



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

January 9, 2001

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Connecticut Department of Public Utility Control
Office of the Chief

96-98

99-200

Magalie Roman Salas
Commission Secretary
Federal Communications Commission
Portals II
445 12th Street, S.W.
Suite TW-A325
Washington, D.C. 20554

Re: Expedited Petition of the Connecticut Department of Public Utility Control
for Additional Authority

Dear Ms. Salas:

Enclosed please find one original and six copies of the Connecticut Department
of Public Utility Control Expedited Petition for Additional Authority to respond to requests
from individual carriers seeking NXX codes outside of the code rationing process.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Louise E. Rickard

Louise Rickard
Acting Executive Secretary

Enc.

cc: Al McCloud

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

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CONNECTICUT DEPARTMENT OF PUBLIC UTILITY CONTROL
EXPEDITED PETITION FOR ADDITIONAL AUTHORITY

CONNECTICUT DEPARTMENT OF PUBLIC
UTILITY CONTROL

Donald W. Downes
Chairman

Glenn Arthur
Vice-Chairman

Jack R. Goldberg
Commissioner

John W. Betkoski, III
Commissioner

Linda Kelly Arnold
Commissioner

January 9, 2001

Connecticut Department of
Public Utility Control
Ten Franklin Square
New Britain, CT 06051
860-827-1553

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

CONNECTICUT DEPARTMENT OF PUBLIC UTILITY CONTROL
EXPEDITED PETITION FOR ADDITIONAL AUTHORITY

I. INTRODUCTION

The Connecticut Department of Public Utility Control (CTDPUC or Department) respectfully requests that the Federal Communications Commission (Commission or FCC) grant the Department additional authority to respond to requests from individual carriers seeking NXX codes, outside of the current code rationing process. While CTDPUC was previously granted authority to implement various area code conservation measures by the Commission in its November 30, 1999 Order in CC Docket No. 96-98 and NSD File No. L-99-62, In the Matter of Connecticut Department of Public Utility Control's Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures (Connecticut Order),¹ it was not provided the specific authority to hear and address claims outside of the area code rationing process.

Since the Connecticut Order was adopted by the Commission, the Department commenced on October 6, 2000, thousands-block number pooling in the 860 Numbering Plan Area (NPA) and is scheduled to begin pooling in the 203 NPA on February 26, 2001. The Department has also recently become aware of two carriers seeking to obtain NXX codes outside of the monthly Connecticut

¹ CTDPUC was authorized to institute thousands-block number pooling; reclaim unused and reserved NXX codes, and portions of those codes; and audit number assignment and utilization requirements. Connecticut Order, p. 12.

lottery.² In the opinion of CTDPU, Commission authority to hear and address claims outside of the area code rationing process will supplement the authority previously ordered in the Connecticut Order and contribute to the Department's efforts to extend the exhaust dates in the 203 and 860 NPAs. Accordingly, CTDPU seeks an expedited ruling from the Commission providing the Department the ability to respond to the Wireless Carriers' requests and requests from other carriers seeking to obtain NXX codes outside of the code rationing process. Such authority would provide CTDPU the ability to direct the North American Numbering Plan Administrator (NANPA) to allocate NXX codes to carriers outside of the code rationing process if it determines that such actions are in the public interest.

II. DISCUSSION

CTDPU is in receipt of the NeuStar, Inc. (NeuStar) December 20, 2000 letter to multiple addressees wherein NeuStar indicated its intent to convene industry conference calls to reopen previously agreed upon jeopardy procedures (NANPA Letter).³ According to the NANPA Letter, NeuStar was requested by AT&T and Sprint to convene industry conference calls to reopen previously agreed upon jeopardy procedures.⁴ In response to the Wireless Carriers' letters

² See the AT&T Wireless Services (AT&T) and the Sprint PCS (Sprint, collectively, the Wireless Carriers) December 6, 2000 Letters to NeuStar, Inc.. Copies of the Wireless Carriers' letters are appended hereto as Attachments 1 and 2. According to these letters, the Wireless Carriers have requested that the jeopardy procedures that have been approved by the industry in Connecticut be reopened to address the criteria for allocating central office codes outside of the rationing process (i.e., imminent exhaust procedures). Wireless Carriers' letters, p. 1.

