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FEDERAL COMMUNICATIONS COMMISSION
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OCT 25 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Louisiana Public Service Commission)	NSD File No. L-00-170
Petition for Delegated Authority)	
to Implement Numbering Conservation Measures)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996)	

**COMMENTS
OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA)¹ hereby files its comments on the petition filed by the Louisiana Public Service Commission (Louisiana) for delegation of additional authority to implement various number conservation methods on a state-wide basis in the above-captioned proceeding.² In its petition, Louisiana seeks delegated authority to: (1) implement a thousand block number pooling trial in the 504 numbering plan area (NPA) and any other NPAs in the state after implementation of a trial in the 504 NPA; (2) require sequential number assignments; (3) establish number assignment and allocation standards, including fill rates; (4) reclaim unused and reserved NXX codes and portions thereof, or NXX codes obtained in violation of industry guidelines; (5) maintain NXX code rationing procedures for six months

¹ The United States Telecom Association, formerly the United States Telephone Association, is the nation's oldest trade organization for the local exchange carrier industry. USTA represents more than 1200 telecommunications companies worldwide that provide a full array of voice, data and video services over wireline and wireless networks. USTA members support the concept of universal service and are leaders in the deployment of advanced telecommunications capabilities to American and international markets.

² Public Notice, DA 00-2175, released September 25, 2000 (Public Notice).

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following area code relief, (6) hear and address claims of carriers seeking numbering resources outside the rationing process; and (7) enforce number utilization reporting requirements.

In its *Report and Order and Further Notice of Proposed Rule Making* in CC Docket No. 99-200 (*Report and Order*),³ the Commission adopted a mandatory utilization data requirement, a uniform set of categories of numbers to be used by carriers to report their number utilization, and a utilization threshold framework, which are collectively designed to increase carrier accountability and incentives for carriers to use numbers efficiently. The Commission also adopted mandatory thousand block number pooling as a nationwide resource optimization strategy.

Most of the specific relief measures requested by Louisiana were addressed by the Commission in its *Report and Order*. Although these comments addressing Louisiana's requests reflect that much of the relief requested by Louisiana generally has been accorded to all states by the Commission's action in its *Report and Order*, USTA does not necessarily agree with each of the Commission's determinations as the best way to develop and implement a nationwide, uniform system of numbering. The Commission has consistently stated that it intends to develop a nationwide, uniform system of numbering and that such a system is "essential to the efficient delivery of telecommunications services in the United States."⁴ The Commission has further recognized that the industry, the Commission, and the states should work together to develop national methods to conserve and promote efficient use of numbers, but that those attempts

³ 15 FCC Rcd 7574 (2000).

⁴ Memorandum Opinion and Order and Order on Reconsideration, *Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, NSD File No. L-97-42, 13 FCC Rcd 19009 at ¶ 21 (1998).

“cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country.”⁵

USTA believes that the Commission should adhere to its policy that orderly national numbering conservation and administration measures are essential to the optimization of the North American Numbering Plan (NANP). USTA will evaluate the Commission’s actions against the overarching need to preserve and enhance effective nationwide number planning, conservation and administration.

A majority of the states have filed requests with the Commission since February 1999 seeking similar individual state relief to deal with number shortages.⁶ The Commission has now granted portions of 25 of the states’ requests.⁷ USTA has filed comments on each of the

⁵ *Id.*

⁶ New York Department of Public Service Petition, NSD File No. L-99-21 (New York Petition); Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-99-19 (Massachusetts Petition); Maine Public Utilities Commission Petition, NSD File No. L-99-27 (Maine Petition); Florida Public Service Commission Petition, NSD File No. 99-33 (Florida Petition); Californian Public Utilities Commission and People of the State of California Petition, NSD File No. 98-136 (California Petition); Texas Public Utility Commission Petition, NSD File No. 99-55 (Texas Petition); Connecticut Department of Public Utility Control Petition, NSD File No. 99-62 (Connecticut Petition); Wisconsin Public Service Commission Petition, NSD File No. L-99-64 (Wisconsin Petition); New Hampshire Public Utilities Commission Petition, NSD File No. L-99-71 (New Hampshire Petition); the Public Utilities Commission of Ohio Petition, NSD File No. L-99-74 (Ohio Petition); Indiana Utility Regulatory Commission Petition, NSD File No. L-99-82 (Indiana Petition); Nebraska Public Service Commission Petition, NSD File No. L-99-83 (Nebraska Petition); Utah Public Service Commission Petition, NSD File No. L-99-89 (Utah Petition); Missouri Public Service Commission Petition, NSD File No. L-99-90 (Missouri Petition); Iowa Utilities Board Petition, NSD File No. L-99-96 (Iowa Petition); Tennessee Regulatory Authority Petition, NSD File No. L-99-94 (Tennessee Petition); Virginia State Corporation Commission Petition, NSD File No. L-99-95 (Virginia Petition); Georgia Public Service Commission Petition, NSD File No. L-99-98 (Georgia Petition); North Carolina Utilities Commission Petition, NSD File No. 99-97 (North Carolina Petition); Arizona Corporation Commission Petition, NSD File No. 99-100 (Arizona Petition); Pennsylvania Public Utility Commission Petition, NSD File No. L-99-101 (Pennsylvania Petition); Colorado Public Utilities Commission Petition, NSD File No. L-00-16 (Colorado Petition); Public Service Commission of Kentucky, NSD File No. L-00-08 (Kentucky Petition); Oregon Public Utility Commission Petition, NSD File No. L-00-29 (Oregon Petition); New Jersey Board of Public Utilities Petition, NSD File No. L-00-95 (New Jersey Petition); and Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-00-169 (Second Massachusetts Petition).

