

FEDERAL REGISTER

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
Numbering Resource Optimization	)	CC Docket No. 99-200
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98 ✓
Petition of the Arizona Corporation Commission for Delegated Authority to Implement Number Conservation Measures	)	NSD File No. L-99-100
Petition of the Colorado Public Utilities Commission for Additional Delegated Authority to Implement Number Resource Optimization Measures	)	NSD File No. L-00-16
Petition of the Georgia Public Service Commission for Additional Delegated Authority to Implement Number Conservation Measures	)	NSD File No. L-99-98
Indiana Regulatory Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures	)	NSD File No. L-99-82
Iowa Utilities Board Petition for Delegation of Additional Authority and Request for Limited Waiver	)	NSD File No. L-99-96
Public Service Commission of Kentucky's Petition for Additional Delegated Authority to Implement Number Conservation Measures	)	NSD File No. L-00-08
Missouri Public Service Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures in the 314, 417, 573, 636, 660 and 816 Area Codes	)	NSD File No. L-99-90
Nebraska Public Service Commission Petition for Delegation of Additional Authority to	)	NSD File No. L-99-83

Implement Area Code Conservation Methods) in the 402 Area Code))	
North Carolina Utilities Commission Petition) for Additional Delegated Authority to) Implement Number Optimization Measures))	NSD File No. L-99-97
Petition of the Oregon Public Utility) Commission for Expedited Decision for) Authority to Implement Number Conservation) Measures))	NSD File No. L-00-29
Petition of the Pennsylvania Public Utility) Commission for Delegated Authority to) Implement Number Conservation Measures))	NSD File No. L-99-101
Petition of the Tennessee Regulatory) Authority for Additional Delegated Authority) to Implement Numbering Conservation) Methods))	NSD File No. L-99-94
Petition of the Utah Public Service) Commission for Accelerated Grant of) Authority to Implement Number Conservation) Measures))	NSD File No. L-99-89
Petition of the Virginia State Corporation) Commission for Expedited Decision on) Delegation of Authority to Implement Number) Conservation Measures))	NSD File No. L-99-95
Washington Utilities and Transportation) Commission's Amended Petition for) Additional Delegated Authority to Implement) Number Conservation Measures)	NSD File No. L-99-102

ORDER

Adopted: July 20, 2000

Released: July 20, 2000

By the Deputy Chief, Common Carrier Bureau:

I. INTRODUCTION

1. This order addresses the petitions for additional delegated authority to implement numbering resource optimization strategies filed by the following state utility regulatory commissions: the Arizona Corporation Commission (Arizona Commission); Colorado Public Utilities Commission (Colorado Commission); Georgia Public Service Commission (Georgia Commission); Indiana Regulatory Commission (Indiana Commission); Iowa Utilities Board (Iowa Commission); Public Service Commission of Kentucky (Kentucky Commission); Missouri Public Service Commission (Missouri Commission); Nebraska Public Service Commission (Nebraska Commission); North Carolina Public Utilities Commission (North Carolina Commission); Oregon Public Utility Commission (Oregon Commission); Pennsylvania Public Utility Commission (Pennsylvania Commission); Tennessee Regulatory Authority (Tennessee Commission); Utah Public Service Commission (Utah Commission); Virginia State Corporation Commission (Virginia Commission); and Washington Utilities and Transportation Commission (Washington Commission) (collectively, Petitioners).

2. In this Order, we conditionally grant the Arizona, Colorado, Iowa, Missouri, Nebraska, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, Virginia, and Washington Commissions the authority to institute thousands-block number pooling. We conditionally grant the Indiana, Missouri, North Carolina, Pennsylvania, Utah, and Virginia Commissions the authority to maintain rationing procedures for six months following implementation of area code relief. We conditionally grant the Missouri, North Carolina, and Virginia Commissions the authority to hear and address claims of carriers seeking numbering resources outside of the rationing process. We conditionally grant the Missouri, Pennsylvania, and Utah Commissions the authority to implement NXX¹ code sharing. We conditionally grant the Arizona, Indiana, Missouri, Nebraska, Oregon, Tennessee, and Virginia Commissions the authority to conduct audits of carriers' use of numbering resources.

3. The Utah Commission requests the authority to institute rate center consolidation. We reiterate that consolidating rate centers or rate areas already is within the authority of the state utility regulatory commissions. Although no action on our part appears to be necessary with respect to this aspect of the Utah Commission's request, we commend the Utah Commission's recognition of the need to consolidate rate centers in the state and strongly encourage it to proceed further as expeditiously as possible.

4. Many of the numbering resource optimization measures proposed by the state commissions were examined by the Federal Communications Commission (FCC) in the *Numbering Resource Optimization Order* released on March 31, 2000.² With the release of the *Numbering Resource Optimization Order*, the FCC adopted a number of administrative and

¹ "Central office code" or "NXX code" refers to the second three digits (also called digits D-E-F) of a ten-digit telephone number in the form NPA-NXX-XXXX, where N represents any one of the numbers 2 through 9 and X represents any one of the numbers 0 through 9. 47 C.F.R. § 52.7(c).

² *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000) (*Numbering Resource Optimization Order*).

technical measures that will allow it to monitor more closely the way numbering resources are used within the North American Numbering Plan (NANP) as well as promote more efficient use of NANP numbering resources. The FCC also granted authority to state commissions to direct the North American Numbering Plan Administrator (NANPA) to reclaim unactivated or unused NXX codes. Similarly, the FCC gave the same authority to the states to direct the Pooling Administrator in state pooling trials, as well as the national thousands-block number Pooling Administrator once national thousands-block number pooling had been established, to reclaim unactivated or unused thousands-blocks. The FCC also established a national mandatory reporting and sequential number assignment framework.

5. Several state commissions request the authority to: (1) order the return of (reclaim) unused and reserved NXX codes;³ (2) monitor the use of numbering resources through the use of mandatory reporting requirements and number utilization forecasting;⁴ (3) require sequential number assignments;⁵ (4) require carriers to prove facilities readiness prior to obtaining numbering resources in an area;⁶ and (5) set and establish number assignment and NXX code allocation standards (including the requirement that carriers meet certain fill rates prior to obtaining additional numbering resources).⁷ The Utah Commission specifically seeks the authority to require wireless carriers to provide necessary Central Office Code Utilization Survey (COCUS) and other information needed to carry out the Utah Commission's responsibilities. Because the FCC, in the *Numbering Resource Optimization Order*, has already addressed these specific numbering resource optimization measures, we do not rule on these aspects of the state commissions' petitions.

6. In the *Numbering Resource Optimization Order*, the FCC also reiterated that previous state delegations of authority to implement number conservation measures were interim in nature and would be superseded by forthcoming national numbering conservation strategies

³ See, e.g., Arizona Commission Petition at 5-7; Colorado Commission Petition at 2-3; Georgia Commission Petition at 4; Indiana Commission Petition at 5; Iowa Commission Petition at 6; Nebraska Commission Petition at 6; North Carolina Commission Petition at 5-6; Missouri Commission Petition at 3; Oregon Commission Petition at 4; Pennsylvania Commission Petition at 13-14; Tennessee Commission Petition at 7; Utah Commission Petition at 3; Virginia Commission Petition at 5-6; Washington Commission Petition at 6.

⁴ See, e.g., Georgia Commission Petition at 4; Iowa Commission Petition at 6; Missouri Commission Petition at 3-4; North Carolina Commission Petition at 7; Oregon Commission Petition at 3-4; Tennessee Commission Petition at 6-7; Virginia Commission Petition at 4-5.

⁵ See, e.g., Arizona Commission Petition at 5; Indiana Commission Petition at 6; Missouri Commission Petition at 3; North Carolina Commission Petition at 4; Oregon Commission Petition at 3; Tennessee Commission Petition at 6; Virginia Commission Petition at 7.

⁶ See, e.g., Indiana Commission Petition at 5; North Carolina Commission Petition at 5; Oregon Commission Petition at 4; Tennessee Commission Petition at 6; Virginia Commission Petition at 4.

⁷ See, e.g., Arizona Commission Petition at 5; Georgia Commission Petition at 4; Indiana Commission Petition at 5; Missouri Commission Petition at 3; North Carolina Commission Petition at 4-5; Oregon Commission Petition at 4; Pennsylvania Commission Petition at 12-13; Tennessee Commission Petition at 6; Virginia Commission Petition at 4; Washington Commission Petition at 8-9.

adopted in the *Numbering Resource Optimization* proceeding.⁸ Although we grant the above state commissions interim authority to institute certain optimization measures in their petitions, this limited grant of delegated authority should not be construed as a prejudgment of any of the remaining numbering resource optimization measures on which the FCC has sought public comment in the *Numbering Resource Optimization Notice*.⁹ Moreover, the state commissions receiving new delegations of thousands-block number pooling authority in this order must conform to the national framework as articulated in the *Numbering Resource Optimization Order*.

II. BACKGROUND

7. Congress granted the FCC plenary jurisdiction over numbering issues.¹⁰ Section 251(e)(1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (1996 Act), also allows the FCC to delegate to state commissions all or any portion of its jurisdiction over numbering administration.¹¹ The FCC's regulations generally require that numbering administration: (1) facilitate entry into the telecommunications marketplace by making numbering resources available on an efficient and timely basis to telecommunications carriers; (2) not unduly favor or disfavor any particular industry segment or group of telecommunications consumers; and (3) not unduly favor one telecommunications technology over another.¹² Further, our regulations specify that, if the FCC delegates any telecommunications numbering administration functions to any state, the state must perform the functions in a manner consistent with these general requirements.¹³

8. On September 28, 1998, the FCC released the *Pennsylvania Numbering Order* delegating additional authority to state commissions to order NXX code rationing in conjunction with area code relief decisions, in the absence of industry consensus.¹⁴ The order further approved a mandatory thousands-block number pooling trial in Illinois.¹⁵ The order provided that state utility commissions could order voluntary pooling trials¹⁶ but, in view of the FCC's

⁸ *Numbering Resource Optimization Order*, 15 FCC Rcd at 7581.

⁹ *Numbering Resource Optimization*, Notice of Proposed Rulemaking, 14 FCC Rcd 10322 (1999) (*Numbering Resource Optimization Notice*).

¹⁰ 47 U.S.C. § 251(e).

¹¹ *Id.* at § 251(e)(1).

¹² 47 C.F.R. § 52.9(a).

¹³ *Id.* at § 52.9(b).

¹⁴ *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*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009, 19025 (1998) (*Pennsylvania Numbering Order*) recon. pending.

¹⁵ *Id.* at 19029-30.

