



Public Service Commission of Wisconsin

Ave M. Bie, Chairperson
Joseph P. Mettner, Commissioner
John H. Farrow, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

DOCKET FILE COPY ORIGINAL

August 5, 1999

Mr. Lawrence Strickling, Chief
Common Carrier Bureau
FCC
445 Twelfth Street, S.W.
Washington, D.C. 20554

Office of the Chief
Network Service Division
Common Carrier Bureau

AUG 10 1999

Received

RECEIVED

AUG 13 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717 (NSD File No. L-97-42)

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (CC Docket No. 96-98)

Petition of the Public Service Commission of Wisconsin for Delegated Authority to Implement Number Conservation Measures

NSD-L-99-64

Dear Mr. Strickling:

Enclosed are the original and four copies, as well as a diskette in Word 7.0, of the petition of the Public Service Commission of Wisconsin (PSCW) for delegated authority to implement number conservation measures in this state. The PSCW respectfully seeks your prompt action on this request.

Questions on this matter may be addressed to Gary A. Evenson, Assistant Administrator, of the PSCW's Telecommunications Division at (608) 266-6744 or Joyce Mahan, Assistant General Counsel, at (608) 267-6919.

Sincerely,

Lynda L. Dorr
Secretary to the Commission

LLD: GAE:lep:slg:t:\federal\fcc\pscw activity\letter\L-97-42

cc: Records Management, PSCW (Misc. Minutes)

No. of Copies rec'd 2
List ABCDE

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition for Declaratory Ruling and)	
Request for Expedited Action on)	NSD File No. L-97-42
July 15, 1997 Order of the Pennsylvania)	
Public Utility Commission Regarding)	
Area Codes 412, 610, 215 and 717)	
)	
)	
Implementation of the Local Competition)	
Provisions of the Telecommunications)	CC Docket No. 96-98
Act of 1996)	
)	

**PUBLIC SERVICE COMMISSION OF WISCONSIN'S
PETITION FOR ADDITIONAL DELEGATED AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES**

The Public Service Commission of Wisconsin (PSCW) submits to the Federal Communications Commission (FCC) this petition for additional delegated authority pertaining to number conservation measures. Pursuant to paragraphs 30 and 31 of the FCC's September 28, 1998, Memorandum Opinion and Order and Order on Reconsideration in NSD File No. L-97-42,¹ the PSCW requests authority to implement various number conservation measures. The measures for which the PSCW seeks authority would conserve numbers, thereby slowing the pace of area code relief, without having anticompetitive consequences or favoring one segment of the industry over

¹ Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717.

another. They would also help protect Wisconsin against the disruption as well as the economic and social costs of new area codes.

Specifically, the PSCW respectfully requests that the FCC grant it the authority to:

1. Enforce current standards for number allocation, or to set and enforce new standards.
2. Order efficient number use practices within NXX codes.²
3. Order the return of unused and reserved NXX codes (and thousand blocks if number pooling is implemented).
4. Order number utilization and forecasting reporting, and audit such reporting.
5. Investigate and order unassigned number porting.
6. Investigate and order additional rationing measures.
7. Implement mandatory thousand block number pooling.

BACKGROUND

In 1996, the PSCW investigated the need for area code relief in the 414 area code that was forecast to exhaust in the first quarter of 1998. It chose to implement a geographic split under which a portion of the 414 area code was assigned the new 920 area code. This split was completed in 1997. The remaining, smaller 414 area code was projected to last approximately eight years. However, that area code was again declared in jeopardy in the summer of 1998, about one year after the split was completed. The new 920 area code was projected to last approximately 15 years. The latest

² NXX codes are exchange or central office prefixes - the first three digits of a standard seven-digit telephone number.

projections indicate that area code relief planning will begin in fall 1999, due to the expected exhaust in the first quarter of 2001, about four years after the split was completed.

In 1998, the PSCW began investigating the sooner-than-expected need for additional area code relief in the new 414 area code and again chose to order a geographic split under which a portion of the current 414 area code will be assigned the new 262 area code. This split will occur in September of 1999. The projected life expectancy of the newest 414 area code is 7.1 years and the projected life expectancy for the new 262 area code is 7.5 years, although the PSCW is deeply concerned about the accuracy of such projections since the life expectancies resulting from the 414/920 split were so much shorter than were projected at the time.

