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

In the Matter of	)	
	)	
California Public Utilities Commission	)	
Petition for Delegation of Additional	)	CC Docket No. 96-98
Authority Pertaining to Area Code Relief and	)	NSD File No. L-98-136
NXX Code Conservation Measures	)	

ORDER

Adopted: September 15, 1999 Released: September 15, 1999

By the Commission:

I. INTRODUCTION

1. This order responds to the April 23, 1999, Petition for Additional Delegated Authority (Petition) filed by the California Public Utilities Commission (California Commission) to implement various area code conservation and relief planning measures.[1] We herein conditionally grant the California Commission the authority to institute thousands-block pooling trials; establish usage thresholds, including requiring carriers to submit number utilization data; reclaim unused and reserved NXX codes, and portions of those codes; require sequential number assignments; and hear and address claims of carriers requesting numbering resources outside of rationing procedures. We deny the California Commission's request for authority to implement individual telephone number pooling. We also affirm our earlier grant of additional authority to the California Commission to adopt numbering rationing plans prior to reaching area code relief decisions.[2] Although we grant the California Commission interim authority to institute many of the optimization measures raised in its Petition, this grant will be superseded by forthcoming decisions in the *Numbering Resource Optimization* proceeding[3] that will establish national guidelines, standards, and procedures for numbering optimization. Thus, this limited grant of delegated authority should not be construed as prejudging any of the issues on which the Commission has sought public comment in the *Numbering Resource Optimization Notice*.

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[1] Petition at 1.

[2] Letter from Yog R. Varma, Deputy Chief, Common Carrier Bureau, to Helen M. Mickiewicz, California Public Utilities Commission, dated December 1, 1998 (DA 98-2463).

[3] *See* Numbering Resource Optimization, *Notice of Proposed Rulemaking*, CC Docket No. 99-200, FCC 99-122 (rel. June 2, 1999) (*Numbering Resource Optimization Notice*).

II. BACKGROUND

2. Congress granted the Commission plenary jurisdiction over numbering issues.[4] Section 251(e) of the Act also allows the Commission to delegate to state commissions all or any portion of its jurisdiction over numbering administration.[5] The Commission's regulations generally require that numbering administration: (1) facilitate entry into the telecommunications marketplace by making telecommunications resources available on an efficient and timely basis to telecommunications carriers; (2) not unduly favor or disfavor any particular industry segment or group of telecommunications consumers; and (3) not unduly favor one telecommunications technology over another.[6] Further, our regulations specify that, if the Commission delegates any telecommunications numbering administration functions to any state, the states must perform the functions in a manner consistent with these general requirements.[7]

3. On September 28, 1998, the Commission released the *Pennsylvania Numbering Order* delegating additional authority to state commissions to order NXX code rationing in conjunction with area code relief decisions, in the absence of industry consensus.[8] The order further approved a mandatory thousands-block number pooling trial in Illinois.[9] The order provided that state utility commissions could order voluntary pooling trials,[10] but in view of the Commission's efforts to develop national pooling standards, we declined to delegate to state commissions the general authority to order mandatory number pooling.[11] The *Pennsylvania Numbering Order*, however, encouraged state commissions to seek further limited delegations of authority to implement other innovative number conservation methods prior to implementing number conservation plans.[12]

4. In its Petition, the California Commission requests that the Commission grant it the authority to: (1) implement thousands-block number pooling; (2) implement individual telephone number pooling; (3) require carriers to meet minimum fill rates prior to being assigned

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[4] 47 U.S.C. § 251(e).

[5] 47 U.S.C. § 251(e)(1).

[6] 47 C.F.R. § 52.9(a).

[7] 47 C.F.R. § 52.9(b).

[8] 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*, CC Docket No. 96-98, 13 FCC Rcd 19009, 19025, ¶ 26 (1998) (*Pennsylvania Numbering Order*).

[9] *Id.* at 19029-30, ¶ 30.

[10] *Id.* at 19027-28, ¶¶ 27-28.

[11] *Id.* at 19027, ¶ 27. Subject to conditions, we permitted states to order the withholding of a certain number of NXX codes within a new area code from assignment and saved for pooling. *Id.*

[12] *Id.* at 19030 ¶ 31.

additional numbering resources; (4) order sequential number assignment; (5) hear and address claims of carriers seeking additional codes outside of the rationing plan; and (6) reclaim unused NXX codes and under-utilized portions of NXX codes.[13] The California Commission states that it seeks this authority to conserve the public resource of numbers, ensure that numbers are more efficiently allocated and managed in California, and minimize the burden of constant area code relief on consumers.[14] On May 14, 1999, the Petition was placed on Public Notice for public comment.[15]

5. Prior to the filing of its April 23, 1999, petition, the California Commission had filed a petition on November 3, 1999, requesting authority to continue to conduct its monthly lottery in jeopardy[16] numbering plan areas (NPAs) prior to the implementation of an area code relief plan and to resolve disputes among industry participants pertaining to the terms and conditions of central office (NXX) code rationing.[17] The California Commission requested this authority in response to the Commission's determination that state commissions may order central office code rationing to extend the life of an area code until implementation of relief, when the industry has been unable to reach consensus on a rationing plan, only if the state commission has decided on a specific form of area code relief, and the state commission has established an implementation date for the area code relief plan.[18] On December 1, 1998, the Common Carrier Bureau issued a letter order temporarily granting authority to the California Commission to continue to conduct its current central office code rationing measures prior to the implementation of an area code relief plan.[19] The Bureau subsequently issued a Public Notice on January 6, 1999, seeking comment on the California Commission's petition and our decision temporarily to grant the authority to continue its NXX code rationing process.[20]

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[13] Petition at 1-2, 8.

[14] Petition at 2, 6, and 15.

[15] Common Carrier Bureau Seeks Comment on a Petition of the California Public Utilities Commission and the People of the State of California for Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures, *Public Notice*, DA 99-928 (rel. May. 14, 1999).

[16] An area code jeopardy situation exists when the forecasted demand for numbering resources exceeds the known supply during the planning and implementation interval for relief in the form of the introduction of a new area code. *See* CO Code Assignment Guidelines at § 13.0.

