

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

In the Matter of	)	
	)	
Utah Public Service Commission	)	NSD File No. L-99-89
Petition for Delegation of Additional Authority	)	
to Implement Number Conservation Measures	)	
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996	)	

**COMMENTS  
OF THE  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA) hereby files its comments on the petition filed by the Utah Public Service Commission (Utah) for delegation of additional authority to implement code conservation methods in the above-captioned proceeding.<sup>1</sup> USTA is the principal trade association of the local exchange carrier (LEC) industry. Its members provide over 95 percent of the exchange carrier-provided access lines in the United States.

In its petition, Utah seeks delegated authority to: (1) institute mandatory thousand block number pooling; (2) implement sharing of NXX codes in rate centers; (3) revise rationing measures and institute NXX lotteries; (4) reclaim unused and reserved central office codes; (5) investigate whether any of these reserved central office codes can be reclaimed; (6) maintain the current central office code rationing measures for at least six months after implementation of all area code relief plans; (7) expand deployment of permanent number portability; (8) implement unassigned number porting (UNP); and (9) implement rate center consolidation. In addition, Utah requests the Commission to direct the North American Numbering Plan Administrator

(NANPA) to update the Central Office Code Utilization Survey (COCUS) report quarterly and establish code allocation standards to more efficiently manage numbering resources. Utah also requests authority to require wireless carriers to provide the necessary COCUS and other information needed to carry out the Utah Commission's responsibilities.

The Utah petition is the thirteenth request of a state filed with the Commission since February 1999 seeking similar individual state relief to deal with number shortages.<sup>2</sup> The Commission has now granted portions of ten of the states' requests.<sup>3</sup> As USTA has cautioned, other states have jumped on the bandwagon with "me too" applications, thereby creating a burden on the Commission's processes and the industry's resources. USTA believes that the industry's and the nation's first priority in these matters must be to develop and implement a nationwide, uniform system of numbering. The Commission has consistently stated that it intends to develop a nationwide, uniform system of numbering and that such a system is

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<sup>1</sup> Public Notice, DA 99-2675, released December 1, 1999 (Public Notice).

<sup>2</sup> New York Department of Public Service Petition, NSD File No. L-99-21 (New York Petition); Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-99-19 (Massachusetts Petition); Maine Public Utilities Commission Petition, NSD File No. L-99-27 (Maine Petition); Florida Public Service Commission Petition, NSD File No. 99-33 (Florida Petition); Californian Public Utilities Commission and People of the State of California Petition, NSD File No. 98-136 (California Petition); Texas Public Utility Commission Petition, NSD File No. 99-55 (Texas Petition); Connecticut Department of Public Utility Control Petition, NSD File No. 99-62 (Connecticut Petition); Wisconsin Public Service Commission Petition, NSD File No. L-99-64 (Wisconsin Petition); New Hampshire Public Utilities Commission Petition, NSD File No. L-99-71 (New Hampshire Petition); the Public Utilities Commission of Ohio Petition, NSD File No. L-99-74 (Ohio Petition); Indiana Utility Regulatory Commission Petition, NSD File No. L-99-82 (Indiana Petition); and Nebraska Public Service Commission Petition, NSD File No. L-99-83 (Nebraska Petition).

<sup>3</sup> Order on New York Petition, FCC 99-247, released September 15, 1999 (New York Order); Order on Massachusetts Petition, FCC 99-246, released September 15, 1999 (Massachusetts Order); Order on Florida Petition, FCC 99-249, released September 15, 1999 (Florida Order); Order on California Petition, FCC 99-248, released September 15, 1999 (California Order); Order on Maine Petition, FCC 99-260, released September 28, 1999 (Maine Order); Order on Connecticut Petition, DA 99-2633, released November 30, 1999 (Connecticut Order); Order on New Hampshire Petition, DA 99-2634, released November 30, 1999 (New Hampshire Order); Order on Ohio Petition, DA 99-2635, released November 30, 1999 (Ohio Order); Order on Texas Petition, DA 99-2636, released November 30, 1999 (Texas Order); and Order on Wisconsin Petition, DA 99-2637, released November 30, 1999 (Wisconsin Order).

