

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

In the Matter of	)	
	)	
Number Resource Optimization	)	CC Docket No. 99-200
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Public Service Commission of South Carolina Petition for Delegation of Authority to Implement Numbering Conservation Measures	)	NSD File No. L-01-87
	)	

**COMMENTS OF SPRINT CORPORATION**

Sprint Corporation ("Sprint"), on behalf of its local, long distance and wireless divisions, submits its Comments to the Public Service Commission of South Carolina ("PSCSC") Petition for Delegated Authority to Implement Number Conservation Measures ("Petition"), filed on April 25, 2001 in the above referenced docket.<sup>1</sup> In these Comments, Sprint urges the Commission to expeditiously establish a national rollout schedule for number pooling that will bring order and certainty to the number pooling process. The Commission should also establish financial certainty by authorizing cost recovery for carriers implementing number pooling in the same competitively neutral manner as done with number portability. Regarding the Petition, it does not appear to meet all three criteria necessary for approval, as the NPAs in question<sup>2</sup> are not listed by NANPA as being in

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<sup>1</sup> See the Commission's Public Notice, DA 01-1129, rel. May 3, 2001.

<sup>2</sup> NPA 803 and NPA 843 (the "NPAs").

jeopardy. It is not clear whether special circumstances exist that warrant delegation of authority to the PSCSC at this time.

In the Petition, the PSCSC seeks authority to:

- (1) Implement mandatory thousands-block number pooling for NPAs in the Charleston-North Charleston and Columbia MSAs;
- (2) Order sequential number assignments in order to minimize thousands-block contamination;
- (3) Implement NXX code rationing procedures; and
- (4) Reclaim thousands block numbers which are unused or have a small percentage of contamination.

If the PSCSC receives pooling authority, it also seeks a waiver of the requirement that pooling occur in only one MSA at a time,<sup>3</sup> so that it may implement pooling in both of the MSAs covered by the Petition. If the PSCSC does not receive pooling authority, the PSCSC requests that the Charleston-North Charleston and Columbia MSAs be included in the initial round of national pooling.

In order to qualify for delegation of authority to implement number conservation measures for an NPA, including number pooling, a petitioning state must demonstrate that:

- (1) the NPA is in jeopardy;
- (2) the NPA has a remaining life of at least a year; and
- (3) the NPA is one of the largest 100 MSAs, or the majority of wireline carriers in the NPA are LNP-capable.<sup>4</sup>

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<sup>3</sup> *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000) (the "*Numbering Order*") at §170.

<sup>4</sup> *Id.*

Alternatively, a state that does not meet these criteria may show that special circumstances warrant an authorization to implement number pooling.<sup>5</sup>

Sprint supports the PSCSC's goal of implementing number conservation. The PSCSC is faced with exhaust of two NPAs in the state at the same time. The industry has recommended an overlay plan that will result in ten-digit dialing in the two NPAs, while the third NPA in South Carolina will maintain seven-digit dialing. Clearly, the PSCSC would prefer to explore number conservation measures in order to delay the need for NPA relief.

Because there is no national schedule covering number pooling, the PSCSC is uncertain as to when it can expect number pooling to be implemented in South Carolina. Therefore, the PSCSC had no choice but to file the Petition in order to determine if it could obtain authority to implement number pooling before proceeding with NPA relief. South Carolina has thus joined the host of states scrambling for a spot in the number conservation line.

The Commission should bring order and certainty to the number pooling process by issuing a national rollout schedule that will inform the states of the NPA sequence for number pooling. A set schedule would bring an end to the spate of petitions filed by state commissions, and will help commissions, such as the PSCSC, know whether they need to move forward with NPA relief plans.

As provided in the *Numbering Order*, the Commission should expeditiously select a Pooling Administrator and establish the national rollout schedule.<sup>6</sup> The schedule should of course be set based on appropriate priority and in a manner that is fair to consumers and to carriers.

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at §161.

Further, the Commission should also bring financial certainty to the process by authorizing cost recovery for carriers implementing number pooling in the same competitively neutral manner as done with number portability. Sprint continues to be concerned with the financial outlay required to implement number pooling, especially given the disperse nature of Sprint's local territories. The most efficient and fair way to recover costs is through a nationally-approved cost recovery process. Rather than continue to approve number pooling trials on a state-by-state basis, it is incumbent upon the Commission to administer the rollout and cost recovery of number pooling in a cohesive manner.

