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

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| In the Matter of | ) | |
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| 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 |

# REPLY COMMENTS OF AMERITECH

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## SUMMARY

Ameritech strongly supports the Commission's national number optimization and conservation goals. However, at the same time, it must be recognized that even the most successful optimization and conservation measures will not create new numbers and codes and, thus, does not eliminate the need for timely NPA and, eventually, NANP relief measures. Therefore, NPA and NANP relief are also essential components of the Commission's national numbering plan. Ameritech further agrees that any optimization or conservation measure must be analyzed under a rigorous balancing test that weighs its conservation benefits against its costs and adverse impacts.

Ameritech believes that optimization is only possible if the Commission adopts and enforces one national numbering policy that is strictly adhered to in all states, without exception. For this reason, Ameritech proposes that the Commission reject requests for local exceptions that are inconsistent with or could delay the Commission's long-term number conservation and optimization goals. However, Ameritech is not saying that the Commission should not respond to the legitimate concerns that underlie these requests. Indeed, the Commission can promptly fix the problems in the national plan that are at the root of these concerns. To this end, the Commission should promptly (i) suspend mandatory ten-digit dialing as a requirement for an NPA overlay; (ii) mandate block-number administration in the interim before the national plan for thousands-block pooling can be implemented; (iii) mandate aggressive NXX code reclamation; and (iv) require reporting as a prerequisite for assignment of NXX codes. But the Commission should not permit ad hoc local versions of pooling. Rather, pooling must be rolled out under an integrated national plan.

Ameritech also responds to several technical and substantive issues in its Reply Comments.

1. An overly restrictive number reservation period is unnecessary and will harm consumers.

2. Carriers should not be penalized for extending reservations for their customers.

3. The Commission should adopt a "Month-to-Threshold" criteria for NXX code assignment.

4. Costs should continue to be allocated based upon gross retail revenues.

5. All NXX code holders must be subject to audit.

6. NANC should not develop industry guidelines.

7. The Commission should not permit service-specific overlays.

8. UNP is not a conservation measure and will require significant and costly process modifications.

9. ITN should not be trialed at this time.

10. If thousands-block pooling is mandated, it must be initially deployed on a nationally coordinated basis, where needed, and will require full participation by all users of codes.

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**REPLY COMMENTS OF AMERITECH**

## I. INTRODUCTION

In its Comments, Ameritech strongly supported national numbering conservation and optimizations goals as proposed by the Commission in the Notice. Unenforceable guidelines and ad hoc local decisions are no longer adequate to ensure effective number utilization in the changing telecommunications marketplace. Moreover, complying with fifty-one different sets of numbering plans is inefficient, costly, and confusing. Equally as important, fragmented number administration provides no assurance of uniform number conservation across all states and carriers. For these reasons, Ameritech endorses adoption of one national number optimization plan that is uniformly implemented in all states.

In order for conservation and optimization measures to be fully effective, they must be implemented early, before there is a crisis, and on a uniform basis by all carriers in all states. Last minute attempts to respond to a local crisis have proven inadequate to the task of ensuring consistent number optimization and NPA relief across all states and carriers. Thus, it is imperative that the Commission take the lead and promptly establish a national numbering framework developed through the collective inputs of the entire industry and implemented through a partnership between the Commission, the states, and the industry.

In its Reply Comments, Ameritech will address calls by certain states for unfettered discretion to engage in conduct that may be (i) inconsistent with national number conservation and optimization policies; (ii) fails to effectively avoid number shortages; and (iii) evades national numbering policies. Ameritech recognizes that these requests are a response to real local numbering concerns. In lieu of scrapping national number optimization objectives, Ameritech proposes that the Commission take concrete specific steps now that address the root causes of the states' requests, while allowing for national implementation of pooling and number optimization based upon an integrated national plan. Specifically, the Commission should (i) suspend mandatory ten-digit dialing as a requirement for an NPA overlay; (ii) order carriers to block-manage NXX codes; (iii) direct NANPA, with assistance of the states, to aggressively reclaim NXX codes; and (iv) direct NANPA to reject all NXX code requests from carriers not submitting COCUS reports.

In the balance of its Reply Comments, Ameritech will address comments of other parties that are contrary to proposals adopted through the industry consensus process and advocated by Ameritech. In most cases, Ameritech's Comments already fully address these arguments and Ameritech will not repeat its Comments here. Rather, it will focus in its Reply Comments on

new arguments that have not yet been fully addressed by it. In each case, Ameritech will show that these parties do not provide any factual, policy or legal basis for rejecting the industry's consensus proposals.

