

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

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| In the Matter of                                 | ) |                      |
|  | ) |                      |
| Iowa Utilities Board                             | ) | NSD File No. L-01-74 |
| Petition for Delegation of Additional Authority  | ) |                      |
|  | ) |                      |
| 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”)<sup>1</sup> hereby files its comments on the petition filed by the Iowa Utilities Board (“Iowa”) for delegation of additional authority to conduct a thousand block pooling trial in an additional Numbering Plan Area (“NPA”) that is not in the largest 100 MSAs and to require non-Local Number Portability (“LNP”) capable carriers to participate in that pooling trial. In support of its request, Iowa contends that the situation existing in the 319 NPA, where Iowa seeks authority to order pooling, is a “special circumstance” that should qualify for the Commission to authorize the request in an area that is not otherwise eligible for thousand block pooling.

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List A B C D E

<sup>1</sup> 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.

Iowa has already sought authority to conduct thousand block pooling in the 319 NPA; the Commission rejected that request.<sup>2</sup> In refusing to grant Iowa authority to order number pooling in the 319 NPA, the Commission found that Iowa had failed to provide any information on the LNP-capability of the majority of wireline carriers in the 319 NPA.<sup>3</sup> By alleging special circumstances, Iowa in the instant petition confirms that it does not meet the criteria set forth by the Commission to obtain thousand block pooling authority.<sup>4</sup> Its offer to exchange thousand block number pooling authority in the 515 NPA for authority in the 319 NPA cannot be taken seriously and should be dismissed as frivolous.

Iowa's request is based on general conjecture and hypothetical events that are not yet complete. One is the presumption that its efforts to obtain rate center consolidation and the form in which it will be accomplished in the 319 NPA result in a major increase in the number of thousands blocks available for pooling. Another is an unsubstantiated statement concerning the possible demand for resources in the 319 NPA. Given these unresolved issues and the fact that the only LNP capable carrier is Qwest, Iowa claims that pooling in the 319 NPA would be more efficient if Iowa Telecommunications Services, the second largest carrier in the state, and "key small and rural carriers" were required to participate. This means that, if the Iowa request were to be granted, those carriers would have to acquire LNP capability solely for the purpose of participating in the state thousand block pooling trial. The effectiveness of thousand block pooling in the 319 NPA is conceded to be minimal without significant rate center consolidation,

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<sup>2</sup> See *Numbering Resource Optimization*, CC Docket No. 99-200, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, *Petition of the Arizona Corporation Commission for Delegated Authority to Implement Number Conservation Measures*, NSD File No. L-99-100, *et al.*, Order, DA 00-1616, released July 20, 2000, at ¶ 32 ("*State Delegation Order*").

<sup>3</sup> *Id.*

<sup>4</sup> See *Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7652 (2000) ("*First Report and Order*").

and that activity is far from complete, by Iowa's own admission. In this regard, the Commission has recognized the significant impact that rate center consolidation has on carrier revenues and call routing.<sup>5</sup> Iowa has obligations relating to these effects as a result of rate center consolidation activities. Iowa's request also entails waiver of several of the Commission's rules, particularly related to thousand block number pooling and local number portability.<sup>6</sup> Iowa has not even approached the standard required for the Commission to grant such requests.<sup>7</sup>

Grant of the Iowa petition would have particular adverse impact on the carriers involved. They would be obligated to incur significant financial and other burdens that would not yield public benefit. The costs of becoming LNP capable would be significant for those carriers that would have to acquire such capability for the purpose of participating in a state pooling trial. Additional costs would also be incurred by LNP capable carriers. This fact becomes especially significant because there is no assurance that adequate cost recovery measures will be available to the carriers involved. The Commission has determined that costs associated with state pooling trials are state costs, not federal, and that the states would have to adopt their own cost recovery measures for those costs.<sup>8</sup> Iowa has not adopted any such measures and there is no assurance in its petition or otherwise that it will do so.

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<sup>5</sup> *Numbering Resource Optimization*, CC Docket No. 99-200, Second Further Notice of Proposed Rulemaking, FCC 00-429, released Dec. 29, 2000, 66 Fed. Reg. 9535 (2001) at ¶¶ 147-148 (“*Second Further Notice*”).