[17] Letter from Helen M. Mickiewicz, California Public Utilities Commission, to Larry Strickling, Chief, Common Carrier Bureau, dated November 3, 1998 (November 3, 1998 Petition). In its decision establishing California's lottery process, the California Commission approved most aspects of the industry proposed lottery plan. Due to the lack of industry consensus on specific issues, the California Commission participated in the code rationing plan by adopting a 60% initial code/40% growth code basis for NXX code allocation and a provision placing carriers of last resort with no numbers in a particular wire center first on a lottery priority list. CPUC Decision 96-09-087, *Interim Opinion*, R.95-04-043/I.95-04-044 (1996) (D.96-09-087), at 23.

[18] *Pennsylvania Numbering Order* at 19009, ¶ 24.

[19] Letter from Yog R. Varma, Deputy Chief, Common Carrier Bureau, to Helen M. Mickiewicz, California Public Utilities Commission, dated December 1, 1998 (DA 98-2463) (December 1, 1998 Order).

[20] Common Carrier Bureau Seeks Comment on a Petition of the California Public Utilities Commission and the

III. DISCUSSION

6. We recognize that the area code situation in California is critical and unique in its severity, with a number of area codes exhausting at a rate far exceeding their initial projected life spans.[21] We are also aware that California has more area codes and rate centers than any other state and an unusually large number of users of numbering resources, given that it has 21 incumbent local exchange carriers, approximately 51 facilities-based cellular and PCS providers, and approximately 50 certified competitive local exchange carriers that all need NXX codes to provide service; presence of such a large number of carriers in California is driving the pace of exhaust in this state.[22] In light of this extreme situation and in order to empower the California Commission to take steps to make number utilization more efficient, we herein grant significant additional authority to the California Commission. In some instances, we are granting the California Commission authority that goes beyond the parameters outlined in the *Pennsylvania Numbering Order*, because we find such grant to be appropriate in light of the specific circumstances in California.

7. Many of the measures proposed in the California Commission's Petition are also examined in a Notice of Proposed Rulemaking that this Commission recently released.[23] Although we grant the California Commission interim authority to institute many of the optimization measures in the Petition, we do so subject to the caveat that this grant will be superseded by forthcoming decisions in the *Numbering Resource Optimization* proceeding that will establish national guidelines, standards, and procedures for numbering optimization. This limited grant of delegated authority should not be construed as a prejudgment of any of the measures on which the Commission has sought public comment in the *Numbering Resource Optimization Notice*.

8. Congress granted this Commission exclusive jurisdiction over those portions of the North American Numbering Plan (NANP) that relate to the United States, and directed that the Commission administer the NANP in a manner which assures that numbering resources are available on an equitable basis.[24] The Commission was also granted the authority to delegate this jurisdiction to state utility commissions. Thus, while we grant authority below to the

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People of the State of California for an Additional Delegation of Authority to Conduct NXX Code Rationing, *Public Notice*, DA 99-108 (rel. Jan. 6, 1999) (*January 6 Notice*). Commenters include: AT&T Corp. (AT&T); Bell Atlantic; California Cable Television Association; Focal Communications Corp.; MCI WorldCom, Inc.; MediaOne Group; New York Department of Public Service; Paging Network, Inc.; Pennsylvania Public Utility Commission; SBC Communications; Sprint PCS; and United States Telephone Association.

[21] Petition at 2. For example, the California Commission notes that it will open its 26th area code later this year. It also states that, without implementing any conservation measures, it expects to open 15 more area codes by the end of 2002. *Id.*

[22] Petition at 2.

[23] Numbering Resource Optimization, *Notice of Proposed Rulemaking*, CC Docket No. 99-200, FCC 99-122 (rel. June 2, 1999) (*Numbering Resource Optimization Notice*).

[24] 47 U.S.C. § 251(e)(1).

California Commission to engage in various matters related to administration of the NANP in California, we require the California Commission to abide by the same general requirements that this Commission has imposed on the numbering administrator. Thus, the California Commission, to the extent it acts under the authority delegated herein, must ensure that numbers are made available on an equitable basis; that numbering resources are made available on an efficient and timely basis; that whatever policies the California Commission institutes with regard to numbering administration not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and that the California Commission not unduly favor one telecommunications technology over another.[25]

9. The grants of authority herein are not intended to allow the California Commission to engage in number conservation measures to the exclusion of, or as a substitute for, unavoidable and timely area code relief.[26] While we are giving the California Commission tools that may prolong the lives of existing area codes, the California Commission continues to bear the obligation of implementing area code relief when necessary, and we expect the California Commission to fulfill this obligation in a timely manner. Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for a want of numbering resources. For consumers to benefit from the competition envisioned by the Telecommunications Act of 1996, it is imperative that competitors in the telecommunications marketplace face as few barriers to entry as possible.

10. Several commenting parties urged the Commission to grant the California Commission's Petition in its entirety on the basis that state utility commissions require greater authority to implement number conservation measures in order to rectify the causes of area code exhaust.[27] Other parties suggested that we deny the Petition on the basis that number conservation measures must be developed at the national level, and that the Petition does not provide an adequate basis on which to grant the requested delegations of authority.[28]

11. *Thousands-block number pooling*. The California Commission requests authority to institute mandatory thousands-block number pooling.[29] Although it does not at present have a detailed proposal to conduct a thousands-block pooling trial, the California Commission states

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[25] *See* 47 C.F.R. § 52.9(a). *See also* 47 U.S.C. § 251(e)(1).

[26] *Pennsylvania Numbering Order* at 19027, ¶ 26.

[27] *See* Connecticut Commission comments; Pennsylvania Office of Consumer Advocate comments; Texas Commission comments.

[28] *See* CTIA comments; Nextel comments; PCIA comments; SBC comments.