## II. THE COMMISSION SHOULD ADOPT AND ENFORCE ONE NATIONAL NUMBERING PLAN FOR POOLING AND NPA RELIEF.

Ameritech prefers to concentrate on substantive and technical issues and does not generally become involved in issues surrounding the relative roles of the various regulatory agencies. However, it cannot exclusively address substantive issues in this proceeding because the comments of some of the states, especially when combined with the ever-increasing number of petitions seeking additional delegated authority, if granted, would undermine any meaningful national number optimization plan. The point is that the states will have a significant role in implementing the national number optimization plan, but there is a real risk that granting unfettered discretion to the states will undermine national optimization objectives, and divert resources to local projects. As a result, Ameritech must, as a first order priority, address the danger of fragmented numbering authority.

Beginning in 1992 and up to and including its Pennsylvania Order,[1] the Commission has repeatedly stated its intent to fashion a nationwide, uniform system of numbering. As a result, the Commission has retained general jurisdiction over number administration holding that "[a] nationwide uniform system of numbering... is essential to efficient delivery of

[1] 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; CC Docket No. 96-98; Memorandum Opinion and Order and Order or Reconsideration; released September 28, 1998 (Pennsylvania Order") 13 FCC Rcd 19009.

telecommunications services...."[2] In doing so, the Commission has repeatedly recognized and rejected attempts to implement maverick NPA relief plans or to engage in local number administration practices that are not consistent with the Commission's numbering policies.[3] Similarly, it has repeatedly rejected requests that it cede to the states authority to adopt their own number allocation programs. For example, in the Local Competition Second Report and Order, the Commission concluded:

> "While we authorize states to resolve specific matters related to initiation and development of area code relief plans, we do not delegate the task of overall number allocation, whether for NPA codes or CO codes. To do so would vest in fifty-one separate commissions oversight of functions that we have already decided to centralize in the new NANPA."[4]

Now is not the time for the Commission to lose its resolve and permit fifty-one different numbering administration plans to emerge. Nor is it the time for the Commission to sanction ad hoc local decisions that are inconsistent with national numbering policies.

However, this is exactly what the Commission is being requested to do by several of the states. For example, the Outline of State Response to Numbering NPRM filed by California, Connecticut, Maine, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Texas, Washington, and Wisconsin supports the Commission's objectives and many of its tentative

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[2] Implementation of the Local Competitor Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) (Local Competition Second Report and Order) at 19533.

[3] See, for example, Local Competition Second Report and Order, where the Commission delegated to the states "Matters involving the implementation of new area codes" but held that [e]ach state's implementation methods, of cause, subject to our guidelines for numbering administration....(at 19520); and Pennsylvania NPA Order, at 19015, where the Commission categorically stated that" [t]he authority delegated to the state was thus limited to implementing appropriate forms of area code relief" but that authority was "subject to Commission guidelines." (19015-19016.). The Commission also clarified that it "has not delegated jurisdiction over numbering issues to the states... the Commission delegated to state Commission the authority to implement new area codes." Specifically the Commission conformed that it "declined to delegate to state Commissions the authority to administer or allocate NXX codes." 13FCC Rcd at 19031-19032.

[4] 11 FCC Rcd at 19533.

conclusions.[5] Yet, these states request authority or flexibility to engage in conduct that is inconsistent with the very principles they have just endorsed as national policies. For instance, these states request discretion to:

- adjust any utilization threshold upward or downward, and to order carriers to report on different schedules [Q37-42]
- deviate from uniform reporting requirements [Q65-67 and Q71-72]
- order supplementary random audits [Q81]
- order UNP [Q125-126]
- determine when and where pooling should be implemented [Q128-131]
- opt in or out of pooling [Q133 and Q141-144]

Perhaps most disconcerting is their request for added enforcement authority to ensure that carriers "do not hide behind national policies."[6] What is painfully obvious is that the Commission cannot grant such broad local autonomy and still have a national plan. Moreover, it cannot permit fragmented approaches to number administration, and still achieve its national number optimization objectives. This is especially true as to LRN-based conservation measures, such as pooling.

However, Ameritech is not saying that the Commission should not respond to the concerns that underlie the states' requests. What Ameritech proposes is that the Commission ferret out the underlying root causes of the states' frustration and take concrete action now so improved number conservation is available during the interim period before implementation of other methods, such as LRN-based pooling, which require coordinated national rollout.

[5] See, also North Carolina Utilities Commission (at 3) supports a "national plan for "thousands-block numbering pooling" but then seeks "flexibility to evaluate the particular circumstances in their area code and determine what number conservation measures would be most appropriate..."
[6] Outline of State Response to Numbering NPRM at Q93.

