

September 7, 1999

SENT VIA FEDERAL EXPRESS

Magalie Roman Salas, Secretary
Federal Communications Commission
Portals II, 445 12th Street SW, Suite TW-A325
Washington, DC 20554

re: NSD-L-99-62, DA 99-1555, CC Docket 96-98
In the Matter of the Connecticut Department of Public Utility Control=s Petition for
Delegation of Additional Authority

Dear Ms. Salas:

Enclosed for filing in the above matter please find one original and five copies of the Massachusetts Department of Telecommunications and Energy's Comments in Support of the Connecticut Department of Public Utility Control=s Petition for Delegation of Additional Authority. Kindly stamp one copy and return it to us in the enclosed self-addressed Federal Express envelope. I have filed a copy of these comments electronically with the Commission=s ECFS service (proceeding number 96-98).

Sincerely,

Karlen J. Reed, Esq.

KJR/kr

Enc.

cc: MDTE Commission (w/enc.)
Paul G. Afonso, General Counsel, MDTE (w/enc.)
Attached Service List (w/enc.)

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

NSD-L-99-62
DA 99-1555
CC Docket 96-98

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S
COMMENTS IN SUPPORT OF THE CONNECTICUT DEPARTMENT OF PUBLIC
UTILITY CONTROL'S PETITION FOR DELEGATION OF ADDITIONAL
AUTHORITY

Massachusetts Department of
Telecommunications and Energy

Janet Gail Besser, Chair
James Connelly, Commissioner
W. Robert Keating, Commissioner
Paul B. Vasington, Commissioner
Eugene J. Sullivan, Jr., Commissioner

One South Station, 2nd Floor
Boston, MA 02110
617-305-3500

Dated: September 7, 1999

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Washington, D.C. 20554

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MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S
COMMENTS IN SUPPORT OF THE CONNECTICUT DEPARTMENT OF PUBLIC
UTILITY CONTROL'S PETITION FOR DELEGATION OF ADDITIONAL
AUTHORITY

In response to the Common Carrier Bureau ("Bureau") of the Federal Communications Commission's ("FCC" or "Commission") Public Notice released August 5, 1999, the Massachusetts Department of Telecommunications and Energy ("Department") respectfully submits these comments in support of the Connecticut Department of Public Utility Control (CTDPUC's) Petition for Delegation of Additional Authority (APetition's). In its Petition, the CTDPUC seeks additional authority to (1) implement thousand block number pooling, (2) reclaim unused and reserved exchange codes, and (3) audit the use of number assignment and utilization requirements.

The Department supports the CTDPUC's Petition because granting the Petition will allow Connecticut to create innovative solutions tailored to the numbering issues that are particular to Connecticut's circumstances.

I. BACKGROUND

On September 28, 1998, the Commission issued a Memorandum Opinion and Order

which outlined state commission authority to order the implementation of exchange code conservation methods. In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 312, 610, 215, and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 98-224, NSD File No. L-97-42 (published November 16, 1998, Fed. Reg., 13 FCC Rcd. 19009) ("Pennsylvania Opinion"). Several petitions for reconsideration, such as the Department's petition filed October 28, 1998,¹ are currently being considered by the Commission, as are comments and reply comments received from the Commission's May 27, 1999, Notice of

¹ The Department filed a Petition for Reconsideration of the FCC's September 28, 1998 Opinion, on October 28, 1998, NSD-L-97-42, CC Docket 96-98.

Proposed Rulemaking on numbering issues.²

² On May 27, 1999, the Commission adopted a Notice of Proposed Rulemaking (A May 27, 1999 NPRM) to consider measures intended to increase the efficiency with which telecommunications carriers use telephone numbers. Notice of Proposed Rulemaking, FCC 99-122 (released May 27, 1999).

