

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

In the Matter of

Nebraska Public Service Commission Petition
For Delegation of Additional Authority To
Implement Area Code Conservation Methods
In the 402 Area Code

NSD File No. L-99-83

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

CC Docket No. 96-98

COMMENTS OF SBC COMMUNICATIONS INC.

As it has with respect to other state petitions, SBC Communications Inc., on its behalf and on behalf of its subsidiaries, (collectively referenced as “SBC”) urges the Commission to deny interim authority to the Nebraska Public Service Commission (NPSC) to implement area code conservation measures in advance of a national policy on number resource optimization. Specifically, the NPSC seeks a waiver of the Commission’s rules in order to initiate the following measures: (1) require number pooling in thousand-blocks; (2) reclaim unused and reserved central office codes or portions thereof currently assigned;¹ (3) audit number assignment; and (4) institute “any other measure and to use any other authority granted by the FCC to the states to address the pressing problem of number exhaust and depletion.”

SBC is not unmindful of the situations faced by state commissions, like the NPSC, in relation to area code exhaust. However, in granting previous petitions for relief filed by certain state commissions, the Commission has virtually opened a Pandora’s box, allowing states to implement costly policies which may or may not bear any resemblance to the national program

¹ With respect to this aspect of the NPSC request, the North American Numbering Plan Administrator (NANPA) already has this authority and SBC would encourage the NPSC to work with the NANPA to accomplish reclamation in accordance with industry guidelines.

being developed by the Commission. Carriers are being required to expend significant resources in response to state policies which are likely to be superseded. Moreover, carriers subjected to conflicting state commission demands are logistically unable to comply with multiple dictates. Simply referencing required number pooling as a “trial” does not make it so; rather, number pooling trials are the advance deployment of pooling without the benefit of NPAC 3.0 and Efficient Data Representation. For the Commission to continue granting state petitions will only serve to undercut the implementation of the eventual national program, without having any discernable immediate impact on the problem at hand. The detrimental effect on carriers clearly outweighs the limited, and in some cases nonexistent, benefit to be derived from state action. The piecemeal implementation of numbering measures encouraged by the granting of individual petitions is the very outcome which has been rejected by the Commission in CC Docket No. 99-200.

The answer to this dilemma is the expeditious release of a national program by the Commission. If the Commission believes it is compelled to grant state commissions some type of authority to adopt interim number optimization measures, it must require states to define in detail those measures which they intend to implement. The granting of broad authority without any demonstration that proposed action will be effective is unjustifiable. To avoid any conflict with the eventual federal policy, the Commission should undertake an independent review of the state’s proposal and determine that the proposal will not impair the implementation of the national program. Inherent in this review should be the consideration of whether carriers have the available resources to meet the state commission’s demands in light of the mandates imposed by other state commissions. This review should be a pre-condition of the granting of the NPSC petition and any additional state petitions.

The measures to be employed by the state must also be determined in advance to be consistent with the eventual national policy. State commissions must be given specific guidance by the Commission as to when measures such as number pooling are to be utilized and must adopt a cost recovery mechanism in advance of any required deployment. The Commission

needs to stress that the granting of this authority is conditioned upon the states' adoption of the precepts set by the Industry Numbering Committee. It must also require the state commission to establish an NPA relief back-up plan.

CONCLUSION

SBC continues to request the Commission quickly adopt a policy which sets national standards for the conservation of numbering resources. The piecemeal approach which has resulted from the granting of individual state petitions has served to undercut the Commission's espoused objective of a comprehensive, effective solution to area code exhaust. Yet, while such state measures are of only limited benefit, the drain on the industry's resources has been significant with no defined method for cost recovery. To compound this problem through the granting of additional state petitions would be counter to the Commission's overall goal. For this reason, SBC encourages the Commission to deny the NPSC's request and all future state commissions' requests for authority to implement interim number conservation measures.

Respectfully submitted,

SBC Communications Inc.

By: /s/ Hope Thurrott
Alfred G. Richter Jr.
Roger K. Toppins
Hope E. Thurrott

One Bell Plaza
Room 3023
Dallas, Texas 75202
214-464-3620

Its Attorneys

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-99-83 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

MAGALIE ROMAN SALAS
SECRETARY
FEDERAL COMMUNICATIONS COMMISSION
445 12TH STREET, SW, ROOM TW-B204F
WASHINGTON, D.C. 20554

INTERNATIONAL TRANSCRIPTION
SERVICE
1231 20TH ST NW
WASHINGTON DC 20036