The states are correct to request some form of immediate relief. They simply cannot afford to wait any longer to obtain more effective conservation. It was the states who first sought the Commission's assistance that resulted in the March 23, 1998 letter from the Chief of the Common Carrier Bureau. Now, seventeen months later, the request has still not been addressed. What is needed is prompt decisive action by the Commission that preserves one national model for pooling, while promptly providing more effective conservation in the interim while the national model is being developed. Fortunately, such measures exist.

In order to provide additional number conservation now while preserving a national plan, Ameritech proposes that the Commission adopt with a balanced approach that: 1) sets the national criteria for LNP-based pooling; 2) delegates to the industry and the states the obligation of implementing the national criteria at the local level through industry guidelines; and 3) provides for meaningful interim conservation.

An example of an action the Commission can take now that will significantly improve local number administration is mandatory 10-digit dialing. In its Comments, Ameritech addressed the states' reluctance to implement all-services number overlays, even when they clearly are the optimal NPA relief measure.[7] In fact, in some cases states are delaying needed NPA relief and creating a significant risk of a number shortage in order to avoid having to implement an overlay. In other cases, they are adopting less than optimal NPA-relief plans. As Ameritech pointed out in its Comments, the true cause of this state reluctance is not a belief that all-services overlays are not appropriate, but the Commission's requirement that NPA overlays include mandatory ten-digit dialing. The bottom line is that in some states mandatory ten-digit dialing is not yet politically feasible and, as a consequence, the states are forced to buy time or

[7] At 35-36.

implement a less optimal measure.[8] Rather than sanctioning such behavior, the Commission should eliminate its root cause, and no longer require mandatory ten-digit dialing as a requirement for an NPA overlay. As Ameritech pointed out in its Comments (at 35) the underlying concerns that led the Commission to adopt this policy have not materialized and number portability has mitigated any real concern regarding overlays without mandatory ten-digit dialing.

A significant number of parties agree that the existing requirement for ten-digit dialing with overlays has resulted in the adoption of inefficient NPA relief plans. Many commentors call for the elimination of the 10-digit dialing requirement.[9] Ameritech agrees. However, some carriers also call for the adoption of a mandatory 10-digit dialing plan.[10] As Ameritech argued in its Comments (at 35) if ten-digit dialing remains a requirement of overlays, then it should be mandated nationally. But the optimal solution, for now, is to suspend the requirement.

Another example of a concrete measure that can be implemented now is block assignment of numbers. Thousands-block administration involves assignment of full NXX codes, but requires that carriers only assign numbers from one block of a thousand numbers within those NXX codes until a specified level of utilization is achieved.[11] There is no dispute that a root cause of the dramatic increase in NPA exhausts is the continued assignment of full NXX codes to all carriers. While sharing of NXX codes among competing carriers cannot be accomplished until pooling is implemented, all carriers (including wireless and paging) can begin now to prepare for pooling by administering codes assigned to them on a thousands-block

[8] See, for instance, California PUC at 24-25 which details the severe adverse public reaction to mandatory 10-digit dialing in the Los Angeles area, and the resulting political reaction.
[9] See, for example, North Carolina Utilities Commission at 3; PUC of OHIO at 26; California PUC at 24-25.
[10] See, GTE at 37.
[11] But, this does not mean that blocks must be activated in numeric sequence.

basis. That single action will not only facilitate the implementation of thousands-block pooling, but it will result in a more effective conservation in the interim.

Thousands-block administration can be accomplished without excessive delay or administrative overhead, and without impairing or delaying the national pooling plan. In fact, it will enhance the value of the national pooling plan by increasing the number of clean thousands blocks that are available for pooling.[12] Ameritech recommends that the Commission adopt federal rules requiring all carriers to administer NXX codes allocated to them on a thousands-block basis.

Another interim conservation measure that can be adopted now is aggressive NXX code reclamation. Some parties allege that the existing industry-based voluntary guidelines have resulted in the unnecessary assignment and retention of NXX codes and call for aggressive reclamation procedures.[13] Ameritech agrees, but proposes that the Commission not wait for full development of the national numbering plan before it requires the aggressive reclamation of unused and vacant codes. Toward that end, the Commission should promptly direct NANPA, with active support of the states, to initiate aggressive reclamation programs based on the existing guidelines. The states claim to have found widespread abuses.[14] If the states are correct, then the combined effort of the NANPA and the states should result in the return of many unused NXX codes.

