

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

In the Matters of:)
)
Iowa Utilities Board) NSD File No. L-01-74
North Carolina Utilities Commission) NSD File No. L-00-75
)
Petitions for Delegated Authority to Implement) CC Dockets 99-200 & 96-98
Number Conservation Measures)

To: Chief, Common Carrier Bureau

COMMENTS OF VERIZON WIRELESS

Verizon Wireless hereby submits its comments, in response to the Bureau’s April 19, 2001 Public Notice, on the March 9, 2001 petition of the Iowa Utilities Board (“Iowa Commission” or “IUB”) and the October 19, 2000 petition of the North Carolina Utilities Commission (“North Carolina Commission” or “NCUC”) requesting additional delegated authority to implement number conservation measures.¹ Both of these petitions seek authority to implement a thousands-block number pooling trial.

I. POOLING AUTHORITY SHOULD BE CONDITIONED ON PROVISION OF NUMBERING RESOURCES FOR NON-POOLING CAPABLE CARRIERS

Verizon Wireless supports the request for pooling authority by the IUB and NCUC, as long as the FCC requires these state commissions to implement area code relief when necessary

¹ Public Notice, *Common Carrier Bureau Seeks Comment on the Iowa Utilities Board Petition for Delegation of Additional Authority and The Supplement to the North Carolina Utilities Commission’s Petition for Additional Delegated Authority to Implement Number Conservation Measures*, NSD File Nos. L-01-74 and L-01-75, CC Docket Nos. 96-98 and 99-200 (April 19, 2001).

to provide CMRS providers with access to numbering resources. Any delegation of pooling authority must be contingent on each state commission implementing relief for CMRS carriers to continue obtaining full NXX codes.

The FCC has stated repeatedly that pooling, rationing, and other conservation measures are no substitute for NPA relief.² Accordingly, the *First NRO Order* held that states may institute pooling *only* if non-LNP-capable carriers can continue obtaining NXX codes:

We also emphasize that only those carriers that have implemented LNP capability shall be subject to pooling . . . Moreover, non-LNP capable carriers operating in NPAs that are subject to pooling shall have the same access to numbering resources as they had prior to the implementation of pooling.³

The FCC must ensure that in granting additional pooling and conservation authority, such grants do not result in non-pooling capable carriers being denied numbering resources simply because needed area code relief has not been implemented. In some states, CMRS carriers have had their access to numbering resources dramatically curtailed by the institution of pooling, despite similar language in delegation orders.

It is particularly important that states not view thousand block pooling as a solution to number shortages at this time, given the significant number of non-pooling capable carriers. The FCC should assert its plenary authority over numbering and ensure that states comply with established FCC policy, which clearly states that conservation is not a substitute for area code

² See *State Delegation Order* at ¶ 11; 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 at ¶ 61 (“Second NRO Order”) (stating that state commissions may not use rationing as substitute for area code relief.)

³ See *Numbering Resource Optimization, CC Docket 99-200, Report & Order & Further Notice of Proposed Rulemaking, 15 F.C.C.R. 7574 (2000) (NRO Order)* at ¶ 171 (emphasis added).

relief.⁴ The *First NRO Order* emphasized the need for effective area code relief as an essential numbering resource mechanism.⁵

A. The Iowa Commission's Request

The Iowa Commission seeks, for the second time, to implement a thousands-block pooling trial in the 319 NPA. The Commission denied this request initially because the IUB had not supplied information demonstrating that the majority of wireline carriers in the 319 NPA are LNP capable, which is required for NPAs outside the largest 100 MSAs.⁶ State commissions may also demonstrate “special circumstances” in which pooling would be beneficial in NPAs that otherwise do not meet the FCC’s criteria for authorizing pooling trials.⁷

Now, the IUB indicates that Qwest is the only fully LNP-capable carrier in Iowa; Iowa’s second largest carrier, Iowa Telecom, is LNP-capable in only 18 exchanges statewide. Other small and rural LECs indicated to the IUB that there is minimal, if any, LNP-capability, and there are no plans for them to become LNP-capable.⁸ Against this backdrop, the IUB requests authority to require non-LNP capable carriers to participate in pooling. The Iowa Commission does not expressly refer to wireless or paging carriers in its petition, thus Verizon Wireless

⁴ *State Delegation Order* at ¶ 11. See *Pennsylvania Public Utility Commission, Memorandum Opinion & Order & Order on Reconsideration*, 13 F.C.C.R. 19,009, 19,026-19,029 (1998), petitions for reconsideration pending; *Numbering Resource Optimization*, CC Docket 99-200, *Notice of Proposed Rulemaking*, 14 F.C.C.R. 10,322, 10, 425-10,426 (1999) (NRO Notice).

⁵ See *Numbering Resource Optimization*, CC Docket 99-200, *Report & Order & Further Notice of Proposed Rulemaking*, 15 F.C.C.R. 7574 (2000) (NRO Order).

⁶ In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provision of the Telecommunications Act of 1996, Petitions for Delegated Authority to Implement Number Conservation Measures of Arizona, Colorado, Georgia, Indiana, Iowa, Kentucky, Missouri, Nebraska, North Carolina, Oregon, Pennsylvania, Tennessee, Utah, Virginia, Washington, *Order*, CC Docket Nos. 99-200 & 96-98, Released July 20, 2000, (“*State Delegation Order*”), at ¶ 32, 23.

