoing costs incurred because of pooling.[18]

G. Carrier Choice of Numbering Optimization Strategy

The concept of allowing carriers to choose the method for achieving established thresholds for numbering is theoretically an attractive idea. USTA generally favors non-regulatory solutions over the imposition of additional regulatory requirements. However, in this

[17] The Commission's rationale for sanctioning end-user charges to recover LNP costs is equally applicable to recovery of costs associated with pooling. The fact that the Commission reached a diametrically opposite result in this case is unsupported and should be reversed.

[18] The Commission's neglect in providing a mechanism for cost recovery by non-LNP-providing carriers is the subject of a pending *Petition for Expedited Interim Waiver* in CC Docket No. 95-116, filed March 19, 1999, by

case, USTA does not see how giving carriers the choice of numbering optimization methods would work because many of them cannot be independently applied. The Commission itself raises a number of problems with this concept, including the likely reduction of effectiveness because fewer carriers would be required to implement the optimization methods[19] and the concern over how to establish an appropriate utilization rate for each carrier segment that is competitively neutral.[20] Furthermore, as stated in Section (I) above, industry guidelines are more appropriate for number optimization than imposing additional federal regulations.

H. Pricing Options

USTA believes that there are significant public policy and legal reasons against requiring carriers to pay for numbering resources, particularly as a means of optimizing the allocation of numbers. This concept would serve no useful purpose because in many cases a carrier does not have direct control of the manner in which numbers must be used.[21] It would only raise costs that are ultimately borne by the customer. This would not minimize societal costs or impacts that the Commission seeks to protect. The Commission cites in the Notice a significant number of other ways to conserve number resources and to single out "bad actors." Everyone, including carriers and customers, should not be penalized for the actions of some carriers that willfully misuse numbering resources.

Nothing in the statutory language of Section 251(e)(2) of the Communications Act of 1934, as amended, (the Act)[22] or the Commissions decisions implementing that section

USTA and other trade associations. This petition has not been acted upon, thereby continuing the uncertainty of an adequate recovery mechanism for these legitimate costs. This situation should not be duplicated with pooling costs.

[19] Notice at ¶ 218.

[20] *Id.* at ¶ 219.

[21] CO Code assignments will continue to be made at the 10,000 block level for many carriers who, for technological reasons, do not have control over implementing many of the optimization methods that produce numbering efficiencies.

[22] 47 U.S.C. § 251(e)(1).

contemplate the adoption of anything more than a mechanism to recover the costs of numbering administration. Congress' express use of the term "cost of establishing telecommunications numbering administration" in Section 251(e) rules out any pricing mechanism based on factors other than cost recovery. Further, the Commission's rules implementing Section 251(e)(2) of the Act delegate to the NANC only the authority to recommend mechanisms for recovering the costs of numbering administration, and mention no other factors for consideration, such as market value.[23] Given the limiting effect of the specific references to "cost recovery" in Section 251(e)(2) and the Commission's decisions implementing that section, Section 251(e)(2) does not grant the Commission authority to implement a pricing mechanism based on the market value of numbering resources.

Furthermore, the Commission's authority under Section 251(e)(2) is limited by the statutory requirement that the costs of establishing telecommunications numbering arrangements shall be borne by all carriers on a "competitively neutral basis." If the Commission were to price numbering resources based on their market value, new entrants could be adversely impacted. A new entrant would require the assignment of numbers and initially would have a low utilization level. They could claim that market mechanisms would force them to pay more for numbering resources due to their status as a new entrant. Accordingly, pricing numbering resources based on market value could violate the "competitively neutral basis" provision of Section 251(e)(2) of the Act.

Express authority from Congress is necessary for the Commission to have jurisdiction to effectively "sell" a public resource such as numbers at market value, as demonstrated by historical precedents. Unlike other fees the Commission has authority to impose, such as

[23] 61 FR 47353, Sept. 6, 196 (as amended by 61 FR 55180, Oct. 23, 1997), codified at 47 C.F.R. § 52.11(e).

regulatory fees, a pricing mechanism for numbering resources would essentially place the Commission in the role of an auctioneer of numbering resources as a market good. The most comparable authority that the Commission currently has is its authority to auction spectrum licenses through competitive bidding.[24] Given that the Commission needed authorization from Congress to distribute spectrum licenses through competitive bidding rather than by lottery or comparative hearing, the Commission could not justify a similar pricing mechanism for numbering resources based solely on its plenary jurisdiction pursuant to Section 251(e)(1) alone.