An additional measure is more stringent screening of requests for NXX codes. The Commission could direct the NANPA to assign additional NXX codes only where the requester provides the necessary supporting certification and need statements.

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[12] However, if UNP is implemented, the ability to preserve clean blocks of numbers will be thwarted.
[13] See, for example, Outline of State Response to Numbering NPRM at Q 5-6;
[14] *Id.*, where the states assert that "carriers routinely disregard the Guidelines without consequence."

A final example of an area that can significantly improve number conservation now is number utilization reporting. The NANPA recently reported that large numbers of carriers did not file their annual COCUS reports this year. As a result, many parties (especially the states) [15] call for new mandatory reporting requirements. But, the Commission need not wait. Ameritech recommends that the Commission direct NANPA to return all requests for NXX codes by carriers who have not submitted an annual COCUS report for 1999.

## III. THE COMMISSION SHOULD APPROVE THE TECHNICAL AND SUBSTANTIVE POSITIONS DEVELOPED THROUGH THE INDUSTRY FORUM PROCESS.

In its Comments, Ameritech generally supported positions that were developed by the industry through a consensus process. Ameritech actively participated in these processes and is committed to supporting the recommendations that result from them, even though in some cases they are not fully consistent with its own interests. Ameritech believes that a consensus process necessitates compromise by all participants in order to achieve optimal solutions that best meet the needs of the entire industry, consumers and the nation. However, certain parties to this proceeding do not feel similarly bound and felt free to re-advocate positions that were rejected in the industry process. Ameritech will address those arguments to the extent that its initial Comments did not anticipate them. In each case, Ameritech will show that the consensus position is the correct policy choice from the overall perspective of the industry and consumers, and that no new facts or arguments have been presented that should cause the Commission to adopt a different outcome.

[15] See, Outline of State Response to Numbering NPRM at Q30, 32-33, 34, 37-42, 48-49, 54-57, 59, 63-67.

## A. ADMINISTRATIVE MEASURES

### 1. An Overly Restrictive Number Reservation Period Is Unnecessary And Will Harm Consumers.

A few parties [16] argue that the Commission should reject the industry proposal and limit number reservation periods to a mere forty-five days. This proposal misperceives the problem with number reservations, is an over-reaction, and would severely limit carriers' ability to respond to customer needs. Ameritech submits that the danger in number reservations is not that carriers will withhold numbers at a specific customer's request for up to a year, (as proposed by the industry) but that unscrupulous carriers will use number reservations as a subterfuge for wholesale hoarding of numbers for their own purposes. For that reason, the industry's proposal concentrates on ensuring that the various categories of numbers are fully and properly defined, so there is no room for carriers to use ambiguities as a pretext for withholding numbers from pooling. The result is five main categories of numbers with detailed definitions (i.e.: assigned, reserved, administrative, aging and vacant). This is the correct approach for preventing and detecting abuses.

The definitions and associated guidelines are now in the process of being finalized by NANC. Under the industry proposal, reservations for any given customer are limited in quantity to the working numbers assigned to that customer, up to a maximum of 2,000 numbers, and any reservation is only available for an initial period of one year. Ameritech believes that this proposal properly balances the need for conservation with the legitimate needs of customers to know the identity of numbers that will be assigned to them for a reasonable period of time.

[16] For example, Outline of the State Response to Numbering NPRM at Q22.

The proposal to shorten (by almost 90%) the reservation period proposed by the industry is not supported by any evidence that such a short period is sufficient to accommodate the legitimate needs of end users. Furthermore, the proponents of this extreme position present no evidence that there is wide spread abuse by customers of the current reservation period that warrants paring it back to such a restrictive interval. But what is clear is that adoption of the 45 day proposal will severely limit the ability of carriers to respond to the needs of certain customers that need to know the identity of the numbers that will be assigned to them well in advance of actually activating them. An example is a business that is building a new office and needs to be able to provide its new numbers to customers and suppliers well in advance of starting operations.

### 2. Carriers Should Not Be Penalized For Extending Reservations For Their Customers.

MCI (at 37) proposes that carriers be charged for extending number reservations for customers. This proposal should be rejected because it is not necessary to achieve reasonable number conservation, and is unduly restrictive and penal in nature. Again, there is no showing that number reservations made at the request of a specific customer for a reasonable period of time significantly increases number consumption or has or will lead to hoarding. Moreover, there is no rational reason why a carrier should be penalized for meeting the legitimate needs of its customers. In fact, such a penalty may actually impair the ability of certain new and marginal carriers to respond to the needs for their customers and may, thereby, not only impair customer service, but also be anti-competitive since carriers with "deep pockets" will not face the same constraint.

