

RECEIVED

MAR 23 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of)	
)	
Michigan Public Service Commission)	NSD File No. L-01-36
Petition for Additional Delegated Authority)	
to Implement Number Conservation Measures)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act of 1996)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	

**COMMENTS
OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA)¹ hereby files its comments on the above-referenced petition filed by the Michigan Public Service Commission (Michigan) for delegation of additional authority to implement various number conservation methods in the above-captioned proceedings.

In its petition, Michigan seeks delegated authority to implement mandatory thousand block pooling for NPAs in the Detroit and Grand Rapids MSAs, to require sequential number assignments, and to maintain rationing procedures for six months following area code relief.

In its *Report and Order and Further Notice of Proposed Rule Making* in CC Docket No. 99-200 (*First Report and Order*),² the Commission adopted a mandatory utilization data

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 15 FCC Rcd 7574 (2000).

requirement, a uniform set of categories of numbers to be used by carriers to report their number utilization, and a utilization threshold framework, which are collectively designed to increase carrier accountability and incentives for carriers to use numbers efficiently. The Commission also adopted mandatory thousand block number pooling as a nationwide resource optimization strategy. The Commission further addressed numbering conservation issues in its *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 (Second Report and Order)*.³

Most of the specific relief measures requested by the states have been addressed by the Commission in its *First Report and Order* and *Second Report and Order*. Although these comments addressing the states' requests reflect that much of the relief requested generally has been accorded to all states by the Commission's previous actions, USTA does not necessarily agree with each of the Commission's determinations as the best way to develop and implement a nationwide, uniform system of numbering. The Commission has consistently stated that it intends to develop a nationwide, uniform system of numbering and that such a system is "essential to the efficient delivery of telecommunications services in the United States."⁴ The Commission has further recognized that the industry, the Commission, and the states should work together to develop national methods to conserve and promote efficient use of numbers, but that those attempts "cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country."⁵

³ FCC 00-429, released December 29, 2000.

⁴ *Memorandum Opinion and Order and Order on Reconsideration, 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*, NSD File No. L-97-42, 13 FCC Rcd 19009 at ¶ 21 (1998).

⁵ *Id.*

USTA believes that the Commission should adhere to its policy that orderly national numbering conservation and administration measures are essential to the optimization of the North American Numbering Plan (NANP). USTA will evaluate the Commission's actions against the overarching need to preserve and enhance effective nationwide number planning, conservation and administration.

A majority of the states have filed requests with the Commission since February 1999 seeking similar individual state relief to deal with number shortages.⁶ The Commission has now granted portions of 32 of the states' requests.⁷ USTA has filed comments on each of the

⁶ New York Department of Public Service Petition, NSD File No. L-99-21 (New York Petition); Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-99-19 (Massachusetts Petition); Maine Public Utilities Commission Petition, NSD File No. L-99-27 (Maine Petition); Florida Public Service Commission Petition, NSD File No. 99-33 (Florida Petition); Californian Public Utilities Commission and People of the State of California Petition, NSD File No. 98-136 (California Petition); Texas Public Utility Commission Petition, NSD File No. 99-55 (Texas Petition); Connecticut Department of Public Utility Control Petition, NSD File No. 99-62 (Connecticut Petition); Wisconsin Public Service Commission Petition, NSD File No. L-99-64 (Wisconsin Petition); New Hampshire Public Utilities Commission Petition, NSD File No. L-99-71 (New Hampshire Petition); the Public Utilities Commission of Ohio Petition, NSD File No. L-99-74 (Ohio Petition); Indiana Utility Regulatory Commission Petition, NSD File No. L-99-82 (Indiana Petition); Nebraska Public Service Commission Petition, NSD File No. L-99-83 (Nebraska Petition); Utah Public Service Commission Petition, NSD File No. L-99-89 (Utah Petition); Missouri Public Service Commission Petition, NSD File No. L-99-90 (Missouri Petition); Iowa Utilities Board Petition, NSD File No. L-99-96 (Iowa Petition); Tennessee Regulatory Authority Petition, NSD File No. L-99-94 (Tennessee Petition); Virginia State Corporation Commission Petition, NSD File No. L-99-95 (Virginia Petition); Georgia Public Service Commission Petition, NSD File No. L-99-98 (Georgia Petition); North Carolina Utilities Commission Petition, NSD File No. 99-97 (North Carolina Petition); Arizona Corporation Commission Petition, NSD File No. 99-100 (Arizona Petition); Pennsylvania Public Utility Commission Petition, NSD File No. L-99-101 (Pennsylvania Petition); Colorado Public Utilities Commission Petition, NSD File No. L-00-16 (Colorado Petition); Public Service Commission of Kentucky, NSD File No. L-00-08 (Kentucky Petition); Oregon Public Utility Commission Petition, NSD File No. L-00-29 (Oregon Petition); New Jersey Board of Public Utilities Petition, NSD File No. L-00-95 (New Jersey Petition); Massachusetts Department of Telecommunications and Energy Petition, NSD File No. L-00-169 (Second Massachusetts Petition); Louisiana Public Service Commission Petition, NSD File No. L-00-170 (Louisiana Petition); Maryland Public Service Commission Petition, NSD File No. L-00-171 (Maryland Petition); Minnesota Public Utilities Commission Petition, NSD File No. L-01-206 (Minnesota Petition); Vermont Public Service Board Petition, NSD File No. L-01-272 (Vermont Petition); Indiana Utility Regulatory Commission Petition, NSD File No. L-01-273 (Indiana Petition); West Virginia Public Service Commission Petition, NSD File No. L-01-274 (West Virginia Petition); Missouri Public Service Commission Petition, NSD File No. L-01-275 (Missouri Petition); Oklahoma Corporation Commission Petition, NSD File No. L-01-276 (Oklahoma Petition); and Tennessee Regulatory Authority Petition, NSD File No. L-01-277 (Tennessee Petition).

