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

In the Matter of	)	
	)	CC Docket No. 96-98
Connecticut Department of Public Utility	)	NSD File No. L-99-62
Control Petition for Delegation of Additional	)	DA 99-1555
Authority to Implement Number Conservation	)	
Measures	)	

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COMMENTS OF AT&T CORP.

Pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, AT&T Corp. ("AT&T") hereby submits its comments on the Connecticut Department of Public Utility Control's ("CTDPUC") petition for additional authority to implement number conservation measures.[1]

Eight state commissions have now filed petitions[2] seeking a broad delegation of power

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1 Connecticut Department of Public Utility Control Petition for Delegation of Additional Authority, NSD File No. L-99-62, filed July 28, 1999 ("CTDPUC Petition").

2 In addition to the CTDPUC's petition, petitions have also been filed by state commissions from Wisconsin, Texas, California, Florida, Maine, Massachusetts and New York. See Public Service Commission of Wisconsin Petition for Delegation of Additional Authority, NSD File No. L-99-64, filed August 5, 1999; Petition of the Public Utility Commission of Texas for Expedited Decision for Delegation of Authority to Implement Number Conservation Measures, NSD File No. L-99-55, filed July 2, 1999; Petition of the California Public Utilities Commission and of the People of the State of California for Delegation of Additional Authority, NSD File No. L-98-136, filed April 23, 1999; Florida Public Service Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures, NSD File No. L-99-33, filed April 2, 1999; Maine Public Utilities Commission Petition for Additional Authority to Implement Number Conservation Measures, NSD File No. L-99-27, filed March 17, 1999; Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781 and 978 Area

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over number administration pursuant to the Commission's recent Pennsylvania Order.[3] Because all of the state commissions seek essentially the same relief and raise substantively identical claims, AT&T will not burden the record by repeating the arguments it has offered in response to those previous waiver requests, but instead hereby incorporates into these comments by reference its prior pleadings concerning each of the state petitions. In addition, AT&T hereby incorporates into this pleading by reference its pleadings addressing the Commission's recent Numbering Resource Optimization NPRM.[4]

Although AT&T continues to urge the Commission to move forward promptly with the adoption of national conservation standards, AT&T believes that, as it has explained in detail in its prior pleadings, the public interest could be served by implementation of interim thousands block pooling measures, subject to certain conditions designed to ensure competitive neutrality and to avoid the intolerable strains on carriers' resources that a patchwork of state pooling standards could create.[5]

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Codes, NSD File No. L-99-19, filed February 17, 1999; New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures, NSD File No. L-99-21, filed February 19, 1999.

3 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 412, 610, 215, and 717, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009 (1998) ("Pennsylvania Order").

4 Numbering Resource Optimization, Notice of Proposed Rulemaking, CC Docket No. 99-200, released June 2, 1999 ("NRO NPRM").

5 See Comments of AT&T Corp., pp. 3-9, filed June 14, 1999 in Petition of the California Public Utilities Commission and of the People of the State of California for Delegation of Additional Authority, NSD File No. L-98-136.

As the state commissions' seriatum requests for delegated authority make clear, the circumstances prompting the instant petition are not unique to any one state, or even to a small group of states, but are national issues for which national solutions are essential. If the Commission were to grant authority over number conservation to each state that has requested (or that is likely to request) that power, the integrity of the NANP would be threatened by a myriad of competing and conflicting standards. AT&T's concern is not that individual states are incapable of devising numbering policies, but rather that it would be inefficient at best -- and could jeopardize the current seamless operation of the public telephone network,[6] as well as the development and growth of competition in telecommunications markets -- to permit multiple states to act without the coordination and oversight that Congress directed the Commission to provide by enacting § 251(e).

Moreover, like each of the eight state commission numbering petitions now pending before the Commission, the CTDPUC's request for additional authority fails to provide adequate detail to permit the Commission to evaluate an interim thousands block pooling proposal, or to permit a waiver under the standards required by 47 C.F.R. § 1.3.[7] Indeed, none of the petitions describes a specific pooling plan of any kind. In essence, they seek a wholesale transfer of

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6 See Pennsylvania Order at 19022 ¶ 21; 19028 ¶ 28 (permitting state commissions to proceed with numbering administration measures "on a piecemeal basis" could "jeopardiz[e] telecommunications services throughout the country").

7 A petitioner seeking waiver of the Commission's rules must show "good cause" as to why the rule should be suspended, amended, or revoked. 47 C.F.R. § 1.3 This standard poses a "high hurdle" because it requires a petitioner to "plead with particularity the facts and circumstances which warrant [the waiver]." Rio Grande Family Radio Fellowship, Inc. v. FCC, 406 F.2d 664, 666 (D.C. Cir. 1968). See also Northeast Cellular Telephone Co. v.

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jurisdiction from federal to state authority. There is simply nothing in the record on which the Commission could rest a reasoned decision to grant the state petitions as they now stand. Before permitting any mandatory interim thousands block pooling measure (or any other number conservation measure), the Commission should require a state commission to submit a reasonably detailed proposal. Such an approach is essential to prevent interim pooling efforts from interfering with the ongoing development of permanent, national number conservation measures, and to prevent the threat to the integrity of the NANP that conflicting state plans could present.

CONCLUSION

AT&T urges the Commission to establish national conservation standards as expeditiously as possible to provide necessary relief to all states, carriers, and consumers on an equitable basis. In the interim, while the NRO NPRM is pending, the Commission should permit state commissions to implement limited interim thousands block number pooling plans,

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FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990); WAIT Radio v. FCC, 418 F.2d 1153, 1157 (D.C. Cir. 1969), cert denied, 409 U.S. 1027 (1972).

consistent with the conditions described in AT&T's prior pleadings on the pending state petitions for additional authority.

Respectfully submitted,

AT&T CORP.

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September 7, 1999

CERTIFICATE OF SERVICE

I, Terri Yannotta, do hereby certify that on this 7th day of September, 1999, a copy of the foregoing "Comments of AT&T Corp." was served by U.S. first-class mail, postage prepaid to the party listed below:

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September 7, 1999