¹⁶ *Id.* at 19027-28.

efforts to develop national pooling standards, the FCC declined to delegate to state commissions the general authority to order mandatory number pooling.¹⁷ The *Pennsylvania Numbering Order*, however, encouraged state commissions to seek further limited delegations of authority to implement number conservation measures.¹⁸

9. In September 1999, the FCC addressed five petitions from state public utility commissions.¹⁹ In November 1999, the Common Carrier Bureau addressed five similar petitions from state public utility commissions.²⁰ Although these orders granted the state public utility commissions interim authority to institute many of the optimization measures they requested in their petitions, they did so subject to the caveat that these grants would be superseded by forthcoming national number conservation measures adopted in the FCC's *Numbering Resource Optimization* proceeding.²¹ In the *Numbering Resource Optimization Order*, the FCC continued its delegation to the Common Carrier Bureau to rule on state petitions for additional delegation of numbering authority when no new issues are raised.²² Many of the requests in the instant

¹⁷ *Id.* at 19027. Subject to conditions, the FCC permitted states to order the withholding of a certain number of NXX codes within a new area code from assignment and saved for thousands-block number pooling. *Id.*

¹⁸ *Id.* at 19030.

¹⁹ See *California Public Utilities Commission Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, Order, 14 FCC Rcd 17485 (1999) (*California Delegation Order*); *Florida Public Service Commission Petition for Expedited Decision for Grant of Authority to Implement Number Conservation Measures*, Order, 14 FCC Rcd 17506 (1999) (*Florida Delegation Order*); *Massachusetts Department of Telecommunications and Energy Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, Order, 14 FCC Rcd 17447 (1999) (*Massachusetts Delegation Order*); *New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, Order, 14 FCC Rcd 17467 (1999) (*New York Delegation Order*); *Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures*, Order, 14 FCC Rcd 16440 (1999) (*Maine Delegation Order*).

²⁰ See *Connecticut Department of Public Utility Control Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures*, Order, 15 FCC Rcd 1240 (1999) (*Connecticut Delegation Order*); *New Hampshire Public Utilities Commission's Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code*, Order, 15 FCC Rcd 1252 (1999) (*New Hampshire Delegation Order*); *Petition of the Ohio Public Utilities Commission for Delegation of Additional Authority to Implement Number Conservation Measures*, Order, 15 FCC Rcd 1268 (1999) (*Ohio Delegation Order*); *Petition of the Public Utility Commission of Texas for Expedited Decision for Authority to Implement Number Conservation Measures*, Order, 15 FCC Rcd 1285 (1999) (*Texas Delegation Order*); *Petition of the Public Service Commission of Wisconsin for Delegation of Additional Authority to Implement Number Conservation Measures*, Order, 15 FCC Rcd 1299 (1999) (*Wisconsin Delegation Order*).

²¹ See *Numbering Resource Optimization Order*, 15 FCC Rcd at 7581; see also *California Delegation Order*, 14 FCC Rcd at 17486; *Connecticut Delegation Order*, 15 FCC Rcd at 1240-41; *Florida Delegation Order*, 14 FCC Rcd at 17506; *Maine Delegation Order*, 14 FCC Rcd at 16440; *Massachusetts Delegation Order*, 14 FCC Rcd at 17447; *New Hampshire Delegation Order*, 15 FCC Rcd at 1252; *New York Delegation Order*, 14 FCC Rcd at 17468; *Ohio Delegation Order*, 15 FCC Rcd at 1268; *Texas Delegation Order*, 15 FCC Rcd at 1285; *Wisconsin Delegation Order*, 15 FCC Rcd at 1299.

²² *Numbering Resource Optimization Order*, 15 FCC Rcd at 7651-52; see also *Pennsylvania Numbering Order*, 13 FCC Rcd at 19030-31.

petitions raise no new issues, and therefore, to that extent and pursuant to the authority delegated to the Common Carrier Bureau in the *Numbering Resource Optimization Order*, we address the petitions herein.

III. DISCUSSION

10. Numbering resource optimization measures are necessary to address the considerable burdens imposed on society by the inefficient use of numbers; thus, we have enlisted the state regulatory commissions to assist the FCC in these efforts by delegating significant authority to them to implement certain measures within their local jurisdictions. Congress granted the FCC exclusive jurisdiction over those portions of the NANP that relate to the United States, and directed that the FCC administer the NANP in a manner which assures that numbering resources are available on an equitable basis.²³ The FCC was also permitted to delegate its authority over numbering administration to state utility commissions. Thus, while we grant authority below to the state commissions to deploy various numbering resource optimization strategies in their states, we require the state commissions to abide by the same general requirements that the FCC has imposed on the state commissions that received delegated authority to implement conservation measures in September 1999 and November 1999. Thus, the state commissions, to the extent they act under the authority delegated herein, must ensure that numbers are made available on an equitable basis; that numbering resources are made available on an efficient and timely basis; that whatever policies the state commissions institute with regard to numbering administration not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and that the state commissions not unduly favor one telecommunications technology over another.²⁴

11. The grants of authority herein are not intended to allow the state commissions to engage in number conservation measures to the exclusion of, or as a substitute for, unavoidable and timely area code relief.²⁵ Although we are giving the state commissions tools that may help to prolong the lives of existing area codes, the state commissions continue to bear the obligation of implementing area code relief when necessary, and we expect the state commissions to fulfill this obligation in a timely manner. Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources. For consumers to benefit from the competition envisioned by the 1996 Act, it is imperative that competitors in the telecommunications marketplace face as few barriers to entry as possible. If the state commissions do not fulfill these obligations in a timely manner, we may be compelled to reconsider the authority being delegated to the states herein.

12. Several commenting parties urged the FCC to grant certain state commissions' petitions in their entirety on the basis that state utility commissions require greater authority to

²³ 47 U.S.C. § 251(e)(1).

²⁴ See 47 C.F.R. § 52.9(a); see also 47 U.S.C. § 251(e)(1).

²⁵ *Pennsylvania Numbering Order*, 13 FCC Rcd at 19027.

implement number conservation measures in order to rectify the causes of area code exhaust.²⁶ Other parties suggested that we deny certain petitions on the basis that number conservation measures must be developed at the national level, and that the petitions do not provide an adequate basis on which to grant the requested delegations of authority.²⁷

A. Thousands-Block Number Pooling

13. All of the state public utility commission petitions addressed in this order include a request for the authority to institute thousands-block number pooling trials.²⁸ Thousands-block number pooling involves the allocation of blocks of one thousand sequential telephone numbers within the same NXX code to different service providers. In the *Pennsylvania Numbering Order*, the FCC recognized that state number pooling trials could aid in developing national pooling implementation, architecture and administrative standards.²⁹ In the *Numbering Resource Optimization Notice*, the FCC concluded that thousands-block number pooling is an important numbering resource optimization strategy, essential to extending the life of the NANP.³⁰ As a result, in prior state delegation orders, the FCC granted state public utility commissions the authority to initiate thousands-block number pooling.³¹

²⁶ See, e.g., Connecticut Commission Comments Regarding the Indiana Commission's Petition at 2; Maine Commission Comments Regarding the Indiana, Missouri, and Nebraska Commission's Petition's at 1-2; Letter from Lawrence G. Malone, New York Commission, to Magalie R. Salas, FCC, dated December 2, 1999.

²⁷ See, e.g., AT&T Comments Regarding the North Carolina Commission's Petition at 4; CTIA Comments Regarding the North Carolina Commission's Petition at 2; MediaOne Comments Regarding the Virginia Commission's Petition at 6; USTA Comments Regarding the Tennessee Commission's Petition at 3; US West Comments Regarding the Indiana Commission's Petition at 1.

²⁸ See Arizona Commission Petition at 4-5; Colorado Commission Petition at 2; Georgia Commission Petition at 3; Indiana Commission Petition at 7-8; Iowa Commission Petition at 4-5; Kentucky Commission Petition at 7; Missouri Commission Petition at 3; Nebraska Commission Petition at 5-6; North Carolina Commission Petition at 3-4; Oregon Commission Petition at 3; Pennsylvania Commission Petition at 11-12; Tennessee Commission Petition at 7-8; Utah Commission Petition at 2; Virginia Commission Petition at 8; Washington Commission Petition at 7-8.

²⁹ *Pennsylvania Numbering Order*, 13 FCC Rcd at 19027.

³⁰ *Numbering Resource Optimization Notice*, 14 FCC Rcd at 10383-84.

³¹ See, e.g., *California Delegation Order*, 14 FCC Rcd at 17490-96; *Connecticut Delegation Order*, 15 FCC Rcd at 1244-49; *Florida Delegation Order*, 14 FCC Rcd at 17510-16; *Maine Delegation Order*, 14 FCC Rcd at 16451-57; *Massachusetts Delegation Order*, 14 FCC Rcd at 17451-57; *New Hampshire Delegation Order*, 15 FCC Rcd at 1260-65; *New York Delegation Order*, 14 FCC Rcd at 17470-76; *Ohio Delegation Order*, 15 FCC Rcd at 1278-83; *Texas Delegation Order*, 15 FCC Rcd at 1288-94; *Wisconsin Delegation Order*, 15 FCC Rcd at 1311-16. In so doing, the FCC considered support for the proposal as well as concerns regarding the burdens that thousands-block number pooling trials might impose. See, e.g., *California Delegation Order*, 14 FCC Rcd at 17491; *Florida Delegation Order*, 14 FCC Rcd at 17510; *Maine Delegation Order*, 14 FCC Rcd at 16452; *Massachusetts Delegation Order*, 14 FCC Rcd at 17451; *New York Delegation Order*, 14 FCC Rcd at 17471. The FCC noted that, in spite of the potential for strain on the network occasioned by multiple pooling trials, the relatively small volume of ported numbers and the importance of providing relief to states experiencing severe strain on their numbering resources weighed in favor of delegating authority to implement number pooling trials. See, e.g., *Massachusetts Delegation Order*, 14 FCC Rcd at 17452.

14. With the release of the *Numbering Resource Optimization Order*, the FCC adopted a nationwide system for allocating numbers in blocks of one thousand, rather than ten thousand, wherever possible, and announced its intention to establish a plan for national rollout of thousands-block number pooling. The FCC determined that the national thousands-block number pooling rollout will occur nine months after the selection of a thousands-block number Pooling Administrator. The FCC stated that the existing delegations of thousands-block number pooling authority to state commissions will continue until national thousands-block number pooling implementation occurs, and adopted a deadline for state commissions to bring their state trials into conformity with the national thousands-block number pooling framework.³² Because the FCC recognized that thousands-block number pooling trials already underway may not conform to the standards set forth in the *Numbering Resource Optimization Order*, the FCC gave state commissions until September 1, 2000, at the latest, to conform their thousands-block number pooling trials with the national framework set forth in the *Numbering Resource Optimization Order*.