³ A copy of the NANPA Letter has been appended hereto as Attachment 3.

⁴ AT&T and Sprint initially proposed that Service Provider Imminent Exhaust and NPA Imminent Exhaust procedures be implemented to receive codes outside of the code rationing process. However, during the January 8, 2001 Connecticut Call, AT&T revised its proposal by

and pursuant to the Central Office Code Transition Task Force's Procedures for Modifications to Industry Agreements, NeuStar has scheduled 28 conference calls to discuss the Wireless Carriers' request. NeuStar scheduled an industry conference call for January 8, 2001 to discuss the reopening of jeopardy procedures in Connecticut (January 8, 2001 Connecticut Call).⁵

CTDPUC believes that if it were able to address carrier requests for NXX codes outside of the code rationing process, the Wireless Carriers' request could be directly addressed at the state level where the majority of numbering issues are currently being resolved. Clearly, CTDPUC is in the better position to determine what is in the best interests of Connecticut and can address carrier code issues more efficiently and effectively. CTDPUC welcomes the opportunity to work with the Wireless Carriers in this case and all service providers seeking codes outside of the rationing process. CTDPUC also believes that such authority would provide the Department with more flexibility to extend the lives of

requesting that it be permitted to implement its proposed Service Provider Imminent Exhaust Procedures.

⁵ CTDPUC is concerned with NeuStar's lack of notice of these conference calls. Although the State of Connecticut's authorized thousands-block pooling efforts would be directly affected by the outcome of these discussions, CTDPUC was never formally provided notice by NeuStar of the January 8, 2001 Connecticut Call. Similarly, NeuStar has never formally informed CTDPUC of the NANPA Document Distribution Service. Had CTDPUC been aware of this service, it would have possessed greater information concerning the Wireless Carriers' efforts in this matter and the January 8, 2001 Connecticut Call. It is clear to CTDPUC and perhaps to the other states that have just become aware of this issue (and the NANPA's Document Distribution Service) that better communication between NeuStar and the states is imperative as we move toward addressing and resolving NPA exhaust issues. As noted above, CTDPUC was not provided timely notice of the January 8, 2001 Connecticut Call, even though NeuStar supposedly informed all code holders and industry members of these conference calls in its December 20, 2000 letter. NeuStar's failure to inform CTDPUC in a timely manner of the January 8, 2001 Connecticut Call aside, the Department is also suspect of the Wireless Carriers' true motive here and the appearance that that industry is attempting to circumvent the Commission's delegation of numbering authority to the states and the states' efforts to implement telephone number conservation procedures. This would delay the exhaust of existing area codes and avoid the often unnecessary consumer cost and confusion often associated with the introduction of new area codes.

existing area codes and would offer Connecticut consumers the ability to continue to choose their service providers in light of the ongoing NXX code rationing system.

Finally, CTDPUC is aware that the Commission has granted similar authority to state commissions in previous orders.⁶ Equity dictates that CTDPUC be afforded the same authority granted to those states. Therefore, CTDPUC hereby petitions the Commission to authorize the Department to address carrier code requests outside of the rationing process. Because of the immediate need by which the Wireless Carriers' needs must be addressed, CTDPUC further requests that the Commission grant the Department's petition on an expedited basis.

III. CONCLUSION

CTDPUC seeks additional numbering authority to address carrier requests for NXX codes that are currently outside of that previously granted by the Commission. Such authority has been previously granted to other states; therefore, CTDPUC urges the Commission to grant its petition on an expedited

⁶ See for example, Florida Public Service Commission Petition for Expedited Decision for Grant of Authority to Implement Number Conservation Measures, Order, 14 FCC Rcd 17506 (1999); 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); and the Petition of the Public Service Commission of Wisconsin for Delegation of Additional Authority to Implement Number Conservation Measures, Order, 15 FCC Rcd 1299 (1999).

basis so that the Wireless Carriers' requests and future requests of this nature may be directly addressed by the Department in an efficient and timely manner.