“essential to the efficient delivery of telecommunications services in the United States.”<sup>4</sup> The Commission has further recognized that the industry, the Commission, and the states should work together to develop national methods to conserve and promote efficient use of numbers, but that those attempts “cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country.”<sup>5</sup>

USTA believes that the Commission should adhere to its policy that orderly national numbering conservation and administration measures are essential to the optimization of the North American Numbering Plan (NANP). The Commission must not further yield to the requests by individual states to fragment and decentralize number administration. As USTA has repeatedly stated, the effects would be disastrous to number planning and conservation in this country. Such action would result in a significant loss of effectiveness of the national program and its numbering conservation and administrative policies, and the diversion of resources will delay development of effective national measures. The Commission needs to focus on these national programs and the development of orderly national measures, rather than to devote so much of its own and the industry’s resources to these individual state requests that will undermine the vital national scheme.

USTA has filed comments on each of the petitions, opposing the states’ requests for additional authority that would jeopardize the industry processes underway for comprehensive nationwide number conservation. USTA has also addressed the issue of the states’ authority to implement conservation measures on an individual basis in its comments and reply comments in response to the Commission’s Notice of Proposed Rulemaking in CC Docket No. 99-200,

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<sup>4</sup> Memorandum Opinion and Order and Order on Reconsideration, *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-97-42, 13 FCC Rcd 19009 at ¶ 21 (1998).

<sup>5</sup> *Id.*

Numbering Resource Optimization (Notice).<sup>6</sup> Notwithstanding the Commission's partial grant of some of the states' requests, USTA continues to oppose the grant of additional authority to individual states in contravention of the nationwide number conservation policies and procedures. To the extent that Utah seeks additional authority that would frustrate the national number conservation plan, USTA opposes the Utah request for the reasons articulated in its earlier pleadings. Rather than repeat the reasons stated therein, USTA hereby incorporates by reference all its pleadings filed in the proceedings listed in footnotes 2 and 6, *supra*.

USTA provides the following comments on some of Utah's specific requests for authority in light of the Commission's recent actions on other states' petitions.

**1. Thousand Block Number Pooling**

Utah seeks authority to implement thousand block number pooling. Number pooling has been addressed by USTA in its previous comments filed on the state petitions and the Commission's Notice of Proposed Rulemaking in CC Docket No. 99-200, which could be repeated here but are incorporated by reference. However, USTA believes that a careful analysis needs to be conducted which would show if the potential benefits of thousand block pooling are great enough to justify its implementation.

Although Utah does not specify whether it would implement thousand block pooling trials using the software version 1.4 or version 3.0, a broad range of carriers, including ILECS, AT&T and MCI Worldcomm, have objected to additional deployment of version 1.4. The Commission should investigate the problems connected with this version and should not, in the meantime, delegate any authority that would permit any state commission to require its further deployment.

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<sup>6</sup> FCC 99-122, released June 2, 1999.

We must reiterate that the industry is working energetically to conclude development of the details of thousand block pooling that is supported by version 3.0 of the NPAC software. Pooling based on version 1.4 in Illinois has been a valuable learning experience for the industry, but it also has its problems, one of which is that it cannot support efficient data representation (EDR). The industry is not looking to this form of pooling for long term deployment. USTA also believes that the notion that version 1.4 can be deployed quickly is incorrect. It is essential that all industry energy and activity be focused on the form of pooling to which the industry has committed for the future. For these reasons, we urge the Commission to conclude that any pooling deployment ordered pursuant to Commission authority be compliant with version 3.0.