⁷ Order on New York Petition, 14 FCC Rcd 17467 (1999) (New York Order); Order on Massachusetts Petition, 14 FCC Rcd 17447 (1999); Order on Florida Petition, 14 FCC Rcd 17506 (1999) (Florida Order); Order on California Petition, 14 FCC Rcd 17486 (1999) (California Order); Order on Maine Petition, 14 FCC Rcd 16440 (1999) (Maine Order); Order on Connecticut Petition, 15 FCC Rcd 1240 (1999) (Connecticut Order); Order on New Hampshire Petition, 15 FCC Rcd 1252 (1999) (New Hampshire Order); Order on Ohio Petition, 15 FCC Rcd 1268 (1999) (Ohio Order); Order on Texas Petition, 15 FCC Rcd 1285 (1999) (Texas Order); Order on Wisconsin

petitions, opposing the states' requests for additional authority that would jeopardize the industry processes underway for comprehensive nationwide number conservation. USTA has also addressed the issue of the states' authority to implement conservation measures on an individual basis in its comments and reply comments in response to the Commission's *Notice of Proposed Rulemaking* in CC Docket No. 99-200 (*Notice*).⁸

Notwithstanding the Commission's partial grant of some of the states' requests and the Commission's recent decision in the *Report and Order*, USTA continues to be concerned over grant of additional authority to individual states in contravention of the nationwide number conservation policies and procedures. To the extent that Louisiana seeks additional authority that would frustrate the national number conservation plan, USTA opposes the Louisiana request for the reasons articulated in its earlier pleadings. Rather than repeat the reasons stated therein, USTA hereby incorporates by reference all of its pleadings filed in the proceedings listed in footnotes 6 and 8, *supra*.

USTA provides the following comments on Louisiana's specific requests for authority in light of the Commission's recent *Report and Order* and its *Multiple State Order*.

1. Thousand Block Pooling Trials

Louisiana seeks authority to implement thousand block pooling trials first in the 504 NPA and then possibly throughout Louisiana. Louisiana sets forth a number of conditions that it would follow if granted interim pooling authority, including addressing cost recovery issues.

Petition, 15 FCC Rcd 1299 (1999) (*Wisconsin Order*); and Order on Arizona, Colorado, Georgia, Indiana, Iowa, Kentucky, Missouri, Nebraska, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, Virginia, and Washington Petitions, DA 00-1616, released July 20, 2000 (*Multiple State Order*).

⁸ 14 FCC Rcd 10322 (1999).

USTA remains concerned over the continued deployment of software version 1.4 in state pooling trials. Louisiana does not specify whether it would use version 1.4 or 3.0. A broad range of carriers, including ILECS, AT&T and WorldCom, have objected to additional deployment of version 1.4 on technical grounds. USTA continues to urge the Commission to consider the problems connected with this version and that it should not, in the meantime, delegate any authority that would permit any state commission to require its further deployment.

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

In addition, because it is unknown whether any other states will exercise the option to require deployment of version 1.4, if Louisiana is granted and exercises such authority, it must be accompanied by a plan to provide for full cost recovery within that state. Furthermore, if a state is granted and requires deployment of pooling using version 3.0 before a national plan is adopted, such authority must be conditioned upon successful resolution of cost recovery issues. A state requirement for deployment of pooling based on version 3.0 must not be used as an excuse to avoid provision for cost recovery in either the state or federal jurisdictions.

2. Sequential Number Assignment

Louisiana seeks authority to require sequential number assignment in connection with its pooling trials. In the *Report and Order*,⁹ the Commission mandated sequential number assignment within thousand blocks for carriers' existing and new numbering resources. The Commission also gave the states oversight authority over sequential numbering assignments in the *Report and Order*.¹⁰ USTA continues to believe there are legitimate reasons for departing from sequential number assignment. Sequential number assignment is intended to prevent contamination in a thousand block where a carrier has been assigned the entire NXX. In that context, sequential numbering could maintain "clean" thousands blocks for assignment to another carrier. However, in a pooling environment, where carriers obtain numbers in thousand block increments, sequential numbering serves no purpose.