Respectfully submitted,

CONNECTICUT DEPARTMENT OF PUBLIC
UTILITY CONTROL

Donald W. Downes
Chairman

Glenn Arthur
Vice-Chairman

Jack R. Goldberg
Commissioner

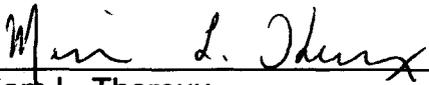
John W. Betkoski, III
Commissioner

Linda Kelly Arnold
Commissioner

January 9, 2001

Connecticut Department of
Public Utility Control
Ten Franklin Square
New Britain, CT 06051

CERTIFICATION



Miriam L. Theroux
Commissioner of the Superior Court

Attachment 1



Shawn Murphy
Inc.
Numbering Policy Manager

AT&T Wireless Services.
594 Summerdale Ave.
Gen Edyn. 4, 60137
(630) 790-3607 / 3428
FAX (425) 406-3683
Portable: 630-842-3504
shawn.murphy@atws.com

December 6, 2000

Ron Conners
Director
NeuStar, Inc.
1120 Vermont Ave., N.W.
Washington, DC 20005

**RE: AT&T Wireless' Request to Reopen Jeopardy Procedures to Consider
the Adoption of Imminent Exhaust Procedures**

Dear Mr. Conners:

Pursuant to the Central Office Code Transition Task Force (COCTTF) procedures for modification to industry agreements, AT&T Wireless Services requests that the jeopardy procedures approved by the industry in the NPAs listed below be reopened to address the criteria for allocating central office codes outside of the rationing process (i.e. imminent exhaust procedures). AT&T Wireless Services proposes the attached imminent exhaust procedures for the industry's consideration.

In order for competition in the telecommunications market to flourish and for customers to have a choice of providers, all providers must have adequate and timely access to numbering resources. Because of the vagaries inherent in the rationing process, there are instances when a carrier's numbering needs are not met through the jeopardy process and the carrier is prevented from offering service. It is this type of instance that imminent exhaust procedures are designed to address.¹

AT&T Wireless believes that the need for such procedures has been recognized both by regulators and carriers alike. In this regard, the FCC has, on several occasions encouraged the industry to work together with the code administrator to adopt measures to address carriers' need for numbers outside of the rationing process.² In addition the industry has adopted similar procedures in a number of NPAs around the country.³

The NPAs in which we request that the jeopardy procedures be reopened are listed below and are grouped by priority – with those NPAs with the fewest number of codes

¹ The attached proposed Imminent Exhaust Procedures also address situations whether the NPA is 6 months from exhaust. AT&T Wireless believes that when an NPA is so close to exhaust the remaining codes should be allocated solely through a strict needs-based test.

² See e.g. June 6, 2000 letter from Yog Varma to Ron Conners re AT&T Wireless' Emergency Request for an NXX Code in the 610 NPA.

³ Massachusetts (508, 617), New York (516, 914), New Jersey (201, 732, 973), Michigan (810).

remaining or the smallest monthly code allocations receiving the highest priority. The codes are not in any order within a given priority.

First Priority: Connecticut – 203, 860, Massachusetts – 781,978,413, New York – 631, 716, Indiana – 219, Michigan – 517, 248, 616 Minnesota – 612, Washington 360

Second Priority: Georgia – 678, 912, Iowa – 515, Illinois 618, 815, North Carolina – 704, 919, Pennsylvania – 412, 484, Utah – 801, Virginia – 804, 540, Florida – 561,904, 954

Third Priority: Alabama - 334, , Louisiana – 504, Maryland – 443, Missouri – 314, Mississippi – 601, New Mexico – 505, Ohio 513, Oregon – 541, Tennessee – 615, 901, Texas – 512, West Virginia - 304

Fourth Priority: All remaining NPA's that are in jeopardy and the local industry has previously adopted rationing procedures.

