

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

_____)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Petition for Declaratory Ruling and Request)	CC Docket No. 96-98
For Expedited Action on the July 15, 1997)	
Order of the Pennsylvania Public Utility)	
Commission Regarding Area Codes 412,)	
610, 215, and 717)	
_____)	

**COMMENTS OF ACUTA, INC.:
THE ASSOCIATION FOR TELECOMMUNICATIONS
PROFESSIONALS IN HIGHER EDUCATION**

On behalf of ACUTA:

Anthony Tanzi, RCCD
President
ACUTA, Inc.
152 W. Zandale Dr., Suite 200
Lexington, KY 40503

February 14, 2001

TABLE OF CONTENTS

I.	BACKGROUND	2
II.	INDEFINITE RESERVATION OF NUMBERS IS NECESSARY FOR COLLEGES AND UNIVERSITIES	4
A.	The Commission Should Continue To Recognize the Unique Status of Colleges and Universities in the Application of Its Telecommunications Policies.....	4
B.	The Commission’s Decision To Increase the Maximum Period for Reserving Numbers to 180 Days Does Not Adequately Address the Concerns of Colleges and Universities	6
1.	The Commission’s Efforts Regarding Number Reservation Are Insufficient To Address the Issues Faced by Colleges and Universities.....	6
III.	A FEE-BASED SYSTEM FOR RESERVATION EXTENSIONS SHOULD ONLY BE IMPLEMENTED WITH CERTAIN CONDITIONS.....	8
A.	Under a Fee-Based System, the Reservation of Numbers Should Not Be Subject to Any Time Limit.	9
B.	The Amount of Any Fee Charged for Reservation Extension Should Only Reflect the Actual Cost of Reserving a Number.	10
IV.	CONCLUSION	11

SUMMARY

ACUTA, Inc.: The Association for Telecommunications Professionals in Higher Education, as a representative of colleges and universities, applauds the efforts of the Commission to continue to develop, adopt and implement strategies to ensure that numbering resources are used efficiently. As operators of telecommunications systems that often serve upwards of ten thousand users, the assignment of numbers is of critical importance to ACUTA's members. However, any action taken by the Commission should not have the unintended effect of constraining legitimate and efficient use of numbers.

In particular, one legitimate use of numbers in blocks is colleges' and universities' use of a campus-wide NXX code to implement abbreviated dialing. On many campuses, the association between numbers and dormitory rooms allows for calling locations to be identified in order to facilitate implementation of E911 systems. As a result, telecommunications administrators on college and university campuses are able to link a specific abbreviated telephone number (usually four or five digits) with a specific room or location. This speeds access to emergency services, including fire, police and medical. The introduction of a jumble of NXX codes and the dilution of others as numbers are assigned to the non-college or non-university community would result in possibly dangerous changes to the telecommunications networks of colleges and universities.

In this regard, ACUTA asks the Commission to follow the example of a number of state legislatures, its own precedent in the OTARD proceeding, and its efforts in this proceeding, to recognize the unique nature of colleges and universities in their provision of telecommunications services, particularly in the context of numbering. Colleges and universities, as the Commission knows, are very different from the standard end user of numbers. The importance of retaining

specific blocks of numbers to colleges or universities is directly related to the unique nature of the relationship between the college or university and its community. This is due, in part, to the transient, fluid nature of the student population. It also is due to the fact that the college acts as much more than simply a provider of telecommunications services.

Specifically, ACUTA requests that the Commission allow colleges and universities to reserve blocks of numbers indefinitely. Colleges and universities will be able to provide the needed level of services to a campus only if the Commission grants them the ability to reserve numbers in blocks resulting in the maintenance of a campus-wide NXX code that is free from non-campus end-users. While ACUTA does not prefer the establishment of a fee-based system, if the Commission determines that one is necessary for the reservation of numbers, ACUTA can support such a system with two conditions. First, any system for the reservation of numbers, particularly a fee-based system, should not be subject to a time limit. Second, any fee applied to the reservation of numbers should be based solely on costs.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

Numbering Resource Optimization)	CC Docket No. 99-200
)	
Petition for Declaratory Ruling and Request For Expedited Action on the July 15, 1997)	CC Docket No. 96-98
Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717)	

**COMMENTS OF ACUTA, INC.:
THE ASSOCIATION FOR TELECOMMUNICATIONS
PROFESSIONALS IN HIGHER EDUCATION**

ACUTA, Inc.: The Association for Telecommunications Professionals in Higher Education,¹ on behalf of its members, respectfully submits these comments in response to the Commission's *Second Notice of Proposed Rulemaking* ("Notice") in the above-captioned proceeding.² The *Notice* seeks comment on, *inter alia*, whether unlimited

¹ ACUTA: The Association for Telecommunications Professionals in Higher Education is a non-profit association whose members include approximately 810 colleges and universities throughout the United States, Canada and other countries. ACUTA members include both large and small non-profit institutions of higher education, ranging from colleges with several hundred students to major research and teaching institutions with 25,000 students or more. ACUTA member representatives are responsible for managing telecommunications and network (voice, video and data) services on college and university campuses.