[29] Historically, network routing mechanisms are based upon the understanding that geographic numbers are assigned on an NXX code basis and associated with a specific switch, and, correspondingly, that the network address to which the call must be routed is embedded in the first six digits (NPA-NXX) of the called number. Thousands-block umber pooling allows service providers in a given area to receive numbers in blocks of 1,000 by breaking the association between the NPA-NXX and the service provider to whom the call is routed. Through number pooling, participating carriers can effectively share numbering resources from NXX codes rather than receiving an entire NXX code at a time. *Numbering Resource Optimization Notice* at ¶ 130.

that it will work with industry to develop a structure for the trial.[30] This Commission tentatively concluded that thousands-block pooling is an important numbering resource optimization strategy, essential to extending the life of the NANP.[31] In granting the Illinois Commission the authority to engage in a mandatory thousands-block pooling trial in the *Pennsylvania Numbering Order*, this Commission recognized that state number pooling trials could aid in developing national pooling implementation, architecture, and administrative standards.[32]

12. Commenters representing incumbent local exchange carriers oppose permitting state utility commissions to order thousands-block pooling trials, on the basis that mandatory pooling trials divert resources from nationwide efforts to establish thousands-block pooling.[33] Several wireless carriers have also voiced their opposition to thousands-block pooling trials based on the premise that such trials would require the implementation of local number portability (LNP) or would discriminate against non-LNP capable carriers.[34] Some competitive local exchange carriers and other state utility commissions have voiced their support for thousands-block pooling trials as a means to allocate numbers more efficiently and ensure that carriers are given greater access to numbering resources.[35]

13. We have been concerned that the existence of multiple pooling trials in a state or region may strain the capacities of carriers' Service Control Points (SCPs),[36] which could affect the ability of carriers' networks to perform LNP and pooling functions. We note, however, that the volume of ported numbers is significantly lower than previously anticipated.[37]

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[30] Petition at 10. The California Commission also states that it would be prepared to submit a plan to the Common Carrier Bureau for review prior to implementation. *Id.*

[31] *Numbering Resource Optimization Notice* at ¶ 138.

[32] *See id.* at ¶ 158.

[33] *See* USTA comments at 6.

[34] *See* CTIA comments at 6-7; PCIA comments at 8-9.

[35] *See* Connecticut Commission comments at 3-4; Focal comments at 3; MediaOne comments at 2-3.

[36] A Service Control Point (SCP) is a database in the public switched network which contains information and call processing instructions needed to process and complete a telephone call. The network switches access an SCP to obtain such information. Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, 11 FCC Rcd 8352, 8402 n.288 (1996).

[37] A projection by the Local Number Portability Administrator, Lockheed Martin IMS, and all seven LLCs projected that over a two-year period, a total of 634,556 numbers would be ported during 1998 and 2,658,669 numbers would be ported during 1999 for a single region. Since there are seven LLCs, the total amount of ported numbers nationwide for the two years is projected to be 23.05 million. LNPA Industry Demand Model, Exhibit N-1, at 5 (1998). The actual amount of total numbers ported as of May 1999 was only 1,789,369. *See Local Competition: August 1999*, Industry Analysis Division, Common Carrier Bureau, Federal Communications Commission.

14. Although we remain concerned about the potential strain which multiple thousands-block pooling trials in a Metropolitan Statistical Area (MSA),[38] state, or region may have on the functioning of the public switched telephone network, as we indicated in the *Pennsylvania Numbering Order*,[39] we nonetheless believe this relief is appropriate given the strain on California's numbering resources. Furthermore, since the release of the *Pennsylvania Numbering Order*, the telecommunications industry has arrived at detailed guidelines governing the technical and administrative functioning of thousands-block number pooling. In the *Pennsylvania Numbering Order*, we stated that upon the establishment of uniform, national standards for pooling, we may determine that it is appropriate to delegate to state commissions the additional authority to implement and enforce those standards.[40] We therefore grant authority to the California Commission to conduct mandatory thousands-block number pooling trials in California. We agree with the concern raised by many wireline commenters, however, that inconsistent pooling trials could pose a burden to carriers. To ameliorate this concern, we direct the California Commission to conduct its pooling trials in accordance with industry-adopted thousands-block pooling guidelines.[41] Where the California Commission determines that changes, modifications, or departures from the guidelines are desirable, we direct the California Commission to consult with the industry prior to implementing such changes. Although we will not dictate the manner in which the California Commission should consult with industry, the California Commission should, at a minimum, seek input from the industry regarding the implications of any proposed changes to the guidelines so that the California Commission may be able to weigh the industry's concerns in its decision-making process.

15. We grant this authority subject to the conditions and safeguards similar to those enumerated in the *Pennsylvania Numbering Order* that granted such authority to Illinois.[42] Thus, we require that in any NPA which is in jeopardy in which the California Commission implements a pooling trial, the California Commission must take all necessary steps to prepare an NPA relief plan that it may adopt in the event that numbering resources in the NPA at issue are in imminent danger of being exhausted.[43] This criterion is not intended to require the

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[38] MSAs are geographic areas designated by the Bureau of Census for purposes of collecting and analyzing data. The boundaries of MSAs are defined using statistics that are widely recognized as indications of metropolitan character. See Policy and Rules Concerning Rates for Dominant Carriers, *Memorandum Opinion and Order*, CC Docket No. 87-313, FCC 97-168 (rel. May 30, 1997) at 17 n.26. When implementing LNP, the Commission established a phased implementation schedule based on MSAs. Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, RM 8535, 11 FCC Rcd 8352, 8394-95, ¶ 81 (1996).

[39] *See Pennsylvania Numbering Order* at 19023, 19031-32, ¶¶ 21, 33.

[40] *Id.* at 19028, ¶ 28.

[41] Thousand Block (NXX-X) Pooling Administration Guidelines, Draft (INC 99-0127-023) (rev. Jan. 27, 1999) (Thousand Block Pooling Guidelines). This document is available at <http://www.atis.org/atis/clc/inc/incdocs.htm>.

[42] *Pennsylvania Numbering Order* at 19029-30, ¶ 30.

[43] In Illinois, the Illinois Commission recognized a "back-up plan" was necessary because the pooling solution had not been completely developed or tested. Thus, it ordered that an all-services overlay would supersede the

California Commission to implement an NPA relief plan prior to requiring thousands-block number pooling in California. Rather, we require only that the California Commission must be prepared to implement a "back-up" NPA relief plan prior to the exhaustion of numbering resources in the NPA at issue.[44] Consumers should never be in the position of being unable to exercise their choice of carrier because that carrier does not have access to numbering resources. This criterion attempts to ensure that consumers continue to retain a choice of telecommunications providers in the event that the pooling trial or trials do not stave off the need for area code relief.

