

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

In the Matter of
Numbering Resource Optimization

CC Docket No. 99-200

REPLY COMMENTS OF BELL ATLANTIC

“Just do it!”

That’s what a broad consensus of commentors — carriers of all types, regulators and the public — is telling the Commission about thousands-block number pooling. The Commission should not wait until it is ready to resolve all the questions it has raised in this wide-ranging proceeding. It should order thousands-block pooling now.

The industry is also in general agreement with Bell Atlantic that the Commission must continue to set numbering policy and that it should not delegate decisionmaking to the states. The states, of course, disagree, claiming that national consistency is not necessary. The Commission found that there are real dangers in piecemeal administration by the states, and nothing has happened to change that conclusion.

A number of commentors have offered solutions based on technologies that are claimed as magic bullets. Among these ideas are using either BRIDS¹ or the SS7 network² to allow portability beyond the rate center. These, and other, “easy fixes” have no widespread industry support exactly because they are untried and untested. The Commission should not concern itself at this time with these proposals.

¹ Cox at 3-7.

² MCI at 23-24.

Nobody is happy with the current situation that has required so many new area codes. It is inconvenient for consumers and costly for the industry. Nothing proposed in the Notice and none of the ideas that have been floated in state proceedings -- even if implemented today -- would extend the life of codes that are in jeopardy or nearing exhaust. The states must give area code relief, and the Commission must make it clear that it will do so if a state fails to act in a timely manner.

1. LNP-Based Options

A. Number Pooling

Commentors broadly support thousands-block pooling by number-portability-capable carriers in accordance with national standards. All such carriers should participate. There is no reason for the Commission to allow carriers that are LNP-capable to avoid participating in a national pooling (or another optimization) solution based on achievement of some utilization threshold or for any other reason.

There is little, if any, support for accelerating CMRS number portability because of pooling, and it could not be implemented much before November 2002 in any event. CMRS participation would produce no immediate benefits, and NANPA incorrectly estimates even the long-term effects of CMRS participation in pooling.³ The Commission should, however, hold non-pooling CMRS providers to specific number utilization standards.

Thousands-block pooling will be beneficial everywhere number portability has been implemented, not just in the 100 largest MSAs. Areas outside these MSAs have the same problems as urban areas, with their own area code jeopardies. Maine and New Hampshire should not be denied thousands-block pooling just because they are not in these areas.

i. Cost Recovery

Most of the commentors are silent on the question of cost recovery. This is because the issue is both politically unpleasant and irrelevant to them, as most carriers will simply recover these costs through whatever charges and from whatever customers they choose. Only the incumbent LECs need the Commission's blessing to recover the tens of millions of dollars that pooling will cost them.

Of those who do speak to this issue at all, there is general agreement that cost recovery is a federal matter which the Commission should decide; it should not be delegated to the states. Moreover, most of these commentors urge the Commission to use the model it adopted for number portability cost recovery.⁴

There is little support for the Commission's suggestion that ILECs recover these costs through rate of return or exogenous price cap adjustments. AT&T and others opposes it as unfair because interexchange carriers would "pay twice" — to bear (and have to recover) their own pooling costs as well as those ILEC costs passed on through access charges.⁵ However, this is the only choice the Commission has if it is going to reject the proposal made by Bell Atlantic and others that these costs be recovered by adding a few pennies to the existing number portability surcharge.

³ CTIA at 31-34.

⁴ The NYDPS is simply wrong when it says, without resort or citation to any figures, that the costs of number pooling "are not of sufficient magnitude" to justify any special recovery mechanism. NYDPS at 11.

⁵ AT&T at 57-58; MCI at 53.

B. UNP

There is a fair amount of support in the comments for unassigned number porting, but generally for reasons that have nothing to do with number conservation or optimization. Some CLECs simply want access to particular numbers in blocks now assigned to incumbents.⁶ MCI, the biggest advocate of UNP, plainly tells the Commission why it wants UNP, and it has nothing to do with number conservation:

“The incumbent is considerably more likely than its competitors to be able to fulfill customer requests for specific numbers. * * * With UNP, all carriers would have a more equal ability to fulfill customer requests for specific numbers, since all carriers would be able to port the requested numbers from the inventory where they reside. UNP helps to level the competitive playing field by eroding the competitive advantage that the incumbent would otherwise enjoy.”⁷

The main applications of UNP in MCI’s Phase 1 are marketing related and have nothing to do with conserving numbers.⁸

However, the “problem” that MCI wants UNP to fix is nothing new — carriers have always received requests for telephone numbers which they could not honor, either because the number was already in use or because it was not available in the customer’s area or for some other reason. And with competition, incumbents will also not be able to fulfill requests for specific numbers because those numbers are in some other provider’s inventory. Solving this “problem” does not

⁶ Not all CLECs support UNP. *E.g.*, WinStar at 22-23.

⁷ MCI at 17-18.

