

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
)  
Petition of the Public Utility Commission )  
of Texas for Delegation of Additional )  
Authority to Implement Number )  
Conservation Measures )  
)  
Petition for Declaratory Ruling and Request )  
for Expedited Action On the July 15, 1997 )  
Order of the Pennsylvania Public Utility )  
Commission Regarding Area Codes )  
412, 610, 215 and 717 )  
)  
Implementation of the Local Competition )  
Provisions of the Telecommunications )  
Act of 1996 )

NSD File No. L-99-55

NSD File No. L-97-42

CC Docket No. 96-98

COMMENTS OF MCI WORLDCOM, INC.

With its Petition, the Public Utility Commission of Texas (PUCT) joins the growing list of states that have sought additional authority to implement various measures related to number administration and conservation. MCI WorldCom, Inc. (MCI WorldCom) has commented at length on each of these petitions. In substance, the PUCT's Petition is indistinguishable from those that have preceded it. Accordingly, MCI WorldCom hereby submits comments that are, for the most part, summary of our earlier comments.

The PUCT "requests authority to implement number conservation measures to ensure that

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the public interest is protected against the ordeal of unwarranted area code relief.”<sup>1</sup> To accomplish this, the PUCT seeks authority to implement the following measures in Texas: (1) thousands block number pooling; (2) unassigned number porting; (3) reclamation of unused NXX codes and thousand number blocks; (4) requiring all code holders to provide to the PUCT utilization and forecast information; (5) sequential numbering enforcement authority.<sup>2</sup>

MCI WorldCom shares the PUCT’s frustration with the extent of area code relief that continues to be necessary in Texas, and supports in part the PUCT’s request for additional authority. Specifically, MCI WorldCom supports allowing the PUCT and other state commissions to order carriers to cooperate in limited porting of unassigned numbers. MCI WorldCom also believes that, where sufficient confidentiality protections are in place, the PUCT and other state commissions should have access to utilization and forecast information. MCI WorldCom also encourages the PUCT and other state commissions to work with the North American Numbering Plan Administrator (NANPA) to see that NANPA reclaims any codes invalidly held or issued. However, the Commission should not authorize any state to implement thousands block pooling outside of the national process that is now well under way. Nor should it allow any state to enforce state-specific sequential assignment rules until the Commission

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<sup>1</sup> Petition of the Public Utility Commission of Texas for Delegation of Additional Authority to Implement Number Conservation Measures, NSD File No. L-99-55; 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; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98; (PUCT Petition) at 1.

<sup>2</sup> *Id.* at 10.

completes its own rulemaking on numbering optimization.<sup>3</sup>

MCI WorldCom has elsewhere presented a detailed proposal for the phased implementation of unassigned number porting (UNP), and has consistently advocated that states should be permitted to order the implementation of the first phase of the proposal.<sup>4</sup> In Phase 1, service providers would use existing systems and processes to port unassigned numbers directly from one service provider to another. This phase of UNP implementation would both advance competition and provide certain limited conservation benefits. For example, after a customer ports from one carrier to another, that customer may later wish to activate an additional telephone number from the same NXX as its existing service. UNP would allow the customer's new service provider to port additional assigned numbers in the customer's NXX, from the former service provider. UNP could also be used to provide numbers for a service provider that requires only a very small quantity of numbers to establish a service footprint in a particular rate area. Instead of obtaining an entire NXX code (ten thousand numbers), such a service provider might obtain up to twenty-five numbers from another service provider that has already established its service footprint in a given rate area.

MCI WorldCom recognizes that in order for states to perform their delegated duty to

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<sup>3</sup> States should encourage parties to adopt voluntary assignment practices that preserve as many uncontaminated thousands blocks as possible. MCI WorldCom has already implemented sequential assignment. A number of parties have recently advocated thousands block management policies that could maintain uncontaminated blocks as efficiently as sequential assignment practices. *See, e.g.*, Comments of AT&T Corp., In the Matter of Numbering Resource Optimization, CC Docket No. 99-200 (filed July 30, 1999), at 51. These benefits do not vary from state-to-state and should be decided at the national level.