16. Only those carriers that have implemented permanent LNP shall be subject to the trial.[45] At the present time, we do not grant the state commission the authority to require a carrier to acquire LNP solely for the purpose of being able to participate in a thousands-block pooling trial. Carriers are only required to implement LNP if requested by another carrier subject to the requirements established by this Commission.[46] Within NPAs that are subject to the pooling trial, non-LNP capable carriers shall have the same access to numbering resources after pooling is implemented that they had prior to the implementation of a pooling regime, *i.e.*, non-LNP capable carriers shall continue to be able to obtain full NXX codes. We recognize that conditioning the California Commission's authority to implement a mandatory thousands-block pooling trial on exemption of non-LNP capable carriers from participation in the trial will create a disparity in the way different types of service providers obtain access to numbering resources, in tension with the criteria set forth above.[47] In order to ensure that consumers may continue to obtain service from non-LNP capable carriers of their choosing, however, we find that for the purposes of this interim delegation, it is necessary to safeguard these carriers' access to numbering resources, while they lack the technical capability to participate in pooling. The *Numbering Resource Optimization Notice* raises a number of issues relating to non-LNP capable carriers' participation in pooling, and we believe these issues are best addressed in the larger rulemaking context. In the meantime, we suggest to the California Commission that it urge the

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pooling trial in the event that the NXXs in the 847 NPA were depleted. *Id.*

[44] *See* Petition by Citizens Utility Board to Implement a form of telephone number conservation known as number pooling within the 312, 773, 847, 630, and 708 area codes and Petition by Illinois Bell Telephone Company for Approval of an NPA Relief Plan for the 847 NPA, Docket Nos. 97-0192 and 97-0211 (Consol.), *Order* (May 11, 1998) (establishing an area code overlay as a back-up plan concurrently with ordering thousands-block pooling in the 847 NPA). Although the Illinois Commission had an NPA relief plan in place in the 847 NPA to relieve what it had forecast to be imminent exhaust, through number conservation measures, including thousands-block pooling, it has forestalled the need for area code relief. *See* Petition of the Illinois Commerce Commission for Expedited Temporary Waiver of 47 C.F.R. § 52.19(c)(3)(ii) at 2-3 (filed August 11, 1999).

[45] Wireless carriers are not require to implement LNP until November 2002, or until this Commission releases an order establishing requirements for wireless carriers' participation in number pooling in the *Numbering Resource Optimization* docket. *See* Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability, *Memorandum Opinion and Order*, WT Docket No. 98-229 and CC Docket No. 95-116, 14 FCC Rcd. 3092, 3116, ¶ 48 (1999).

[46] *See* 47 C.F.R. § 52.23(b)-(c).

[47] *See supra* ¶ 8.

non-LNP capable carriers to use various other numbering resource optimization strategies such as those discussed in the *Numbering Resource Optimization Notice* to improve the efficiency of numbering resources assigned to such carriers.

17. We direct the California Commission to ensure that an adequate transition time is provided to carriers to implement pooling in their switches and administrative systems. Thousands-block pooling requires carriers to alter significantly the manner in which they account for their inventory of telephone numbers, including changing their Operations Support Systems (OSSs) and retraining their staffs.[48] In addition, we also urge the California Commission not to require carriers to engage in processes related to thousands-block pooling which might divert critical resources away from preparations related to the Year 2000 rollover.[49]

18. We further require that the California Commission determine the method to recover the costs of the pooling trial.[50] The California Commission must also determine how carrier-specific costs directly related to pooling administration should be recovered.[51] The Commission has tentatively concluded that thousands-block number pooling is a numbering administration function, and that section 251(e)(2) authorizes the Commission to provide the distribution and recovery mechanisms for the interstate and intrastate costs of number pooling.[52] We conclude that inasmuch as we are hereby delegating numbering administration authority to the California Commission, the California Commission must abide by the same statute applicable to this Commission, and, therefore, ensure that costs of number pooling are recovered in a competitively neutral manner.[53] We note that the *Telephone Number Portability* proceeding found that section 251(e)(2) requires all carriers to bear the costs of number portability on a competitively neutral basis, and, thus, established a cost recovery mechanism that assesses even carriers that cannot or have not implemented LNP to date.[54] The California Commission may

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[48] *See* Letter from Todd D. Daubert, Counsel for Winstar, to Magalie R. Salas, Secretary, FCC, dated July 28, 1999.

[49] *See* National Association of Regulatory Utility Commissioners (NARUC), "Resolution Urging State Commissions to Consider Honoring Utility Requests to Defer Deadlines Because of Y2K Considerations," adopted July 23, 1999. *See also* Memorandum from Jacob J. Lew, Director, Chief Information Officers Council, to the heads of executive departments and agencies, dated May 14, 1999 (requesting that federal agencies refrain from establishing requirements that would have an adverse effect on the Year 2000 readiness of regulated entities).

[50] The *Numbering Resource Optimization Notice* tentatively concluded that thousands-block number pooling administration involved three categories of costs: (1) shared industry costs, which include the cost to fund the pooling administrator; (2) carrier-specific costs directly related to thousands-block pooling implementation, including, for example, costs directly related to updating carriers' LSMS to support pooling; and (3) carrier-specific costs not directly relating to thousands-block pooling implementation. *Numbering Resource Optimization Notice* at ¶¶ 203-09.

[51] *See id.* at ¶ 197.

[52] *Id.* at ¶ 193.

[53] 47 U.S.C. § 251(e)(2).

[54] Telephone Number Portability, *Third Report and Order*, 13 FCC Rcd 11701, 11759 (1998). The

consider the recently released *Telephone Number Portability* Order for guidance regarding the criteria with which a cost recovery mechanism must comply in order to be considered competitively neutral:

> First, "a 'competitively neutral' cost recovery mechanism should not give one service provider an appreciable, incremental cost advantage over another service provider, when competing for a specific subscriber." Second, the cost recovery mechanism "should not have a disparate effect on the ability of competing service providers to earn normal returns on their investments."[55]

Consistent with our treatment of cost recovery in the *Telephone Number Portability* proceeding, we believe that even those carriers that cannot participate in pooling at this time will benefit from the more efficient use of numbering resources that pooling will facilitate. We also encourage the California Commission to consider the "road map" provided by the *Numbering Resource Optimization Notice* regarding cost recovery for thousands-block number pooling.[56]

19. In order to minimize possible disruption and expense and maximize the value of the information that can be obtained from a number pooling trial, we believe that such a trial should be limited in nature. As an initial matter, we limit the authority we grant to the California Commission to a trial that generally covers one MSA. We believe that such a limitation strikes the appropriate balance between the California Commission's desire to move quickly to implement measures that will enhance number utilization efficiency, and possibly prolong the lives of certain area codes in California and our obligation to ensure that such pooling trials are implemented and conducted in a manner that does not disrupt network operations or reliability. We believe these goals ultimately benefit consumers in California by allowing the California Commission to move forward with a pooling trial quickly in whatever area it determines it is most necessary, while providing some assurance that the network changes required for the trials are implemented in a manner that does not disrupt the normal functioning of the network in California and nationwide.