On July 28, 1999, the CTDPUC filed its Petition as part of its ongoing area code relief docket to manage the assignment of Connecticut phone numbers (Petition at 2-3). On August 5, 1999, the Commission released its public notice seeking comment on the issues presented in the CTDPUC Petition.³ Connecticut joins Massachusetts, New York, Maine, Florida, California, Texas, and Wisconsin in having filed petitions with the Commission for additional authority to implement code conservation measures.⁴

II. DISCUSSION

The FCC has encouraged state commissions to develop creative and innovative

³ FCC Public Notice - "Common Carrier Bureau Seeks Comment on the Connecticut Department of Public Utility Control's Petition for Delegation of Additional Authority to Implement Number Conservation Measures (NSD File No. L-99-62, DA 99-1555, CC Docket 96-98)."

⁴ The Massachusetts Department of Telecommunications and Energy filed a Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes on February 17, 1999 (FCC Public Notice DA 99-461, NSD-L-99-19, released March 5, 1999). The New York State Department of Public Service filed a Petition for Additional Delegated Authority to Implement Number Conservation Measures on February 19, 1999 (FCC Public Notice DA 99-462, NSD-L-99-21, released March 5, 1999). The Maine Public Utilities Commission filed a Petition for Additional Delegated Authority to Implement Number Conservation Measures on March 17, 1999 (FCC Public Notice DA 99-638, NSD-L-99-27, released April 1, 1999). The California Public Utilities Commission filed a Request for Delegation of Additional Authority Pertaining to Area Code Relief and to NXX Code Conservation Measures (FCC Public Notice NSD-L-98-136, released May 14, 1999) and a Petition for a Waiver to Implement a Technology-Specific or Service-Specific Area Code (NSD-L-99-36, CC Docket 96-98, released May 14, 1999). The Public Utility Commission of Texas filed a Petition for Expedited Decision for Delegation of Authority to Implement Number Conservation Measures on July 2, 1999 (FCC Public Notice DA 99-1380, NSD-L-99-55, released July 14, 1999). The Public Service Commission of Wisconsin filed a Petition for Additional Delegated Authority to Implement Number Conservation Measures on August 5, 1999 (FCC Public Notice DA 99-1606, NSD-L-99-64, released August 12,

solutions to numbering issues (Pennsylvania Opinion at && 30-31). The petitions of Connecticut, Massachusetts, New York, Maine, Florida, California, Texas and Wisconsin are the first steps in developing such solutions. The Department supports the CTDPU=s Petitions because the CTDPU=s proposed code conservation measures offer significant opportunities to relieve the pressures of premature exchange code exhaust confronting Connecticut.

The Department has presented its supporting views on the code conservation methods enumerated by the CTDPUC in comments and reply comments filed by the Department on various state code conservation petitions.⁵ The Department will not repeat those arguments. The Department, however, draws the Commission's specific attention to the CTDPUC's statement that its Petition is intended to slow the exhaust of the new area codes that will be introduced when the 860 and 203 NPAs are exhausted (Petition at 5). Unfortunately, it appears that the CTDPUC's efforts are not enough to prevent area code exhaust and that the Commission's ruling in its NPRM will not come in time to save Connecticut's existing area codes. This is a potential fate that the Department and other state commissions are attempting to avoid through their respective area code conservation dockets, relief dockets, and FCC petitions. Prompt action delegating authority, including number pooling, to states like Connecticut and Massachusetts, is the best assistance the Commission can give to state commissions faced with the ordeal of implementing new area codes.

III. CONCLUSION

The Department supports the CTDPUC's Petition and the efforts of the CTDPUC to address its numbering issues with several well-chosen code conservation methods. The Commission should delegate to the CTDPUC the requested additional authority as set forth

⁵ See MDTE Comments filed on the petitions enumerated in fns. 2 and 4, supra.

in the Petition. The CTDPUC Petition presents useful, creative, and innovative proposals on

code conservation for the Commission's consideration. For the foregoing reasons, we support the Petition for Delegation of Additional Authority filed by the Connecticut Department of Public Utility Control on July 28, 1999.

Respectfully submitted,
Massachusetts Department of
Telecommunications and Energy

By:

Janet Gail Besser, Chair

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W. Robert Keating, Commissioner

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Additional Authority)	CC Docket 96-98
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