15. Parties to the instant proceeding raise issues similar to those that the FCC addressed in its prior state delegation orders and in the *Numbering Resource Optimization Order*. Because no new issues have been raised, the Common Carrier Bureau is authorized to grant state commissions authority to implement thousands-block number pooling trials. In so doing, we seek to ensure that the benefits of thousands-block number pooling are realized as soon as feasible.³³ Although the FCC's national thousands-block number pooling framework implements pooling on a numbering plan area (NPA) by NPA basis within the largest 100 Metropolitan Statistical Areas (MSAs),³⁴ we will continue to grant states interim authority to implement pooling on an MSA by MSA basis within their states. A state may expand pooling to another MSA only after having implemented thousands-block number pooling in the initial MSA and after allowing carriers sufficient time to undertake necessary steps to accommodate thousands-block number pooling, such as modifying databases and upgrading switch software.

16. As indicated in the *Numbering Resource Optimization Order*, and in the orders delegating thousands-block number pooling authority to state commissions, the national thousands-block number pooling framework, including the technical standards and pooling administration provisions, will supersede these interim delegations of authority to state commissions.³⁵ We note that this includes the technical standards and pooling administration

³² *Numbering Resource Optimization Order*, 15 FCC Rcd at 7651.

³³ *See id.*

³⁴ MSAs are geographic areas designated by the Bureau of Census for purposes of collecting and analyzing data. The boundaries of MSAs are defined using statistics that are widely recognized as indications of metropolitan character. *See Policy and Rules Concerning Rates for Dominant Carriers*, Memorandum Opinion and Order, 12 FCC Rcd 8115, 8122 (1997). When implementing local number portability (LNP), the FCC established a phased implementation schedule based on MSAs. *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8394-95 (1996).

³⁵ *See, e.g., Numbering Resource Optimization Order*, 15 FCC Rcd at 7651; *California Delegation Order*, 14 FCC Rcd at 17490-96; *Florida Delegation Order*, 14 FCC Rcd at 17510-16; *Maine Delegation Order*, 14 FCC Rcd (continued....)

provisions set forth in the *Numbering Resource Optimization Order*. We reiterate that state commissions receiving new delegations of pooling authority in this order must conform to the national framework as articulated in the *Numbering Resource Optimization Order*.

17. We grant this authority subject to the conditions and safeguards similar to those enumerated by the FCC in the *Pennsylvania Numbering Order*, granting thousands-block number pooling authority to Illinois, and the *Numbering Resource Optimization Order*, which set forth the national thousands-block number pooling framework.³⁶ Thus, we require that the state commissions must take all necessary steps to prepare an NPA relief plan that may be adopted by the state commission when numbering resources in the NPA are in imminent danger of being exhausted.³⁷ This criterion is not intended to require the state commissions to implement an NPA relief plan prior to initiating thousands-block number pooling. Rather, we require that the state commission be prepared to implement immediately a "back-up" NPA relief plan prior to the exhaustion of numbering resources.³⁸ Carriers should never be in the position of being unable to provide service to prospective customers because that carrier does not have access to numbering resources. This criterion attempts to ensure that carriers continue to have numbering resources available to them in the event that the pooling trial does not stave off the need for area code relief.³⁹

18. We also reiterate that only those carriers that have implemented permanent local number portability (LNP) shall be subject to state-mandated thousands-block number pooling trials.⁴⁰ At the present time, we do not grant the state commissions the authority to require a carrier to acquire LNP solely for the purpose of being able to participate in a thousands-block pooling trial. Wireline carriers outside the top 100 Metropolitan Statistical Areas (MSAs) are only required to implement LNP if requested by another carrier subject to the requirements

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at 16451-57; *Massachusetts Delegation Order*, 14 FCC Rcd at 17451-57; *New York Delegation Order*, 14 FCC Rcd at 17470-76.

³⁶ *Pennsylvania Numbering Order*, 13 FCC Rcd at 19029-30.

³⁷ In Illinois, the Illinois Commission recognized a "back-up plan" was necessary because the pooling solution had not been completely developed or tested. Thus, it ordered that an all-services overlay would supersede the pooling trial in the event that the NXXs in the 847 NPA were depleted. *Id.*

³⁸ See *Petition by Citizens Utility Board to Implement a form of telephone number conservation known as number pooling within the 312, 773, 847, 630, and 708 area codes and Petition by Illinois Bell Telephone Company for Approval of an NPA Relief Plan for the 847 NPA*, Docket Nos. 97-0192 and 97-0211 (Consol.), Order (May 11, 1998) (establishing an area code overlay as a back-up plan concurrently with ordering thousands-block number pooling in the 847 NPA).

³⁹ We intend to closely monitor situations where states may not be developing and implementing area code relief plans in a timely manner. See *Numbering Resource Optimization Order*, 15 FCC Rcd at 7652.

⁴⁰ Wireless carriers are not required to implement LNP until November 2002. See *Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability*, Memorandum Opinion and Order, 14 FCC Rcd 3092, 3116 (1999).

established by the FCC.⁴¹ Within areas that are subject to a pooling trial, non-LNP capable carriers shall have the same access to numbering resources after pooling is implemented that they had prior to the implementation of a pooling regime, *i.e.*, non-LNP capable carriers shall continue to be able to obtain full NXX codes. The *Numbering Resource Optimization Order* raises a number of issues relating to non-LNP capable carriers' participation in pooling, and we believe these issues are best addressed in the larger rulemaking context.

19. We direct the state commissions to conduct their thousands-block number pooling trials in accordance with industry-adopted thousands-block pooling guidelines to the extent the guidelines are not in conflict with the *Numbering Resource Optimization Order*.⁴² Because thousands-block number pooling requires carriers to modify the manner in which they manage their inventory of telephone numbers, including changing their Operations Support Systems (OSSs) and retraining their staffs,⁴³ we also direct the state commissions to ensure that an adequate transition time is provided to carriers to implement thousands-block number pooling in their switches and administrative systems.

20. The FCC has determined that it will seek competitive bids for the selection of a national thousands-block number Pooling Administrator.⁴⁴ In the interim, state commissions with thousands-block number pooling authority are responsible for thousands-block number pooling administration. This responsibility includes the selection of a thousands-block number Pooling Administrator to allocate thousands-blocks to carriers within the area in the state where pooling is implemented pursuant to this order.

21. In addition, because the FCC's national cost recovery plan will not be in effect until national thousands-block number pooling implementation occurs, states conducting their own pooling trials must develop their own cost recovery mechanisms for the joint and carrier-specific costs of implementing and administering pooling within their states. The individual state cost-recovery schemes, however, must transition to the national cost-recovery plan when the latter becomes effective.⁴⁵ The national cost recovery plan will become effective after national thousands-block number pooling is implemented.

22. The state commissions must also determine how carrier-specific and joint costs directly related to pooling administration should be recovered. In the *Numbering Resource Optimization Order*, the FCC concluded that thousands-block number pooling is a numbering administration function, and that section 251(e)(2) authorizes the FCC to provide the distribution

⁴¹ See 47 C.F.R. § 52.23(b)-(c).

⁴² Thousand Block (NXX-X) Pooling Administration Guidelines, Draft (INC 99-0127-023) (rev. June 2000). This document is available at <<http://www.atis.org>>.

⁴³ See Letter from Todd D. Daubert, Counsel for Winstar, to Magalie R. Salas, FCC, dated July 28, 1999.

⁴⁴ See *Numbering Resource Optimization Order*, 15 FCC Rcd at 7639-40.

⁴⁵ See *Numbering Resource Optimization Order*, 15 FCC Rcd at 7652.

and recovery mechanisms for the interstate and intrastate costs of number pooling.⁴⁶ In exercising the authority delegated to them, the state commissions must also abide by the same statute, and, therefore, ensure that costs of number pooling are recovered in a competitively neutral manner.⁴⁷ We note that the *Numbering Resource Optimization Order* found that section 251(e)(2) requires all carriers to bear the shared costs of number portability on a competitively neutral basis, and, thus, established a cost recovery mechanism that does not exclude any class of carrier.⁴⁸ We encourage the state commissions to consider the *Numbering Resource Optimization Order* and *Telephone Number Portability Order* for guidance regarding the criteria with which a cost recovery mechanism must comply in order to be considered competitively neutral:

First, “a ‘competitively neutral’ cost recovery mechanism should not give one service provider an appreciable, incremental cost advantage over another service provider, when competing for a specific subscriber.” Second, the cost recovery mechanism “should not have a disparate effect on the ability of competing service providers to earn normal returns on their investments.”⁴⁹

Consistent with the FCC’s treatment of cost recovery in the *Telephone Number Portability* proceeding and *Numbering Resource Optimization Order*, we believe that even those carriers that cannot participate in thousands-block number pooling at this time will benefit from the more efficient use of numbering resources that pooling will facilitate. We encourage the state commissions to consider the “road map” provided by the FCC in the *Numbering Resource Optimization Order* regarding cost recovery for thousands-block number pooling.⁵⁰

1. Individual Petitions for Thousands-Block Number Pooling Authority

23. To ensure that thousands-block number pooling is implemented in areas where it has the potential to be most beneficial, the FCC requires state commissions to demonstrate that certain conditions are satisfied in their states before thousands-block number pooling authority could be delegated to them.⁵¹ In the *Numbering Resource Optimization Order*, the FCC directed state commissions seeking thousands-block number pooling authority to demonstrate that: 1) an NPA in its state is in jeopardy; 2) the NPA in question has a remaining life span of at least a year; and 3) that the NPA is in one of the largest 100 MSAs, or alternatively, the majority of wireline

⁴⁶ *Numbering Resource Optimization Order*, 15 FCC Rcd at 7663-64.

⁴⁷ 47 U.S.C. § 251(e)(2).

⁴⁸ *Numbering Resource Optimization Order*, 15 FCC Rcd at 7665.

⁴⁹ *Telephone Number Portability*, Fourth Memorandum Opinion and Order on Reconsideration, CC Docket No. 95-116, RM 8535, FCC 99-151, at ¶ 32 (rel. July 16, 1999) (citing *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8420-21 (1996)); see also *Numbering Resource Optimization Order*, 15 FCC Rcd at 7665.

⁵⁰ *Numbering Resource Optimization Notice*, 14 FCC Rcd at 10405-12.