² *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*, Second Report and Order, Order on Reconsideration ("Order"), CC Docket No. 96-98 and CC Docket No. 99-200; *Numbering Resource Optimization*, Second Further Notice of Proposed Rulemaking ("FNPRM"), CC Docket No. 99-200

reservation of numbers is necessary, or whether there should be a constraint on the time period that numbers can be reserved. The *Notice* also seeks comment on whether the Commission should impose a fee for the reservation of numbers, and specifically asks “who should pay for the fee, a specific fee amount [and] how the fee revenues should be applied, particularly if fees are charged to carriers by the Commission.”³ ACUTA continues to believe that there are unique considerations that support allowing colleges and universities to reserve blocks of numbers for indefinite periods. If the Commission nonetheless determines that numbers cannot, under any circumstances, be reserved beyond the current 180 day period absent payment of a fee, then the reservation should not be subject to a time limit and the fee should be based solely on cost.

I. BACKGROUND

In its *Numbering Optimization Order*,⁴ the FCC sought to develop a system whereby unused numbering resources are quickly returned to carriers for reassignment to other end-users. To that end, the Commission adopted “a uniform set of definitions for the status of numbers . . . for purposes of implementing . . . number optimization.”⁵ The use of such definitions, the Commission noted, would inject “a greater degree of discipline

(Rel. December 29, 2000).

³ FNPRM at ¶ 152.

⁴ *Numbering Resource Optimization*, Report & Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5754 (2000) (“*Numbering Optimization Order*”).

⁵ *Id.*, ¶ 11.

into the process of allocating and administering numbering resources”⁶ and “improve the accuracy of utilization data reporting.”⁷ Two such categories are “assigned” and “reserved” numbers. However, not all uses of numbers fit squarely into those categories.

In the college and university setting, a student’s telephone number, in service only for the school year, is an example of such a number. In the *Second Report and Order* (“Order”) issued jointly with the FNPRM, the Commission labeled this type of number as “cyclical,” and concluded that such cyclical numbers, if not “working” on the mandatory reporting date, must be reported as “reserved.”⁸ After expiration of a 180 day waiting period, reserved numbers must be made available for re-use. However, in its Order, the Commission concluded that it did not intend “to prevent carriers from maintaining the same telephone number or block of numbers for customers that activate service to particular lines on an intermittent or cyclical basis.”⁹

Accordingly, in this FNPRM, the Commission seeks comment on the treatment of cyclical numbers that are termed “non-working,” and therefore must be reserved. In particular, the *Notice* inquires, *inter alia*, whether unlimited reservation of numbers is necessary, or whether there should be a constraint on the time period that numbers can be reserved. The *Notice* also asks about the imposition of a fee for the reservation of

⁶ *Id.*

⁷ *Id.*, ¶ 14.

⁸ *See* Order at ¶ 112.

⁹ *Id.* at ¶ 111.

numbers, and specifically requests comment on who should pay the fee, how it should be collected, and by whom.

II. INDEFINITE RESERVATION OF NUMBERS IS NECESSARY FOR COLLEGES AND UNIVERSITIES

The telecommunications system for a large college or university resembles that of a moderately sized town, often serving tens of thousands of users. Even smaller campuses will serve a few thousand users, when students, faculty, and staff are counted together. Given the size and unique needs of this community, the assignment of numbers is important. Due, in part, to the common bonds such institutions engender and the sense of community school administrators seek to develop, the ability of ACUTA's members to obtain, maintain and preserve continuity in their numbering resources is crucial. In this regard, reserving numbers for an indefinite period produces important, tangible public interest benefits.

A. The Commission Should Continue To Recognize the Unique Status of Colleges and Universities in the Application of Its Telecommunications Policies

In its Order, the Commission recognized the unique nature of colleges and universities in the context of number resource optimization when it extended the period for reserving numbers to 180 days.¹⁰ This change was enacted to address cyclical numbers, defined in part in the Order as “a college student’s telephone number that is in service only for the school year.”¹¹ As stated above, when the Commission initially

¹⁰ *Id.* at ¶¶ 113-18.