Further, the COCUS³ report for Wisconsin's other two area codes shows an accelerating decrease in the projected life expectancies of those area codes. In 1998 COCUS indicated a fourth quarter 2014 exhaust date for area code 715. In 1999, COCUS shows a third quarter 2003 exhaust date, 11 years earlier than projected just one year ago. Similarly, in 1998, COCUS indicated a second quarter 2014 exhaust date for area code 608. The 1999 COCUS shows a second quarter 2009 exhaust date, five years earlier than projected just one year ago.

Obviously, Wisconsin's numbering resource difficulties are escalating. The PSCW needs the tools to confront these problems before they escalate further out of control. Fortunately, Wisconsin is also at a point where number conservation efforts can have their most dramatic impact. This fall the new 262 area code will be added in

³ Central Office Code Utilization Survey.

southeastern Wisconsin and planning for yet another new code will begin. Both 608 and 715 have some time left in their projected life expectancies. It is widely recognized that it is at such early points that the implementation of number conservation efforts such as thousand block pooling can have the greatest impact. If the PSCW is granted the authority to implement number conservation methods, it will be able to help check the flow of a precious national resource, as well as save Wisconsin's citizens and telecommunications companies from the ordeal and expense of repeated area code relief measures.⁴

AUTHORITY REQUESTED

The PSCW requests the authority to investigate and undertake all or some of a variety of number conservation measures. These measures will conserve numbers without anticompetitive consequences and without favoring one type of provider or technology over another. The PSCW is aware of and involved in efforts to develop national number conservation guidelines and does not wish to undermine those efforts. Further, the PSCW is mindful of the fact that any Wisconsin measures may have to be modified as national guidelines are developed. However, much of the authority that the PSCW seeks merely involves strict enforcement of existing industry guidelines. Additionally, as Wisconsin measures are developed, care will be taken to minimize differences with what is being considered on a national level so that if any modifications

⁴ While discussions with the industry concerning rate center consolidation are in process, the PSCW believes that the difficulties inherent in such an action make it an unlikely first solution, and not one that can be implemented quickly as some other measures can be. The PSCW is not seeking FCC authority to pursue rate center consolidation, as we believe this to be an intrastate matter we can investigate without FCC approval. In its recent Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization (CC Docket No. 99-200) the FCC reiterated its position that states do not require delegation of any additional authority to order rate center consolidation (par. 117).

are necessary later they will be minimal. Finally, while agreeing that national guidelines in this area are optimal, the PSCW is keenly aware of the need to act quickly to avoid the escalation of area code difficulties already being experienced in Wisconsin, and the explosion of those which loom on the horizon. We are further of the opinion that states should have a strong role in numbering even when national guidelines are put in place.

Details concerning the number conservation methods that the PSCW requests authority to implement follow.

Authority to enforce current standards for number allocation or to set and enforce new standards and to order the return of unused and reserved exchange codes

Although guidelines for the allocation of NXXs have been established, the code administrator (Lockheed Martin, the North American Numbering Plan Administrator) has little or no authority to enforce the requirements contained therein. The system was set up to be self-enforcing; companies were to certify that they meet certain requirements, but no efforts were made to verify those representations. Although the code administrator has begun taking some steps in this direction, it still has little or no authority and no efficient enforcement system. The PSCW seeks authority, at a minimum, to enforce the standards already in the guidelines such as the requirement that the requesting company be certified to provide service in the area and that a forecasted need for the new NXX is demonstrated in a months-to-exhaust report.⁵ The PSCW seeks and would prefer the broader authority to set and enforce additional standards, such as a fill rate that must be met before a growth NXX can be granted and demonstration of

⁵ The PSCW is pursuing receipt of notification when NXXs are requested in Wisconsin so that it can monitor their use and depletion.

readiness to provide service before an initial NXX can be granted. Such authority would allow the PSCW to order that an NXX be returned to the code or pooling administrator if the standards were not met.

Similarly, the PSCW seeks authority, at a minimum, to order the return of initial and growth NXXs if they are not activated in accordance with the existing guidelines. The PSCW seeks and would prefer the broader authority to set and enforce additional standards, such as requiring that in order for a company to retain a newly obtained NXX, it must not only be “activated” within six months but numbers must actually have been assigned to end users within that time.

