

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

Re: Common Carrier Bureau Asks Parties) CC Docket No. 94-129
to Refresh Records and Seeks Additional)
Comment on Proposal to Require)
Resellers to Obtain Carrier Identification)
Codes)
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**COMMENT BY US CONNECT REGARDING FCC'S PROPOSAL
TO REQUIRE RESELLERS TO OBTAIN CARRIER IDENTIFICATION CODES**

US Connect, LLC ("US Connect"), by counsel, files its Comment to the Federal Communications Commission's May 17, 2000, "Common Carrier Bureau Asks Parties to Refresh Record and Seeks Additional Comment on Proposal to Require Resellers to Obtain Carrier Identification Codes," and states as follows:

On or about December 27, 1999 US Connect placed a valid order for Feature Group D ("FGD") access service with BellSouth Telecommunications, Inc. ("BellSouth") and requested a specific Carrier Identification Code ("CIC"). BellSouth forwarded US Connect's CIC Application to NeuStar, Inc. ("NeuStar") as the Administrator of the North American Numbering Plan Administration ("NANPA"). The specific CIC requested by US Connect is in the format "OXXX."

US Connect's request was consistent with the CIC Assignment Guideline (the "Guidelines"). Section 2.2 of the Guideline states that "[e]ntity code preference will be handled to the extent possible, and assignments will be made in the order the requests are received." The Guidelines continue in Sections 4.2 and 4.3 that any CIC returned by a carrier or reclaimed by the Administrator "will be made available for assignment by the NANPA after an idle period of at least six months." In

this case, the specific CIC requested by US Connect was returned to the Administrator and had been inactive for six months prior to US Connect's request.

On January 10, 2000 NeuStar concluded that the FCC's Second Report And Order in Case No. 97-115, in particular ¶ 9, stating "that Bellcore should assign only four digit CICs, drawn from the 5XXX to 6XXX range" prevented it from granting US Connect's request.

NeuStar's analysis should not apply to CICs that have been reclaimed or returned to the Administrator and, at most, should only apply to the issuance of new CICs. NeuStar's decision is inconsistent with the specific instructions in the Guidelines because the Guidelines do not specifically prevent the reissuance of returned or reclaimed CICs by the Administrator.

Moreover, NeuStar's decision conflicts with the policy of the Guidelines. The Guidelines state their purposes as follows:

These guidelines have been formulated with consideration of the following two legitimate needs. First, the recognition that the CICs represent a finite resource and should, therefore, be used efficiently and conserved to the extent possible; and second, that their prudent use is inherent in the provision of telecommunications services. Therefore, the guidelines should offer the greatest latitude in the provision of telecommunication services, while maintaining the effective management of a finite resource.

Guidelines, Section 1.1, August 30, 1999.

The arguments made by VarTec Telecom ("VarTec") in its Petition for Reconsideration in the matter styled: In the matter of: Administration of the North American Numbering Plan, Carrier Identification Codes ("CICs"), FCC, CC Docket No. 92-237, are more sound. VarTec argued that the FCC's decision with regard to CICs in the "OXXX" format was: (i) arbitrary and capricious in violation of the Administrative Procedure Act; (ii) a taking of private property without just compensation in violation of the Fifth and Fourth Amendments to the United States Constitution; (iii)

a violation of commercial free speech rights provided by the First Amendment to the United States Constitution; and (iv) a market entry barrier for small businesses such as US Connect, in violation of the Communications and Regulatory Flexibility Acts. As noted by VarTec, the goals of the Telecommunications Act of 1996 will be furthered if CICs in the "OXXX" format are allowed. Although US Connect is aware that VarTec's arguments were rejected by the FCC in its October 20, 1997 Order in CC Docket No. 92-237, US Connect believes it is now appropriate for these arguments to be reconsidered by the FCC.

In summary, for the reasons set forth above, it is the belief of US Connect that modifications should be made to the FCC's existing policy restricting CIC assignments in order to accommodate the assignment of CICs to resellers.

Respectfully submitted,

Holland N. McTyeire, V
Robert L. Brown
Melanie A. Bootes

GREENEBAUM DOLL & McDONALD PLLC
3300 National City Tower
Louisville, Kentucky 40202
Telephone: 502/589-4200
Facsimile: 502/587-3695

COUNSEL FOR US CONNECT