¹¹ *Id.* at ¶ 110.

allowed reserved numbers to be held for only 45 days, it did not intend “to prevent carriers from maintaining the same telephone number or block of numbers for customers that activate service to particular lines on an intermittent or cyclical basis.” In response to this unintended result, the Commission, seeking in part to accommodate the unique numbering needs of colleges and universities, extended the period for reserving numbers to 180 days.

While the FCC’s decision to extend the reservation period to 180 days may ease the concerns that colleges and universities have regarding their ability to hold some numbers used cyclically, the FCC’s action does not resolve the issue surrounding the indefinite reservation of a block of numbers by a school for future use. ACUTA applauds the Commission for recognizing the unique nature of colleges and universities with regard to number resource optimization.¹² However, this approach must continue with respect to any limitations placed on the reservation of numbers. Because applying any limitation on the reservation of blocks of numbers to higher education institutions would not advance the public interest, the Commission should exempt colleges and universities from any such requirement.

¹² The Commission should continue to recognize the unique needs of colleges and universities in the numbering context. This approach would not be new to the FCC. In prior proceedings, the Commission has exempted colleges and universities from the rules it has applied to other telecommunications end users. *See Numbering Optimization Order* at ¶ 14. (declining to extend Section 207 to college dormitories). Further, states also have recognized the unique nature of colleges and universities in the application of their telecommunications policies. *See, e.g.*, Tex. PUC Code § 54.259(b).

B. The Commission’s Decision To Increase the Maximum Period for Reserving Numbers to 180 Days Does Not Adequately Address the Concerns of Colleges and Universities

1. The Commission’s Efforts Regarding Number Reservation Are Insufficient To Address the Issues Faced by Colleges and Universities

While the Commission’s decision to increase the maximum period for reserving numbers to 180 days does address one of the issues facing ACUTA’s members – the ability to give students the same number throughout their stay at the college or university – it fails to address the need of higher education institutions to retain all numbers within an NXX code in order to achieve public safety and educational objectives.

Colleges and universities use reserved numbers to: hold numbers for students or rooms while the student is absent or rooms are empty during summer breaks or semesters abroad; retain abbreviated dialing patterns between staff, students and faculty offices and rooms for safety and administrative purposes; assign specific features and capabilities only to blocks of numbers; assist campus telecommunications professionals in administering the billing of telecommunications services to specific users or groups; and, preserve a sense of community and identity through the unique NXX code that becomes associated with a specific campus or university system. If colleges and universities are forced to return inactive numbers within an NXX code after 180 days, these important needs will be compromised.

In particular, one benefit of being able to retain blocks of numbers is that colleges and universities can use the campus-wide NXX code to implement abbreviated dialing. Currently, the telephone numbers of most colleges and universities in the United States are identifiable by a unique NXX code. On many campuses, the association between numbers

and dormitory rooms allows for calling locations to be identified in order to facilitate implementation of E911 systems. As a result, telecommunications administrators on college and university campuses are able to link a specific abbreviated telephone number (usually four or five digits) with a specific room or location. This speeds access to emergency services, including fire, police and medical. The introduction of a jumble of NXX codes and the dilution of others as numbers are assigned to the non-college or non-university community would result in possibly dangerous changes to the telecommunications networks of colleges and universities.

Moreover, permitting the school's telecommunications administrator to assign a number to a particular student facilitates the reactivation of the student's account and the assignment of other associated telecommunications resources. If colleges and universities cannot indefinitely reserve blocks of numbers, it becomes increasingly difficult for telecommunications administrators to assign defined number ranges with specific features or restrictions to specified groups or users. These difficulties ultimately could manifest themselves in danger and possibly harm to students.

Linking numbers with particular rooms and retaining numbers in blocks also will result in economic benefits to colleges and universities. Reserving numbers indefinitely will minimize the number of "moves, adds and changes" for telephone number locations that must be performed by school personnel. Reducing such actions enhances the quality of the communications services provided and helps school officials reduce the cost of providing such services. Conversely, changes in number reservation rules will result in mistakes and errors in billing that will increase due to the increased difficulty in administering telecommunications number resources, resulting in higher, unpredictable

administrative and telecommunications costs. These increased costs also will divert scarce resources away from the primary mission of the college and university – education.

