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September 27, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-A325
Washington, D.C. 20554

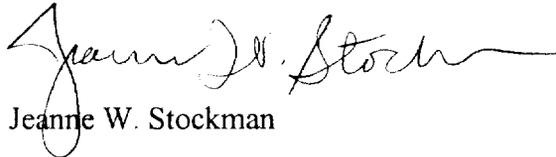
Re: Allegiance Telecom of Massachusetts, Inc.
Comments in CC Docket No. 96-98; NSD-L-00-169

Dear Ms. Salas:

On behalf of Allegiance Telecom of Massachusetts, Inc. ("Allegiance"), enclosed please find an original and four (4) copies of Allegiance's comments in the above-referenced docket. An electronic copy of Allegiance's comments is being concurrently filed through the Common Carrier Bureau's Network Services Division.

Should you have any questions with respect to this matter, please do not hesitate to call.

Respectfully submitted,


Jeanne W. Stockman

Counsel for Allegiance Telecom of Massachusetts, Inc.

Enclosure

cc: Lyndall Nipps
Alvin McCloud
ITS

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Massachusetts)
Department of Telecommunications)
and Energy Petition for Delegation of)
Additional Authority to)
Implement Number Conservation)
Measures in Massachusetts)

File No. NSD-L-00-169

CC Docket No. 96-98

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**COMMENTS OF
ALLEGIANCE TELECOM OF MASSACHUSETTS, INC.**

Allegiance Telecom of Massachusetts, Inc. ("Allegiance") by undersigned counsel and pursuant to the Common Carrier Bureau's August 29, 2000 Public Notice,¹ submits its comments in the above-captioned proceeding. The Massachusetts Department of Telecommunications and Energy ("Department") has petitioned the Federal Communications Commission ("FCC") for additional authority to undertake various number conservation measures on a state-wide basis until national number conservation measures are implemented.² Specifically, the Department seeks state-wide authority, encompassing the 413 western Massachusetts code and the 774, 857, 339 and 351 eastern Massachusetts relief area codes, to (1) institute thousands-block number pooling trials; (2)

¹ *Common Carrier Bureau Seeks Comment on the Massachusetts Department of Telecommunications and Energy Petition for Delegation of Additional Authority to Implement Number Conservation Measures in Massachusetts*, NSD File No. L-00-169, Public Notice, DA 00-1982 (rel. Aug. 29, 2000).

² *Massachusetts Department of Telecommunications and Energy's Petition for Delegation of Additional Authority to Implement Number Conservation Measures in Massachusetts*, CC Docket 96-98, filed August 3, 2000 ("Petition").

reclaim reserved NXX codes and portions of those codes; (3) set numbering allocation standards; (4) set and/or revise rationing procedures; (5) hear and address claims of carriers seeking numbering resources outside the numbering process; and (6) maintain rationing procedures for six months following area code relief.

By its Petition, the Department seeks to obtain authority "virtually identical to that granted by the FCC for implementation in the eastern Massachusetts 508, 617, 781 and 978 codes" to facilitate a uniform, state-wide approach to number conservation numbers.³ The Department relies on the presence of special circumstances to justify its relief request.⁴ While Allegiance does not necessarily agree with the full extent of numbering authority previously granted to the state commissions and questions whether the Department has demonstrated special circumstances sufficient to justify the relief the Petition requests, Allegiance focuses its comments on the value of rate center consolidation ("RCC") as an important number conservation tool. Allegiance is aware that the Department need not petition the Commission in order to engage in RCC. Allegiance respectfully requests, however, that if the Commission finds it appropriate to grant the relief requested by the Department, that the Commission emphasize the importance of RCC on number conservation and recommend that the Department initiate RCC as soon as reasonably possible.

³ Petition at p. 6.

⁴ The Department acknowledges that the 413 area code in western Massachusetts has not yet reached jeopardy and that the industry declined to adopt a rationing plan. *See* Petition at pp. 4-5. The Department also attributes a significant drain of numbering resources to unified messaging service providers, such as eFax.com, and notes the presence of such entities as support for the requested relief. *See* Petition at pp. 5, 11. Finally, the Department cites the introduction of several new area codes in Massachusetts as further support for additional numbering authority. *See* Petition at 11.

I. Rate Center Consolidation is Essential to Achieve Meaningful Number Conservation

The root causes of number exhaust are the allocation of numbers in blocks of 10,000 and the need to obtain distinct NXXs to serve individual rate centers. Thousands-block number pooling ("TNP") remedies only one of these causes, and allows other inefficiencies to continue unchecked. The current rate center structure exacerbates number exhaust because a carrier must obtain an NXX code for each rate center in which it provides service. RCC combats this problem by enabling carriers to use fewer NXX codes to provide service throughout their region, thereby reducing the demand for NXX codes and improving number utilization. TNP does nothing to alleviate the gross inefficiencies associated with the current rate center structure and the need to obtain distinct NXX's to serve the individual rate centers within a particular numbering plan area ("NPA"). If the Department were to proceed only with TNP, carriers would still have to acquire numbering resources in each rate center, squandering scarce numbering resources and thwarting overall number conservation.

In order to achieve the greatest number conservation possible and to extend the life of Massachusetts numbering resources, the Commission should take this opportunity to emphasize the important role of RCC. Allowing rate centers to remain segregated throughout Massachusetts will unnecessarily waste valuable numbering resources. Current inefficiencies will only be exacerbated as more competitors enter the marketplace. Adopting RCC as an additional measure of conservation will prolong, to the greatest extent possible, the life of Massachusetts' NPAs. Combining or collapsing several existing rate centers into fewer rate centers will also provide new market entrants with reliable and competitively neutral access to NXX codes and telephone numbers on a going

forward basis. Due to the benefits it achieves, RCC must be an essential component of any comprehensive long-term number conservation scheme.

