

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of the Local Competition)
Provisions in the Telecommunications Act of 1996)
)
Florida Public Service Commission Petition for)
Expedited Decision for the Release of a New Area)
Code to Provide Relief for the 561 Numbering Plan Area)

CC Docket No. 96-98

NSD File No. L-01-21

COMMENTS

The United States Telecom Association (“USTA”)¹ respectfully submits these comments on the Florida Public Service Commission’s (“FPSC”) request for the release of a new area code to provide relief for the 561 numbering plan area (“NPA”).² Because the area code relief plan adopted by the FPSC would violate industry guidelines, conflict with the Commission’s numbering optimization goals, and impose unnecessary costs and burdens on consumers and service providers, the Commission should deny the FPSC’s request.

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 *Common Carrier Bureau Seeks Comment on the Florida Public Service Commission Petition for Expedited Decision for the Release of a New Area Code To Provide Relief for the 561 Numbering Plan Area*, NSD File No. L-01-21; CC Docket No. 96-98, *Public Notice*, DA 01-341 (rel. Feb. 9, 2001) (“*Public Notice*”).

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I. INTRODUCTION

The FPSC Petition requests that the Commission direct the North American Numbering Plan Administrator (“NANPA”) to release a new area code to provide relief for the 561 NPA.³ NANPA declined to release the area code because the FPSC did not follow the Industry Numbering Committee (“INC”) Guidelines regarding the use of geographic splits to provide area code relief. As the Commission’s *Public Notice* states, the FPSC’s relief plan would create two regions for the 561 NPA. The projected exhaust periods for the two regions are approximately 24.6 years and 3.1 years.⁴ The geographic split ordered by the FPSC does not comply with the INC Guidelines, which provide as follows: “relief options shall cover a period of at least five years beyond the predicated date of exhaust” in each area, and that “a difference in NPA lifetimes [between each area] of more than 15 years, shall be avoided.”⁵

II. THE FPSC’S RELIEF PLAN IS INCONSISTENT WITH THE INDUSTRY GUIDELINES, CONFLICTS WITH THE COMMISSION’S NUMBERING OPTIMIZATION POLICIES, AND WOULD IMPOSE UNNECESSARY BURDENS AND COSTS ON CUSTOMERS AND CARRIERS.

USTA objects to the FPSC’s request because a geographic split under these circumstances would violate the INC Guidelines, undermine the Commission’s overarching goal of efficient use of numbering resources, and impose unnecessary burdens and costs on customers and service providers. As the FPSC concedes, the proposed geographic split “provides only limited relief for the most congested region, which may necessitate new relief within 3.1 years in

³ Florida Public Service Commission Petition for Expedited Decision for the Release of a new Area Code To Provide Relief for the 561 Numbering Plan Area, CC Docket No. 96-98 (filed Jan. 8, 2001) (“FPSC Petition”).

⁴ *Public Notice* at 3.

⁵ Industry Numbering Committee NPA Allocation Plan and Assignment Guidelines, § 9.2.2.2 (Feb. 28, 2000).

the West Palm Beach Region.”⁶ Thus, even the FPSC recognizes the limited value derived from its proposed relief plan. Notwithstanding this acknowledgment, the FPSC seeks a waiver of the industry guidelines. USTA urges the Commission to deny this request.

As indicated above, the INC Guidelines require relief options to: (1) cover a period of at least five years beyond the predicted date of exhaust in each area and (2) avoid a difference of more than 15 years between the life spans of the two NPAs.⁷ The FPSC’s relief plan would violate both of these guidelines. The industry adopted these policies in order to promote efficient and effective area code relief planning and to minimize premature code exhaust. As the Commission recognizes, “maximizing efficient use of numbers within area codes . . . reduce[s] the need to introduce new area codes, which protects consumers from the expenses, trouble and dislocation that area code relief entails and also can help prevent premature exhaust of the existing NANP.”⁸ A waiver in this instance would frustrate these goals without sufficient justification.

⁶ Request for Review of Proposed Numbering Plan Relief for the 305/786 Area Code –Dade County and Monroe County/Keys Region, et al., Docket Nos. 990455-TL, *Final Order Approving Numbering Plan Relief for the 305/786 Area Code, the 561 Area code, the 954 Area Code, and the 904 Area Code, Requiring Customer Survey for a Number Changes, and Notice of Proposed Agency Order Implementing rate Center Consolidation and Code Sharing in Certain Areas and Requiring Customer Survey for Cost Recovery*, Order No. PSC-00-1937-PAA-TL, at 31 (Oct. 20, 2000) (“*Florida PSC Order*”).

⁷ Industry Numbering Committee NPA Allocation Plan and Assignment Guidelines, § 9.2.2.2 (Feb. 28, 2000).