### 3. The Commission Should adopt a "Month to Threshold" criteria for NXX Code Assignment.

It is apparent from the comments that there is still significant disagreement as to the criteria that should be used for determining growth NXX code assignment eligibility. Several parties argue that the current "Months-to-Exhaust" criteria is overly permissive and provides an opportunity for inefficient allocation of numbering resources.[17] Others argue that a change to sole reliance on percent utilization within existing resources is too inflexible because it does not take into account wide variances in consumption rates.[18]

Ameritech believes that a slight modification to the original proposal offered within its Comments [19] will strike the appropriate balance between carrier accountability and responsiveness to fluctuations in demand. Ameritech proposes that carriers be obligated to meet a "Months-to-Threshold" criteria in requesting additional NXX codes. Specifically, carriers must provide proof that they will probably reach a standard utilization threshold (within existing numbering resources) within a specified time period. This requirement will achieve the desired balance of limiting assignment of new NXXs codes until a specific utilization level (within existing NXXs) is achieved, yet allowing the entity with the most familiarity with local conditions (i.e., the carrier) to determine when that threshold will probably be reached.

### 4. Costs Should Continue To Be Allocated Based Upon Gross Retail Revenues.

MCI's preference (at 59) for a return to the old NANPA funding formula (i.e., gross revenues minus payments made to other carriers) in lieu of the new formula (i.e., end user

[17] See, for example, Outline of the State Response to Numbering NPRM at Q34.
[18] See, Bell Atlantic at 8.
[19] At page16.

revenues) is a blatant attempt to return to a discredited formula simply because it serves its self-interest by systematically under allocating numbering costs to interexchange carriers and non-facilities-based carriers. MCI's justification (at 59) that number optimization efforts are "transparent to the end user" is disingenuous and utterly misses the point of competitively-neutral cost allocation. That is to say, competitive-neutrality seeks to ensure that each carrier bears its pro rata share of the costs, not based upon its use of numbering resources or the costs that it causes, but based upon its relative size. In this way, no carrier gains a competitive advantage as a result of cost-recovery. The fairest measure of relative size in this context is retail revenues, since it best reflects each carrier's relative retail size. This was the approach that the Commission adopted for competitively-neutral recovery of long-term number portability ("LNP") costs under the same section 251(e) of the 96 Act, and why the same rationale does compel the same result here.

### 5. All NXX Code Holders Must Be Subject To Audit.

MCI's proposal (at 44) that audits only be conducted on the largest NXX code holders should be seen for what it is, an obvious attempt to avoid scrutiny, and should be rejected as an invitation for waste and inefficiency. In order to be effective, number conservation must be practiced by all NXX code users, not just certain selected carriers. Moreover, MCI's proposal completely ignores the fact that recent investigations [20] reveal aberrant code utilization on the part of certain CLECs, not the larger incumbent LECs. Thus, if any one is to be excluded from audits, which they should not, it should be incumbent LECs It must be acknowledged that conservation in a competitive marketplace must cut both ways, i.e., incumbents and new entrusts must both be obligated to

[20] NANC Meeting Minutes for March 16-17, 1999, Item #L – Colorado PUC Report.

submit to audits based upon the same criteria and with the same frequency. Otherwise, number utilization may become a competitive weapon.

### 6. NANC Should Not Develop Industry Guidelines.

Some parties request that the Commission delegate to NANC the authority to develop industry guidelines implementing the Commission's numbering policies.[21] Ameritech opposes that suggestion on the grounds that it will delay the prompt development of industry guidelines and may not result in a true open industry consensus process. Moreover, no reason is presented for abandoning the existing forum process.

As evidenced by its performance over the past two years, NANC is often unable to make timely decisions on the technical and operational issues brought before it, and opts to instead to form numerous subcommittees to work out those issues.[22] This is likely because the NANC itself lacks the technical resources and full industry participation necessary to tackle detailed technical and operational issues of the type addressed in industry guidelines. Since many of those subcommittees are populated by the same individuals who now comprise the traditional numbering forums (i.e., the ATIS INC), it is difficult to ascertain any gain resulting from moving them to NANC. Indeed, in many cases, the result may be to add another layer of bureaucratic "red tape" that will only burden the process. Moreover, there is no guarantee that the sub-committees set up by NANC will achieve that same open participation or be as successful at building consensus as the existing bodies.

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[21] See, for example, MCI at 47.

[22] Indeed, the ATIS INC had achieved unanimous consensus on a proposal that NPA splits of an existing rate center should be prohibited. However, discussion of this recommendation at the July 1999 – NANC meeting resulted in a significant disagreement among NANC members on the merits of this position that had previously been resolved in ATIS INC.