II. Rate Center Consolidation is Competitively Neutral

RCC is a beneficial number conservation tool because it can be implemented on a competitively-neutral basis. Unlike TNP, RCC is not dependent on local number portability. Thus, a greater pool of numbering resource users can participate in this conservation method, making it more effective. RCC also eliminates the need to impose significant costs on carriers while simultaneously achieving a greater degree of number conservation than that realized by pooling alone. TNP may also have a negative impact on new entrants seeking numbering resources; however, RCC actually opens more areas to competition by allowing new market entrants to acquire less NXX codes to serve a larger area, thereby increasing the fill rate of NPAs that have undergone RCC. Accordingly, in the interest of maximizing overall number conservation while maintaining a level competitive playing field, if the Commission concludes to grant the Department's requested relief, Allegiance strongly encourages the Commission to recommend that the Department implement RCC as an integral component of a comprehensive numbering conservation scheme.

III. Rate Center Consolidation Must Be Evaluated on a Case-by-Case Basis

While RCC promises to be an effective tool in number conservation, this is not to say, however, that RCC should be viewed as the only appropriate solution for number exhaust in every circumstance. Specifically, "the cost of RCC is subject to a number of variables unique to each geographical area and service provider."⁵ In addition to these varying costs, implementation of RCC

⁵ See *Number Resource Optimization Working Group Report to North American Numbering Council*. (rel. Oct. 20, 1998), § 1.4 ("Report").

could have other impacts depending upon the circumstances. Most significantly, E911 routing could be affected adversely if RCC is implemented in a haphazard manner.⁶ Notwithstanding this uncertainty surrounding the costs and administrative implications of implementing RCC on an individual case basis, Allegiance believes that it can be a valuable tool in throughout Massachusetts in promoting competitive entry, preserving numbering resources going forward, and allowing carriers to make the most efficient use of the NXX codes they presently hold.

Due to unique characteristics present in Massachusetts, Allegiance believes that RCC would be a particularly effective means of number conservation and urges the FCC to specifically endorse its implementation. Eastern Massachusetts contains 202 rate centers, each serving a fairly small geographic area (often a single town), forcing carriers to obtain dozens of NXX codes in order to serve customers throughout the Boston area. Presently, if a carrier wishes to complete in the 202 rate centers that comprise the eastern Massachusetts LATA, a carrier would be required to obtain a separate NXX code for service to each rate center. Given this minute level of subdivision, it is of little surprise that the numbering resources in eastern Massachusetts are being quickly exhausted necessitating area code relief. Merging two or more distinct rate centers into a single rate center would provide carriers with better and more competitively neutral access to NXX codes and telephone numbers going forward. Moreover, RCC would promote more efficient use of numbering resources by allowing carriers to serve a much larger geographical area (and the new customers in that area) through the NXX codes they already hold.

⁶ *Id.* § 1.9.1.

In addition, the Department's recent experience with the 781 and 978 NPAs highlights how quickly jeopardy and exhaust conditions occur under the existing rate center scheme. The Department's recent decision to proceed with area code relief punctuates the need to implement measures that extend the life of these new NPAs. RCC has the greatest potential to be most effective early in the life of an NPA, before the underlying NXX codes are inefficiently allocated. Thus, if the Commission concludes to grant the Department's Petition, Allegiance believes RCC would be especially effective in the new NPAs recently established in eastern Massachusetts.

Specific examples of RCC prove that, when implemented thoughtfully, it has additional benefits. RCC does not require national agreement for implementation. Also, implementation can occur rapidly. For example, five separate NPAs in Texas underwent RCC within four months of regulatory approval.⁷ Furthermore, as also demonstrated in Texas, RCC need not impose excessive or undue costs on the industry. In this case, the costs were so insignificant that cost recovery was not even addressed.⁸ Even the costs that incumbents claim in the form of lost intraLATA toll revenue were not realized in Texas.⁹ Finally, if the consolidation of rate centers is accomplished without affecting local calling scopes, then, from a customer perspective, it can be implemented

⁷ *Id.* § 1.3 n.3. For example, in San Antonio, Texas, RCC has extended the life of the 210 area code by approximately two years. North American Numbering Council Report, dated Oct. 21, 1998, Sec. 10.5.1. In addition, rate center consolidation is under consideration in the Atlanta metropolitan area, where BellSouth has proposed consolidating 33 rate centers into a single rate center. *See In re BellSouth Telecommunications, Inc.'s Jeopardy Filing of New Area Code for the 770 Area Code and 404 Area Code*, Georgia Public Service Comm'n Docket No. 7423-U, Report on Rate Center Consolidation of BellSouth Telecommunications, Inc., filed July 15, 1999.

⁸ *See Report* § 1.4.

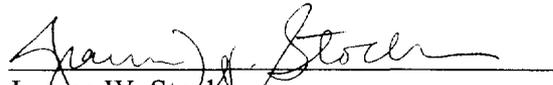
⁹ *See id.* § 1.4.2. (noting that there was no discernible shift in toll revenue).

virtually seamlessly without risk of customer confusion. Clearly, experience demonstrates the value of RCC as a important number conservation tool.

IV. Conclusion

For the foregoing reasons, if the Commission concludes to grant the relief requested by the Department in its Petition, Allegiance respectfully requests the Commission to emphasize the importance of RCC to long-term number conservation and to encourage the Department to engage in RCC as soon as reasonably possible.

Respectfully submitted,


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Dated: September 27, 2000