

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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.

NSD File No. L-99-82

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

CC Docket No.96-98

**COMMENTS OF THE CALIFORNIA PUBLIC
UTILITIES COMMISSION AND OF THE PEOPLE OF
THE STATE OF CALIFORNIA**

The California Public Utilities Commission and the People of the State of California (CPUC or California) submit to the Common Carrier Bureau of the Federal Communications Commission (FCC or Commission) these Comments on the Petition for Additional Delegated Authority to Implement number Conservation Measures filed by the Indiana Utility Regulatory Commission (IURC or Indiana). Indiana seeks authority to implement the following seven conservation measures:

- 1) enforcing current or new standards for number allocation;
- 2) ordering efficient number use practices within NXX codes;
- 3) ordering the return of unused and reserved NXX codes (and 1,000 blocks if number pooling is implemented);

- 4) ordering number utilization and forecasting reporting, and audit such reporting;
- 5) order unassigned number porting (UNP);
- 6) ordering additional number rationing measures; and
- 7) implementing mandatory 1,000-block number pooling.

To date, thirteen state commissions have filed requests for additional authority to grapple with the area code crisis confronting so many states nationwide. The CPUC filed its own such request on April 26, 1999, and has supported similar requests from many other states. On September 15, 1999, the FCC granted petitions by California, Florida, Massachusetts and New York in substantial part, and later granted relief for Maine. On November 30, 1999, the FCC granted the petitions for additional authority previously filed by the states of Connecticut, New Hampshire, Ohio, Texas and Wisconsin. Plainly, the FCC has acknowledged the escalating area code crisis across the nation, and has acted to provide states the means to tackle the problems they face daily. Indiana's petition should be granted as well.

For the same reasons set forth in each of our filings in support of the previous respective state petitions, the CPUC fully supports the IURC's request. The CPUC is extremely grateful for the additional tools the Commission has provided California to use in our efforts to stem the flow of numbering resources. We believe firmly that every state, large and small, with one area code or with twenty-five area codes, should have the same opportunity accorded us to use these tools to get a firm grasp on the area code crisis confronting us. The CPUC has found that the newly-granted authority has enabled us to move the telecommunications industry towards a level of cooperation and focus regarding

numbering issues that was nearly impossible to achieve before the grant of additional authority.

We note that the Indiana request substantially parallels the relief sought by other filing states. California has little to add either to the IURC's arguments, or to our responses to other state petitions, about the urgent need for state authority to do more than create new area codes simply because the industry wants an unending supply of free numbers at public expense. At the same time, we offer several observations.

First, the CPUC is especially supportive of the IURC's request for authority to enforce the standards contained in industry guidelines for the allocation of NXX codes. In California's experience, the industry is quick to assert to state commissions that they can neither enforce nor deviate from industry guidelines, as if those guidelines were embodied in federal statute. Enforcement, as Indiana notes, has been left to the NANPA, which is ill-equipped for lack of any regulatory authority over carriers, to mandate compliance with industry guidelines. Nor is the NANPA comfortable pursuing any deviation from those guidelines even if the industry in a given state reaches a consensus to so deviate. The best solution to this problem is to authorize states to both enforce the guidelines and to deviate from them in rare instances when the specific facts and/or the public interest in a particular state warrant an alternative approach.

In addition, we do not believe that the IURC needs a grant of authority from the FCC to order carrier reporting of number utilization and/or forecasting. Each state commission, as the agency in each state with regulatory authority over area code

implementation and planning, as well as over the activities of certificated carriers, already possesses authority to obtain utilization data from carriers holding NXX codes.

Nonetheless, in granting Indiana's request, the FCC should make clear that the IURC possesses the requisite authority to obtain utilization and forecast data from telecommunications carriers.

Finally, we note that California did not seek authority to implement UNP. Since we filed comments on UNP in response to the NRO report issued in October of 1998, we have concluded that UNP deserves more attention. If any state, including Indiana, wishes to undertake a UNP trial, the FCC should grant the state such authority and gain the benefit of that state's experience.

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We urge the FCC to grant not only the request of Indiana, but also all other outstanding state requests for additional authority to implement number conservation measures.

Respectfully submitted,

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