

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
The Michigan Public Service)	NSD File No. L-01-36
Commission Petition for Additional)	CC Docket No. 96-98
Delegated Authority to Implement)	CC Docket No. 99-200
Number Conservation Measures)	

To: Chief, Common Carrier Bureau

COMMENTS OF VERIZON WIRELESS

Verizon Wireless (“VZW”) submits these comments in response to the Bureau’s February 21, 2001 *Public Notice* regarding the January 30, 2001 petition by the Michigan Public Service Commission (“MPSC”) requesting delegated authority to implement various number conservation measures.¹ The MPSC seeks authority to (1) implement mandatory thousands-block number pooling for NPAs in the Detroit and Grand Rapids MSAs;² (2) order sequential number assignments to minimize thousands-block contamination; and (3) maintain NXX code rationing procedures for six months following area code relief.³ Given that multiple codes in these MSAs are near exhaust,

¹ *Public Notice, Common Carrier Bureau Seeks Comment on the Connecticut Department of Public Utility Control Expedited Petition For Additional Authority and the Michigan Public Service Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures*, NSD File No. L-01-35, NSD File No. L-01-36, CC Docket Nos. 96-98 & 99-200, DA 01-466, released February 21, 2001.

² The MPSC references several NPAs in its petition: **517, 810/586, 248, 734, 616**, and 313. The bolded NPAs are in dire need of relief. The MPSC seeks to implement pooling in most of these NPAs, some of which are in jeopardy: **810/586, 248, 734**, 313, and **616**.

³ MPSC petition, filed January 26, 2001, at 1-2.

granting the MPSC new authority would be inconsistent with sound numbering policy, unless the MPSC first orders expedited area code relief.

BACKGROUND AND SUMMARY

Relief is long overdue in Michigan due to protracted determinations about the appropriate jurisdiction for resolving area code relief matters.⁴ Once the jurisdictional issues were resolved, the MPSC set out to determine the appropriate type of relief for the area codes that were already exhausting across the state (e.g., 517, 810, 248, 734, 616, and 313). Unfortunately, due to the delays in issuing relief orders and Ameritech's request for extended implementation periods (citing resource constraints), the 616 and 810 NPAs will exhaust before the new NPAs are implemented. The MPSC now seeks authority to implement thousands-block number pooling ("TNP") in the Detroit MSA (for NPAs 810/586, 248, 734, and 313) and in the Grand Rapids MSA (for the 616 NPA). Most of these NPAs are in jeopardy and are perilously close to exhaust:

- Mandatory dialing for the 810 NPA will not begin until March 23, 2002 despite the fact that only 22 codes remain. Rationing has been reduced to 3 codes a month despite much higher monthly demand. The imminent exhaust pool only has 2 codes remaining. Because this area code will exhaust before relief is in place, several wireless carriers filed an emergency petition requesting a faster relief schedule.⁵
- Ameritech, as it did for the 517 NPA, has petitioned the MPSC to postpone mandatory dialing for the 248 NPA until October, 2002 (if an overlay is ordered) or

⁴ On July 17, 2000, Governor John Engler signed legislation authorizing the MPSC to exercise authority delegated to state commissions by the FCC to implement area code relief in Michigan. MCL 484.2303; MSA 22.1469(303).

⁵ See *Brief in Support of Motion to Amend Area Code Relief Implementation Schedule in Order Dated December 11, 2000*, Case No. U-12588, filed March 6, 2001 by Nextel, AT&T Wireless, Verizon Wireless, Sprint PCS, and VoiceStream Wireless ("810 NPA Joint Wireless Petition").

January, 2003 (if a split is ordered). Only 69 codes are left, which are being rationed at 6 per month. At this rate, the code will exhaust in 12 months, well before Ameritech has proposed to complete the relief.

- The 616 NPA has only 89 codes left. Rationing was recently reduced from 10 to 8 codes per month despite higher monthly demand for codes. At that rate, the NPA will exhaust in ten months. The MPSC recently held one hearing (March 19, 2001) regarding relief for the 616 and then decided to hold another hearing in 30 days (April 24, 2001), further delaying any order for relief implementation.

