

Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: In Accordance with the authority delegated to the department by the FCC in Second Report and Order, CC Docket 96-98, paragraphs 268, 281, and, CC Docket 96-98, paragraphs 268, 281, and In the matter of Massachusetts Department of Telecommunications and energy's Petition for waiver of section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC docket 96-98, FCC 99-246, NSD file No. L-99-19 (September 15, 1999)

I wish to file an Application for Review of Action taken pursuant to delegated authority. (47CFR1.115), specifically citing (47CFR1.115(b)(2)(I)) as it involves the FCC's considerations of Societal costs. Also citing (47CFR1.115(b)(2)(ii-iii)) as it includes; Numbering Resources Optimization CC docket No. 99-200, involving the States of Connecticut, Massachusetts, and California in their request to implement Technology and Service-Specific Area Codes, which have not yet been ruled upon.

Respectfully submitted,
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I.) Societal Costs

A.) Exhaust of North American Numbering Plan (NANP)

- 1.) 50 to 150 Billion dollar cost to expand NANP
- 2.) Estimated 10-year implementation time.
- 3.) Estimated exhaustion dates of 2006-2012 depending on which projection is more accurate.
 - a.) Inaccurate forecast of number demand in Ma and Ca
- 4.) Confusion of 8 area codes(a/c) in a limited area
- 5.) Real costs
 - a.) Misplaced Calls
 - b.) Lost productivity due to sorting through 8 Area Codes(a/c)

II) Inefficient use of sparse available resources

A.) FCC hasn't granted all the necessary tools

- 1.) Rural and Urban situations are not the same, sometimes even within the same state.
- 2.) Separate technologies-Service specific networks
 - a.) designated data lines(ddl)

B.) DTE hasn't used all the toys granted by the FCC

- 1.) DTE did not include DTE 98-38 in its final determination of DTE 99-11 (Area Code Relief)

- a.) Relied solely on DTE 99-99 (1000 number pooling)
- b.) Ignored advice to pursue rate center consolidation
 - i.)Comments of Allegiance Telecom
 - ii.)Comments of AT&T
 - iii.)Comments of RCN-BecoCom L.L.C.
 - iv.) Comments of Sprint P.C.S.
 - v.) Comments of Attorney General of Massachusetts
 - vi.)Effects of R.C.C. on the cost of Internet Access

III) Available Options and Remedies

A.) Compel The DTE to institute Rate Center

Consolidation(47CFR1.115(g)(1)and or (2)) and grant relief under
47CFR1.115(h)(1)(i)and or (ii)

I. Societal Costs

“Our view is supported by NANC, which has stated that the goal of national numbering optimization policy should be to minimize total Societal costs and impacts.¹” Since it is policy to minimize societal costs and impacts, I would assume this also extends to the actions of those who it delegates its authority to. I don’t think it is necessary to point out the consequences associated with not having a plan to deal with the exhaustion of the NANP. It is estimated that that an

¹ CC Docket No. 99-200 “notice of Proposed Rule making” Adopted May 27, 1999 @232

expanded NANP would cost between 50 and 150 billion dollars² plus take ten years to enact.³ Differing models put the exhaustion date between 2006 and 2015⁴ Based upon the inaccuracy of forecasting in the past in the States of California⁵ and Massachusetts⁶, where area codes were in jeopardy before and closely following activation, it would be wise to start planning for a worst case scenario.

Societal Costs should also be considered when factoring in the confusion factor⁷ and real costs associated with having 8 area codes jammed into such a small geographic area. What is the actual cost of misplaced calls? What is the cost in lost productivity spending time sorting through 8 different area codes?

II Inefficient use of Sparse Resources

The FCC hasn't granted the states all of the necessary tool to allow them to make independent decisions, accommodating their individual situations. Narrow rules covering all fifty states are not always the best solution. Sometimes individual needs have to be addressed separately on a state wide as well as a federal basis.⁸ A clear example of this is the state of Massachusetts where under the proposal of the DTE there will be 8 area codes in Eastern Ma and only one in the west of the state. As requested by the States of California, Connecticut, and Massachusetts clearly separate networks are something that should be

² IBID@34

³ CC docket no.99-200, report 99-15

⁴ CC docket No. 99-200"notice of Proposed Rulemaking"@32

⁵ IBID@4

⁶ DTE order "In the Matter of Massachusetts Department of Telecommunications and Energys Petition for waiver of section 52.19 to Implement Various Area code Conservation Methods in the 508, 617, 781 and 978 Area Codes. CC Docket No. 96-98, FCC 99-246, NSD File No. L-99-19 (September 15, 1999)

⁷ CC Docket No. 99-200@14

immediately granted. Designated Datalines (DDI) should be put into a separate network. The reasons are two fold. First (DDL) are the fastest growing segment in the industry⁹ Secondly machine to machine communications cant be discriminated against because they are an entirely different segment of communications. It doesn't matter to a machine how many numbers it dials. Secondly, in the future, if something needs to be done to expand NANP, this is one area that would have the least societal effect. Eventually the FCC has to stop trying to be all things to all people, and make a ruling separating different technologies.