With respect to the three criteria and the special circumstances exception in paragraph 170 of the *Numbering Order*, recited on page 2 above, it is not clear whether the PSCSC is entitled to the delegation of authority sought in the Petition. With respect to the first criterion, the North American Numbering Plan Administration ("NANPA") does not include the NPAs in the list of NPAs in jeopardy.<sup>7</sup> A jeopardy condition exists when the forecasted and/or actual demand for NXX resources will exceed the known supply during the planning/implementation interval for relief. The pending exhaust of NXX resources in an NPA does not represent a jeopardy condition if NPA relief has been or can be planned and implemented in time to satisfy the need for new NXX codes.<sup>8</sup> Since the industry has recommended a 17-month implementation schedule, and the NPAs are not scheduled to exhaust for approximately two years<sup>9</sup>, it may be the case that NANPA does not yet consider the NPAs to be in a jeopardy situation. With respect to the second and third criteria set

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<sup>7</sup> See [www.nanpa.com](http://www.nanpa.com).

<sup>8</sup> Alliance for Telecommunications Industry Solutions, *NPA Code Relief Planning and Notification Guidelines*, INC97-0404-016 (November 13, 2000) at 19.

<sup>9</sup> Petition at 2-3.

forth above, it appears that the Petition meets both of these criteria, as both NPAs have a remaining life of at least one year and both NPAs are in the largest 100 MSAs.

While the Petition does not appear to meet all three criteria, it is not clear whether the PSCSC qualifies for delegated authority based on a showing of special circumstances. There are no specific criteria provided to determine what constitutes "special circumstances."<sup>10</sup> Regardless, a national rollout schedule based on a balancing of interests would dispose of most special circumstance requests.

Sprint respectfully opposes South Carolina's request for rationing authority. Sprint is a firm proponent of number conservation mechanisms and true needs-based assignment rules. The Commission has adopted number assignment rule to ensure that carriers request and receive numbering resources only when and where needed.<sup>11</sup> The rationing of telephone numbers is incompatible with the *Numbering Order* and the new "needs-based" rules because with rationing, numbers are assigned based on luck rather than when needed by the carrier.

Finally, the *Numbering Order* also provides that a state may expand pooling to another MSA only after having implemented pooling in the initial MSA.<sup>12</sup> The purpose is to allow carriers sufficient time to undertake necessary steps to accommodate thousands-block number pooling, such as modifying databases and upgrading switch software, before requiring carriers to begin work on a second MSA in a state.<sup>13</sup> Consistent with decisions enforcing this rule on other state petitions, the rule should also be followed in South Carolina to avoid overtaxing carrier's resources.<sup>14</sup>

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<sup>10</sup> *Numbering Order* at §164.

<sup>11</sup> *Numbering Order*, 15 FCC Rcd 7574, 7611 at § 88

<sup>12</sup> *Id.* at §170.

<sup>13</sup> *Id.*

<sup>14</sup> *See* Petitions for Delegated Authority to Implement Number Conservation Measures concerning the states of Arizona, North Carolina, Oregon, Pennsylvania, Virginia and

In summary, Sprint supports the PSCSC's goal of implementing number conservation. The Commission should expeditiously select a Pooling Administrator and establish a national rollout schedule for number pooling that will bring order and certainty to the number pooling process. The Commission should also establish financial certainty by authorizing cost recovery for carriers implementing number pooling in the same competitively neutral manner as done with number portability. Regarding the Petition, it does not appear to meet all three criteria necessary for approval, as the NPAs are not listed by NANPA as being in jeopardy. It is not clear whether special circumstances exist that warrant delegation of authority to the PSCSC at this time.

Respectfully submitted,

SPRINT CORPORATION

By \_\_\_\_\_

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*(continued)* Washington, NSD File Nos. L-99-100, L-99-97, L-00-29, L-99-101, L-99-95, and L-99-102, *Order*, DA 00-1616 (rel. July 20, 2000) at 13, 19-21, 23-24.

## CERTIFICATE OF SERVICE

I, Joyce Walker, hereby certify that I have on this 1st day of June 2001, served via U.S. First Class Mail, postage prepaid, a copy of the foregoing "Comments of Sprint Corporation" In the Matter of Public Service Commission of South Carolina Petition for Delegated Authority to Implement Number Conservation Measures, NSD File No. L-01-87, filed this date with the Secretary, Federal Communications Commission, to the persons listed below.

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