There is a dire need for relief in the NPAs in the Grand Rapids and Detroit MSAs. Consequently, any delegation of authority to the MPSC to implement pooling must be contingent on *prior* implementation of new area codes. Wireless carriers face serious threat of running out of numbers to meet growing customer demand for our services in the Detroit and Grand Rapids regions. Given the clear need for relief in these NPAs, the lack of relief decisions in the 248, 734, and 616 NPAs and Ameritech's alleged resource constraints which are preventing timely relief implementation, Verizon Wireless does not believe that any MPSC, carrier, or NANPA resources should be diverted to implementing pooling until the urgently needed area code relief is implemented.

Creation of number pools at this late date will not free additional numbering resources in time to ensure access to numbers, especially for non-pooling capable carriers. The FCC should, as it did with the New Jersey Board of Public Utility's ("New Jersey Board") request for pooling authority, require that the MPSC fully implement area code relief in the 810, 248, 517, and 616 NPAs *before* it may institute pooling in the Grand Rapids or Detroit MSAs.⁶ It is essential that area code relief *precede* pooling in

⁶ *In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Petitions by the Louisiana, Maryland, Massachusetts, and New Jersey Commissions for Additional Delegated Authority to Implement Number Conservation Measures, Order*, CC Docket Nos. 99-200 & 96-98, NSD File Nos. L-00-170, 171,169, & 95, released February 14, 2001 ("State Delegation Order").

the Detroit and Grand Rapids areas because of the threat to competition from the pending number exhaust. Conservation measures will not forestall the need for immediate relief in the Detroit and Grand Rapids areas; instead, pooling should be used *prospectively* to improve efficient use of numbers on a going forward basis in this region.

The MPSC’s request to continue rationing NXX codes for six months following relief is unjustified and should be denied. The prevailing logic has been that post-relief rationing was necessary to prevent a “run on the new area code.” This logic no longer holds since carrier behavior is circumscribed by federal rules that require demonstrations of need through fill rates and months-to-exhaust standards which limit access to growth codes and ensure that carriers are assigned codes only when legitimately needed. As discussed in detail below, rationing is not sound numbering policy, discriminates against non-pooling capable carriers and has no place in the new optimization regime.

The MPSC’s request for authority to implement sequential numbering is moot due to existing federal rules requiring sequential numbering by all carriers nationwide.⁷

I. PROMPT AREA CODE RELIEF IS NECESSARY BEFORE POOLING TO ENSURE AVAILABILITY OF NUMBERS TO CARRIERS WITH NEED FOR FULL NXX CODES

The MPSC acknowledges the FCC’s requirements for authorizing TNP trials, including the requirement that the NPA in question have a remaining life span of at least one year.⁸ The MPSC asserted, contrary to fact, that the NPAs in the Detroit and Grand Rapids MSAs have the requisite remaining life span, and if not, special circumstances

⁷ *First NRO Order* at ¶¶ 244-245.

⁸ MPSC petition at 2.

warrant granting them the requested authority. Consistent with FCC precedent, the MPSC's request for the authority to implement TNP should be granted only upon fulfillment of certain conditions ensuring the availability of full NXX codes for non-pooling carriers.⁹

A. Certain Michigan NPAs Do Not Meet the Criteria for Pooling And Special Circumstances Do Not Exist

In its petition, the MPSC stated that public hearings have been held for the 517, 810, 248, and 734 NPAs and that geographic splits have been ordered for the 517 and 810 NPAs.¹⁰ On March 19, 2001 the MPSC held a hearing for the 616 NPA and has now scheduled another hearing scheduled for April 24, 2001, further delaying relief for this NPA. The Michigan area code relief implementation plans are marked by sequential, drawn-out implementation schedules, and thus, the relief schedules for the 517 and the 810 splits are months apart.¹¹ The relief implementation dates (most of which are still being considered by the MPSC in pending relief proceedings), the remaining number of codes, the number of rationed codes per month, and the actual demand in each area code are provided in the table below.

⁹ See *State Delegation Order* at ¶¶ 29-30.

¹⁰ MPSC petition at 3.