⁸ “The initial use of UNP would allow customers who had ported their telephone numbers to request additional numbers for growth drawn from the NPA-NXX codes that match their current ported numbers, but that the customer may not have reserved before he or she ported to another carrier. Another use of UNP would enable service providers to offer trial service to the customers of other providers with numbers drawn from the same NPA-NXX as those customers’ existing numbers. Still another benefit from UNP is to allow customers, where an overlay has been implemented, to obtain an additional number in the same NPA or NPA-NXX as that customer’s existing numbers.” MCI at 19.

justify the cost of UNP or the diversion of resources from prompt implementation of thousands-block pooling.

MCI admits that its proposed Phase 1 of UNP, the phase it says could be implemented quickly, would rely on manual processes.⁹ More important, all forms of UNP (manual or otherwise) tax the capacity of the databases that support number portability and pooling and, at increasing volume, create the need for additional network hardware. Furthermore, even manual processes require the establishment of an administrative framework and administrator which would be time consuming. For these reasons, they should not be encouraged.

Cox's proposed "virtual pooling"¹⁰ appears to be similar to MCI's UNP Phase 1 and suffers from all the same defects.

2. Non-LNP-Based Options

A. Rate Center Consolidation

Rate center consolidation does not have broad support in the comments. This is because rate center consolidation is very complicated, both technically and, more important, politically. It can also have significant competitive effects, as it changes toll routes into local calling.

The Commission certainly should not condition the introduction of pooling on the completion of rate center consolidation, as some suggest.¹¹ Pooling is needed now. Rate center consolidation might never be appropriate in many areas.

⁹ MCI at 19.

¹⁰ Cox at 14.

¹¹ *E.g.*, Sprint at 21-22.

B. The D Digit and Ten-Digit Dialing

No one disputes that opening the D digit would produce new telephone numbers in existing area codes — without the cost and dislocation of a new area code. What is not known is the cost of changing equipment and systems to recognize the new telephone number format. The Commission should have the NANC study the question so that the Commission can balance the costs and implementation interval against the obvious benefits.

Even without D digit expansion, the Commission should set the industry down the road toward ten-digit dialing of all calls. First, there is no dispute that ten-digit dialing would facilitate the freeing up of numbers in protected codes and would, therefore, have number conservation benefits. But more important, a consistent nationwide pattern for dialing calls would be an affirmative benefit for all consumers. Rules for dialing calls now vary from place to place. In some localities, there can be three patterns for dialing calls – with seven-, ten- and eleven-digits. Everyone would benefit if the Commission brought some order to this chaos. If, however, the Commission chooses not to order mandatory ten-digit dialing at this time, at a minimum it should require permissive 1+ ten-digit dialing – allowing callers to dial ten digits if they choose -- to aid those who are confused from the chaos described above. NARUC in a 1994 resolution supported permissive 1+ ten-digit dialing.

There is really nothing on the other side of the scales from these obvious benefits. The dire predictions of the Cassandras who have said that children and seniors would not be able to remember ten-digit numbers simply have not come true in real life. As WinStar points out,¹² the AARP study which is the only concrete thing cited in support of such fears does not, in fact, support them.

The NYDPS claims that the Commission lacks authority to require that all calls be dialed with ten digits.¹³ Congress in section 251(e)(1), however, gave the Commission “exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States.” The way that calls within the Plan area are dialed is part of that jurisdiction.¹⁴

3. Pricing Options

The commentors are virtually unanimous in their rejection of new “pricing options” for telephone numbers and correctly point out that the Commission has no authority to adopt them.¹⁵ The Commission should not let this issue divert it from the business at hand.

4. Area Code Relief

All these conservation and optimization measures will not prevent the need for new area codes. They certainly will do nothing to help those areas that are now in jeopardy or near exhaust. The Commission should make it clear to the states that the authority they have over area code relief has merely been delegated to them and that the Commission can and will reclaim that authority if a state fails to exercise it in the public interest.

Sprint requests that the Commission adopt timelines to ensure that the states implement relief in a timely manner.¹⁶ Bell Atlantic has in the past advocated giving the states flexibility in

¹² WinStar at 17-18.

¹³ NYDPS at 16.

¹⁴ Presumably not even the NYDPS would argue that the Commission lacked jurisdiction if ten-digit dialing was part of a plan to change the NANP by opening the D digit.

¹⁵ *E.g.*, AT&T at 61-63.

¹⁶ Sprint at 30-33.

fashioning area code relief plans. However, it is imperative that the states exercise their responsibilities promptly and in ways that make new area codes available when they are needed. Bell Atlantic Mobile is in danger of number exhaust in portions of New York and New Jersey as a result of inaction. Sprint's proposed guidelines would ensure that this took place.

Conclusion

The Commission should immediately order that thousands-block pooling be implemented wherever number portability is in place. It should reject UNP and leave rate center consolidation to the states. It should also make it clear to the states that timely area code relief is required.

Respectfully submitted,

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