### B. The Commission Should Continue to Forbid Service-Specific Overlays.

In the Notice (paragraph 256), the Commission requested input on whether it was "appropriate to at least reexamine our policies with respect to service-specific and technology-specific overlays . . . ." While Ameritech at one time proposed a wireless overlay for the Chicago MSA, based upon current circumstances, it does not believe that there is any longer any legitimate justification for considering such overlays. Consequently, Ameritech feels compelled to refute certain arguments seeking to reopen this issue by pointing out that service-specific overlays will actually waste, not conserve numbers; will not be sustainable when LNP is fully implemented; and will lead to customer confusion.

Some state commissions [23] request authority to implement service-specific overlays, likely as a way to avoid a general overlay with the accompanying mandatory ten-digit dialing requirement. As Ameritech has previously demonstrated, the correct remedy is to suspend the mandatory ten-digit dialing requirement, which will enable the states to proceed with all-services overlays. Moreover, the Commission (at paragraph 257) still expresses its concern that service specific overlays are discriminatory. But the first question for this proceeding is will a service-specific overlay reduce NPA/NXX consumption. The majority of the parties filing comments in this proceeding did not propose a reexamination of service-specific overlays, and a number of parties representing diverse segments of the industry, opposed them.[24] Tellingly, the parties that support service-specific overlays present no studies or other objective data that service-specific overlays, such as a wireless overlay, will improve number utilization. Thus, there still is no evidence upon which the Commission could conclude that service-specific overlays will in fact reduce NPA/NXX consumption.

[23] See, for example, California PUC at 46-50; Outline of State Response to Numbering NPRM at Q267-270; PUC of OHIO at 40-41.

Actually, there is every reason to believe that service-specific overlays will increase NPA consumption, at least in the short-run. Simple logic compels the conclusion that a national service-specific overlay will necessitate a one-time assignment of a very significant number of new NPAs to support only one service. This assignment of new NPAs could only come from the limited existing supply. Moreover, as SBC notes (at 105) any expanded coverage scenario for a wireless NPA versus a wireline NPA, intended to increase the utilization of the new wireless NPAs, would compound the discriminatory effects of a wireless overlay.

Equally as important, the entire concept of a service-specific overlay would be short-lived as full number portability is implemented between all carriers and services. For instance, a wireless overlay would not be sustainable once wireless providers begin to port numbers to wireline carriers and vice versa. The whole scheme would quickly degenerate into a hodgepodge with wireless and wireline carriers holding each others numbers. The effect would not only be to restrict the efficiency of NXX code assignment, but to also mislead customers as to which numbers are wireless versus wireline.

### C. UNP Is Not A Conservation Measure And Will Require Significant And Costly Process Modifications.

In the Notice (paragraph 142), the Commission requested input regarding whether the state commissions should be allowed to decide if UNP should be implemented in their state. In its Comments (at 47) Ameritech opposed mandatory implementation of UNP, pointing out that it is not a number conservative measure, and will cause collateral adverse effects. Based on the comments of the other parties, Ameritech still recommends against granting the states such authority. Perhaps Bell Atlantic said it most directly:

> "[g]iving states the authority to make this determination would provide an incentive to mandate, rather than allow, carriers to use UNP in a vain attempt to defer the need for area

[24] *See*, AT&T at 68-70; MCI at 63-64; USTA at 12-15.

> code relief. UNP is a marginal optimization measure at best, still requires the assignment of numbers to carriers in blocks of 10,000, would require standards and guidelines that do not exist at this time, and would require development work for many carriers."[25]

In addition, as noted by SBC (page 92), if implemented UNP "would compete for limited capacity in carriers' STPs/SCPs." Ameritech agrees that UNP should not be mandated at the federal or state level because it will not further the cause of number conservation and may in fact lead to further inefficiency.

MCI ( at 18) and Cox (at 9) are both mistaken when they claim that UNP can be implemented quickly. The fact of the matter is that many, if not most, LNP systems in use today incorporate a fundamental check to verify that the number being requested for porting is a working number assigned to the customer listed on the LSR. This is necessary to prevent the inadvertent porting of the wrong number, which would result in a service disruption. Absent significant modification of current LNP processes, UNP would first require the establishment (by the code holder) of an account for the CLEC customer (i.e., a service order activation). This would result in unnecessary delays in service for the actual end user, provide the donor with valuable information regarding the CLEC's customers, and raise a new cost recovery issue, i.e., recovery of costs associated with establishing service.