⁷ Order on New York Petition, 14 FCC Rcd 17467 (1999) (*New York Order*); Order on Massachusetts Petition, 14 FCC Rcd 17447 (1999) (*Massachusetts Order*); Order on Florida Petition, 14 FCC Rcd 17506 (1999) (*Florida Order*); Order on California Petition, 14 FCC Rcd 17486 (1999) (*California Order*); Order on Maine Petition, 14 FCC Rcd 16440 (1999) (*Maine Order*); Order on Connecticut Petition, 15 FCC Rcd 1240 (1999) (*Connecticut Order*); Order on New Hampshire Petition, 15 FCC Rcd 1252 (1999) (*New Hampshire Order*); Order

petitions, opposing the states' requests for additional authority that would jeopardize the industry processes underway for comprehensive nationwide number conservation. USTA has also addressed the issue of the states' authority to implement conservation measures on an individual basis in the pleadings it has filed in the various pleadings it has filed in CC Docket No. 99-200.⁸

Notwithstanding the Commission's partial grant of some of the states' requests and the Commission's decisions in the *First Report and Order* and *Second Report and Order*, USTA continues to be concerned over grant of additional authority to individual states in contravention of nationwide number conservation policies and procedures. To the extent that the petitioning states seek additional authority that would frustrate the national number conservation plan, USTA opposes those requests for the reasons articulated in its earlier pleadings. Rather than repeat the reasons stated therein, USTA hereby incorporates by reference all of its pleadings filed in the proceedings listed in footnotes 6 and 8, *supra*.

USTA provides the following comments on the states' specific requests for authority in light of the Commission's *First Report and Order*, *Second Report and Order*, *First Multiple State Order* and *Second Multiple State Order*.

1. Thousand Block Number Pooling Trials

Michigan seeks authority to implement thousand block pooling in the Detroit and Grand Rapids MSAs. USTA has continuously expressed concern over the deployment of software

on Ohio Petition, 15 FCC Rcd 1268 (1999) (*Ohio Order*); Order on Texas Petition, 15 FCC Rcd 1285 (1999) (*Texas Order*); Order on Wisconsin Petition, 15 FCC Rcd 1299 (1999) (*Wisconsin Order*); Order on Arizona, Colorado, Georgia, Indiana, Iowa, Kentucky, Missouri, Nebraska, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, Virginia, and Washington Petitions, DA 00-1616, released July 20, 2000 (*First Multiple State Order*); and Order on Indiana, Minnesota, Missouri, Oklahoma, Tennessee, Vermont, and West Virginia Petitions, DA 01-656, released March 14, 2001 (*Second Multiple State Order*).