¹¹ *Id.*

Area Code	Permissive Dialing	Mandatory Dialing	Remaining Codes	Rationing per month/ Actual Demand Applications
517 (original)	January 1, 2001	July 1, 2001		
517 (as amended)	April 7, 2001	October 6, 2001	26	4 / 4 requests in Feb.
810	September 22, 2001	March 23, 2002	22	3 / 9 requests in Feb.; 8 requests in March. Note: there are imminent exhaust procedures here, but only 2 codes left in that pool
248	No order	No order	69	6 / 3 requests in Jan.; 4 requests in Feb.
616	No order	No order	89	8 / 12 requests in Feb.; 11 requests in March.

The urgency for relief is apparent from this table. These NPAs do not have a year of life remaining, even under rationing.¹² Verizon Wireless has advocated for more aggressive relief implementation schedules in Michigan.¹³ In comments to relief proceedings and participation in a joint emergency petition, VZW has urged the MPSC to order overlays (which require fewer network changes) and to order expeditious, concurrent relief implementation dates. Thus, the MPSC's statement that the current problem is the inability of the *industry* to implement relief plans prior to the exhaust of numbering resources is not accurate and does not constitute special circumstances

¹² The MPSC has apparently premised its statement that the NPAs in the Detroit and Grand Rapids MSA have at least a year of life on the fact that the 313 NPA has an exhaust date of 1Q2002 and the exhaust date for the 734 NPA has now been extended until 2002. MPSC petition at 3 & 4. The fact that two NPAs in these areas have exhaust dates for next year hardly ameliorates the exhaust of the other NPAs, nor fulfills the Commission's requirement of at least a year of remaining life for each NPA.

¹³ See Verizon Wireless Responses to Case No. U-12721 regarding the 248 area code relief plan, filed February 2, 2001; See 810 NPA Joint Wireless Petition.

supporting their request for pooling authority.¹⁴ The MPSC should order implementation of overlays and should require Ameritech, the state's largest LEC, to implement relief more expeditiously.

Under the current scenario, there will be months in several NPAs where no NXX codes will be available to assign to carriers. The MPSC's petition states that the 517 and 810 NPAs both exhaust in July 2001, leaving the industry with no codes in the 517 NPA for five months and for nearly ten months in the 810 NPA.¹⁵ The 616 NPA has so few remaining codes that it too will exhaust before relief can be implemented, especially since the relief proceeding is still ongoing. This is unacceptable and in violation of the FCC's rules.¹⁶ Further reduction in rationing is not feasible in the 810 or 616 NPAs given the level of demand, nor should the industry endure such low rationing levels in other NPAs where demand is equally high.

¹⁴ MPSC petition at 4. Ameritech has petitioned the MPSC in the 517 NPA and 248 NPA relief proceedings for additional time to implement relief, alleging resource constraints. The Commission approved the amendment to the 517 NPA relief implementation dates as indicated above in the table, despite its objections and concerns. *See Opinion and Order*, MPSC Case No. U-12552, dated November 8, 2000. Recently, VZW has opposed a similar request by Ameritech in the 248 NPA proceeding and has asked the Commission to review all the implementation dates to ensure that relief is occurring at the most aggressive pace possible. *See Verizon Wireless Responses to Case No. U-12721 regarding the 248 area code relief plan*, filed February 2, 2001; *See 810 NPA Joint Wireless Petition*. Were pooling implemented before relief, Ameritech would have access to thousands blocks of numbers – while inhibiting the ability of wireless carriers to access any numbers due to the extended implementation schedule. This would be discriminatory and unlawful.

¹⁵ MPSC petition at 3.

¹⁶ The FCC has emphasized the obligation of state commissions to provide timely area code relief so that customers are not deprived of competitive choices due to number shortages. *Numbering Resource Optimization*, CC Docket 99-200, *Report & Order & Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 at ¶ 171 (2000) (*NRO Order*). The MPSC acknowledges its obligation in its petition for additional delegated authority. *See* MPSC comments at 5 (stating that the MPSC understands that number conservation is not a substitute for timely area code relief).