⁵¹ *Numbering Resource Optimization Order*, 15 FCC Rcd at 7652.

carriers in the NPA are LNP-capable.⁵² The FCC, however, recognized that there may be “special circumstances” in which pooling would be beneficial in NPAs that do not meet all of the above criteria, and stated that we may authorize pooling in such an NPA upon a satisfactory showing by the state commission of such special circumstances.⁵³ The Arizona, Colorado, Iowa, Kentucky, Missouri, Nebraska, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, Virginia, and Washington Commissions supplemented their earlier filings with the FCC to address these specific criteria enunciated in the *Numbering Resource Optimization Order*.

a. Arizona Commission

24. The Arizona Commission requests the authority to implement thousands-block number pooling in Arizona.⁵⁴ The Arizona Commission supplemented its initial filing with the FCC to address the specific criteria in the *Numbering Resource Optimization Order*. The Arizona Commission’s supplemental filing demonstrates that the 520 NPA does not meet the requirements set forth by the FCC in the *Numbering Resource Optimization Order*. Although the Arizona Commission informs us that the 520 NPA has a remaining life span of at least one year,⁵⁵ and is in one of the largest 100 MSAs, it is not currently in jeopardy. The Arizona Commission’s supplemental filing also provides information concerning the 602, 480 and 423 NPAs. Although the 602, 480 and 623 NPAs are not currently in jeopardy, the Arizona Commission contends that all three NPAs have a remaining life span of at least one year.⁵⁶ The 602, 480 and 423 NPAs are all located within the 100 largest MSAs.

25. The Arizona Commission, nevertheless, believes that “special circumstances” exist which warrant FCC authorization to implement thousands-block number pooling in the 520, 602, 480 and 423 NPAs. Regarding the 520 NPA, the Arizona Commission states that the implementation of thousands-block number pooling authority and other number optimization measures will help to ensure the longevity of the 520 area code and efficient utilization of numbers in the future.⁵⁷ We agree with the Arizona Commission that thousands-block number pooling could postpone the need for area code relief in the 520 NPA, and therefore grant the Arizona Commission the authority to implement a thousands-block number pooling trial in the 520 NPA. We grant this authority to the Arizona Commission subject to the conditions and safeguards set forth above. We emphasize that the Arizona Commission must take all necessary steps to move ahead with an area code relief plan for the 520 NPA in the event that numbering resources in the 520 NPA are in imminent danger of being exhausted. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing

⁵² *Numbering Resource Optimization Order*, 15 FCC Rcd at 7652.

⁵³ *Numbering Resource Optimization Order*, 15 FCC Rcd at 7652.

⁵⁴ Arizona Commission Petition at 4-5.

⁵⁵ Arizona Commission Supplement at 4.

⁵⁶ Arizona Commission Supplement at 12.

⁵⁷ Arizona Commission Supplement at 3.

area code in which pooling is taking place.

26. We also agree with the Arizona Commission that, with the rapid growth in the Phoenix metropolitan area, it is difficult to predict with certainty when an area code will exhaust. As a result, we grant the Arizona Commission the authority to implement thousands-block number pooling trials in the 602, 480 and 423 NPAs subject to the conditions and safeguards set forth above. This grant of authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place. Although we have delegated authority to the Arizona Commission to institute thousands-block number pooling trials in multiple NPAs in Arizona, the Arizona Commission must first implement thousands-block number pooling in a single MSA, and may not expand pooling to another MSA until pooling has been fully implemented in the initial MSA and after allowing carriers sufficient time to undertake necessary steps to accommodate thousands-block number pooling, such as modifying databases and upgrading switch software.

b. Colorado Commission

27. The Colorado Commission requests the authority to implement thousands-block number pooling in the 303/720 NPA.⁵⁸ The Colorado Commission supplemented its initial filing with the FCC with information concerning the 303/720 overlay area codes.⁵⁹ The Colorado Commission states that it has met the "special circumstances" test, and that its request for thousands-block number pooling authority should be granted. Although the 303/720 area is in one of the largest 100 MSAs (*i.e.*, the Denver MSA),⁶⁰ and its projected life span is longer than a year,⁶¹ the NPA is not currently in jeopardy.

28. Based on recent estimates, on average, ten central office codes are assigned to carriers from the 720 NPA each month.⁶² The Colorado Commission, nevertheless, recognizes the advantages of implementing a thousands-block number pooling trial in the 303/720 area. According to the Colorado Commission, the efficacy of thousands-block number pooling in the 720 NPA will continue to decrease every month that the implementation of thousands-block number pooling is delayed. Because of the current assignment trend, we find that the Colorado Commission has provided us with "special circumstances" that warrant a grant of thousands-block number pooling authority. Accordingly, we grant the Colorado Commission the authority to institute a thousands-block number pooling trial in the 303/720 area codes. We grant this authority to the Colorado Commission subject to the conditions and safeguards set forth above.

⁵⁸ Colorado Commission Petition at 2. The 303/720 overlay area was activated in August 1998. Colorado Commission Supplement at 2.

⁵⁹ Colorado Commission Supplement at 2.

⁶⁰ According to the Colorado Commission, LNP was implemented in the Denver MSA in December of 1998. Colorado Commission Supplement at 3.

⁶¹ The most recent projected exhaust date for the 303/720 area is in the third quarter of 2003. See Colorado Commission Supplement at 2.

⁶² Colorado Commission Supplement at 2.

This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place.

c. Georgia Commission

29. The Georgia Commission requests the authority to implement thousands-block number pooling in Georgia.⁶³ The Georgia Commission, however, did not supplement its earlier filing with the FCC to address the specific criteria in the *Numbering Resource Optimization Order*. At this time, therefore, we decline to reach the Georgia Commission's request for the authority to implement thousands-block number pooling. We encourage the Georgia Commission, however, to supplement its earlier filing for interim thousands-block number pooling authority.

d. Indiana Commission

30. The Indiana Commission also requests the authority to implement thousands-block number pooling in Indiana.⁶⁴ Like the Georgia Commission, the Indiana Commission did not supplement its earlier filing with the FCC to address the specific criteria in the *Numbering Resource Optimization Order*. At this time, therefore, we decline to reach the Indiana Commission's request for the authority to implement thousands-block number pooling. We encourage the Indiana Commission, however, to supplement its earlier filing for interim thousands-block number pooling authority.

e. Iowa Commission

31. The Iowa Commission requests the authority to implement thousands-block number pooling in Iowa.⁶⁵ The Iowa Commission supplemented its initial petition with the FCC to address the specific criteria in the *Numbering Resource Optimization Order*. The Iowa Commission's supplemental filing demonstrates that the 515 NPA is in jeopardy, has a life span of at least a year,⁶⁶ and is located in one of the largest 100 MSAs. Because the 515 NPA satisfies all three of the FCC's criteria for thousands-block number pooling authority, we grant the Iowa Commission the authority to implement a thousands-block number pooling trial in the 515 NPA. We grant this authority to the Iowa Commission subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place.

32. The Iowa Commission also requests the authority to implement thousands-block number pooling in the 319 NPA.⁶⁷ According to the Iowa Commission, the 319 NPA is not yet

⁶³ Georgia Commission Petition at 3.

⁶⁴ Indiana Commission Petition at 7-8.

⁶⁵ Iowa Commission Petition at 4-5.

⁶⁶ Iowa Commission Supplement at 2.

⁶⁷ Iowa Commission Supplement at 2.

in jeopardy, but has a remaining life span of at least a year.⁶⁸ The 319 NPA covers the eastern third of Iowa which does not, however, include one of largest 100 MSAs.⁶⁹ The Iowa Commission did not provide any information on the LNP-capability of the majority of wireline carriers in the 319 NPA. We therefore deny, without prejudice, the Iowa Commission's request to implement thousands-block number pooling in the 319 NPA.

f. Kentucky Commission

33. The Kentucky Commission originally requested authority to implement thousands-block number pooling in Kentucky.⁷⁰ The Kentucky Commission modified its initial filing with the Commission and does not seek interim numbering authority from the FCC at this time.⁷¹ The Kentucky Commission instead requests that the FCC include the 502 NPA (*i.e.*, the Louisville MSA) in its initial round of national thousands-block number pooling.⁷² Specifically, the Kentucky Commission is concerned that the 502 NPA may experience number exhaust and require NPA relief before it can be included in the national thousands-block number pooling rollout.⁷³ The Kentucky Commission believes that by the time the actual life span of the 502 NPA is known, it will be forced to implement NPA relief before the Louisville MSA can be scheduled into the national thousands-block number pooling framework.

34. The Kentucky Commission believes that the 502 NPA qualifies as a special exception, which would warrant inclusion of the 502 NPA in the initial rounds of the national thousands-block number pooling rollout.⁷⁴ We note that the Kentucky Commission's supplemental filing demonstrates that the 502 NPA does not currently meet the required criteria set forth in the *Numbering Resource Optimization Order* for the interim delegation of thousands-block number pooling authority. Although the 502 NPA is in one of the largest 100 MSAs (*i.e.*, the Louisville MSA),⁷⁵ and its projected life span is longer than a year,⁷⁶ the NPA is not currently in jeopardy. Because we believe that Kentucky's request that the 502 NPA be included in the initial rounds of the national thousands-block number pooling rollout is premature at this

⁶⁸ Iowa Commission Supplement at 4.

⁶⁹ Iowa Commission Supplement at 4.

⁷⁰ Kentucky Commission Petition at 7.

⁷¹ Kentucky Commission Supplement at 1.

⁷² Kentucky Commission Supplement at 1.

⁷³ Kentucky Commission Supplement at 4.

⁷⁴ Kentucky Commission Supplement at 4.

⁷⁵ Kentucky Commission Supplement at 4.

⁷⁶ The most recent projected exhaust date for the 502 NPA is in the first quarter of 2004. See Kentucky Commission Supplement at 4.

juncture, we decline to reach this aspect of their supplemental petition at this time.⁷⁷

g. Missouri Commission

35. The Missouri Commission requests the authority to implement thousands-block number pooling in Missouri.⁷⁸ The Missouri Commission supplemented its initial filing with information concerning the 314 NPA. The Missouri Commission's supplemental filing demonstrates that the 314 NPA meets the three specific criteria articulated in the *Numbering Resource Optimization Order*: (1) the 314 NPA is in jeopardy; (2) the 314 NPA has a remaining life span of at least a year; and (3) the 314 NPA encompasses the City of St. Louis, one of the largest 100 MSAs.⁷⁹ We, therefore, delegate to the Missouri Commission the authority to implement thousands-block number pooling in the 314 NPA. We grant this authority to the Missouri Commission subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place.

h. Nebraska Commission

36. The Nebraska Commission requests the authority to implement thousands-block number pooling in Nebraska.⁸⁰ The Nebraska Commission's supplemental filing indicates that the 402 NPA does not meet the FCC's criteria for thousands-block number pooling. According to the Nebraska Commission, the 402 NPA is currently not in jeopardy,⁸¹ and is projected to exhaust by the fourth quarter of 2000.⁸² The 402 NPA covers the eastern third of Nebraska including the metropolitan areas of Omaha and Lincoln.⁸³ The Omaha MSA is ranked in the largest 100 MSAs. We therefore conclude that thousands-block number pooling is technically feasible in Nebraska.

