

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In the Matter of)	
)	
Michigan Public Service Commission)	NDS File No. L-01-36
Expedited Petition for Additional Authority)	

**COMMENTS OF
THE CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association (“CTIA”)¹ hereby submits its comments on the petition filed by the Michigan Public Service Commission (“MI PSC”) for additional delegated authority to implement number conservation measures.

I. INTRODUCTION

The MI PSC has filed a Petition with the Commission seeking a greater role in the area of number conservation and area code relief than the Commission prescribed in the recent *Second Report and Order* for number resource optimization.² Although the *Second Report and Order* permits states to continue to request additional authority to implement various number conservation methods, the *Second Report and Order* also

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² *In re Numbering Resource Optimization*, CC Docket No. 99-200, *Second Report and Order* (rel. Dec. 29, 2000) (“*Second Report and Order*”). See also *In Re Numbering Resource Optimization*, CC Docket No. 99-200, FCC No. 00-104, *Report and Order and Further Notice of Proposed Rulemaking* (rel. March 31, 2000) (“*Numbering Resource Optimization Order*” or “*NRO Order*”).

prescribes a national framework for numbering and limits the authority that states can now exercise over numbering administration. The *Second Report and Order* provides that the states must still fulfill the critical role of providing timely and non-discriminatory area code relief.³ Thus, CTIA opposes the aspects of the petition which (1) request authority over numbering administration that is now reserved for national implementation; or, (2) would be unduly burdensome on an interim basis while the FCC continues to decide outstanding numbering issues in the NPRM. CTIA strongly believes that conservation measures must be developed at the national level.⁴ The alternative to the adoption of nationwide numbering conservation solutions is a “patchwork” of individualized, local measures that would subject carriers to inconsistent state numbering administration regimes and impermissibly compromise the Commission’s exclusive jurisdiction over the North American Numbering Plan for the United States. The Commission has stated that a nationwide, uniform system of numbering is essential to the efficient delivery of interstate and international telecommunications services.⁵ The lack of uniformity also could hamper industry efforts to forecast and plan properly for exhaust of the North American Numbering Plan.⁶

³ See *Second Report and Order* at ¶¶ 8, 58. See also *NRO Order* at ¶¶ 9, 120.

⁴ 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; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, *Memorandum Opinion and Order on Reconsideration*, 13 FCC Rcd. 19009 at ¶¶ 21, 27, 30 (1998) (“*Pennsylvania Numbering Order*”).

⁵ *Ameritech Order* at ¶ 13. *Pennsylvania Numbering Order* at ¶ 21.

⁶ *Pennsylvania Numbering Order* at ¶ 21.

II. MI PSC'S REQUEST IS ADDRESSED BY THE NRO ORDER

Specifically, the MI PSC requests additional authority to: (1) institute thousands-block number pooling; (2) maintain rationing procedures for six months following area code relief; and (3) require sequential number assignments.⁷ Most of the MI PSC's requests were addressed and decided in the *NRO Order*.

The FCC has established national number assignment standards that empower the North American Numbering Plan Administrator (NANPA) to withhold numbering resources and to verify the need for an initial code or growth codes. Moreover, the FCC determined what evidence is necessary for obtaining initial or growth numbering resources. The Commission adopted a flexible requirement for sequential number assignment in the *NRO Order*, which allows carriers to assign all available numbers from an opened thousands-block before opening another thousands-block, unless the available numbers are insufficient to meet a customer's request. Given the decision that states must conform all aspects of their pooling trials with federal requirements by April 8, 2001, there is no need to make further grants of interim authority to states to merely follow federal requirements established by the NRO Order. Furthermore, state commissions have established state pooling trials with notice that their interim pooling authority would be superseded by national standards.⁸

⁷ *Public Notice*, "Common Carrier Bureau Establishes Pleading Cycle to Consider the Michigan Public Service Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures," DA 01-466, NSD File No. L-01-36 (rel. Feb. 21, 2001).

⁸ *Second Report and Order* at ¶46.

III. STATES SHOULD ENGAGE IN RATE CENTER CONSOLIDATION WHERE POSSIBLE

The states and the FCC have supported thousands block number pooling. However, the complement to pooling is rate center consolidation. In a recent order, the Commission recognized the sound numbering policy advantages favoring rate center consolidation.⁹ The Commission noted that consolidating smaller rate centers to form larger geographic calling areas is “an attractive numbering resource optimization measure because it enables carriers to use fewer NXX codes and thousands-blocks to provide service throughout a region, thereby reducing the demand for NXX codes and thousands-blocks, improving number utilization, and prolonging the life of an area code.”¹⁰ In accordance with the Commission’s directive to state commissions, the MI PSC should “proceed as expeditiously as possible to consolidate rate centers.”¹¹

IV. CONCLUSION

There is no impediment preventing the states from using the tools available to them – area code splits, non-service specific overlays, and rate center consolidation – to provide carriers with the numbering resources they need to fulfill the Congressional mandate of a competitive communications marketplace.

Michigan and the other states which have petitioned the FCC for greater authority over the administration and assignment of numbering resources understandably are

⁹ See *In re Numbering Resource Optimization*, CC Docket No. 99-200, Order (rel. March 14, 2001), ¶ 9.

¹⁰ *Id.*

concerned about code exhaust in their jurisdiction. However, code exhaust is only one element of efficient number utilization. The most efficient utilization of the nation's numbering resources is the FCC's national approach which assigns to the states an important role and seeks to address the efficient use of both NPA's as well as NXX codes for *all* states and *all* consumers.

Respectfully submitted,

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¹¹ *Id.*