20. After having implemented a thousands-block number pooling trial in one MSA, the California Commission may wish to expand to another MSA.[57] Should it wish to do so, we

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Commission also found that it was equitable for all telecommunications carriers, even those without end-user revenues and those not directly involved in number portability, to contribute towards LNP costs because they will all benefit from number portability's role in increasing local competition and ameliorating number exhaust concerns by making number pooling possible. *Id.*

[55] Telephone Number Portability, *Fourth Memorandum Opinion and Order on Reconsideration*, CC Docket No. 95-116, RM 8535, FCC 99-151, at ¶ 32 (rel. July 16, 1999) (citing Telephone Number Portability, CC Docket No. 95-116, *First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 8352, 8420-21 (1996)).

[56] *Numbering Resource Optimization Notice* at ¶¶ 193-210.

[57] A thousands-block pooling trial is implemented when LNP-capable carriers are contributing and receiving numbers in blocks of 1,000 from the pool. Furthermore, for a pooling trial to have been implemented, a pooling administrator must be chosen and responding to requests from carriers for numbering resources.

direct the California Commission to allow sufficient transition time for carriers to undertake any necessary steps, such as modifying databases and upgrading switch software, to prepare for an expansion of thousands-block pooling to another MSA.[58] In other words, start dates for thousands-block pooling trials in different MSAs should be appropriately staggered to permit the industry to undertake all necessary steps. The purpose of a staggered roll-out is to provide carriers time to upgrade or replace their SCPs and other components of their network, as necessary, if the increased volume of ported numbers as a result of the pooling trial requires them to do so.

21. We suggest to the California Commission that it consider concentrating its thousands-block pooling trials in those NPAs which are the best candidates for pooling, based on the considerations set forth in the *Numbering Resource Optimization Notice*.[59] For example, we encourage the California Commission to consider number pooling in areas where multiple, LNP-capable carriers exist. We also suggest to the California Commission that it allow for exceptions to participating in a pooling trial, if doing so would prove prohibitively expensive to a particular carrier. For example, certain switch types may not be able to accommodate thousands-block number pooling.[60] Finally, as we stated in the *Numbering Resource Optimization Notice*, we encourage the California Commission, to the extent it has not already done so, to consider consolidating rate centers prior to implementing pooling.[61] Fewer, larger pools logically increase the effectiveness of thousands-block pooling.[62]

22. We reiterate that the authority we grant herein to the California Commission to undertake a thousands-block pooling trial is interim in nature, and is in no way intended to relieve the California Commission of its obligation to implement necessary area code relief in a timely fashion. Whatever decisions this Commission reaches with regard to thousands-block pooling administration and guidelines will supersede whatever systems the California Commission puts in place prior to enactment of those rules.

23. *Individual Telephone Number Pooling*. The California Commission requests the authority to implement Individual Telephone Number Pooling (ITN) as an additional tool to conserve numbering resources. ITN is a telephone number usage optimization measure where carriers receive numbering resources from a Pooling Administrator using LNP to port numbers one at a time, rather than in blocks of either a whole NXX code or a thousand-block in the case

[58] *See* Letter from Todd D. Daubert, Counsel for Winstar, to Magalie R. Salas, Secretary, FCC, dated July 28, 1999 (detailing concerns with expanding the thousands-block pooling trial in Illinois to other NPAs, and noting that Winstar requires approximately 90 days to prepare its OSS systems for new pooling markets).

[59] *Numbering Resource Optimization Notice* at ¶¶ 148-53.

[60] *See Numbering Resource Optimization Notice* at ¶ 149.

[61] *See id.* at ¶ 151.

[62] *See id.*

of pooling.[63] The California Commission has not provided us with information relating to the details of the proposed use of ITN in California.

24. We agree with most of the industry commenters that ITN is currently at too early a stage of development to order implementation.[64] In the *Numbering Resource Optimization Notice*, we tentatively concluded that technical and administrative standards for ITN pooling were not developed enough to warrant pursuing ITN as a numbering optimization measure.[65] The NANC Report indicates that many companies' OSSs are designed to accommodate large inventories of telephone numbers, linking each street address to an NPA/NXX combination. If ITN leads to significant number porting, this mapping logic becomes quite difficult to support.[66] We are also concerned with ITN's potential impact on companies' switching systems. ITN may cause problems with switches that can only accept a limited number of NXX codes, as number inventories will be increasingly composed of random telephone numbers from many different NXX codes.[67] For the aforementioned reasons, we decline to grant the California Commission's request for authority to implement ITN pooling.

25. *Setting fill rates.* The California Commission seeks authority to establish minimum fill rates which carriers would have to meet in order to be assigned more numbering resources.[68] Subject to the conditions set forth below, we hereby delegate authority to the California Commission to require NXX code applicants to demonstrate that they have met certain fill rates prior to obtaining additional numbering resources, even in non-jeopardy NPAs.[69] Specifically, the California Commission may require that carriers achieve a certain fill rate in growth NXX codes[70] and within thousands blocks, in areas where it has implemented thousands-block pooling. The California Commission may also require that carriers submit a utilization survey in connection with requests for additional numbering resources.

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[63] *See id.* at ¶ 139.

[64] CTIA comments at 5; Level 3 comments at 5; SBC Communications comments at 6 n. 14; USTA comments at 7.

[65] *Numbering Resource Optimization Notice* at ¶ 141.

[66] NANC Report at § 6.6.3.

[67] *Id.* at § 6.6.4.1.

[68] Petition at 11.

[69] The *Pennsylvania Numbering Order* invited states to consider imposing usage thresholds on carriers before obtaining NXX codes within the same rate center in jeopardy situations subject to state-ordered NXX code rationing plans. *Pennsylvania Numbering Order* at 19025-26, ¶ 24.