AT&T (at 42) also cautions the Commission about the need for "stringent oversight to ensure competitive neutrality" and advises the Commission that its resources "would be better spent on the timely implementation of thousands-block pooling, rather than on the development of UNP rules and standards." Ameritech agrees that if pooling is mandated, the industry should focus on implementing thousands-block pooling, and not be distracted by other projects.

[25] At 22.

## D. ITN SHOULD NOT BE TRIALED AT THIS TIME.

Ameritech regrets that at this late date the issue of ITN has not been laid to rest. None-the-less, in the face of the Commission's well reasoned tentative rejection of ITN, the industry consensus rejection of it, and the weight of the evidence, a few parties continue to ignore reality and advocate state-initiated ITN.[26] The Commission should reject these proposals as a dead end and a diversion from more urgent matters.

The Commission's tentative conclusion (at para. 141) is correct that ITN should not be pursued at this time. Ameritech agrees that the Commission and the industry must maintain their focus on the creating of a single, national framework for number conservation. At this stage, the Commission has tentatively concluded that this framework includes thousands-block pooling, not ITN. In doing so, it should not extend to the states the ability to implement LNP-based interim approaches. Any attempt to implement interim ITN trials would simply divert resources from thousands-block pooling for no good purpose.

As documented in the NRO Report [27]and as reinforced in many comments, the architectures necessary to support ITN do not exist and any migration from thousands-block pooling will be cumbersome.[28] As AT&T stated (at 41) "[b]ecause ITN pooling substantially changes the way the numbering resources are administered, it is likely to impose significantly higher costs on the industry than thousands block pooling." Furthermore, as the Commission recognizes, ITN pooling cannot be implemented in the near-term.

[26] See, Outline of State Response to Numbering NPRM at Q 214.
[27] Section 4.6.
[28] See, for example, Bell Atlantic at 32.

## E. IF THOUSANDS-BLOCK POOLING IS MANDATED, IT MUST BE INITIALLY DEPLOYED ON A NATIONALLY COORDINATED BASIS, WHERE NEEDED, AND WILL REQUIRE FULL PARTICIPATION BY ALL USERS OF CODES.

In the comments, the Commission received significant input on how to implement thousands-block pooling, and on whether the states should have the authority to make some implementation decisions. Many parties, including Ameritech, provided the Commission with proposals for pooling implementation. After reviewing the various proposals, Ameritech recommends against adopting a specific implementation schedule at this time. Instead, based on Ameritech's experience and the lack of any clear consensus in the comments, Ameritech recommends that the Commission adopt the fundamental principles applicable to pooling, and refer the implementation of those principles to the industry and the states. To that end, Ameritech proposes that the Commission adopt the following four principles:

1. Initial deployment of pooling should start where competition and resulting number consumption are greatest. Generally, there areas are within the so-called 100 largest MSAs.

2. Pooling should only be implemented where it will have a significant positive impact on number conservation. To this end, only NPAs meeting the basic set of criteria outlined in the NRO Report should be considered for pooling.

3. Pooling should only be implemented in central offices where the necessary LNP capabilities are already deployed.

4. As a practical matter, implementation of pooling must be staggered nationally and within each NPAC.

Ameritech has fully justified each of these principles in its Comments (beginning at 37) and will not repeat that discussion here.

Ameritech submits that any number pooling guidelines and plan should be implemented within the bounds of these four principles. Included is the sequencing of pooling nationally and within each state and MSA. Ameritech believes it is best for all parties if the Commission

establishes a sequencing process for each NPAC Region, and then allows the details of that process to be worked out at the local levels.

There may be the remote possibility that an NPA outside the 100 largest MSAs would benefit from pooling. In these cases, the Commission should adopt a process whereby states can submit requests to include an NPA outside the largest 100 MSAs in the implementation schedule, as long as it is proven to meet the above criteria.

MCI's suggestion (at 12) to initially implement pooling without block donations is a transparent attempt to hoard its huge blocks of unused numbers outside of pooling, and must be rejected as counter-productive to the number conservation objectives of pooling. Such a policy could also provide an opportunity for certain unscrupulous carriers to assign at least one number within each block and, thereby, preclude their donation to the pool in MCI's Phase 2 (clean blocks). Under MCI's proposal, this attempt to retain otherwise unused number blocks could then be extended to Phase 3 (UNP) which would allow it to preserve its stockpile while raiding the inventories of others. The result, would be the inefficient use of NXX codes, not conservation and optimization.

