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

In the matter of:	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Connecticut Department of Public Utility Control Petition for Rulemaking to Amend the Commission=s Rule Prohibiting Technology-Specific or Service-Specific Area Code Overlays	)	RM No. 9528
	)	
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

Reply Comment Date: August 30, 1999

REPLY COMMENTS OF

THE NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

The New Hampshire Public Utilities Commission (NHPUC) respectfully submits these Reply Comments in response to the above-captioned proceeding. Our reply comments address several areas where there seems to be a significant dichotomy in the positions of the commenting

parties in this docket.

First, a number of parties have stated that roll-out of TNP ought to be limited, at least initially, to the top 100 MSAs, repeating a pattern that started with the roll-out of LNP.[1] Limiting roll-out of TNP to the top 100 MSAs denies New Hampshire and other similarly situated states the opportunity to benefit from the numbering optimization opportunities presented by number pooling, even though New Hampshire now clearly faces a numbering crisis. It makes no sense, whatsoever, to geographically limit the response to a problem that extends well beyond these artificially determined geographic boundaries.[2]

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[1] See, e.g., GTE Comments at 42.

[2] This is particularly ironic given that Bell Atlantic customers in New Hampshire are already paying for cost recovery for LNP, but would, in the contemplated roll-out of pooling to the largest 100 MSAs, not be allowed to gain the benefits of an LNP-based numbering optimization solution.

If the problem was limited to the top 100 MSAs, then limiting a potential solution would make sense. But this is clearly not the case. Besides, arguments that the costs to implement pooling might outweigh the benefits in some areas are premature. Pooling trials can be rolled out to finite geographic areas initially and then widened incrementally, and carriers should work cooperatively with states to target pooling in the geographic areas where states can derive the highest short-term benefits. The Commission is obviously not precluded from implementing rules that effectively constrain the roll-out of trials to areas where the greatest benefits may be derived, but the top 100 MSAs do not necessarily map directly to those areas and some flexibility should be built into the process to allow states seeking to implement pooling outside of the top 100 MSAs to do so in a timely fashion.[3] It should be perfectly clear by this point in time that the numbering crisis is a nationwide problem that reaches out to rural areas, not just urban and suburban locations.

Second, in order to perform more effectively the increased role in the numbering optimization process that many states, including New Hampshire, are seeking or plan to seek (as demonstrated, for instance, by state petitions for additional numbering authority by more than a half dozen states thus far in 1999, with more still to come), state regulators must be provided more detailed assignment, activation, and utilization data in order to make the allocation process more transparent to state regulators so that we can detect misuses and correct them. Carriers and others agree that such information should be made available to states.[4]

The more disaggregated the data, the more detailed information it can provide.

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[3] Among others, Bell Atlantic concurs, stating that, AIt does not make sense to link thousands-block pooling to MSAs≅ (Bell Atlantic Comments at 23).

[4] See, Sprint Comments at 8, NANPA Comments at 5, *et al*.

Disaggregated data can always be aggregated. Aggregated data sometimes cannot be disaggregated. One form is clearly superior.[5] If the FCC has concerns about targeting optimization measures to areas where they can be most cost-effective, then mandating that carriers supply information at a useful level of detail can only help to alleviate those concerns and improve the ability of states to properly target the numbering optimization measures they seek to implement.

Third, UNP, like LNP, is a competitively-neutral method of sharing numbers between and among carriers, and would result in increased efficiency in the use of existing numbers. Given that, on average, CLECs nationwide have a number Afill rate≅ of well under 10%, and that incumbent carriers typically have much larger pools of numbers from which to draw, it makes sense that an approach like UNP can not only improve efficient number distribution, but also prevent incumbent carriers from taking competitive advantage of their stockpiled numbering resources.

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[5] NANPA and others agree. See, for example, NANPA=s statement regarding COCUS data that, Athe >granularity= of the data reported should be improved.≅ NANPA Comments at 7.

In general, with regard to UNP, we agree with MCI=s conclusion that UNP is a helpful tool that can be used now, that it can be implemented prior to pooling, that it provides substantial pro-competitive benefits and that it allows access to numbering resources that pooling alone would strand in carrier inventories.[6] We believe that, arguments to the contrary, the reality is that it would take little effort for carriers to adapt such a system, and the benefits to society would far outweigh the costs involved, particularly when we look ahead to a possible bill of $150 billion for correcting the problem of NANP exhaust. It should also be kept in mind that if we wait until 2007-2010 to correct the problem, society will have already absorbed all of the costs imposed by all of the area code changes required thus far (and from this day forth until such time as viable solutions to the problem are implemented). This could essentially double the costs to society, which will no doubt have the $150 billion projected costs for the fix to NANP passed onto them, merely adding those costs onto the costs and associated numbering dislocation(s) they have already endured.

In conclusion, we agree with the statement made by the Ad Hoc Telecommunications Users Committee in its initial comments (see Ad Hoc Comments at i), that A[t]here is no credible reason to believe that the carriers suddenly will be concerned about the huge and needless costs they continue to impose on society through their control of the NANP. It is time for prompt Commission intervention.≅ In short, this time the devil is not just in the details, the devil is also in delaying nationwide implementation of already successful and established number optimization approaches such as TNP and improving the ability of state PUCs to implement TNP, UNP, and other measures as effectively as possible and as soon as possible.

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[6] See MCI Comments at 17.

Respectfully submitted,

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

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