[70] A "growth" code is an additional NXX code requested for an established switching entity, point of interconnection, or rate center when the telephone numbers available for assignment in previously assigned NXX codes will not meet expected demand. CO Code Guidelines at § 13.0. An "initial" code is the first NXX code assigned to the carrier at a new switching entity, POI or unique rate center, and the administrator is to assign initial codes to the extent required to terminate traffic. *Id.*

26. Notwithstanding this grant of authority to the California Commission, we remain very concerned about the potential competitive impact of imposing a fill-rate regime on carriers' ability to serve customers. For example, commenters point out that mandatory fill rates or utilization thresholds may interfere with a carrier's ability to meet customers' demands for new services.[71] This is largely due to the time it takes to activate an NXX code in nationwide databases.[72] If a carrier has a relatively high rate of customer demand for service, it may reach the requisite fill rate, but be unable to get more numbering resources in time to meet customer demand.[73] Furthermore, a strict fill-rate regime may not accommodate customers' requests for specific numbers or specific ranges of numbers. These concerns and others about the use of fill rates as opposed to the industry's current "months-to-exhaust" model are set forth in the *Numbering Resource Optimization Notice*.[74] In this light, although we do not wish to dictate the parameters of the fill-rate regime, we urge the California Commission to allow for some flexibility in establishing fill rates and applying them to carriers. Our primary concern, therefore, is that fill rates not be applied in such a manner as to deprive customers of their choice of carriers from whom to purchase service upon request.

27. We are also concerned about the impact of multiple, disparate number conservation regimes on the availability of telecommunications services and the industry's ability to forecast and plan properly for exhaust of the NANP.[75] Therefore, during its implementation of this authority, we ask that the California Commission consult and coordinate with other state commissions that may obtain authority to impose fill rates.[76] We encourage the California Commission to establish fill rates that are not inconsistent with those imposed by other states.

28. Despite these concerns, we recognize the need to address the critical situation in California. In setting certain guidelines for the California Commission to follow, we hope to allay concerns about possible competitive impacts, while enabling the California Commission to

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[71] MCI WorldCom comments at 9.

[72] The CO Code Assignment Guidelines state that NXX code applicants should request "effective dates" for code activation at least 66 days after the receipt of a code request to allow 45 days for activation plus 21 days for code request processing. CO Code Assignment Guidelines at § 6.1.2.

[73] *See* MCI WorldCom comments at 9.

[74] *Numbering Resource Optimization Notice* at ¶¶ 62-68.

[75] *See Pennsylvania Numbering Order* at 19019-20, ¶ 15.

[76] *See* Common Carrier Bureau Seeks Comment on State Utility Commission Requests for Additional Authority To Implement Telecommunications Numbering Conservation Measures, *Public Notice*, NSD File Nos. L-98-136, L-99-19, L-99-21, L-99-27, L-99-33, DA 99-1198 (rel. June 22, 1999) (California, Florida, Maine, Massachusetts, New York); Common Carrier Bureau Seeks Comment on the Texas Public Utility Commission Petition for Delegation of Additional Authority to Implement Number Conservation Measures, *Public Notice*, NSD File No. L-99-55, DA 99-1380, (rel. July 14, 1999); Common Carrier Bureau Seeks Comment on the Connecticut Department of Public Utility Control's Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures, *Public Notice*, NSD File No. L-99-62, DA 99-1555 (rel Aug. 5, 1999).

adopt a quantifiable means of ensuring that carriers are using their numbers with maximum efficiency.

29. First, the California Commission may only consider a carrier's fill rate in relation to growth codes. We do not believe that a carrier's ability to establish a service "footprint" should be restricted. That is, a carrier ought to be able to obtain initial numbering resources in rate centers where the carrier is authorized to offer service and plans to do so within the NXX activation timeframe established by the CO Code Assignment Guidelines (six months). We wish to avoid imposing barriers to competitive entry into the telecommunications marketplace to service providers with a legitimate demand for service in California. A carrier that is newly providing service may not be able to achieve a prescribed fill rate in an NXX code (or thousands-block, if the numbering request is in an area where the California Commission has instituted thousands-block number pooling) for quite some time. With respect to fill rates, however, we conclude that the importance of bringing choice to consumers outweighs the numbering inefficiencies experienced by new entrants.

30. Second, as stated in the *Pennsylvania Numbering Order*, we are concerned that granting this request and other, similar requests will overburden the NANPA, which based its bid for providing number administration services on industry guidelines that are applicable nationwide.[77] Therefore, to avoid imposing an additional burden on the NANPA, to the extent that the California Commission chooses to implement a fill-rate requirement, we delegate authority to the California Commission to require carriers to submit utilization surveys prior to being assigned additional numbering resources.[78] To avoid delay in NXX code application processing, we direct the California Commission to conduct its review of carrier compliance with any required fill rate within the ten-day timeframe established by the CO Code Assignment Guidelines as the time in which the NANPA must respond to an applicant's NXX code request. Of course, a carrier's failure to provide the California Commission with adequate evidence of compliance with the fill-rate requirement upon request will toll the running of this 10-day timeframe. Further, while we delegate to the California Commission the authority to request and evaluate information provided by carriers to demonstrate compliance with the fill rate, we request that the California Commission not release such information to any entity other than the NANPA, this Commission, or the Common Carrier Bureau.

31. *Sequential number assignment.* The California Commission also seeks authority to require sequential number assignment.[79] Although the California Commission has not provided us with information relating to the details of the proposed requirement for sequential numbering, we note that the Illinois Commission has ordered such a requirement in relation to its

[77] *See Pennsylvania Numbering Order* at 19031-32, ¶ 33 (finding that if every state commission implemented its own NXX code administration measures, the NANPA would have the potentially impossible task of performing its code administration and NPA relief planning functions in a manner consistent with industry guidelines and fifty-one different state regimes).

[78] Petition at 13-14.

[79] Petition at 11.

pooling trial in Chicago.[80] We therefore grant the California Commission the authority to order sequential number assignment in California. We are concerned, however, that this requirement could interfere with a carrier's ability to satisfy a customer request for a particular set of numbers. In light of this concern, we urge the California Commission to allow carriers' some flexibility in assigning numbers sequentially. For example, like Illinois, the California Commission may simply wish to require that carriers assign a certain percentage of numbers from a given thousands-block prior to assigning numbers from another thousands-block to other customers. This allows for some flexibility for carriers to meet customer requests for numbers, as well as minimizing "contamination" of blocks of numbers for future implementation of thousands-block pooling.[81] Similar to using fill rates, we also urge the California Commission to consult with other state commissions that may have already ordered carriers to implement sequential number assignment.

32. *Hear and address claims outside of the rationing process.* The California Commission seeks authority to respond to requests from individual carriers seeking to obtain NXX codes outside of the code rationing process.[82] We grant the California Commission the authority to hear and address claims for an extraordinary need for numbering resources in an NPA subject to a rationing plan. We conclude that such delegation will provide the California Commission with sufficient authority to assure that customers in California retain their choice of service providers in the face of an NXX code rationing scheme.