## F. THE PROPOSED BRIDS MODIFICATION SHOULD BE REJECTED

Cox's proposal (at 4) to modify BRIDS should be dismissed as absurd. Modification of a single table within an industry reference resource will do nothing to improve number optimization, and demonstrates a fundamental lack of understanding of the current limitations of the public switched network. Equally as important, this proposal would require major modifications in many, if not most, end office switches to add huge 10-digit screening tables to 1) determine whether the call should be handed off to a presubscribed carrier (i.e., 2-PIC); 2) to determine whether an LNP query should be performed; and 3) to determine which type of AMA

record should be created. In addition, Cox totally ignores the huge adverse impact of the change on many customer terminal devices, such as smart phones and PBXs with least cost routing, which need to perform real-time rating functions prior to routing. Finally, it ignores the potential severe adverse impact of the change on 911 systems, which perform default (PSAP) routing based upon the NPA/NXX of the calling customer. In short, the BRIDS proposal raises the same concerns and technical challenges as geographic portability and, as such, claims as to its ease of implementation and nominal cost are simply ridiculous.

## V. CONCLUSION

At this juncture, approval of the state petitions and requests for exceptions from the national plan, especially with regard to pooling and UNP, are counter to the Commission's number optimization objectives and should be rejected. Instead, the Commission must, itself, take action now in advance of any national pooling rollout, to remedy the problems that led to the states' requests. Ameritech believes that action should include:

1. suspension of the 10-digit dialing requirement for overlays;
2. mandatory block administration;
3. aggressive NXX reclamation and CO Code "for cause" audits; and
4. mandatory "COCUS" filings as a pre request for NXX code assignment.

These measures will improve number optimization and conservation now without disrupting the national plan.

For the Commission's convenience, Ameritech has attached Attachment A, which is a compilation and summarization of all the technical and substantial proposals and positions it

advocated in its Comments and Reply Comments. For the reasons set forth in Ameritech's Comments and Reply Comments, these proposals should be adopted by the Commission.

Respectfully submitted,

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Dated: August 30, 1999

**ATTACHMENT A**

The following summarizes and compiles all the technical and substantive proposals made by Ameritech in its Comments and Reply Comments:

1. Initial NXX code assignments should be made based upon proof that the carrier is certified to provide service in the area.

2. Growth code assignments should be made based upon verified need in the form of meeting a "Months-to-Threshold" criteria.

3. The Commission should adopt INC's definitions developed through the Central Office Code Assignment Workshop, and the NANC NRO-WG number reservation definitions. These definitions should be codified by reference in the Commissions Rules, and administered by the NANPA. The reservation period for numbers should not be shortened to 45 days, nor should there be a charge to carriers that extend a customers reservation.

4. Data reported for forecasting purposes should be limited to the data actually needed to perform that function; must be reported by <u>all</u> numbering users; and should be reported at the NPA/NXX level.

5. Forecasting and utilization data should be reported to the NANPA; utilization data should only be reported at an aggregate level, and all carrier-specific data should be protected, as confidential.

6. The NANPA should have the power and responsibility to conduct audits, where warranted, in accordance with guidelines developed by the industry, and adopted by reference in the Commission's Rules.

7. Industry numbering guidelines must be rigorously enforced by the NANPA.

8. Unactivated NXX codes must be aggressively reclaimed by the NANPA and the states pursuant to industry guidelines.

9. Rate center consolidation should remain a local state issue.

10. Mandatory ten-digit dialing should be suspended in order to eliminate a roadblock to all-services overlays.

11. D-digit expansion should be studied further, but should not be imposed at this time.

12. Thousands-block pooling should only be implemented based upon a NPA-by-NPA analysis using the criteria in the NRO Report.

13. Thousands-block pooling should only be implemented where LRN/LNP technology has been deployed and where, on balance, the benefits of pooling exceed its costs.

14. Carriers should only donate clean and lightly contaminated (up to 10% of the numbers assigned) blocks to the thousands-block pools.

15. The NANPA should administer the thousands-block pools.

16. The costs of pooling should be categorized and recovered on the same basis as LNP.

17. Thousands-block number administration should be implemented in the interim before the national thousands-block pooling plan in implemented.

18. UNP should not be mandated at either the national or local level.

19. ITN should not be implemented at the national or local level.

20. Service-specific and technology-specific overlays should continue to be forbidden.

21. The Commission should reject carrier-choice as a number optimization strategy.

22. The Commission should reject carrier-pays as a number optimization measure.

## CERTIFICATE OF SERVICE

I, Grace Germain, do hereby certify that a copy of the Reply Comments of Ameritech has been served on all parties of record, via first class mail, postage prepaid, on this 30th$^{th}$ day of August, 1999.

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