37. Although the 402 NPA is currently projected to exhaust in the fourth quarter of 2000, the Nebraska Commission indicates that jeopardy had not yet been declared for the 402 NPA. Moreover, the Nebraska Commission notes that it cannot state with any certainty what it expects the life span of the 402 NPA to be.⁸⁴ According to the Nebraska Commission, the

⁷⁷ The Kentucky Commission modified its initial filing to the extent that it does not seek interim numbering authority at this time. Kentucky Commission Supplement at 1.

⁷⁸ Missouri Commission Petition at 3.

⁷⁹ Missouri Commission Supplement at 2.

⁸⁰ Nebraska Commission Petition at 5-6.

⁸¹ Nebraska Commission Supplement at 4.

⁸² Nebraska Commission Supplement at 4-5.

⁸³ Nebraska Commission Supplement at 6.

⁸⁴ The most recent exhaust projections estimate that the 402 NPA will exhaust in the second quarter of 2001. See NANPA, Status of Active and Pending NPA Relief Projects, July 9, 2000. This document is available at <<http://www.nanpa.com>>.

forecasted exhaust is based on the 1999 COCUS prediction that the 402 NPA would require 106 new central office codes in 1999. Since the 1999 COCUS forecast, the Nebraska Commission states that there has been a voluntary surrender of a number of central office codes in the 402 NPA. In actuality, only eleven additional codes were needed in 1999 to serve carriers in the 402 NPA.

38. We agree with the Nebraska Commission that the discrepancy between predicted demand and actual demand for central office codes in the 402 NPA makes the life expectancy of the 402 NPA uncertain. We also note that, at the time the FCC received Nebraska's Petition for additional delegated authority, the 402 NPA had a remaining life span of at least a year. We thus find that special circumstances exist, and grant the Nebraska Commission the authority to implement a thousands-block number pooling trial in the 402 NPA. We reiterate that the Nebraska Commission must take all necessary steps to prepare an NPA relief plan that may be adopted by the Nebraska Commission in the event that numbering resources in the 402 NPA are in imminent danger of being exhausted. We grant this authority to the Nebraska Commission subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place.

i. North Carolina

39. The North Carolina Commission requests the authority to implement thousands-block number pooling in North Carolina.⁸⁵ The North Carolina Commission's initial petition was supplemented with information on two North Carolina area codes: the 704 and 919 NPAs. The 704 NPA, located in one of the 100 largest MSAs, is currently in jeopardy. The 1999 COCUS indicates that the 704 NPA will exhaust in the fourth quarter of 2000. An update conducted in January 2000, however, indicated that the 704 area code could potentially last until the third quarter of 2001.⁸⁶ Based on this information, we believe that the 704 NPA has a remaining life span of at least a year. Accordingly, we grant the North Carolina Commission the authority to implement thousands-block number pooling in the 704 NPA subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place.

40. The North Carolina Commission also supplemented its petition with information on the 919 NPA. The North Carolina Commission's supplemental filing demonstrates that the 919 NPA does not meet the criteria set forth in the *Numbering Resource Optimization Order*. According to the North Carolina Commission, the 919 NPA is not yet in jeopardy status, but has a remaining life span of at least a year.⁸⁷ The 919 NPA encompasses one of the 100 largest

⁸⁵ See Letter from Erin K. Duffy, North Carolina Commission, to Magalie R. Salas, FCC, dated April 27, 2000.

⁸⁶ See Letter from Erin K. Duffy, North Carolina Commission, to Magalie R. Salas, FCC, dated June 5, 2000.

⁸⁷ See Letter from Erin K. Duffy, North Carolina Commission, to Magalie R. Salas, FCC, dated April 27, 2000.

MSAs.⁸⁸

41. We agree with the North Carolina Commission that thousands-block number pooling could potentially extend the life of the 919 NPA. Although the 919 NPA is currently not in jeopardy according to the industry definition, the fluctuation in the 919 NPA exhaust projection indicates an increased demand for central office codes.⁸⁹ We therefore believe that "special circumstances" exist that warrant granting the North Carolina Commission's request for thousands-block number pooling in the 919 NPA. We hereby delegate to the North Carolina Commission the authority to implement a thousands-block number pooling trial in the 919 NPA subject to the conditions and safeguards set forth above.⁹⁰ This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place. Although we have delegated authority to the North Carolina Commission to institute thousands-block number pooling trials in multiple NPAs within the state, the North Carolina Commission must first implement thousands-block number pooling in a single MSA, and may not expand to another MSA until pooling has been fully implemented in the initial MSA and after allowing carriers sufficient time to undertake necessary steps to accommodate thousands-block number pooling, such as modifying databases and upgrading switch software.

j. Oregon Commission

42. The Oregon Commission requests the authority to implement thousands-block number pooling trials in the 541 and 503 NPAs.⁹¹ The Oregon Commission contends that it has met either the specific criteria or the "special circumstances" test and that its request for thousands-block number pooling authority should be granted.⁹² The Oregon Commission's supplemental filing demonstrates that the 541 NPA is in jeopardy and has a remaining life span of at least one year.⁹³ Although the 514 NPA is not located within one of the top 100 largest MSAs, the Oregon Commission informs us that the majority of wireline carriers in the 541 NPA are currently LNP-capable with regard to software.⁹⁴ Moreover, the Oregon Commission

⁸⁸ See Letter from Erin K. Duffy, North Carolina Commission, to Magalie R. Salas, FCC, dated April 27, 2000.

⁸⁹ The 1999 COCUS indicated that the 919 NPA would exhaust in the second quarter of 2002. *Id.* On June 5, 2000, the North Carolina Commission indicated that exhaust for the 919 NPA is now projected for the fourth quarter of 2001. See Letter from Erin K. Duffy, North Carolina Commission, to Magalie R. Salas, FCC, dated June 5, 2000.

⁹⁰ The North Carolina Commission also provided information concerning the 336 NPA. The 336 NPA is currently not in jeopardy, but has a remaining life span of at least one year and is in one of the 100 largest MSAs. At this time, we believe that the North Carolina Commission has not provided us with enough information that would warrant granting its request for the authority to implement thousands-block number pooling. We therefore decline to reach this aspect of the North Carolina Commission's petition.

⁹¹ Oregon Commission Supplement at 2.

⁹² Oregon Commission Supplement at 4.

⁹³ Oregon Commission Supplement at 3.

⁹⁴ Oregon Commission Supplement at 3.

informs us that Northwest d/b/a Sprint is fully LNP-capable throughout the State of Oregon and U.S. West Communications, Inc., the largest service provider in the state, is approximately one-half LNP-capable within the area.⁹⁵ In light of these representations, we conclude that thousands-block number pooling is technically feasible in Oregon.⁹⁶ We therefore grant the Oregon Commission the authority to institute a thousands-block number pooling trial in the 541 NPA subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place.

43. The Oregon Commission also requests the authority to implement thousands-block number pooling in the 503 NPA.⁹⁷ The Oregon Commission's supplemental filing demonstrates that the 503 NPA does not meet the specific criteria in the *Numbering Resource Optimization Order*. The 503 NPA was in jeopardy with a projected exhaust date in the first quarter of 2000 until the Oregon Commission adopted the 971 overlay. The 503/971 overlay area has a potential exhaust date of 2007;⁹⁸ the Oregon coastal area of the 503 NPA without the overlay is scheduled to exhaust in the second quarter of 2002.⁹⁹ The 503 NPA includes the Portland MSA, one of the largest 100 MSAs. Furthermore, the Oregon Commission informs us that the majority of wireline carriers in the 503 NPA are LNP-capable.¹⁰⁰ Even though the 503 area is not in jeopardy, the Oregon Commission believes that thousands-block number pooling would allow the Oregon Commission to maximize the utility of the 971 area code overlay relief, while increasing efficiency by implementing thousands-block number pooling trials.¹⁰¹

44. We agree, and conclude that the Oregon Commission has satisfied the "special circumstances" criteria. We therefore grant its request for additional delegated authority to implement thousands-block number pooling in the 503/971 NPA areas. We ask that the Oregon Commission keep us informed regarding the status of its thousands-block number pooling trial in the overlay area codes. We grant this authority to the Oregon Commission subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place. Although we have delegated to the Oregon Commission the authority to institute thousands-block number pooling trials in multiple NPAs in Oregon, the Oregon Commission may implement thousands-block number pooling in a single MSA, and later expand to another MSA only after having implemented pooling in the initial MSA and after allowing

⁹⁵ Oregon Commission Supplement at 3.

⁹⁶ Oregon also includes the Portland MSA, one of the 100 largest MSAs. See Oregon Commission Supplement at 4.

⁹⁷ Oregon Commission Supplement at 4.

⁹⁸ Oregon Commission Supplement at 4.

⁹⁹ Oregon Commission Supplement at 4.

¹⁰⁰ Oregon Commission Supplement at 4.

¹⁰¹ Oregon Commission Supplement at 4.

carriers sufficient time to undertake necessary steps to accommodate thousands-block number pooling, such as modifying databases and upgrading switch software.

k. Pennsylvania Commission

45. The Pennsylvania Commission requests the authority to implement thousands-block number pooling in Pennsylvania.¹⁰² The Pennsylvania Commission's supplemental filing demonstrates that the 412 and 484/610 area codes (484 is an overlay of 610) meet the specific criteria set forth in the *Numbering Resource Optimization Order*.¹⁰³ The 412, 484, and 610 NPAs are all in jeopardy, and all three have remaining life spans of more than a year.¹⁰⁴ The 412 NPA covers the Pittsburgh region and the 484/610 area codes cover the Philadelphia region. The Pittsburgh MSA and the Philadelphia MSA are in the largest 100 MSAs.

46. According to the Pennsylvania Commission, relief planning has been conducted for all three of these area codes.¹⁰⁵ The 484/610 area codes will also be receiving another overlay area code to serve that region of southeastern Pennsylvania. We agree with the Pennsylvania Commission that, with the authority to institute thousands-block number pooling, the Pennsylvania Commission could begin to alleviate the numbering crisis in southeastern Pennsylvania and forestall the need for more new area codes. In light of the fact that relief planning is underway for the 412 and 484/610 area codes, we hereby delegate to the Pennsylvania Commission the authority to implement thousands-block number pooling in the Philadelphia MSA and in the Pittsburgh MSA subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place. Although we have delegated authority to the Pennsylvania Commission to institute thousands-block number pooling trials in multiple NPAs within the state, the Pennsylvania Commission must first implement thousands-block number pooling in a single MSA, and may not expand to another MSA until pooling has been fully implemented in the initial MSA and after allowing carriers sufficient time to undertake necessary steps to accommodate thousands-block number pooling, such as modifying databases and upgrading switch software.

l. Tennessee Commission

47. The Tennessee Commission requests the authority to implement thousands-block number pooling in Tennessee.¹⁰⁶ The Tennessee Commission supplemented its initial filing with information concerning the 901 NPA. The Tennessee Commission's supplemental filing

¹⁰² Pennsylvania Commission Petition at 11-12.