33. In its Petition, the California Commission refers to circumstances in which under an industry consensus rationing plan, MediaOne and Sprint PCS had virtually exhausted all of their available numbers in a certain rate center, and without the additional numbering resources, may have been unable to provide service to new customers.[83] In order to address such situations, if requested, the California Commission may hear and address claims of carriers claiming that they do not, or in the near future will not, have any line numbers remaining in their NXX codes, and will be unable to serve customers if they cannot obtain an NXX code, or that they are using or will have to use extraordinary and unreasonably costly measures to provide service.[84] This grant of authority further empowers the California Commission to direct the NANPA to assign an NXX code to a carrier outside the rationing plan currently in place in an area code, upon the California Commission's determination that such relief is necessary. We also grant the California Commission the authority to request whatever information it deems necessary to evaluate a carrier's request for additional numbering resources. This information may include the carrier's business plan, requests for new service that the carrier has denied because of its lack of numbering resources, historical information on the carrier's growth rate, and information on

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[80] *See* Petition to Implement a Form of Telephone Number Conservation Known as Number Pooling Within the 312, 773, 847, 630 and 708 Area Codes, ICC Docket Nos. 97-0192/97-0211 (cons.) (May 11, 1998) at 23.

[81] *See Numbering Resource Optimization Notice* at ¶ 190.

[82] Petition at 11.

[83] Petition at 11-12.

[84] *Pennsylvania Numbering Order* at 19039, ¶ 49.

any extraordinary steps the carrier is taking to provide service.[85] Further, while we delegate to the California Commission the authority to request and evaluate this information, we request that it not release such information to any entity other than the NANPA, this Commission, or the Common Carrier Bureau. This grant of authority empowers the California Commission to ensure that carriers in dire need of numbering resources can obtain the numbering resources necessary to continue to provide service to their prospective customers, if the rationing plan will not ensure that the carrier will have adequate and timely access to numbering resources.

34. *Reclamation of unused and reserved NXX codes.* The California Commission seeks authority to order carriers to return unused NXX codes to the CO Code Administrator.[86] The California Commission also seeks authority to review utilization data maintained by the NANPA and to gather utilization data when necessary.[87] The CO Code Assignment Guidelines provide that carriers shall activate NXXs within six months of the "initially published effective date."[88] Most commenters support the reclamation of unused codes,[89] and those opposed to this delegation are not necessarily opposed to reclaiming unused codes in general, but rather assert that the North American Numbering Plan Administrator (NANPA) is responsible for reclamation activities.[90] Reclaiming NXX codes that are not in use may serve to prolong the life of an area code, because these codes are added to the total inventory of assignable NXX codes in the area code. Therefore, we grant authority to the California Commission to investigate whether code holders have activated NXXs assigned to them within the time frames specified in the CO Code Assignment Guidelines, and to direct the NANPA to reclaim NXXs that the California Commission determines have not been activated in a timely manner. This authority necessarily implies that the California Commission may request proof from all code holders that NXX codes have been "placed in service" according to the CO Code Assignment Guidelines.[91] We further direct the NANPA to abide by the California Commission's determination to reclaim an NXX code if the California Commission is satisfied that the code holder has not activated the code within the time specified by the CO Code Assignment Guidelines.

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[85] *See id.*

[86] Petition at 13-14. As an example of an incidence when it would exercise such reclamation authority, NXX the California Commission states that it would seek to reclaim codes that have been held beyond the six-month timeframe provided in the CO Code Assignment Guidelines.

[87] Petition at 13. The California Commission further states that it will need to obtain utilization data in order to begin number pooling. *Id.*

[88] *See* Central Office Code (NXX) Assignment Guidelines, INC 95-0407-008 (rev. Apr. 26, 1999) at § 6.3.3 (CO Code Guidelines). This document is available at <http://www.atis.org/atis/clc/incdocs.htm>.

[89] Connecticut Department of Public Utility Control comments at 4; Level 3 comments at 2; MediaOne comments at 4.

[90] MCI WorldCom comments at 11.

[91] Under the CO Code Assignment Guidelines, carriers are obligated to submit to the NANPA within six months of the requested effective date of newly obtained NXX codes a Part 4 certification that the code has been placed in service. *See* CO Code Assignment Guidelines NXX Assignment Request Form, Part 4.

35. We note that the CO Code Assignment Guidelines dictate substantial procedural hurdles prior to reclaiming an unused NXX, in part to afford the code holder an opportunity to explain the circumstances that have led to a delay in code activation.[92] New entrants, in particular, may suffer unexpected delays or scheduling setbacks beyond their control, which lead to code activation delays.[93] We clarify that the California Commission need not follow the reclamation procedures set forth in the CO Code Assignment Guidelines relating to referring the issue to the Industry Numbering Committee (INC), as long as the California Commission accords the code holder an opportunity to explain the extenuating circumstances behind the unactivated NXX codes.

36. *Reclamation of portions of unused NXX codes.* The California Commission also requests the authority to order the return of unused or under-utilized portions of NXX codes to a pooling administrator, in the event it obtains the authority to implement number pooling.[94] Although not explicitly stated by the California Commission, we assume that such reclamation would occur in blocks of 1,000 numbers from code holders in California. The California Reclamation of blocks of 1,000 numbers with no, or a relatively low contamination rate, has the potential to add significant numbering resources in areas where thousands-block number pooling has been implemented.[95] Parties opposed to thousands-block pooling trials are similarly opposed to reclaiming unused, or lightly used, blocks of 1,000 numbers.[96] Commission states that it requires this authority in conjunction with a number pooling trial because number pooling cannot work effectively or efficiently if carriers are allowed to retain such blocks of unused numbers within an NXX code.[97] Therefore, to the extent we have delegated the authority to initiate a thousands-block number pooling trial, we also delegate authority to the California Commission to reclaim unused thousands blocks in connection with that trial. The conditions that apply to the implementation of a thousands-block number pooling trial shall also apply to any reclamation of unused blocks of numbers. In particular, the industry's guidelines regarding reclamation of thousands blocks shall apply to the California Commission.[98]

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[92] For example, the CO Code Assignment Guidelines dictate that the CO Code Administrator must refer to the INC for resolution any matter relating to an NXX code that has not been activated within the timeframe specified in the guidelines. CO Code Assignment Guidelines at § 8.2.2. The INC must then investigate the referral and attempt to resolve the referral. CO Code Assignment Guidelines at § 8.3. Absent consensus resolution, the matter is then referred to the "appropriate regulatory body" for resolution. *Id.*

[93] *See* Level 3 comments at 3-4 (stating that carriers should not be forced to return unused NXX codes prematurely if business plans call for their use in the foreseeable future); MediaOne comments at 4 (stating that where the delay is outside of the control of the NXX-holding carrier, the carrier should have the ability to retain its codes so long as it can show that it will use them in a reasonable period).

