

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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In the Matter of)	
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North Carolina Utilities Commission's Petition)	NDS File No. L-01-75
For Additional Delegated Authority)	
To Implement Optimization Measures)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Implementation of the Local Competition)	CC Docket No. 99-68
Provisions of the Telecommunications Act of)	
1996)	

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

The Cellular Telecommunications & Internet Association ("CTIA")¹ hereby submits its comments on the petition filed by the North Carolina Utilities Commission ("NCUC"), for additional delegated authority to implement number conservation measures.

I. INTRODUCTION

The NCUC 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

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*

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Second Report and Order permits states to continue to request additional authority to implement various number conservation methods, the *Second Report and Order* also 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 that: (1) request authority over numbering administration that is now reserved for national implementation; and, (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 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 such a piecemeal approach is inconsistent with the Commission’s determination that a nationwide, uniform system of numbering is essential to the efficient delivery of interstate and international telecommunications

Order and Further Notice of Proposed Rulemaking (rel. March 31, 2000) (“*Numbering Resource Optimization Order*” or “*NRO Order*”).

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*”).

services.⁵ Moreover, the lack of uniformity hampers industry efforts to forecast and plan properly for exhaust of the North American Numbering Plan.⁶

II. NCUC'S REQUEST IS ADDRESSED BY THE NRO ORDER

Specifically, the NCUC requests additional authority to institute thousands-block number pooling.⁷ The FCC has already addressed such request and has unequivocally stated that thousands-block number pooling will be administered on a national level.⁸

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 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. The FCC also decided that states must conform all aspects of their pooling trials with Federal requirements by April 8, 2001. Accordingly, there is no need to make further grants of interim authority to states since states are required to follow Federal requirements established by the *NRO Order*. Furthermore, to the extent the FCC has granted state commissions the authority to

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

⁶ *Pennsylvania Numbering Order* at ¶ 21.

⁷ *Public Notice*, "Common Carrier Bureau Seeks Comment on the Supplement to the North Carolina Utilities Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures," DA 01-984, NSD File No. L-01-75 (rel. Apr. 19, 2001).

⁸ *See Second Report and Order* at ¶34.

establish state pooling trials, the FCC provided notice that such interim pooling authority would be superseded by national standards.⁹

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.¹⁰ 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.”¹¹ In accordance with the Commission’s directive to state commissions, the NCUC should “proceed as expeditiously as possible to consolidate rate centers.”¹²

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.

⁹ *Second Report and Order* at ¶46.

¹⁰ *See In re Numbering Resource Optimization*, CC Docket No. 99-200, *Order* (rel. March 14, 2001), ¶ 9.

¹¹ *Id.*

¹² *Id.*

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