In the Commission's order requiring the New Jersey Board to implement relief before pooling, the Commission stated that relief must first be implemented "fully" in three NPAs that were perilously close to exhaust.¹⁷ Here, relief has been ordered for the 810 NPA, but as discussed above, new codes will not be available until March 23, 2002 – well beyond the code's exhaust. At the present pace, the 248, 734, and 616 NPAs will produce a similar result. There are no special circumstances warranting a delegation of pooling authority in these NPAs where relief is needed first and foremost. Consequently, the FCC should condition any grant of pooling authority to the MPSC on the Commission having fully implemented area code relief for the NPAs in the Detroit and Grand Rapids MSAs.

Ameritech has alleged that it lacks resources to accomplish a faster implementation schedule. Verizon Wireless is concerned that the same technical staff and other resources that are needed to implement relief would be diverted to implement new pooling trials, potentially delaying relief even further. At this time, the best use of limited commission and industry resources in Michigan is for implementing relief, not pooling.

B. Pooling Would Not Meet the Needs of Non-LNP Capable Carriers for Full NXX Codes

Pooling is not a "magic bullet" that makes the need for timely area code relief dissipate, especially for the Detroit and Grand Rapids NPAs that have so few remaining NXX codes left. As the Commission aptly noted in the *State Delegation*

¹⁷ State Delegation Order at ¶ 29.

Order, it is the availability of NXX codes that determines when relief is necessary.¹⁸ Pooling is of minimal value when there are few remaining codes and thousands blocks, which are likely to be contaminated well above the 10% threshold.¹⁹ Plus, the Detroit and Grand Rapids markets are metropolitan markets where exhaust is driven more by high demand and competition, and less by allocating numbers in blocks of 10,000 versus 1,000, especially this close to exhaust. Under these circumstances, pooling would not obviate the urgent need for relief.

Moreover, pooling will not meet the needs of wireless carriers that are not capable of participating in the TNP trials. Pooling will not fulfill the MPSC's obligation to provide full NXX codes for non-pooling capable carriers. Consequently, pooling must *follow* area code relief rather than *precede* it in the Grand Rapids and Detroit MSAs.

II. THE MPSC SHOULD NOT BE GRANTED AUTHORITY TO CONTINUE RATIONING FOR SIX MONTHS FOLLOWING AREA CODE RELIEF

The MPSC seeks authority to implement a rationing procedure for at least six months following the area code relief plan.²⁰ Rationing is an inefficient means of allocating numbering resources because it assigns numbering resources arbitrarily and artificially forestalls complete number exhaust. Rationing has been overused to delay necessary area code relief and is not an appropriate method of allocating numbers. The

¹⁸ *Id.* at ¶ 30.

¹⁹ Pooling will be most effective where an area code is not in serious jeopardy and when at least one year of life, without rationing, remains forecasted for that NPA. VZW supports the MPSC's request to implement pooling in the 586 NPA that is being formed by splitting the 810 and any newly created NPAs.

²⁰ MPSC petition at 6.

Commission has now provided, through the two *NRO Orders*, tools for effective number resource utilization and conservation and for ensuring that numbers are only assigned when truly needed by carriers to meet customer demand.²¹

Further, after jeopardy has been addressed by implementation of a new NPA and other related measures, there is no apparent justification for maintaining this inefficient system for number distribution. Continued rationing is not necessary because of the FCC's implementation of national utilization and efficiency standards, such as fill rate and months-to-exhaust requirements, and the reservation rule – which limit access to numbering resources according to demonstrable need. Rationing should no longer be sanctioned as a conservation tool. Thus, not only is post-relief rationing unnecessary, but it has no place in the new numbering scheme. The FCC should decline to grant the MPSC authority to continue rationing after relief is in place.

III. SEQUENTIAL NUMBERING

The MPSC seeks delegated authority to mandate sequential number assignments. The rules adopted in the *First NRO Order* regarding sequential numbering have become effective.²² Accordingly, the request for these additional delegations of authority should be denied as moot.

²¹ See *Numbering Resource Optimization*, CC Docket 99-200, *Report & Order & Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000); See also *Numbering Resource Optimization, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, released December 29, 2000.

²² 65 Fed. Reg. 37,703 (June 16, 2000).