We request that NANPA call industry meetings in each of these NPAs at the earliest possible dates, starting first with the first priority codes and moving towards the fourth priority codes. It is our hope that imminent exhaust procedures would be in place in all of the above-referenced NPAs end of January, 2001.

If you have any questions regarding this request, please feel to contact me a 630-842-3504.

Regards,

Shawn Murphy

CO Code Allocation Outside of the Rationing Process

Service Provider Imminent Exhaust

This procedure is available at any time to service providers who have been unsuccessful in obtaining numbers through the rationing process and who can demonstrate that they can meet the Imminent Exhaust Assignment Criteria specified below. A service provider that meets the criteria will be assigned a code subject to the following limitations.

A service provider may receive a maximum of 2 codes per OCN per NPA during a given calendar month under the Imminent Exhaust procedures. Codes are allocated on a first-come, first served basis. If a service provider has one or more priority numbers, the carrier must return a priority number to the code administrator for each code a service provider is allocated under these procedures.

Return of Codes

1. Any codes assigned under this Imminent Exhaust procedures must be activated within three months of the LERG effective date, unless technical difficulties exist beyond the service provider's control. In the event of such difficulties, the service provider will notify NANPA in writing on or before the end of the three months activation deadline, outlining such difficulties and documenting an anticipated activation date that is no greater than six months from the LERG effective date.
2. NANPA Code Administration will recommend reclamation of any codes allocated under the Imminent Exhaust Procedures that are not activated in the timeframe specified in paragraph one.

Imminent Exhaust Assignment Criteria

A. Growth Codes

1. A service provider must supply to NANPA a Months-to-Exhaust (MTE) form demonstrating, by rate center, number exhaust within three months. Note: The rate center MTE calculation is based on the FCC's NRO order and these guidelines will be superseded if further direction is given from the FCC on the MTE calculation.
2. The service provider must also supply to NANPA six months of historic utilization data and six months forecast data to support the exhaust projections for applicable rate center. If the average projected monthly demand is within 15% of the average historical monthly utilization; within 15% of average monthly demand for a comparable past seasonal time period; or consistent with a monthly activation trend, a code will be assigned. If the code request does not meet these criteria, the service provider must explain the deviation prior to code assignment by providing evidence that justifies the increased demand, including, for example, plans to launch a new product or service.
3. The service provider must have reduced its aging period to 60 days unless state regulation or a contractual agreement requires a longer period.

B. Initial Code in a Rate Center

1. A service provider must supply to NANPA documentation, by rate center, of a customer request to provide service within three months or other indication of demand for the service provider's service.
2. The service provider must also supply to NANPA documentation that within 60 days from the LERG effective date, they will be interconnected and have sufficient operable facilities in the switch to serve the rate center requested.

Suspension/Denial of a Code Application

1. If NANPA determines that the documentation submitted by an applicant does not meet the established criteria NANPA should suspend the application and allow the applicant two weeks to resubmit its documentation.
2. If the documentation is not resubmitted or NANPA determines that the documentation still does not meet the established criteria, the code will be denied.

CO Code Allocation instead of the Rationing Process

NPA Imminent Exhaust

An NPA will be considered in Imminent Exhaust once an NPA is 6 months from exhaust based on the number of unallocated CO/NXX codes and the monthly rationing quantity (e.g. 6 codes a month X 6 months = 36 unallocated CO/NXX). All code applicants will be required to meet the Imminent Exhaust criteria and these CO/NXX Imminent Exhaust assignment procedures supersede the existing rationing (i.e. lottery) process. These procedures will remain in effect regardless of the number of codes that may become available. A service provider may receive a maximum of 2 codes per OCN, per NPA during a given calendar month under the Imminent Exhaust procedures. Codes are allocated on a first-come, first served basis. In addition all service providers on the priority list will be required to provide the appropriate documentation that they meet the Imminent Exhaust Criteria; Upon the provision of such documentation service providers will be allocated a code for their priority number.