¹⁰³ Pennsylvania Commission Supplement at 3.

¹⁰⁴ Pennsylvania Commission Supplement at 3.

¹⁰⁵ The 724 NPA is the overlay area code for the 412 NPA, and the new 878 NPA will completely overlay the geographic areas served by 412 and 724. Pennsylvania Commission Supplement at 3. The 878 NPA will be activated on August 17, 2001. *Id.*

¹⁰⁶ Tennessee Commission Petition at 7-8.

demonstrates that the 901 NPA meets the three specific criteria articulated in the *Numbering Resource Optimization Order*: (1) the 901 NPA is in jeopardy; (2) the 901 NPA has a remaining life span of at least a year; and (3) the 901 NPA encompasses the City of Memphis, one of the largest 100 MSAs.¹⁰⁷ We therefore delegate to the Tennessee Commission the authority to implement thousands-block number pooling in the 901 NPA. We grant this authority to the Tennessee Commission subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place.

m. Utah Commission

48. The Utah Commission requests the authority to implement thousands-block number pooling in Utah.¹⁰⁸ The Utah Commission supplemented its initial filing with information concerning the 801 NPA. The Utah Commission's supplemental filing demonstrates that the 801 NPA is in jeopardy. Although the 801 NPA originally was estimated to exhaust in the first quarter of 2001, the Utah Commission states that, because the projected central office code usage has not materialized, the projected exhaust date of the 801 NPA is now estimated to occur by the end of the second quarter of 2001, or even into the third quarter of 2001.¹⁰⁹ On April 18, 2000, the industry and NANPA reassessed the code requests and conceded that if the trend continues in the 801 NPA, the original exhaust date could be pushed out four months into the third quarter of 2001. We note, however, that the Utah Commission has expressed concern that the early-on telecommunications demand of the 2002 Winter Olympics could potentially wipe out numbering resources in the 801 NPA. Lastly, the Utah Commission informs us that the majority of wireline carriers in the 801 NPA are LNP-capable.¹¹⁰ In light of the fact that LNP has been deployed by a substantial number of wireline carriers, we conclude that thousands-block number pooling is technically feasible in Utah. In light of the information provided, we grant the Utah Commission the authority to institute a thousands-block number pooling trial in the 801 NPA subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place.

n. Virginia Commission

49. The Virginia Commission requests the authority to implement thousands-block number pooling in Virginia.¹¹¹ The Virginia Commission's supplemental filing demonstrates that the 804, 757, and 540 NPAs meet the specific criteria for thousands-block number pooling

¹⁰⁷ Tennessee Commission Supplement at 2.

¹⁰⁸ Utah Commission Petition at 2.

¹⁰⁹ Utah Commission Supplement at 3.

¹¹⁰ Utah Commission Supplement at 4. In a February 2000 audit, the Utah Commission determined that all wireline carriers in the 801 NPA are LNP-capable. See Utah Commission Supplement at 4.

¹¹¹ Virginia Commission Petition at 8.

articulated by the FCC in the *Numbering Resource Optimization Order*. As a result, we hereby delegate to the Virginia Commission the authority to implement thousands-block number pooling in the 804, 757, or 540 area codes. We grant this authority to the Virginia Commission subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place. Although we have delegated authority to the Virginia Commission to institute thousands-block number pooling trials in multiple NPAs within the state, the Virginia Commission must first implement thousands-block number pooling in a single MSA, and may not expand to another MSA until pooling has been fully implemented in the initial MSA and after allowing carriers sufficient time to undertake necessary steps to accommodate thousands-block number pooling, such as modifying databases and upgrading switch software.

o. Washington Commission

50. The Washington Commission requests the authority to implement thousands-block number pooling in Washington.¹¹² The Washington Commission contends that “special circumstances” exist in the Seattle MSA that warrant granting its request for thousands-block number pooling authority.¹¹³ The Washington Commission’s supplemental filing demonstrates that no area code in the state meets the specific requirements of the *Numbering Resource Optimization Order*. According to the Washington Commission, the 360 area code is in jeopardy and is scheduled to receive an overlay in February 2001, but it does not have a remaining life span of at least a year.¹¹⁴ The Seattle MSA and Portland/Vancouver MSA, which are among the largest 100 MSAs, include rate centers in the 360 area code.¹¹⁵

51. The 206, 253, and 425 area codes have remaining life spans of at least a year, but even though relief measures are necessary, these area codes are not in jeopardy.¹¹⁶ The Seattle MSA and Portland/Vancouver MSA include rate centers in the 206, 253, and 425 area codes.

52. The Washington Commission contends that “special circumstances” exist in western Washington that warrant granting its request for thousands-block number pooling authority.¹¹⁷ According to the Washington Commission, the Seattle MSA has gone from one area code in 1995 to four area codes in 2000. Also, the NANPA projects that the state of Washington will need 690 new NXXs every year, indefinitely, unless number conservation efforts are implemented. The Washington Commission indicates that it is currently considering implementing thousands-block number pooling in the Seattle consolidated MSA.¹¹⁸ We agree

¹¹² Washington Commission Petition at 7-8.

¹¹³ Washington Commission Supplement at 3.

¹¹⁴ Washington Commission Supplement at 2.

¹¹⁵ Washington Commission Supplement at 2.

¹¹⁶ Washington Commission Supplement at 2.

¹¹⁷ Washington Commission Supplement at 3.

¹¹⁸ Washington Commission Supplement at 4.

with the Washington Commission that special circumstances exist that warrant granting its request for thousands-block number pooling authority. Delaying thousands-block number pooling in the state of Washington has the potential to perpetuate the current numbering crisis in the state of Washington. We thus grant the Washington Commission the authority to implement thousands-block number pooling trials in the state subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place. We emphasize that the Washington Commission must first implement thousands-block number pooling in a single MSA, and may not expand to another MSA until pooling has been fully implemented in the initial MSA and after allowing carriers sufficient time to undertake necessary steps to accommodate thousands-block number pooling, such as modifying databases and upgrading switch software.

B. Hear and Address Claims of Carriers Outside of the Area Code Rationing Process

53. The Missouri, North Carolina, and Virginia Commissions seek authority to respond to requests from individual carriers seeking to obtain NXX codes outside of the rationing process.¹¹⁹ In prior orders, the FCC has granted state commissions the authority to hear and address claims from carriers seeking NXX codes outside of the rationing process.¹²⁰ We grant the Missouri, North Carolina, and Virginia Commissions the authority to hear and address claims for an extraordinary need for numbering resources in an NPA subject to a rationing plan. We conclude that such delegation will provide the Missouri, North Carolina, and Virginia Commissions with sufficient authority to assure that customers in their states retain their choice of service providers in the face of an NXX code rationing system.

54. In order to address such situations, if requested, the Missouri, North Carolina, and Virginia Commissions may hear and address claims of carriers stating that they do not, or in the near future will not, have any numbering resources remaining in their inventory of numbers, and will be unable to serve customers if they cannot obtain additional numbering resources, or that they are using or will have to use extraordinary and unreasonably costly measures to provide service.¹²¹ This grant of authority further empowers the Missouri, North Carolina, or Virginia Commissions to direct the NANPA to assign an NXX code to a carrier outside the rationing plan currently in place in an area code, upon the Missouri, North Carolina, and Virginia Commission's determination that such relief is necessary. We also grant the Missouri, North Carolina, and Virginia Commissions the authority to request whatever information it deems necessary to evaluate a carrier's request for additional numbering resources outside the rationing process. This information may include the carrier's business plan, customer requests for new

¹¹⁹ Missouri Commission Petition at 4; North Carolina Commission Petition at 7; Virginia Commission Petition at 9.

¹²⁰ See, e.g., *California Delegation Order*, 14 FCC Rcd at 17500-501; *Massachusetts Delegation Order*, 14 FCC Rcd at 17462-463.

¹²¹ *Pennsylvania Numbering Order*, 13 FCC Rcd at 19039.

service that the carrier has denied because of its lack of numbering resources, historical information on the carrier's growth rate, and information on any extraordinary steps the carrier is taking to provide service.¹²² Further, although we delegate to the Missouri, North Carolina, and Virginia Commissions the authority to request and evaluate this information, such information shall be deemed confidential and shall not be released to any entity other than the NANPA, other state government agencies, the FCC, or the Common Carrier Bureau without the concurrence of the carrier submitting such information.¹²³ This grant of authority empowers the Missouri, North Carolina, and Virginia Commissions to ensure that carriers in dire need of numbering resources can obtain the numbering resources necessary to continue to provide service to their prospective customers, if the rationing plan will not ensure that the carrier will have adequate and timely access to numbering resources.

C. Unassigned Number Porting

55. The Indiana, Oregon, Pennsylvania, Utah, and Washington Commissions request the authority to investigate and implement Unassigned Number Porting (UNP) as an additional tool to conserve numbering resources.¹²⁴ As described in the *Numbering Resource Optimization Order*, UNP is a self-help strategy that allows carriers with numbering resources to make them available to carriers that need numbering resources.¹²⁵ In the *Numbering Resource Optimization Order*, the FCC reiterated its finding that UNP is not yet sufficiently developed to order implementation. The FCC remains concerned with UNP's potential impact on companies' switching systems and OSSs' mapping logic, if this methodology leads to significant number porting.¹²⁶ Because the arguments raised by parties commenting on this aspect of the instant Petitions are similar to those already addressed by the FCC in prior orders, we decline to reach this aspect of the Indiana, Oregon, Pennsylvania, Utah, and Washington Commissions' request for authority at this time.¹²⁷

56. The FCC remains interested, however, in the possibility of implementing UNP as part of its national numbering resource optimization strategy, and has encouraged state

¹²² *Id.*

¹²³ See *Numbering Resource Optimization Order*, 15 FCC Rcd at 7605-09.

¹²⁴ Indiana Commission Petition at 7; Oregon Commission Petition at 4-5; Pennsylvania Commission Petition at 15; Utah Commission Petition at 3; Washington Commission Petition at 9.

¹²⁵ *Numbering Resource Optimization Order*, 15 FCC Rcd at 7676. In the 1998 North American Numbering Council (NANC) Numbering Resource Optimization Report, UNP was described as a telephone number usage optimization measure where available individual telephone numbers in one service provider's inventory are ported, using LNP, to another service provider under the direction of a neutral third party coordinator for assignment by the second service provider to a specific customer. NANC Numbering Resource Optimization Report (NANC Report) at § 6.1.1

¹²⁶ NANC Report at § 6.6.3. UNP, for example, may cause problems with switches that can only accept a limited number of NXX codes.

