

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

In the Matter of

Indiana Utility Regulatory Commission's
Petition for Additional Delegated
Authority to Implement Number
Conservation Measures

Implementation of the Local Competition
Provisions of the Telecommunications
Act of 1996

NSD File No. L-99-82

CC Docket No. 96-98

COMMENTS OF SBC COMMUNICATIONS INC.

SBC Communications Inc., on its behalf and on behalf of its subsidiaries, (collectively referenced as "SBC"), continues to encourage the Commission to deny granting of interim authority to the Indiana Utility Regulatory Commission (Indiana URC) and other state commissions in advance of the Commission's adoption of a national number conservation policy. In its Petition, the Indiana URC seeks the following authority from the Commission: (1) to enforce new and current standards for number allocation and other unspecified aspects concerning number conservation; (2) to order efficient number use practices; (3) to order the return of unused and reserved NXX codes and, if number pooling is implemented, the return of thousand number blocks; (4) to order the submission of number utilization and forecasting reports and audit such reporting; (5) to order unassigned number porting; (6) to order additional rationing measures; and (7) to implement mandatory thousand block pooling. While SBC believes the Indiana URC already has the authority to order utilization and forecasting reports,¹ with respect to the remaining aspects of the Indiana URC's request, SBC believes that the

¹ Utilization reporting should use the Industry Numbering Committee (INC) recommended categories and definitions without deviation. Differing state requirements only serve to burden an industry striving to meet multiple reporting requirements.

granting of this further authority will detrimentally effect the eventual implementation of the national policy advocated by the Commission.²

As SBC has previously demonstrated to the Commission in relation to other state petitions, the continued practice of granting state commissions interim authority to adopt number conservation measures, which will subsequently be superseded by a federal mechanism, places an unwarranted strain on carrier resources. Carriers subjected to conflicting state commission demands are simply unable to comply with these multiple dictates. This outcome is particularly clear in relation to “trials” related to number pooling. The characterization of such measures as “trials” misstates the long-term and significant impact of such measures. These actions are more accurately described as the advance deployment of number pooling without the benefit of NPAC 3.0 and Efficient Data Representation (EDR). The Commission’s apparent stance that no real harm can be done because state actions will be superseded by the national policy fails to recognize the realities involved in the implementation of these “interim” practices. Moreover, any perceived benefit must also be weighed against the likelihood that these “trials” will not be fully implemented until after the release of the Commission’s national policy. Encouraging action by state commissions through the granting of authority will do little more than facilitate the drain on carrier resources.

SBC is sympathetic to the plight of the Indiana URC and other state commissions, but the answer to this predicament is the expeditious release of a national policy, not the piecemeal adoption of state practices. If the Commission believes itself compelled to grant individual state commissions the authority to adopt interim number optimization measures, it must require the states to define in detail that which it intends to implement. Moreover, to avoid undercutting its eventual federal policy, the Commission must be assured, based on an independent review, that proposed state trials will not severely impair the deployment of the national pooling solution.

² With respect to the Indiana URC’s request for the authority to order the return of unused numbers, the North American Numbering Plan Administrator (NANPA) already has this authority. SBC therefore, encourages the Indiana URC to work with the NANPA to accomplish reclamation in accordance with industry guidelines.

This review should be a pre-condition to the granting of the Indiana URC Petition and any additional state petitions. Inherent in this review should be evidence that the measures proposed will not subject carriers to conflicting and burdensome regulation by multiple state commissions.

In addition, state commissions must be given specific guidance by the Commission as to when number pooling should be utilized and the cost recovery mechanism which must be in place prior to the implementation of number pooling.³ The Commission also needs to emphasize that the precepts of the Industry Numbering Committee (INC) are to be followed and that an adopted NPA relief plan is a prerequisite to number pooling.

As a final note, SBC again urges the Commission to continue its rejection of unassigned number porting (UNP). As the Commission noted in its Order relating to the Maine Public Utilities Commission Petition for Additional Delegated Authority,⁴ UNP is currently in too early a stage of development to order its implementation without significant risk. In its previous pleadings, SBC has repeatedly presented to the Commission the significant disadvantages posed by this measure.⁵ UNP would result in conflicts between carriers relating to the numbers available for reassignment and in difficulties with coordinating UNP with existing number portability guidelines. Its adoption would also adversely impact the underlying architectures supporting number portability through increased capacity demands. Moreover, UNP would have a negative impact on carriers' abilities to keep thousand blocks from further contamination in implementation in states which implement interim number pooling. Further, multiple carriers

³ SBC urges the FCC to reconsider its decision to delegate the cost recovery mechanism of pooling trials to the states and instead classify them as interstate. The FCC has already acknowledged that it plans to supercede these trials once it issues its national number pooling order. Therefore, the FCC should not burden the states with intrastate cost recovery issues and should the costs for such trials recoverable under the national number pooling order.

⁴ Order, *In the Matter of the Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, NSD File No. L-99-27, released September 28, 1999, at ¶¶ 24-25.

⁵ For example, see SBC's Comments filed July 30, 1999, and its Reply Comments filed August 30, 1999, in the *Matter of Number Resource Optimization*, CC Docket No. 99-200. Also, SBC's Comments filed October 5, 1999, in the *Matter of the New Hampshire Public Utilities Commission's Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code*.

would be placed in the role of number administrators. There is no benefit to be derived by UNP; UNP is *not* a number conservation measure.

CONCLUSION

SBC again urges the Commission to expeditiously release its national program and to deny further requests by state commissions for interim authority. The Commission's granting of these Petitions will undercut the implementation of the national policy, while subjecting carriers to a significant drain on their limited resources. If on the basis of an analysis as to the impact of granting the Indiana URC Petition, the Commission is persuaded to permit restricted relief, it must provide the Indiana URC clear and unequivocal guidelines related to number pooling and cost recovery.

Respectfully submitted,

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December 3, 1999

CERTIFICATE OF SERVICE

On this 3rd day of December 1999, I, Katie Turner, hereby certify that the Comments of SBC Communications Inc. in CC Docket No. 96-98, NSD File No. L-99-82 have been served upon the parties listed in the Service List attached to the Comments of SBC Communications Inc.

/s/ Katie Turner

December 3, 1999

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