Return of Codes

3. Any codes assigned under this Imminent Exhaust procedures must be activated within three months of the LERG effective date, unless technical difficulties exist beyond the service provider's control. In the event of such difficulties, the service provider will notify NANPA in writing on or before the end of the three months activation deadline, outlining such difficulties and documenting an anticipated activation date that is no greater than six months from the LERG effective date.
4. NANPA Code Administration will recommend reclamation of any codes allocated under the Imminent Exhaust Procedures that are not activated in the timeframe specified in paragraph one.

Imminent Exhaust Assignment Criteria

C. Growth Codes

1. A service provider must supply to NANPA a Months-to-Exhaust (MTE) form demonstrating, by rate center, number exhaust within three months.
2. The service provider must also supply to NANPA six months of historic utilization data and six months forecast data to support the exhaust projections for applicable rate center. If the average projected monthly demand is within 15% of the average historical monthly utilization; within 15% of average monthly demand for a comparable past seasonal time period; or consistent with a monthly activation trend, a code will be assigned. If the code request does not meet these criteria, the service provider must explain the deviation prior to code assignment by providing evidence that justifies the increased demand, including, for example, plans to launch a new product or service.

3. The service provider must have reduced its aging period to 60 days unless state regulation or a contractual agreement requires a longer period.

D. Initial Code In a Rate Center

1. A service provider must supply to NANPA documentation, by rate center, of a customer request to provide service within three months or other indication of demand for the service provider's service.
2. The service provider must also supply to NANPA documentation that within 60 days from the LERG effective date, they will be interconnected and have sufficient operable facilities in the switch to serve the rate center requested.

Suspension/Denial of a Code Application

1. If NANPA determines that the documentation submitted by an applicant does not meet the established criteria NANPA should suspend the application and allow the applicant two weeks to resubmit its documentation.
2. If the documentation is not resubmitted or NANPA determines that the documentation still does not meet the established criteria, the code will be denied.

Attachment 2



Sprint PCS

December 6, 2000

Ron Conners
Director
NeuStar, Inc.
1120 Vermont Ave., N.W.
Washington, DC 20005

VIA Facsimile: 202-887-0331

**RE: AT&T Wireless' Request to Reopen Jeopardy Procedures to Consider
the Adoption of Imminent Exhaust Procedures**

Dear Mr. Conners:

Pursuant to the Central Office Code Transition Task Force procedures for modification to industry agreements, Sprint PCS agrees with AT&T Wireless' request that the jeopardy procedures, approved by the industry, in the NPAs listed below be reopened to address the criteria for allocating central office codes outside of the rationing process (i.e. imminent exhaust procedures). Sprint PCS agrees with the proposed attached imminent exhaust procedures for the industry's consideration.

In order for competition in the telecommunications market to flourish and for customers to have a choice of providers, all providers must have adequate and timely access to numbering resources. Because of the vagaries inherent in the rationing process, there are instances when a carrier's numbering needs are not met through the jeopardy process and the carrier is prevented from offering service. It is this type of instance that imminent exhaust procedures are designed to address.¹

Sprint PCS believes that the need for such procedures has been recognized both by regulators and carriers alike. In this regard, the FCC has, on several occasions encouraged the industry to work together with the code administrator to adopt measures to address carriers' need for numbers outside of the rationing process.² In addition the industry has adopted similar procedures in Massachusetts (817 and 508), New York (515 and 814), New Jersey (201, 732 and 973) and Michigan (810).

¹ The attached proposed Imminent Exhaust Procedures also address situations whether the NPA is 6 months from exhaust. Sprint PCS believes that when an NPA is so close to exhaust the remaining codes should be allocated solely through a strict needs-based test.