<sup>4</sup> *See, e.g.*, Comments of MCI WorldCom, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200 (filed July 30, 1999), at 17-20.

oversee area code relief, they may wish to obtain access to utilization and forecast information. This information is highly confidential, but where there are sufficient guarantees that the state commission will under no circumstances disclose the information, they should be able to obtain it from NANPA or the carriers. In such a circumstance, no carrier's information should be exempt from disclosure. In the past, some wireless carriers have refused to provide such information on the pretext that state commissions lack jurisdiction over wireless carriers. When it comes to area code relief, this argument is baseless. The Telecommunications Act of 1996 vests all authority over number administration in this Commission. The only authority that state commissions possess in this area is authority delegated by this Commission. When a state requests information that it needs to perform its delegated function, it stands in the shoes of this Commission, which has clear jurisdiction over wireless carriers.

According to the PUCT, recent actions of the industry prompted its petition. Specifically, the PUCT draws attention to requests for fifty-four NXX codes in the 817 NPA between June 1, 1999 and June 23, 1999. The PUCT alleges that "the primary cause for this unprecedented request for 817 NXX codes may be an attempt by the industry to discourage efforts by the PUCT to implement a number pooling trial in the 817 NPA."<sup>5</sup> The PUCT provides no other evidence in support of this theory.<sup>6</sup>

If the PUCT is concerned about these code requests it should work with the NANPA, as well as this Commission, to assess the validity of the requests. In any case, the conspiracy

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<sup>5</sup> PUCT Petition at 8.

<sup>6</sup> MCI WorldCom is unaware of any concerted effort by the industry to prevent a pooling trial in Texas by needlessly requesting NXX codes.

alleged by the PUCT would not seem to be an effective way to derail pooling. Every carrier knows that issues related to pooling will be decided first by this Commission, not the PUCT. Pooling cannot take place in 817 or any other NPA without the approval of this Commission. Since NXX requests in Texas are unlikely to have much of an impact on this Commission's deliberations, the alleged activity seems a curious tactic to prevent pooling.

The primary cause of rapid area code exhaust is the existing practice of assigning numbers in blocks of ten thousand without regard to whether the requesting carrier actually needs all those numbers. Thousands block pooling will provide a more rational and efficient assignment practice when it is ready for deployment.<sup>7</sup> Thousands block pooling is likely to be ready for deployment sometime in the second half of next year. When ready, it should be deployed in an orderly, phased implementation schedule that is determined by this Commission. Neither the PUCT nor any other state commission should be allowed to preempt the implementation schedule that this Commission will establish.

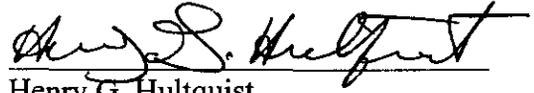
MCI WorldCom urges the Commission not to abandon its duty to ensure uniform, nationwide numbering administration. State-specific rules are inconsistent with such administration and unnecessary to establish more rational assignment practices. The Commission must focus all of its numbering expertise on its own rulemaking. That is the fastest, most coherent way to establish number assignment practices that will ensure the availability of

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<sup>7</sup> MCI WorldCom has provided extensive information that shows that pooling cannot be deployed on any widespread basis until the NPAC software release 3.0 is available, and that any expansion of pooling with the software release used in Illinois would needlessly threaten network reliability. *See, e.g.*, Ex Parte Letter from Lori Wright, Senior Manager Regulatory Affairs, MCI WorldCom, to Magalie Roman Salas, Secretary, Federal Communications Commission (filed July 23, 1999), In Re State Petitions for Additional Delegated Authority, CC Docket Nos. 99-200, 96-98, (attached presentation).

numbers for all service providers and slow the rate at which area codes exhaust.

Respectfully submitted,  
MCI WorldCom, Inc.

A handwritten signature in black ink, appearing to read "Henry G. Hultquist", written over a horizontal line.

Henry G. Hultquist  
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August 16, 1999

## CERTIFICATE OF SERVICE

I, Vivian Lee, do hereby certify that copies of the foregoing Comments In the Matter of Petition of the Public Utility Commission of Texas for Delegation of Additional Authority to Implement Number Conservation Measures of MCI WorldCom, Inc., were sent via first class mail, postage paid, to the following on this 16th day of August, 1999.

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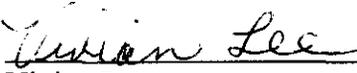
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