⁷ *Id.*

⁸ Petition for Delegation of Additional Authority by the Iowa Utilities Board, filed March 9, 2001, (“IUB Petition”) at 2-3.

believes that the IUB is *not* requesting authority to require wireless or paging carriers to participate in pooling prematurely.⁹

If the IUB seeks to include wireless or paging carriers in its request for pooling implementation, Verizon Wireless opposes this request. The FCC issued an *Order* forbearing from applying the LNP rules to wireless carriers until November 24, 2002 – the basis for which the IUB’s petition does not address.¹⁰ Moreover, the FCC has exempted paging providers from achieving LNP capability.¹¹ The period for reconsidering the FCC’s *Orders* has long passed and the IUB asserts no legal basis for a waiver from the FCC’s decisions to delay or exempt wireless and paging carriers, respectively, from achieving LNP capability. The justification given – to provide the FCC with a trial in which non-LNP capable carriers are required to pool¹² – is not supported by sufficient facts or a legal or policy rationale that meets the "good cause" legal standard required for waivers.¹³

The Iowa Commission hopes to protect or preserve the 319 NPA’s 182 codes before the geographic split becomes final.¹⁴ Protection of these codes is premised on the possibility that, “Any one company could request assignment of enough new prefixes to put 319 in jeopardy

⁹ The IUB’s Petition states that pooling in the 319 NPA would yield better results with the participation of Iowa Telecom and the key small and rural carriers. IUB Petition at 4.

¹⁰ CTIA’s Petition for Forbearance from CMRS Number Portability Obligations and Telephone Number Portability, *Memorandum Opinion and Order*, 14 FCC Rcd 3092, 3093 (1999).

¹¹ Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, 11 FCC Rcd 8352 at ¶ 156 (1996).

¹² IUB Petition at 4.

¹³ 47 C.F.R. § 1.3.

¹⁴ IUB Petition at 4. The IUB issued an *Order Adopting Geographic Split*, Issued November 16, 2000, Docket No. SPU-99-30. Permissive dialing began March 25, 2001, and Mandatory dialing begins December 2, 2001.

before the split becomes final.”¹⁵ Although Verizon Wireless commends the IUB for its concern about premature exhaust of the 319 NPA, and supports efforts to conserve numbers through pooling, the implementation of relief as scheduled should meet the need for numbering resources. Not only is the 319 NPA not in jeopardy, but NANPA has only assigned 11 codes to carriers between January and March of this year, and 6 codes have been returned through reclamation. Moreover, the IUB has now required carriers to file copies of their code applications to ensure that carrier requests are legitimate in all respects.¹⁶ Federal rules also require that code requests approved by NANPA meet certain utilization thresholds and months-to-exhaust standards.

If the IUB is granted expanded pooling authority, the IUB must ensure that there are sufficient full NXX codes, given the pace of demand, to meet the numbering needs of non-pooling carriers, specifically wireless and paging carriers. Therefore, relief must remain as a back-up plan that can be implemented quickly in case pooling does not reap the benefits promised. Given that there are so few LECs in Iowa which are presently LNP-capable, pooling may not provide meaningful conservation in the near term.

To the extent the IUB is seeking pooling authority for the 319 NPA to commence *after* the planned geographic split is in place, Verizon Wireless supports that request. Pooling can enhance the life of newly created codes and forestall the need for relief beyond the predicted timeframe. Such a measure may be helpful here, where the IUB has selected a split line which has an estimated life of only 4 years for the 319 NPA.

¹⁵ IUB Petition at 4.

¹⁶ *Order Requiring Communications Service Providers to Submit Applications for NXX Codes*, Issued March 21, 2001, Docket No. NOI-00-3.

B. The North Carolina Commission's Request

The North Carolina Commission seeks pooling authority for the 336 NPA. Verizon Wireless has participated in the NCUC's docket for the 336 NPA and the industry relief meetings. Verizon Wireless filed comments on March 6, 2001 supporting implementation of an overlay. On April 23, 2001 the North Carolina Telecommunications Industry Task Force filed a proposed order approving an overlay, but recommending the use of extensive conservation measures, particularly pooling, to prolong the life of the 336 NPA. The stated intent of this activity is to postpone for as long as possible the use of the new overlay area code.¹⁷ Essentially, if the NCUC adopts the proposed order in total, an overlay would be ordered – subject only to establishing implementation dates in a subsequent order – but held in abeyance while the NCUC implements pooling. As stated above, Verizon Wireless does not oppose such arrangements where there are enough NXXs codes available, given the pace of demand, to make pooling viable without neglecting the need of CMRS carriers for full NXX codes.

Verizon Wireless agrees that efforts must be made to continue to improve the efficiency of number utilization. However, it is critical that the FCC condition any further delegations of authority on a requirement that each state commission ensure that all carriers will have access to numbers when needed to serve customers.

II. CONCLUSION

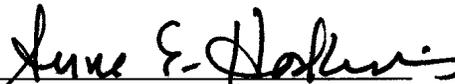
Verizon Wireless does not oppose a limited delegation of authority to the NCUC or IUB to implement number pooling for LNP-capable carriers, as long as relief is provided when needed to meet the numbering demands of CMRS carriers. Where exhaust is imminent, area code relief must be the first priority, because pooling will not suffice to provide numbering

resources to CMRS carriers. Therefore, the FCC should condition any delegation of additional pooling authority to the IUB and the NCUC on the implementation of relief for the 319 NPA and the 336 NPA, respectively, at least as back-up plans to conservation initiatives.

Respectfully Submitted,

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¹⁷ North Carolina Telecommunications Industry Task Force Proposed Order Approving Overlay Option to Provide Area Code Relief, filed April 23, 2001, Docket No. P-100, SUB 137c. .