¹²⁷ See, e.g., Omnipoint Communications Comments Regarding the Indiana Commission's Petition for Additional Delegated Authority at 10.

commissions, the National Association of Regulatory Utility Commissioners (NARUC), the North American Numbering Council (NANC), and Industry Numbering Committee (INC) to continue to study UNP and forward their recommendations to the FCC by January 1, 2001.¹²⁸ Our determination not to grant the Indiana, Oregon, Pennsylvania, Utah, and Washington Commissions the authority to order carriers to use UNP does not preclude carriers from voluntarily engaging in UNP where mutually agreeable and where there are no public safety or network reliability concerns.¹²⁹ In fact, we encourage the carriers to do so. Furthermore, we also encourage the state commissions and the carriers to work together to identify and promote other innovative measures as well that would encourage the conservation of NXX codes.

D. Individual Telephone Number Pooling

57. The Pennsylvania Commission requests the authority to implement Individual Telephone Number (ITN) pooling as an additional tool to conserve numbering resources.¹³⁰ ITN pooling is a telephone number usage optimization measure in which carriers receive numbering resources from a Pooling Administrator using LNP one at a time, rather than in blocks of either a whole NXX code or a thousand-block in the case of thousands-block number pooling.

58. In prior orders, the FCC declined to grant state commissions the authority to implement ITN pooling.¹³¹ The FCC's determination was based on the lack of final technical and administrative standards for this methodology. As discussed in the *Numbering Resource Optimization Order*, the FCC remains concerned with ITN's potential impact on companies' switching systems and OSSs' mapping logic, if this methodology leads to significant number porting.¹³² For these reasons, we decline to reach this aspect of the Pennsylvania Commission's request for authority at this time. As with UNP, the FCCs remains interested in the possibility of implementing ITN pooling as part of its national numbering resource optimization strategy, and has encouraged state commissions, the NARUC, NANC and INC to continue to study ITN pooling and forward their recommendations to the FCC by January 1, 2001.¹³³

E. Rate Center Consolidation

59. The Utah Commission requests the authority to consolidate rate centers.¹³⁴ Rate

¹²⁸ See *Numbering Resource Optimization Order*, 15 FCC Rcd at 7677.

¹²⁹ Focal Communications (Focal) and WorldCom recently completed a UNP feasibility trial in three major cities. MCI WorldCom *Ex Parte*, April 11, 2000, at 1. Focal and WorldCom concluded that UNP is feasible. *Id.* at 8.

¹³⁰ Pennsylvania Commission Petition at 15.

¹³¹ See, e.g., *California Delegation Order*, 14 FCC Rcd at 17496-497; *New York Delegation Order*, 14 FCC Rcd at 17483-484.

¹³² *Numbering Resource Optimization Order*, 15 FCC Rcd at 7677.

¹³³ *Numbering Resource Optimization Order*, 15 FCC Rcd at 7677.

¹³⁴ Utah Commission Petition at 3.

center consolidation involves creating larger geographic areas in which individual NXX codes can be used by consolidating or combining existing rate centers. Because many carriers, such as competing wireline local exchange carriers, require NXX codes in most or all rate centers in an NPA to establish a competitive “footprint,” establishing larger rate centers has significant potential to reduce the demand for NXX codes.¹³⁵ Rate centers are generally creations of the incumbent local exchange carriers and are designed to facilitate billing and routing of local calls. Rate center consolidation, as they involve matters relating to local calling scopes and local call rating, fall under state utility commissions’ rate-making authority.¹³⁶ We emphasize that state commissions do not require any additional delegation of authority from the FCC to engage in rate center consolidation. We strongly encourage the state regulatory commissions to proceed as expeditiously as possible to consolidate rate centers.

F. Auditing Carriers’ Use of Numbering Resources

60. The Indiana, Tennessee, and Virginia Commissions seek the authority to conduct number utilization and forecast reporting audits.¹³⁷ The Missouri and Nebraska Commissions also seek the authority to audit carriers’ use of numbering resources.¹³⁸ The Arizona, Oregon, and Washington Commissions seek the authority to implement auditing procedures and conduct random audits.¹³⁹ In the *Numbering Resource Optimization Order*, the FCC did not address issues raised in the *Numbering Resource Optimization Notice* regarding audits. The FCC did recognize, however, that from time to time a state may need to audit a specific carrier.¹⁴⁰ Moreover, in prior state orders, the FCC delegated authority to the New York and Connecticut Commissions to monitor carriers’ use of numbering resources.¹⁴¹ Because we agree with parties that a state commission should be able to monitor carriers’ use of numbering resources, if it chooses to do so,¹⁴² we delegate authority to the Arizona, Indiana, Missouri, Nebraska, Oregon, Tennessee, Virginia, and Washington Commissions to conduct audits of carriers’ use of numbering resources within the parameters established by the *Numbering Resource Optimization Order*, and any further proceedings in that docket. We reiterate, however, that because this is a topic of the *Numbering Resource Optimization Notice*, this grant of authority is limited in

¹³⁵ *Numbering Resource Optimization Notice*, 14 FCC Rcd at 10370-71.

¹³⁶ *Id.* at 10373-74.

¹³⁷ Indiana Commission Petition at 6; Tennessee Commission Petition at 6-7; Virginia Commission Petition at 5.

¹³⁸ Missouri Commission Petition at 4; Nebraska Commission Petition at 6.

¹³⁹ Arizona Commission Petition at 5; Oregon Commission Petition at 3; Washington Commission Petition at 7.

¹⁴⁰ *Numbering Resource Optimization Order*, 15 FCC Rcd at 7607.

¹⁴¹ See, e.g., *Connecticut Delegation Order*, 15 FCC Rcd at 1251; *New York Delegation Order*, 14 FCC Rcd at 17482-83.

¹⁴² See, e.g., Connecticut Commission Comments Regarding the Nebraska Commission’s Petition for Additional Delegated Authority at 3.

duration until such time as the FCC enacts national rules or policies relating to auditing carriers' use of numbering resources.¹⁴³

G. NXX Code Sharing

61. The Missouri, Pennsylvania, and Utah Commissions also request the authority to implement "NXX code sharing."¹⁴⁴ The Pennsylvania Commission states that NXX code sharing would allow an NPA-NXX associated with a specific rate center to be distributed among various service providers that serve that rate center.¹⁴⁵ The FCC remains interested in the possibility of NXX code sharing as a means to enable non-LNP-capable carriers to participate in or approximate the effect of thousands-block number pooling without requiring them to develop LNP capability.¹⁴⁶ We note that the Colorado Commission has studied NXX code sharing as a number optimization method,¹⁴⁷ and the FCC delegated this authority to the Florida Commission on September 15, 1999.¹⁴⁸ We thus encourage the Missouri, Pennsylvania, and Utah Commissions to consult with members of the Colorado, Florida or other state commissions, who may be familiar with this issue. We also encourage the Missouri, Pennsylvania, and Utah Commissions to conduct studies regarding the technical and economic feasibility of NXX code sharing, its implications for the delivery of emergency services, and network impacts of NXX code sharing in Missouri, Pennsylvania, and Utah, and to keep us informed of the results of their investigations of NXX code sharing. We permit the Missouri, Pennsylvania, and Utah Commissions to implement NXX code sharing on a trial basis if they find that NXX code sharing is technically feasible and economically viable.

H. Maintenance of Rationing Procedures for Six Months Following Area Code Relief

62. The Indiana, Missouri, North Carolina, Pennsylvania, Utah, and Virginia Commissions request the authority to maintain pre-NPA relief NXX code rationing measures for six months following implementation of area code relief.¹⁴⁹ In prior orders, the Commission granted similar authority to state public utility commissions.¹⁵⁰ The Commission reasoned that a

¹⁴³ See *Numbering Resource Optimization Notice*, 14 FCC Rcd at 10358-361.

¹⁴⁴ Missouri Commission Petition at 4; Pennsylvania Commission Petition at 13; Utah Commission Petition at 2.

¹⁴⁵ Pennsylvania Commission Petition at 13.

¹⁴⁶ *Numbering Resource Optimization Notice*, 14 FCC Rcd at 10398-99.

¹⁴⁷ See Colorado Telephone Numbering Task Force Report, December 31, 1998.

¹⁴⁸ See *Florida Delegation Order*, 14 FCC Rcd at 17521.

¹⁴⁹ Indiana Commission Petition at 7; Missouri Commission Petition at 4; North Carolina Commission Petition at 6-7; Pennsylvania Commission Petition at 14; Utah Commission Petition at 3; Virginia Commission Petition at 7-8.

¹⁵⁰ See, e.g., *Florida Delegation Order*, 14 FCC Rcd at 17517-18; *Massachusetts Delegation Order*, 14 FCC Rcd at 17458-59; *Wisconsin Delegation Order*, 15 FCC Rcd at 1310-11.

continuation of rationing after area code relief neither contradicts the *Pennsylvania Numbering Order*,¹⁵¹ as the requisite area code relief has been implemented, nor has the potential—in contrast to rationing prior to area code relief—to forestall area code relief indefinitely. Based on FCC precedent, we grant the Indiana, Missouri, North Carolina, Pennsylvania, Utah, and Virginia Commissions the authority to order continuation of a rationing plan for six months following implementation of area code relief.

63. Where area code relief takes the form of an area code split, we grant the Indiana, Missouri, North Carolina, Pennsylvania, Utah, and Virginia Commissions the authority to direct that whatever rationing plan was in place prior to area code relief continue to be applied in both the newly implemented area code and the relieved area code for a period of up to six months following the date of implementation of area code relief.¹⁵² Correspondingly, if the area code relief is in the form of an all-services overlay, the Indiana, Missouri, North Carolina, Pennsylvania, Utah, and Virginia Commissions may direct that the pre-existing rationing plan be applied to both the overlay code and the relieved code for a period of six months following the date of implementation of area code relief. Whether the rationing plan in place prior to relief was an industry consensus plan, or whether it was a state commission-ordered plan, only those terms in place prior to area code relief may remain in place following area code relief. The Indiana, Missouri, North Carolina, Pennsylvania, Utah, and Virginia Commissions may order a continuation of rationing for up to six months, but neither the state commissions, nor the telecommunications industry participants in a consensus plan may alter the terms of the rationing plan. We find this limitation appropriate to prevent a potentially contentious re-opening of the terms of a previously settled code rationing plan, resulting in uncertainty and a drain on resources.

I. Technology-Specific and Service-Specific Overlays

64. The Pennsylvania Commission also seeks the authority to implement service-specific and technology-specific NPA overlays.¹⁵³ In the *Numbering Resource Optimization Notice*, the FCC announced its intent to reexamine its prohibition on technology and service-specific overlays and determined that it would address pending petitions for rulemaking and waiver of this prohibition in the broader context of that proceeding. For this reason, we decline to reach this aspect of the Pennsylvania Commission's request at this time.