⁸ *Numbering Resource Optimization and 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*, CC Docket Nos. 99-200 and 96-98, *Second Report and Order, Order on Reconsideration and Second Further Notice of Proposed Rulemaking*, FCC 00-420 at ¶ 52 (rel. Dec. 29, 2000) (“*Second Report and Order*” and “*Second FNPRM*”).

The FPSC has failed to carry its burden of demonstrating that special circumstances warrant a geographic split in this instance. The only grounds that the FPSC offers to support a waiver of the guidelines is the “extensive customer testimony in favor of a geographic split”⁹ Although state commissions must consider customer input as part of the relief planning process, such input is not dispositive. Rather, it is one of several criteria a state commission must evaluate. State regulators must carefully balance the needs of customers, the advantages and disadvantages of different relief plans, the impact on the North American Numbering Plan (“NANP”), and the impact on carriers. Moreover, a state commission’s relief plan must comport fully with the Commission’s numbering optimization goals, which recognize that all interested parties must do their part to promote the efficient use of numbering resources – carriers, state commissions, the FCC, and consumers. Thus, the Commission should not permit a state to adopt area code relief measures that waste numbering resources solely on the grounds that it received customer input supporting the inefficient method.

State commissions are obligated to adopt policies that promote the efficient use of numbers in the same manner as carriers are required to use numbers efficiently. USTA continues to believe that the industry-proposed all-services overlay is a more efficient and appropriate form of relief for the 561 area code. The overlay not only complies with the INC Guidelines but also results in an approximate exhaust date of 8.8 years – which is more than five years longer than the exhaust projection under the geographic split. In addition, a geographic split would result in stranded, unused numbers in the new NPA (with a life span of nearly 25 years), while the demand for numbers in the already congested 561 NPA would remain high. Thus, the

⁹ FPSC Petition at 5-6.

Commission should not grant the NANPA authority to release a new code in order to implement a geographic split in the 561 NPA.

In the end, customers in Florida will be harmed by the FPSC's proposed relief plan. If this geographic split is implemented, customers will have to undergo the relief planning process all over again in approximately three years, according to NANPA projections. For example, customers will have to change letterhead, signs, and advertising to reflect the new number. The needs of Florida's consumers can best be served by a relief plan that will reduce the need for area code relief in the future and minimize the disruption to customers. The proposed geographic split does not accomplish this objective.

Carriers also will be negatively affected by the proposed geographic split. Area code changes require carriers to modify their systems and change routing instructions. Each of these efforts imposes costs upon carriers. Implementation of the proposed geographic split would require the adoption of another relief plan in a few short years thereby resulting in duplicative efforts and costs. It is inefficient to require carriers to incur additional costs and expend additional resources by adopting a relief plan with a limited life span when a more efficient overlay alternative exists.

Finally, the Commission should not establish a precedent by permitting states to deviate from the INC Guidelines in the absence of compelling circumstances. The Commission has expressly stated that "[t]he guidelines are the product of industry consensus and adherence to these guidelines will promote nationwide uniformity."¹⁰ Moreover, the Commission has

¹⁰ *Petition for Declaratory Ruling and Request For Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Are Codes 412, 610, 215, and 717, NSD File No. L-97-42; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Memorandum Opinion and Order on Reconsideration, 13 FCC Rcd 19009, 19028 (1998) ("Pennsylvania Order").*

repeatedly concluded that there is value in uniformity and consistency, especially when it comes to number optimization and administration.¹¹ USTA agrees with the Commission that “substantial social and economic costs would result if the uniformity of the North American Numbering Plan were compromised by states imposing varying and inconsistent regimes for number conservation and area code relief.”¹² It is critical that state commissions do their part to promote the efficient use of numbering resources, a responsibility that includes, among other things, efficient and timely area code relief. Because the FPSC has not demonstrated that special circumstances warrant deviation from the INC Guidelines or the Commission’s numbering optimization policies, the Commission should not grant the instant request.

¹¹ See, e.g., *Second Report and Order; Numbering Resource Optimization and 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*, CC Docket Nos. 99-200 and 96-98, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000).

¹² *Pennsylvania Order*, 13 FCC Rcd at 19023.

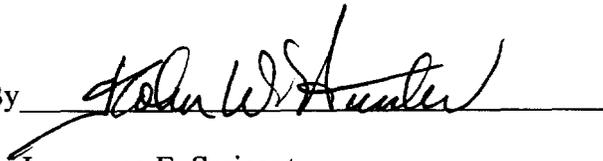
III. CONCLUSION

In light of the foregoing reasons, USTA urges the Commission to deny the FPSC's request that the Commission order the NANPA to release an area code in order to implement a geographic split in the 561 area code.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By

A handwritten signature in black ink, appearing to read "John W. Hunter", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I, Meena Joshi, do certify that on March 9, 2001, 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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