Colleges and universities will be forced to recover some of the increased costs from a population that, in many cases, is ill equipped to pay them.

Finally, ACUTA cannot underscore enough the importance of establishing and maintaining a sense of community and bonding among the school's population. Such an atmosphere enhances the learning experience for the students. The assignment of a single telephone number to an individual and the use of a single NXX code enhance the quality of the communications services that can be provided by school officials, help reduce the cost of providing such services, and foster a sense of community.

III. A FEE-BASED SYSTEM FOR RESERVATION EXTENSIONS SHOULD ONLY BE IMPLEMENTED WITH CERTAIN CONDITIONS.

ACUTA believes that colleges and universities should not be subject to any limitation on the block reservation of numbers due to the unique nature of its members. If the Commission, nonetheless, were to mandate a universally applicable fee for reservation, two important conditions must be met. First, as with ACUTA's concerns regarding the block reservation of numbers enumerated above, any reservation rules applied to colleges and universities, particularly a fee-based system, should be for an indefinite period of time. Second, any fee applied to the reservation of numbers should be based solely on cost.

A. Under a Fee-Based System, the Reservation of Numbers Should Not Be Subject to Any Time Limit.

If the Commission implements a fee-based system for reservation of numbers, colleges and universities, as argued above, should not be subject to a time limit on the reservation of blocks of numbers. This is particularly relevant where the end-user has paid a fee for reservation. Declining to establish a time limit for reservation would allow the continuation of the current industry practice whereby end users with a legitimate need for reserved numbers for ongoing operations or future growth are allowed by carriers to reserve numbers without a time limit. Further, it would preserve the ability of end users to reserve specific numbers after a set time period if the need to do so continues into the future.

Declining to establish a time limit for reservation also would ease the administrative burdens for both end users and carriers. Under a limited system, a single large end user could have various blocks of number reservations expiring at different times. In the education context, this would result in the need to allocate additional scarce resources toward monitoring expiration dates.

Applying an indefinite reservation rule to colleges and universities is in the public interest. As detailed above, colleges and universities have a unique need for reserved numbers. Further, nonprofit colleges and universities, government agencies, and other not-for-profit entities are unlikely to hoard or warehouse numbers, and their need for number reservations, and their access to limited scarce resources to monitor number resources, is readily apparent. Accordingly, if the Commission determines that it must

implement a fee-based system, end users, particularly colleges and universities, should not be subject to any time limit on reservation.

B. The Amount of Any Fee Charged for Reservation Extension Should Only Reflect the Actual Cost of Reserving a Number.

If the Commission implements a fee-based system, any fee applied to the reservation of numbers should be based solely on cost and should not contain any windfall profits. ACUTA's members already are reserving numbers for a fee. However, across the country the fee varies dramatically. If the Commission adopts a nation-wide, fee-based system, that fee must be reasonable and must be based on cost recovery. Any system must not be designed or operated as a new revenue stream.

Based on an informal survey of its members, ACUTA has determined that colleges and universities have paid as little as \$.01 per line to reserve a number, and as much as \$1.00 per line, with the majority in the range of \$.11 to \$.25. It is logical that the lower figures do not result in losses to the carrier. While ACUTA would agree that there certainly is some cost associated with managing reserved telephone number databases for all telecommunications carriers, the cost should be minimal. Based on ACUTA's experience with switch administration costs, the direct cost to a carrier of administering a fee-based reservation system should be in the \$.01 - \$.02 range. While ACUTA understands that the Commission may want to establish a fee that is above cost in order to act as a deterrent to number warehousing, it should recognize the actual minimal cost of administering such a plan, and, more importantly, that institutions such as ACUTA's members have legitimate reasons for reserving numbers in the long term, which should not be arbitrarily frustrated by a conservation-at-any-cost approach.

At the least, the Commission should state that any reservation cost paid by an end-user be less than the cost of activating a number. Further, any fee established by the Commission should not unduly burden colleges and universities or similarly situated not-for-profit entities.

IV. CONCLUSION

Colleges and universities only will be able to provide the needed level of public safety and educational services if the Commission grants them the ability to reserve numbers in NXX blocks that are free from non-campus end-users. While ACUTA does not prefer the establishment of a fee-based system, if the Commission determines that one is necessary, then the reservation should not be subject to a time limit and the fee should be based solely on cost.

Respectfully submitted,

/s/ Anthony Tanzi
Anthony Tanzi, RCCD
President
ACUTA, Inc.
152 W. Zandale Dr., Suite 200
Lexington, KY 40503

February 14, 2001