I. Area Code Relief

The Commission raises several of its specific guidelines and policies regarding its delegation of authority to the states for implementing NPA relief. The Commission states that it is seeking action it can take to assist states in implementing NPA relief "in a manner that is consistent with any other numbering resource optimization measures" it adopts in this proceeding.[25] This perspective must be maintained in determining what, if any, additional authority is delegated to the states or changes in existing policies by the Commission, the states and the industry. Whatever additional authority is given to the states or changes made in existing policy must be within the bounds of a national framework. As USTA has argued in each of the proceedings involving the individual states' request for additional authority, a piecemeal approach to numbering conservation measures would be harmful to an efficient national structure and would lead to a premature exhaust of the NANP.

The current NPA guidelines regarding geographic splits and all-service overlays are helpful and specific. They should be retained and followed by the states in their implementation of relief plans. If decisions are made that are timely, as specified in the Guidelines, the process

[24] 47 U.S.C. § 309(j).

is effective in solving the problems. There is no need for the Commission to promulgate additional guidelines or rules.

Service-specific and technology-specific overlays are currently prohibited by Commission rules. While the Commission states that it continues to be concerned about competitive implications of such overlays, it is reexamining the prohibition in light of the individual NPA exhaust situations. USTA has consistently opposed individual state requests for authority to implement service-specific or technology-specific overlays and recommends that the Commission retain its current policy regarding such overlays.

III. State Waiver Petitions for Additional Authority to Implement Number Conservation Measures

The Commission's Common Carrier Bureau has recently indicated that it would act on several individual state petitions seeking additional authority to implement number conservation measures prior to the completion of this rulemaking proceeding, despite the fact that the issues raised in those petitions relate to the issues in this proceeding.[26] USTA has filed comments opposing each of the individual state requests and again on a combined basis.

USTA remains deeply concerned that the Commission may take action on these petitions that will jeopardize the national programs and development of orderly, effective national conservation measures that will provide for efficient use of number resources and optimization of the NANP. The Commission should adhere to its determinations that orderly national numbering conservation and administration approaches are essential to the overall optimization of the NANP, as it set forth in its Memorandum Opinion and Order on Reconsideration in

[25] Notice at ¶ 241.

[26] Public Notice, *Common Carrier Bureau Seeks Comment on State Utility Commission requests for Additional Authority to Implement Telecommunications Numbering Conservation Measures*, DA 99-1198, released June 22, 1999.

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, NSD File No.L-97-42, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996.[27] To do otherwise would be for the Commission to undermine its own stance of uniform numbering conservation and administrative approaches. The Commission must realize it cannot have an effective national program and at the same time grant relief that would undermine that program. This potential abandonment of existing policy is particularly troubling at a time when the NANC and the industry are making significant progress in developing national industry guidelines. The Commission runs the risk of losing support from the industry for the development of uniform guidelines if it abandons its current policy.

IV. Conclusion

USTA urges the Commission to continue to rely on industry guidelines developed by open processes in those areas where they exist and not to adopt additional regulations. In addition, the Commission should separate and maintain a staunch enforcement posture toward those issues dealing with NANP exhaust from those involving NPA exhaust.

Among those measures proposed, USTA supports implementation of mandatory ten-digit dialing and a phased implementation of thousand block pooling where implementation meets criteria that maximize its benefits. Cost recovery for thousand block pooling should be through an end user surcharge. Certain measures, such as carrier choice of numbering optimization strategies and requiring carriers to pay for numbering resources, should be abandoned as unworkable or beyond the Commission's jurisdiction. Certain administrative proposals to codify industry guidelines should be avoided because they would otherwise create burdensome

[27] CC Docket No. 96-98, FCC 98-224, released Sept. 28, 1998.

regulations that would yield little in the way of number optimization. This includes reporting of carrier data, audit programs and enforcement. Existing guidelines regarding geographic splits and all-service overlays are effective and should be followed by the industry, but additional regulations by the Commission are unnecessary. The Commission's current prohibition against service-specific and technology-specific overlays should be retained.

Respectfully submitted,

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July 30, 1999

CERTIFICATE OF SERVICE

I, Robyn L.J. Davis, do certify that on July 30, 1999, Comments of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.

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