The DTE never used any form of rate center consolidation instead choosing to put all its eggs in one basket by concentrating on 1000 number blocking. Despite comments made in DTE 99-99 by Allegiance Telecom, AT&T, RCN-BECOCOM, L.C.C and Sprint PCS and the DTE choose not to aggressively pursue R.C.C. and its advantages. These advantages are clearly present in a state with a limited geographical area and 202 local calling areas just in the eastern portion of the state. Allegiance Telecom uses an example of the 210 area codes in the San Antonio, Texas which was prolonged by two years by using R.C.C..¹⁰ AT&T stated "Due to the potential importance of rate centers when considering utilization levels, AT&T urges the department to reach a determination in DTE 98-38 regarding rate center consolidation prior to implementation of the pooling

⁸ IBID @261

⁹ Boston Globe, June 9, 1998 (Bloomberg News) Page B5 "Kagan said 1998 is the first year that data traffic will surpass voice on phone networks, and he expects that in the next few years data will account for 80% of all phone Traffic."

¹⁰ Allegiance Telecom, Comments DTE 99-99 February 3, 2000 Pg. 4, Footnote 1

trial.¹¹ RCN-BecoCom, L.L.C. states, “RCN believes a more efficient allocation of carrier and department resources recourse would be achieved by concentrating efforts toward other number conservation measures such as rate center consolidation.¹² Sprint made three valid points, 1.) There are three DTE proceedings that are intertwined with each other: Rate Center Consolidation (98-38), Area Code Relief (99-11); and number pooling (99-99). Because of a decision in one docket can impact the direction of another it is important that the DTE coordinate its actions in all the proceedings.¹³ 2.) “The DTE should consider addressing the issue of rate center consolidation in “chunks” both to make the issue more manageable and to maximize the benefits that such consolidation can provide.¹⁴ 3.) It is also important that the DTE coordinate its actions in the pooling docket with the actions it intends to take in its rate center consolidation and area code relief dockets, because the three proceedings are so closely interrelated. The Attorney General of Massachusetts points out “Until the department implements the number pooling authority granted it by the FCC seven months ago, or rate center consolidation as urged by as by the attorney general a year ago, , the department can not afford to allow carriers access to numbers resources unchecked.¹⁵ One last factor to consider is the effect of current rate centers on Internet access in regards to affordability. Some Internet Service Providers require two numbers to access their networks. The first could be local, the second access number could be outside the local calling area forcing people to

¹¹ AT&T comments DTE99-99 October 25, 1999 Pg. 7, Footnote 14

¹² IBID@ III A

¹³ Sprint PCS, Comments, DTE 99-99, October 25, 1999, pg.16 @III

¹⁴ IBID@ IIIa

purchase a more expensive calling plan.¹⁶ This is another example of societal and real costs associated with delayed implementation of R.C.C.

III.) Available Options

The most obvious option for the FCC is to compel the DTE to implement R.C.C., using the Attorney General's plan for a single rate center in Eastern Ma, since it was not addressed in the order. This would not only free up enough numbers to prolong the life of the current a/c's, but would also allow the implementation of R.C.C. through DTE 98-38 (area code conservation). Before allowing the order DTE 99-99 was supposed to address the concern of DTE 98-38 and DTE 99-11 (a/c relief). It was unforeseen that the DTE could issue an order that without addressing RCC, despite the advice of members of the industry, the FCC, and the Attorney General's office. Therefore I request a review under the provisions of 47CFR1.115(g)(1) and/or (2). Specifically requesting relief by either overruling or remanding back to the DTE as specified in 47CFR1.115(h)(1)(i) and or (ii) with an order to first address RCC and then overlay an A/C covering all 4 current A/C's 617, 508, 978, and 781. This is supposed to be the advantage of overlays, the ability to add them one at a time if need be. It would also be an opportune time to issue a ruling approving the use of separate technology networks.

¹⁵IBID@ pg. 19

¹⁶ DTE 99-109 "Petition of Thirty-Two Customers of Bell Atlantic and Residents of Somerville." Currently Pending.