

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 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 OF SBC COMMUNICATIONS INC.

The Florida Public Service Commission (FPSC) filed the above-referenced petition seeking authority to release a new area code to provide relief for the 561 numbering plan area (NPA). By letter dated November 28, 2000, the North American Numbering Plan Administrator (NANPA) rejected the FPSC's application for the relief NPA. NANPA's decision was based on its finding that the FPSC plan was inconsistent with NPA Assignment Guidelines. The FPSC is asking the Commission to direct the NANPA to release the requested relief NPA.

The Commission has asked interested parties to comment on FPSC's "request for the release of a new area code to provide relief for the 561 NPA, and on [FPSC's] assertion that its decision reflects viewpoints not represented in the industry guidelines."<sup>1</sup> SBC Communications Inc. (SBC), on its own behalf and on behalf of its subsidiary companies, files these comments on the FPSC's petition.

1. **FPSC request for the release of a new area code for the relief of the 561 NPA.**

SBC cannot support the FPSC's request because its proposal does not optimize the use of NANP resources. The FPSC proposes a geographic split relief plan, splitting the present 561 area code into two regions, Regions A and B. Using both its experience and its best forecasting tool, the NANPA estimates that the approximate exhaust for Region A is 24.6 years, compared with only 3.1 years for Region B. This discrepancy between the projected exhaust of the two

<sup>1</sup> Public Notice, CC Docket No. 96-98, NSD File No. L-01-21, DA 01-341 (rel. Feb. 9, 2001).

regions represents a severe imbalance and an imprudent use of the NANP resource. SBC understands that exhaust predictions by NANPA are not an exact science; however, NANPA has been charged by the Commission to perform this duty to the best of its ability and has the experience to make judgments regarding projected NPA exhaust. Based on its experience, NANPA has projected that the proposed split would cause the 561 area code to exhaust in slightly over three years.

The FPSC downplays this imbalance by impugning the testimony of the NANPA's witness.<sup>2</sup> The FPSC characterization of the NANPA's witness's testimony is an oversimplification. The witness, Tom Foley, actually testified:

As with all forecasting tools that are available, they are subject to a lot of error, especially out in the later years. This is the best tool that we have. It is the tool that the industry has used for quite a while for forecasting. It does have its shortcomings, but this is the only tool that the industry has approved for use right now as far as forecasting goes. And yes, there could be discrepancies in the later years.<sup>3</sup>

In short, Mr. Foley testified that, while there could be some discrepancies in the later years, this exhaust prediction is based on the best available method. This testimony does not support the implication in the FPSC's Petition that the discrepancy, if any, will be great. If anything, the assumption should be that any discrepancy would be small and would theoretically go either way — that is, the imbalance between the two regions might in fact be greater than 24:3. Even the FPSC's own witness, Levent Ileri, admitted that the imbalance “between the two [regions] may be close to 15 years.”<sup>4</sup> Even this rosy prediction is inconsistent with the NPA Assignment Guidelines.

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<sup>2</sup> 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, p. 4 (Jan. 8, 2001) (“NeuStar's witness testified that the exhaust projections may not be accurate.”)

<sup>3</sup> *In re: Request for Review of Proposed Numbering Plan Relief for the 561 Area Code*, FPSC Docket 990456-TL, *Order No. PSC-00-1937-PAA-TL*, p. 18 (Issued October 20, 2000) (*FPSC Order*).

<sup>4</sup> *In re: Request for Review of Proposed Numbering Plan Relief for the 561 Area Code*, FPSC Docket 990456-TL, *Transcript of Proceedings, September 29, 2000*, 26:3-10.

This projected exhaust imbalance is unacceptable for several reasons. First, consumers will have to undergo area-code relief and the associated disruption with it in slightly more than 36 months. Second, the general public and the industry will have to incur the added expense of another area-code relief process. Third, the proposed relief is an inefficient use of two additional area codes that will be used in a matter of a few years. A balanced split would provide a more reasonable use of the limited NANP resource. The Commission has repeatedly stated that it continues to develop, adopt, and implement strategies that ensure that numbering resources are used efficiently.<sup>5</sup> The proposed split and immediate subsequent needed for area code relief fails the Commission's goal to preserve the NANP resources as long as possible.

The industry has developed NPA relief guidelines that are designed to meet this goal.<sup>6</sup> If states were given the authority to override practices that were established for the efficient management of this resource, then the NANP could exhaust sooner than necessary. SBC does not believe this is the Commission's intent.

## **2. FPSC's assertion that its decision reflects viewpoints not represented in industry guidelines.**

In its petition, the FPSC states that "the industry guidelines do not take into account customer input nor do they allow state commissions the flexibility to consider matters beyond those guidelines." SBC disagrees. The industry guidelines do permit "customer input."<sup>7</sup> These guidelines, however, recognize that public passions over area code relief can translate into

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<sup>5</sup> *In the Matter of Number Resource Optimization*, CC Docket No. 99-200, *Second Report and Order on Reconsideration in CC Docket No. 96-98 and CC Docket 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, Commission 00-429 (rel. Dec. 29, 2000) (*Second Report & Order*) at 1.

<sup>6</sup> NPA Code Relief Planning & Notification Guidelines (INC97-0404-016) dated 11-13-00. ("The NANPA . . . shall follow Commission rules and regulations and the guidelines developed by the INC and other industry groups pertaining to administration and assignment of numbering resources.") *In the Matter of Administration of the North American Numbering Plan*, CC Docket No. 97-237, *Third Report and Order*, Commission 97-372 (rel. October 9, 1997) at 95.

<sup>7</sup> NPA relief guidelines, at 5.7, even note that some states "require input from the public to the planning process."

political pressure on state commissions. Consequently, SBC supports these industry guidelines as a reasonable and orderly approach for the use of NANP resources. States should not have the flexibility to vary from the guidelines except in extreme circumstances and upon a showing of good cause. Management of the limited NANP resources must be maintained by NANPA's consistent adherence to industry guidelines.

In conclusion, SBC supports NANPA's application of the industry guidelines and opposes the FPSC's request to deviate from those guidelines because the FPSC has not demonstrated the requisite exigent circumstances and other good cause for doing so. Indeed, the only credible evidence is to the contrary. The significant imbalance between the two regions of the proposed area-code relief plan does not justify the remedy sought by the FPSC.

Respectfully submitted,

SBC COMMUNICATIONS INC.

March 9, 2001

By: \_\_\_\_\_



William A. Brown  
Roger K. Toppins  
Paul K. Mancini

SBC Telecommunications, Inc.  
1401 I Street, N.W., Suite 1100  
Washington, DC 20005  
(202) 326-8904 – Voice  
(202) 408-8745 – Fax

Its Attorneys

**CERTIFICATE OF SERVICE**

I, Regina Ragucci, do hereby certify that on this 9<sup>th</sup> day of March 2001, Comments of SBC Communications Inc. in CC Docket No. 96-98, NSD File No. L-01-21 was served via hand delivery to the parties listed below.



Regina Ragucci

Magalie Roman Salas  
Portals II  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Suite TW-A325  
Washington, DC 20554

ITS  
The Portals II  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Al McCloud  
Network Services Division  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room 6A-320  
Washington, DC 20554