## **2. Reclamation of Unused Codes and Code Allocation Standards**

Utah seeks authority to reclaim unused and reserved central office codes. It also requests the Commission to direct NANPA to establish code allocation standards. In response to a complaint in the Wisconsin Petition, USTA maintained that the Commission should clarify the responsibility and authority of NANPA.<sup>7</sup> We also observe that California, New York, Florida, Massachusetts, Maine, and Ohio each requested relief similar to that which has been requested here. As we stated in our comments to the New Hampshire Petition,<sup>8</sup> the Commission has uniformly responded to those requests and we believe that the form of the Commission's response is very close to what is required for a broader solution to these problems. In each case, the Commission stated, "Therefore, we grant authority to the [state] Commission...to direct the NANPA to reclaim NXXs that the [state] Commission determines have not been activated in a timely manner....We further direct the NANPA to abide by the [state] Commission's

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<sup>7</sup> USTA Comments in Docket No. 99-200 at 6, and Reply Comments at 12, USTA Comments on Wisconsin Petition at 4-5.

<sup>8</sup> USTA Comments on the New Hampshire Petition at 6.

determination to reclaim an NXX code if the [state] Commission is satisfied that the code holder has not activated the code within the time specified by the CO Code Assignment Guidelines."<sup>9</sup>

In this delegation, the Commission has not authorized the state commissions to reclaim NXX codes themselves, but to direct the NANPA to reclaim codes. In the Commission's prescription, it is still the NANPA that reclaims the codes. USTA believes that if, in the first instance, the NANPA was confident of its authority and obligations, it would, on its own, reclaim codes that NANPA knew were being used in any manner inconsistent with the guidelines. If those conditions were clear, and the state commission were to advise the NANPA of misuse of codes and provide support for that conclusion, we believe NANPA would reclaim the codes. If the Commission were to validate the authority and responsibility of the NANPA to act in accordance with provisions in the guidelines and require that the NANPA must consider evidence provided by regulatory commissions when making such decisions, no additional state authority would be necessary.

As it did in its comments on the Ohio Petition,<sup>10</sup> USTA recommends that the Commission affirm the authority and responsibility of the NANPA to act in accordance with provisions in the industry guidelines and that NANPA is to consider information provided by state commissions in reaching its conclusions.

### **3. Rationing Measures**

Utah requests authority to maintain central office code rationing measures for at least six months after implementation of relief plans. USTA believes that this proposal must be rejected, if for no other reason than for its imprecision and lack of specificity. If Utah's proposed relief

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<sup>9</sup> California Order at 16, New York Order at 11, Florida Order at 22, Massachusetts Order at 11, and Maine Order at 9.

<sup>10</sup> USTA Comments on the Ohio Petition at 5.

plan can be implemented quickly, numbers in the new NPA are assigned only where needed.<sup>11</sup>

Without additional specificity, the Commission must reject this proposal. The authority requested is so vague that it may not observe the concerns stated by the Commission in its authority granted to New York.<sup>12</sup>

#### **4. Unassigned Number Porting**

The Commission denied requests of other states to implement UNP on the basis that it is at too early a stage of development to order implementation.<sup>13</sup> The Commission recognized the specific concerns of the impact on carriers' ability to control their own number inventories, the difficulty in forecasting future numbering needs, and the impact on carriers' switching systems, among others. For these reasons, the Commission should likewise deny Utah's request to engage in UNP.

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<sup>11</sup> One of the advantages of an overlay plan that is often overlooked in the impassioned rhetoric concerning the "anti-competitive effects" of overlays is that numbers from the new NPA are only assigned where they are needed. If a split were to be made, in the area in which the new code is to be assigned, everyone must change numbers. In an overlay, consumers outside the area where exhaust is a problem need only be concerned with dialing a new NPA when there is a need to reach subscribers with the new numbers. Numbers with the new NPA are assigned only in the area in which exhaust is a problem. USTA sees that as a powerful argument in favor of overlays.

<sup>12</sup> New York Order at 15.

<sup>13</sup> New York Order at 17, Florida Order at 18, Massachusetts Order at 18-19, and Maine Order at 11-12.

**Conclusion**

USTA urges the Commission to deny the Utah petition for the reasons stated above and those in its previous comments and reply comments in CC Docket No. 99-200 and in its previous comments and reply comments to similar petitions by other states.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By\_\_\_\_\_

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