[94] Petition at 14.

[95] *Numbering Resource Optimization Notice* at ¶ 187.

[96] *See, e.g.*, MCI WorldCom comments at 11.

[97] Petition at 14.

[98] *See* Thousand Block Pooling Guidelines at §§ 8.1.4-8.1.5 (specifying only that blocks with less than ten

37. *NXX code rationing prior to area code relief.* As we stated earlier, we are also re-examining our temporary, interim grant of authority to the California Commission to conduct its current central office code rationing measures prior to the implementation of an area code relief plan, in light of the record collected on this request.[99] Of the parties that filed comments on California's petitions, competitive local exchange carriers and state commissions generally support our grant of authority to California to continue its existing code rationing plan.[100] Several local exchange carriers and wireless telecommunications carriers, however, argue that the grant of authority requested by the California Commission compromises the Commission's policy, as articulated in the *Pennsylvania Numbering Order*, to establish a national framework for uniform numbering system that will ensure sufficient numbering resources for all carriers on a nondiscriminatory basis by permitting state commissions to postpone area code relief indefinitely.[101]

38. As determined in the Common Carrier Bureau's interim letter order, we conclude that extenuating and unique circumstances exist in California that justify a grant of additional authority to California to continue to conduct monthly lotteries in jeopardy area codes. Besides the critical numbering exhaust circumstances discussed above,[102] the California Commission is required to comply with state statutory requirements for public participation in the relief planning process at least 30 months prior to the submission of a recommended relief plan to the California Commission.[103] We are not aware of any other state commission being subject to a similarly time-consuming public participation requirement. In many instances, this obligation prevents the California Commission from deciding on the form of area code relief and establishing an implementation time frame prior to reaching jeopardy status in an NPA.

39. The combination of the accelerated rate of NPA exhaust in California and California's unique procedural obligations together means that in many jeopardy NPAs, a rationing plan is necessary prior to adoption of an area code relief plan, simply to afford the California Commission time to plan and implement area code relief.[104] Although we have considered the arguments of parties opposed to the continuation of our grant of this authority, we conclude, based on the fact that California has opened 10 new NPAs over the past two years, that

percent contamination shall be donated to the industry pool of thousands blocks).

[99] *See supra* ¶ 5; *see also* December 1, 1998 Order at 2.

[100] Pennsylvania *January 6 Notice* Comments at 3; Focal *January 6 Notice* Comments at 1; CCTA *January 6 Notice* Comments at 4; NYDPS *January 6 Notice* Comments at 1; MCI WorldCom *January 6 Notice* Comments at 1; AT&T *January 6 Notice* Comments at 2; and MediaOne *January 6 Notice* Comments at 1.

[101] *See* Omnipoint *January 6 Notice* Comments at 2; SBC *January 6 Notice* Comments at 6; Paging Network *January 6 Notice* Comments at 2; Bell Atlantic *January 6 Notice* Comments at 2; Sprint PCS *January 6 Notice* Comments at 7; US West *January 6 Notice* Reply Comments at 1-2.

[102] *See supra* ¶ 6.

[103] *See* § 7931 of the California Public Utilities Code.

[104] California Commission *January 6 Notice* Reply at 18; AT&T *January 6 Notice* Comments at 4; MediaOne *January 6 Notice* Comments at 2.

the California Commission is implementing area code relief in a timely manner.[105] We, however, reiterate our position that code rationing should not be used as a substitute for area code relief, and therefore, encourage the California Commission to continue to promote numbering policies that facilitate the availability of sufficient numbering resources for all carriers on a nondiscriminatory basis.

40. Therefore, because of the extenuating and unique circumstances existing in California, we affirm our grant of additional authority to the California Commission to continue to implement its current code rationing plan, as described in the California Commission Order adopting this plan.[106] We are granting this authority on an interim basis and note that this grant may be superseded by forthcoming decisions in the Numbering Resource Optimization proceeding. Moreover, to the extent that a grant of this authority constitutes a waiver of section 52.19 of our rules,[107] we grant such a waiver, limited to the circumstances before us.

41. Because we have clarified that the California Commission may continue its current NXX code rationing plan, and because we have granted the California Commission the authority to hear and address claims of carriers seeking numbering resources outside of the normal rationing process, we do not see the need to reach the issue of whether the California Commission may resolve disputes among industry participants in the NXX code rationing process. Furthermore, it is unclear what types of disputes the California Commission would resolve. If the California Commission wishes to make a more specific request from this Commission, we do not foreclose its doing so.

IV. CONCLUSION

42. We recognize the difficult situation for consumers in California, having had to undergo several area code changes in only a few years, with the potential for more on the near horizon. The authority we have herein delegated to the California Commission, we hope, will provide it the tools it needs to address the situation. For example, the authority to order thousands-block pooling trials allows the California Commission to address inefficiencies on the supply side of the telephone number assignment regime by ordering that LNP-capable carriers receive smaller blocks of numbers than they now do. The authority to address carriers' fill rates allows the California Commission to address the demand side of the number assignment regime by requiring that carriers not request more numbering resources until they have used a certain percentage of those already in their inventory.

V. ORDERING CLAUSES

43. Accordingly, pursuant to sections 1, 4(i), and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251, and pursuant to sections 1.1 and 52.9(b) of the Commission's Rules, 47 C.F.R. §§ 1.1 and 52.9(b), IT IS ORDERED that the California

[105] *See* Sprint PCS *January 6 Notice* Comments at 2.

[106] CPUC Decision 96-09-087, Interim Opinion, R.95-04-043/I.95-04-044 (1996).

[107] 47 C.F.R. § 52.19(a).

Department of Public Service Petition for Additional Delegated Authority Pertaining to Area Code Relief and NXX Code Conservation Measures Number Conservation Measures is GRANTED IN PART and DENIED IN PART to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas

Magalie Roman Salas
Secretary