Finally, the PSCW seeks authority to investigate and order the return of reserved and protected NXX codes if it becomes necessary and can be done without causing disruption to network operations.

Authority to order efficient number use practices within NXX codes

The PSCW seeks the authority to order sequential use of numbers within an NXX or thousand-block. This will help preserve blocks of numbers for eventual pooling, whether under a Wisconsin pooling measure or a national pooling plan.

Authority to order number utilization and forecast reporting, and to audit such reporting

The PSCW seeks authority to order number utilization and forecast reporting by all providers so that it can monitor usage and enforce numbering standards.⁶ Such reports

⁶ The PSCW already has broad authority under state law (Wis. Stat. § 196.25) to request information from public utilities. The requested delegated authority would enhance that authority.

will be more useful than the existing months-to-exhaust worksheet as they include both historical and forward-looking data. This information will allow analyses of the accuracy of need projections. It will also help establish a database of information for use in the development and evaluation of needs-based number assignment standards.

The PSCW also seeks authority to audit or oversee the audit of these reports to help ensure compliance with number assignment and utilization requirements.

Authority to investigate and order unassigned number porting

The PSCW seeks authority to investigate and order unassigned number porting. This measure would allow a company that needs numbers in a small exchange where an NXX has already been assigned to port numbers for its own use from the existing NXX. This could be accomplished between the providers involved or through the use of a neutral third party. This measure has the dual benefit of not using another whole NXX for that small exchange, and of optimizing the utilization of numbers in the small exchange by utilizing some of the unused numbers in the existing NXX.

Authority to investigate and order additional rationing measures

The PSCW seeks authority to investigate and order rationing as an area code nears jeopardy. The PSCW would strive for consensus with and among the industry as to the rationing process, but this authority would allow rationing to be implemented sooner than under current guidelines in an attempt to help delay the need for area code relief.

The PSCW also seeks authority to order the continuation of a rationing plan for 6 months following the implementation of area code relief so that, for example, a “run” on the old area code if an overlay is ordered could be prevented.

Authority to implement mandatory thousand block number pooling

The PSCW seeks the authority to implement thousand-block number pooling. The PSCW believes that long-term number conservation can be achieved most quickly through thousand-block number pooling. Although only available in exchanges where local number portability (LNP) has been deployed, these are also often the exchanges where competition has developed and increased the need for NXX assignments for that exchange.

The North American Numbering Council (NANC) stated that it believes thousand-block pooling can be implemented in 10 to 19 months after an order is issued.⁷ The industry has estimated that implementation of pooling in an area code in Wisconsin could, understandably, be achieved much more quickly. Conversations with the industry indicate an unwillingness to develop a voluntary Wisconsin pooling plan while the FCC explores national pooling. However, many of the difficulties associated with pooling have been resolved by the development of industry guidelines.⁸ The PSCW envisions using these as a starting point for development, with the industry, of a number pooling plan in Wisconsin. Among other things, this should help ensure minimal differences

⁷ Number Resource Optimization Working Group Modified Report to the North American Numbering Council on Number Optimization Methods, released October 21, 1998.

⁸ Industry Numbering Committee, Thousand Block (NXX-X) Pooling Administration Guidelines (January 27, 1999).

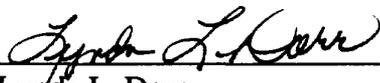
between any Wisconsin pooling plan and a national pooling plan, should one be approved.

CONCLUSION

It is apparent that Wisconsin's numbering problems are escalating. The existing mechanisms for coping with such problems are clearly inadequate. Due to its current area code situation, the timing is perfect for Wisconsin to obtain the maximum benefit from number conservation measures. Therefore, the PSCW respectfully requests that the FCC grant this Petition for Additional Authority pertaining to number conservation measures so that the PSCW can ensure more efficient number resource utilization and thereby protect Wisconsin telecommunications consumers and companies from the ordeal and expense of repeated area code relief measures. Further, through the exercise of the additional authority Wisconsin can more effectively participate in the ongoing efforts to preserve the dwindling national resources of area codes and telephone numbers.

Dated at Madison, Wisconsin, August 5, 1999

By the Commission:



Lynda L. Dorr
Secretary to the Commission

LLD:JSM:lep:t:\federal\fcc\pscw activity\other#\ conservation petition.doc