⁸ See, e.g., Comments filed July 30, 1999 and Reply Comments filed August 30, 1999 in response to the *First Report and Order*, Comments filed May 19, 2000 and Reply Comments filed June 9, 2000 in response to the *Second Report and Order*, and Opposition filed August 15, 2000 to Petitions for Reconsideration and Clarification of the *First Report and Order*.

version 1.4 in state pooling trials. Michigan does not specify whether version 1.4 or 3.0 would be used. A broad range of carriers, including ILECS, AT&T and WorldCom, have objected to additional deployment of version 1.4 on technical grounds. USTA observes that the Commission's own schedule calls for implementation of the national plan for pooling within approximately 12 months.⁹ The Commission has emphasized that individual state pooling trials will be required to conform to the national standard, when available, and are given a transition period of three months.¹⁰ USTA observes that implementation of software version 3.0 is currently being employed in some regions.¹¹

Under these circumstances, granting additional authority to states to deploy pooling structures that are not consistent with the national standard makes no sense. Such an exercise would be counter-productive to the states, the carriers and the public at large. Carriers would incur additional unnecessary expense, which would ultimately be borne by the public. Rather, the Commission should redouble its efforts to work with the industry to take all necessary steps to implement the national plan and then be able to implement pooling on a broad, national, consistent and rational manner.

2. Sequential Number Assignment

Michigan seeks authority to require sequential number assignment within an NXX or thousand block in connection with its pooling trials. In the *First Report and Order*,¹² the

⁹ In the *First Report and Order* at 7643, the Commission stated that thousand block pooling would be implemented within nine months of the selection of a national Pooling Administrator. In the *Second Report and Order* at ¶ 37, the Commission indicated that the Pooling Administrator selection would be made in the first quarter of 2001.

¹⁰ The specific date for state conformance to the national framework is to be three months from publication of the *Second Report and Order* in the Federal Register. See ¶ 46.

¹¹ See generally the record of the March 21, 2001 NANC Meeting, report of Michael O'Connor on the activities of the LLCs NPAC.

¹² 15 FCC Rcd at 7684.

Commission mandated that carriers first assign all available numbers within an opened thousand blocks before opening another block for carriers' existing and new numbering resources, unless the available numbers are not sufficient to meet a customer's request. While the Commission gave the states oversight authority over sequential numbering assignments, it required that states conform their existing sequential number assignment requirements to the Commission's new policy.¹³ Thus, the Commission's newly-established policy stated above is in force and has supplanted all inconsistent state delegated authority on sequential number assignment. This renders Michigan's request moot. It should therefore be dismissed.

3. Revised Rationing Procedures

Michigan requests authority to impose rationing procedures and maintain such measures for six months following an NPA relief plan. USTA believes that this proposal must be rejected for two reasons. First, the Michigan request lacks precision and justification. The authority requested consists of no explanation or justification whatsoever, and does not observe the concerns stated by the Commission in its authority granted to New York.¹⁴ Without additional specificity, the Commission must reject this proposal. Second, rationing is inconsistent with the Commission's new numbering rules, as adopted in the *First Report and Order*. Specifically, the new eligibility requirements for initial and growth codes and thousand blocks and the requirements for assignment on a first-come, first-served basis make rationing unwarranted and incompatible with this new scheme. There is no valid reason to grant Michigan's request for rationing.

¹³ *Id.*

¹⁴ *New York Order* at 15.

Conclusion

To the extent that the Commission has already generically granted the relief sought by the Michigan petition, USTA submits that the petition is moot. To the extent that the petitioner seeks additional authority beyond that granted to the states or that specified in the *First Report and Order* or *Second Report and Order*, USTA opposes the requests as frustrating the need for nationwide number conservation and administration standards.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By 

Its Attorneys:

Lawrence E. Sarjeant
Linda L. Kent
Keith Townsend
John W. Hunter
Julie E. Rones

1401 H Street, N.W.
Suite 600
Washington, D.C. 20005
(202) 326-7375

March 23, 2001

CERTIFICATE OF SERVICE

I, Meena Joshi, do certify that on March 23, 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):

Harvey L. Reiter
David D'Alessandro
Carrie L. McGuire
Morrison & Hecker LLP
1150 18th Street, NW, Suite 800
Washington, DC 20036-3816

David A. Voges
Public Service Division
Michigan Public Service Commission
6545 Mercantile Way, Suite 15
Lansing, MI 48911


Meena Joshi