The assignment of numbers to customers is a dynamic process in which multiple service representatives may be interacting with customers simultaneously. In this environment, it would be burdensome to ensure that individual number assignment sequences would be maintained.

USTA recognizes some states have already been granted the authority Louisiana seeks. Nonetheless, carriers should be permitted the flexibility to assign numbers within an allocated thousand block, without the cumbersome restrictions sequential assignment imposes.

3. Number Assignment and Allocation Standards

Louisiana seeks authority to establish and implement assignment and allocation standards, including fill rates. The Commission adopted a nationwide utilization threshold for non-pooling carriers but sought further comment on the specific threshold level to be

⁹ 15 FCC Rcd at 7684.

¹⁰ *Id.*

incorporated in that standard.¹¹ In its comments on this issue filed May 19, 2000, USTA supported the adoption of a reasonable utilization threshold, provided that it is based on a carrier maintaining a six month supply of numbers.¹² USTA also cautioned the Commission to adopt a threshold that is based on rate center utilization, provided that, if a single rate center is served by multiple switches operated by a single entity, the utilization calculation must be done on a per-switch basis.¹³ Absent this condition, a single carrier may be forced to port numbers between switches, which is burdensome, and in some cases impossible. The requirement to calculate fill rates on a rate center basis could constitute a powerful disincentive to rate center consolidation.

Since the Commission is in the process of determining a utilization threshold to be adopted and implemented nationally, it should not allow individual states to implement their own threshold standards. Louisiana's request should be denied.

4. Reclamation of Unused Number Resources

Louisiana requests delegated authority to reclaim unused and reserved NXX codes. In the *Multiple State Order*,¹⁴ the Commission stated that it had already addressed this optimization measures in the *Report and Order*, and that it would not rule on those aspects of the pending state petitions. Louisiana has not demonstrated any reason for the Commission to take any different action on the subject requests. Therefore, USTA urges the Commission not to rule on this portion of Louisiana's petition.

¹¹ *Id.* at 7621, 7685.

¹² Comments of USTA, CC Docket No. 99-200, filed May 19, 2000, at 2-5.

¹³ *Id.*

¹⁴ *Multiple State Order* at 4.

5. Revised Rationing Procedures

Louisiana requests authority to impose rationing procedures and maintain such measures for six months following an NPA relief plan. USTA believes that this proposal must be rejected for two reasons. First, the Louisiana request lacks precision and justification. The authority requested is vague and does not observe the concerns stated by the Commission in its authority granted to New York.¹⁵ Without additional specificity, the Commission must reject this proposal. Second, rationing is inconsistent with the Commission's new numbering rules, as adopted in the Second *Report and Order*. Specifically, the new eligibility requirements for initial and growth codes and thousand blocks and the requirements for assignment on a first-come, first-served basis make rationing unwarranted and incompatible with this new scheme. There is no valid reason to grant Louisiana's request for rationing.

6. Enforcement of Number Assignment Standards

Louisiana seeks authority to enforce number utilization reporting requirements. The Commission delegated to the states authority to determine validity of utilization and forecast data initially reported to the North American Number Plan Administrator (NANPA).¹⁶ In addition, the Commission granted access to carriers' semi-annual reported data.¹⁷ Therefore, Louisiana is given access to carrier data and authority to determine its validity.

Also, the Commission granted authority to the states to investigate and determine whether code holders are using numbers in accordance with Commission-specified guidelines.¹⁸ Furthermore, the states can direct the NANPA to reclaim codes if a carrier's usage is not in

¹⁵ New York Order at 15.

¹⁶ *Report and Order* at 7598-99.

¹⁷ *Id.* at 7606.

¹⁸ *Id.* at 7680-81.

compliance with Commission specifications. Therefore, Louisiana does not need additional authority to carry out this function.

Conclusion

To the extent that the Commission has already generically granted the relief sought by Louisiana, USTA submits that the Louisiana petition is moot. To the extent that Louisiana seeks additional authority beyond that granted to the states or that specified in the *Report and Order*, USTA opposes the request as frustrating the need for nationwide number conservation and administration standards.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By  _____

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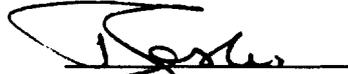
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October 25, 2000

CERTIFICATE OF SERVICE

I, Meena Joshi, do certify that on October 25, 2000, Comments Of The United States Telecom Association was either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the following person(s):

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