² See e.g. June 6, 2000 letter from Yog Varna to Ron Conners re AT&T Wireless' Emergency Request for an NXX Code in the 810 NPA.

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The NPAs in which we request that the jeopardy procedures be reopened are listed below and are grouped by priority -- with those NPAs with the fewest number of codes remaining or the smallest monthly code allocations receiving the highest priority. The codes are not in any order within a given priority.

First Priority: Connecticut - 203, 860, Massachusetts - 781, 878, 413, New York - 631, 716, Indiana - 219, Michigan - 517, 248, 616, Minnesota - 612, Washington - 360

Second Priority: Georgia - 678, 912, Iowa - 515, Illinois - 618, 815, North Carolina - 704, 919, Pennsylvania - 412, 484, Utah - 801, Virginia - 804, 640, Florida - 561, 904, 954

Third Priority: Alabama - 334, Louisiana - 504, Maryland - 443, Missouri - 314, Mississippi - 601, New Mexico - 505, Ohio - 513, Oregon - 541, Tennessee - 615, 901, Texas - 512, West Virginia - 304

Fourth Priority: all remaining NPAs in jeopardy and the local industry has previously adopted rationing procedures.

We request that NANPA call industry meetings in each of these NPAs at the earliest possible dates, starting first with the first priority codes and moving towards the fourth priority codes. It is our hope that imminent exhaust procedures would be in place in all of the above-referenced NPAs by the end of January 2001.

If you have any questions regarding this concurrence request, please feel to contact me a 913-315-2811.

Regards,



Scott Ludwikowski
Sprint PCS

Cc: Sandy Tokarek
925-363-8729

RECEIVED TIMEDEC 7 7:21AM

PRINT TIMEDEC 7 7:24AM

Attachment 3

NEU-STAR

www.neustar.com

December 20, 2000

TO: All Code Holders and Other Industry Members in the following locations: Alabama, Connecticut, Georgia, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Puerto Rico, Tennessee, Texas, Utah, Virginia, Washington and West Virginia

RE: Reopen Jeopardy Meetings

The North American Numbering Plan Administration (NANPA) has been requested by AT&T Wireless Services and Sprint PCS (see attached letters) to convene industry conference calls to reopen previously agreed jeopardy procedures (please refer to the NANPA website to obtain the respective jeopardy procedures for each NPA). Both service providers request to revisit the previously agreed-to Extraordinary Jeopardy Procedures to consider the adoption of Imminent Exhaust Procedures in all NPAs in jeopardy with previously adopted rationing procedures. NANPA has not included California and Florida in the list of conference calls due to regulatory concerns in those states.

Pursuant to the Central Office Code Transition Task Force's (COCTTF) "Procedures for Modifications to Industry Agreements", dated September 29, 1998, (see attached procedures), 28 conference calls have been scheduled during January and February 2001 according to the attached schedule for the NPAs in each location. The schedule also includes the conference call-in number and pass-code.

In accordance with the COCTTF procedures mentioned above, the conference calls will be conducted in the following manner. At the beginning of the conference call, participants will first attempt to reach consensus that the previous jeopardy procedures should be reopened for discussion. If consensus is reached to reopen the discussion, the call will proceed. Absent such a consensus, the conference call will be adjourned. All participants will be provided adequate opportunity to express their opinions concerning the proposal suggested in the attached letters. The ATIS consensus process will be used to determine if the industry has a consensus to adopt any solution.

It is important that you are represented on these conference calls. Silence implies compliance in the consensus process and this will be the only opportunity to discuss this proposal. If you have any questions, please do not hesitate to contact me at (973) 539-8331, or by e-mail at jim.deak@neustar.com.

Sincerely,

Jim Deak
Regional Director
NPA Relief Planning
NANPA

Attachments

NEUSTAR, INC.
1100 Vermont Avenue, N.W.
Suite 550
Washington, DC 20005
Phone 202 533 2900
Fax 202 533 2979