<sup>6</sup> See 47 C.F.R. §§ 52.20 (“Thousands-block number pooling”), 52.23(b) (“Deployment of long-term database methods for number portability by LECs”), and 52.27 (“Deployment of transitional measures for number portability”).

<sup>7</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC* 418 F.2d 1153, 1157 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

<sup>8</sup> See 47 C.F.R. § 52.29.

Grant of this petition would not be in the public interest. It should be eminently clear that the Commission has never expanded the requirement for carriers to become LNP capable beyond its initial determination and has never done so for number pooling reasons. The Commission should not do so in this instance, for Iowa has not met the conditions that the Commission set forth in its *First Report and Order* to expand the authority of a state to conduct a thousand block pooling trial. In addition, Iowa has not presented evidence in its petition of any numbering resource availability benefits, even if the relief it requested were granted. The Commission would be creating a dangerous precedent of expanding its LNP requirement to additional carriers long after it determined that such a requirement was not in the public interest.

This is also not the proper forum for the Commission to consider changes in its criteria for permitting states to conduct thousand block pooling trials. The issue of whether it would be appropriate to expand pooling requirements to non-LNP capable carriers was raised in the *Second Further Notice* and is still pending before the Commission. USTA has strenuously argued against expansion of the obligation to those carriers that serve areas outside the top 100 MSAs or that are otherwise not LNP capable.<sup>9</sup> In support of its position, USTA has noted the Commission's objectives in adopting thousand block pooling requirements<sup>10</sup> and argued that they are not advanced by extending the obligation to other carriers.

As previously stated, USTA believes that the industry's and the nation's first priority in numbering conservation must be to develop and implement a nationwide, uniform system of numbering. The Commission has consistently stated that it intends to develop a nationwide,

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<sup>9</sup> See USTA Comments on the *Second Further Notice*, filed February 14, 2001, at 4-5, and USTA Reply Comments on the *Second Further Notice*, filed March 7, 2001, at 6.

<sup>10</sup> The Commission stated that "LNP capability is already mandated in the areas where number usage is likely to be the highest" and that "the benefits of pooling can potentially affect a large number of areas and consumers" in the *NRO Order* at 7627.

uniform system of numbering and that such a system is “essential to the efficient delivery of telecommunications services in the United States.”<sup>11</sup> 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.”<sup>12</sup>

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”). The Commission must not further yield to the requests by individual states to fragment and decentralize number administration. As USTA has repeatedly stated, the effects would be disastrous to number planning and conservation in this country. This is particularly the case in extending pooling trials to areas that are not LNP capable. In addition to the adverse impacts on the carriers and the public delineated above, such action would result in a significant loss of effectiveness of the national program and its numbering conservation and administrative policies, and the diversion of resources will delay development of effective national measures. The Commission needs to focus on these national programs and the development of orderly national measures, rather than to devote so much of its own and the industry’s resources to individual state requests that will undermine the vital national scheme.

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<sup>11</sup> 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).

<sup>12</sup> *Id.*

USTA continues to oppose the grant of additional authority to individual states in contravention of the nationwide number conservation policies and procedures. Iowa's request seeks additional authority that would frustrate the national number conservation plan.

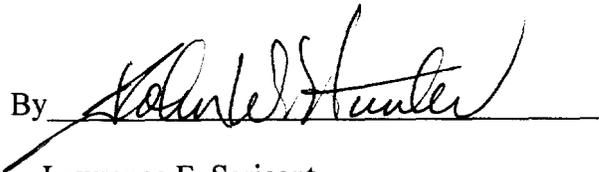
**Conclusion**

USTA urges the Commission to deny Iowa's requests to implement thousand block number pooling in the 319 NPA for the reasons stated above.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By



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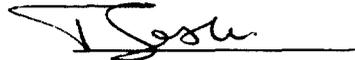
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May 9, 2001

**CERTIFICATE OF SERVICE**

I, Meena Joshi, do certify that on May 9, 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):

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