J. Additional NXX Code Rationing Authority

65. The Indiana Commission also requests the authority to order rationing as an area

¹⁵¹ The *Pennsylvania Numbering Order* stated that state commission implementation of number conservation measures could not be used “as substitutes for area code relief or to avoid making difficult and potentially unpopular decisions on area code relief.” See *Pennsylvania Numbering Order*, 13 FCC Rcd at 19027.

¹⁵² The “NPA relief date” is defined in the NPA Code Relief Planning and Notification Guidelines as the date by which the NPA is introduced and routing of normal commercial traffic begins. NPA Code Relief Planning and Notification Guidelines at 14.0.

¹⁵³ Pennsylvania Commission Petition at 16.

code nears jeopardy.¹⁵⁴ The Oregon and Washington Commissions have sought the authority to revise rationing procedures during a jeopardy period without industry consensus.¹⁵⁵ By having the ability to adjust the timing and details of central office code rationing, the Oregon Commission believes it can assure the smoothest possible deployment of requested numbering resource measures, while recognizing the need to implement area code relief when necessary.¹⁵⁶ The Pennsylvania Commission has also sought the authority to implement rationing plans prior to arriving at area code relief plans.¹⁵⁷ The Utah Commission has also sought the authority to revise rationing measures prior to the adoption of area code relief plans or establishment of an area code relief date.¹⁵⁸

66. The Indiana, Oregon, Pennsylvania, Utah, and Washington Commissions may currently order and revise rationing processes where they have ordered area code relief and established a relief date, and the industry has been unable to reach consensus on a rationing plan.¹⁵⁹ As determined in the *Pennsylvania Numbering Order*, however, the rationing of NXX codes should only occur when it is clear that an NPA will run out of NXX codes before timely implementation of a relief plan.¹⁶⁰ Further, state commissions may not use rationing as a substitute for area code relief.¹⁶¹ In prior orders, the FCC has declined to grant state commissions authority to adopt NXX code rationing procedures prior to adopting an area code relief plan, except in the most extreme circumstances.¹⁶² Because the Indiana, Oregon, Pennsylvania, Utah, and Washington Commissions are requesting authority to adopt rationing measures prior to having decided on a specific plan for area code relief, absent a demonstration of such extreme circumstances, we decline to reach this aspect of the state commission's petitions. We believe that the authority we are herein granting to the Indiana, Oregon, Pennsylvania, Utah, and Washington Commissions to implement other relief measures will provide them with the tools they need to address inefficiencies in number use in Indiana, Oregon, Pennsylvania, Utah, and Washington.

¹⁵⁴ Indiana Commission Petition at 7.

¹⁵⁵ Oregon Commission Petition at 5; Washington Commission Petition at 9.

¹⁵⁶ Oregon Commission Petition at 5.

¹⁵⁷ Pennsylvania Commission Petition at 14.

¹⁵⁸ Utah Commission Petition at 2-3.

¹⁵⁹ See *Pennsylvania Numbering Order*, 13 FCC Rcd at 19026.

¹⁶⁰ *Pennsylvania Numbering Order*, 13 FCC RCD at 19025.

¹⁶¹ *Pennsylvania Numbering Order*, 13 FCC Rcd at 19027.

¹⁶² See, e.g., *Florida Delegation Order*, 14 FCC Rcd at 17522; *Massachusetts Delegation Order*, 14 FCC Rcd at 17464; *New York Delegation Order*, 14 FCC Rcd at 17481-82; but see *California Delegation Order*, 14 FCC Rcd at 17503-04 (noting that unique circumstances exist in California which require public participation in the area code relief planning process at least 30 months prior to the submission of a recommended relief plan to the California Commission).

67. On our own motion, however, we grant the Indiana, Oregon, Pennsylvania, Utah, and Washington Commissions the authority to hear and address claims for an extraordinary need for numbering resources in an NPA subject to a rationing plan consistent with the authority delegated to the Missouri, North Carolina, and Virginia Commissions in paragraphs 53-54 above. This grant of authority empowers Indiana, Oregon, Pennsylvania, Utah, and Washington to ensure that carriers in dire need of numbering resources can obtain the numbering resources necessary to continue to provide service to their prospective customers, if the rationing plan will not ensure that the carrier will have adequate and timely access to numbering resources.

K. NXX Code Lotteries

68. The Utah Commission also seeks similar authority to institute NXX code lotteries prior to adopting NPA relief plans.¹⁶³ For the reasons stated above, we decline to reach the Utah Commission's request for the broad authority it seeks to adopt rationing measures prior to having decided on a specific plan for area code relief.¹⁶⁴ Again, we believe that the authority we are herein delegating to the Utah Commission to implement other relief measures will provide it with the tools it needs to address the inefficiencies of numbering use in Utah.

L. Expanded Deployment of Local Number Portability

69. The Pennsylvania Commission and Utah Commission request the authority to order carriers to expand deployment of LNP.¹⁶⁵ In a prior order, the FCC denied the Florida Commission's request to order carriers to expand deployment of LNP.¹⁶⁶ We note that a carrier operating in an area that does not contain one of the 100 largest MSAs is not required to implement LNP until it receives a request for this service from another carrier. As a result, we deny the Pennsylvania and Utah Commission's request for delegation of authority to order carriers to expand deployment of LNP.

M. Ten-Digit Dialing Requirement

70. The Iowa Commission requests a limited waiver of the ten-digit dialing requirement of 47 CFR § 52.19 (c)(3)(ii), to be used if the Iowa Commission decides to introduce new area codes through the use of an area code overlay.¹⁶⁷ We note that this issue has been raised in the *Numbering Resource Optimization* proceeding in which the Commission asked whether there are numbering resource optimization benefits that would justify allowing states to

¹⁶³ Utah Commission Petition at 3.

¹⁶⁴ Although we granted this authority to the California Commission, we note that unique circumstances exist in California which require public participation in the area code relief planning process at least 30 months prior to the submission of a recommended relief plan to the California Commission. See § 7930 of the California Public Utilities Code.

¹⁶⁵ Pennsylvania Commission Petition at 15-16; Utah Commission Petition at 3.

¹⁶⁶ *Florida Delegation Order*, 14 FCC Rcd at 17506.

¹⁶⁷ Iowa Commission Petition at 5.

implement overlays without the ten-digit dialing requirements.¹⁶⁸ Moreover, we cannot reach the Iowa Commission's request for a limited waiver of the ten-digit dialing requirement of 47 CFR § 52.19 (c)(3)(ii) on delegated authority.¹⁶⁹ For these reasons, at the present time, we decline to reach this particular aspect of the Iowa Commission's request for additional authority. We believe that the authority we are delegating to the Iowa Commission elsewhere in this order to implement other relief measures will provide it with the tools it needs to address the inefficiencies of numbering use in Iowa.

IV. CONCLUSION AND ORDERING CLAUSES

71. We recognize that area code changes can be expensive and confusing for consumers. The authority we have herein delegated to the above state commissions, we hope, will provide them the tools they need to address their state's concerns about numbering resource exhaust. For example, the authority to order thousands-block pooling trial allows a state commission to address inefficiencies on the supply side of the telephone number assignment regime by ordering that LNP-capable carriers receive smaller blocks of numbers than they now do. Also, the authority to audit carriers' use of numbering resources will enable the state commissions to verify carrier compliance with the national numbering resource optimization measures adopted by the Commission in the *Numbering Resource Optimization Order*. In addition, the authority to hear and address claims from carriers seeking NXX codes outside of the rationing process empowers the state commissions to ensure that carriers in dire need of numbering resources can obtain the numbering resources necessary to continue to provide service to their prospective customers. We are encouraged by these states' willingness to work in conjunction with the FCC to achieve our numbering resource optimization goals.

72. Accordingly, pursuant to sections 1, 4(i), and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251, and pursuant to sections 0.91, 0.291, 1.1 and 52.9(b) of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, 1.1 and 52.9(b), IT IS ORDERED that the Arizona Corporation Commission's Petition for Delegated Authority to Implement Number Conservation Measures is GRANTED IN PART to the extent described herein; the Colorado Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Resource Optimization Measures is GRANTED IN PART to the extent described herein; the Georgia Public Services Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures is DENIED IN PART to the extent described herein; the Indiana Regulatory Commission's Petition for Additional Delegated Authority to Implement Number Resource Conservation Measures is GRANTED IN PART and DENIED IN PART to the extent described herein; the Iowa Utilities Board Petition for Delegation of Additional Authority and Request for Limited Waiver is GRANTED IN PART and DENIED IN PART to the extent described herein; the Public Service Commission of Kentucky's Petition for Additional Delegated Authority to Implement Number Resource Optimization Measures in the 314, 417, 573, 636, 660 and 816 Area Codes is GRANTED IN PART to the extent described herein; the Missouri Public Service Commission's Petition for Additional

¹⁶⁸ *Numbering Resource Optimization Notice*, 14 FCC Rcd at 10429.

¹⁶⁹ *See, e.g., Texas Delegation Order*, 15 FCC Rcd at 1287.

Delegated Authority to Implement Number Resource Conservation Measures in the 314, 417, 573, 636, 660 and 816 is GRANTED IN PART to the extent described herein; the Nebraska Public Service Commission's Petition for Additional Delegated Authority to Implement Area Code Conservation Methods in the 402 Area Code is GRANTED IN PART to the extent described herein; the North Carolina Commission's Petition for Additional Delegated Authority to Implement Number Optimization Measures is GRANTED IN PART to the extent described herein; the Oregon Public Utility Commission's Petition for Expedited Decision for Authority to Implement Number Conservation Measures is GRANTED IN PART and DENIED IN PART to the extent described herein; the Pennsylvania Public Utility Commission's Petition for Delegated Authority to Implement Number Conservation Measures is GRANTED IN PART and DENIED IN PART to the extent described herein; the Tennessee Regulatory Authority's Petition for Additional Delegated Authority to Implement Number Conservation Methods is DENIED IN PART to the extent described herein; the Utah Public Service Commission's Petition for Accelerated Grant of Authority to Implement Number Conservation Measures is GRANTED IN PART and DENIED IN PART to the extent described herein; the Virginia State Corporation Commission Petition for Expedited Decision on Delegation of Authority to Implement Number Conservation Measures is GRANTED IN PART to the extent described herein; and the Washington Utilities and Transportation Commission's Amended Petition for Additional Delegated Authority to Implement Number Conservation Measures is GRANTED IN PART and DENIED IN PART to the extent describe herein.

FEDERAL COMMUNICATIONS COMMISSION

Yog R. Varma
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