

KEITH R. McCALL, MEMBER
MAIN CAPITOL BUILDING
HOUSE BOX 202020
HARRISBURG, PENNSYLVANIA 17120-2020
PHONE: (717) 783-1375
FAX: (717) 772-1231

301 E. BERTSCH STREET
LANSFORD, PENNSYLVANIA 18232
PHONE: (570) 645-7585
FAX: (570) 645-9526

800 MAHONING STREET, SUITE 2
LEHIGHTON, PENNSYLVANIA 18235-1246
PHONE: (610) 377-6363
FAX: (610) 377-5675



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HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES:
CONSUMER AFFAIRS
DEMOCRATIC CHAIRMAN
POLICY COMMITTEE
COMMITTEE ON COMMITTEES
NORTHEAST DELEGATION

99-2001

June 7, 2001

Ms. Magalie R. Salas, Secretary
Office of the Secretary
Federal Communications Commission
Portals II
445 Twelfth Street, S.W.
Suite TW-A325
Washington, DC 20554

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JUN 8 2001

FCG MAIL ROOM

RE: Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting That Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures

Dear Ms. Salas:

One original and six copies of the Petition of Representative Keith R. McCall's and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting That Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Number Conservation Measures are enclosed for filing in the above matter.

Please indicate your receipt of this filing by stamping the additional copy provided and returning it to the undersigned in the enclosed self-addressed, postage paid, envelope. Thank you.

Sincerely,

Audrey P. Powell
Research Analyst to
Representative Keith R. McCall

Enclosures
cc: per certificate of service

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JUN 8 2001

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of : **CC Docket No. 99-200**
Numbering Resource Optimization : **DA 00-1616**

**PETITION OF REP. KEITH R. McCALL AND MEMBERS OF THE
NORTHEAST DELEGATION OF THE PENNSYLVANIA HOUSE OF
REPRESENTATIVES REQUESTING THAT ADDITIONAL AUTHORITY BE
DELEGATED TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION TO
IMPLEMENT ADDITIONAL NUMBER CONSERVATION MEASURES**

I. INTRODUCTION

Through this Petition, Representative Keith R. McCall and the State Legislators who comprise the Northeast Delegation of the Pennsylvania House of Representatives (both herein referred to as State Legislators) respectfully request that the Federal Communications Commission (FCC or Commission) delegate additional authority to the Pennsylvania Public Utility Commission (PAPUC) to implement telephone number conservation measures in the 570 Numbering Plan Area (NPA). The State Legislators are duly elected members of the Pennsylvania House of Representatives who represent the interest of Pennsylvanians residing in legislative districts within the counties of Berks, Carbon, Columbia, Lackawanna, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming. These counties, with the exception of Berks, Lehigh, and Northampton, are served, either in whole or in part, by the 570 area code. Specifically, the State Legislators respectfully request that the Commission grant additional authority to the PAPUC to implement mandatory thousands-block number pooling in the 570 NPA.

II. HISTORY OF AREA CODE RELIEF IN PENNSYLVANIA.

The proliferation of area codes was first addressed by the PAPUC in 1996. Between March and June of that year, the NPA relief coordinator filed several petitions with the PAPUC to address the imminent exhaust of NXX codes¹ in the 215, 412, 610, and 717 NPAs. Subsequently, the PAPUC issued an order on July 15, 1997, which, among other things, adopted a geographic split of the 412 area code. That order did not require implementation of traditional area code relief for the 215, 610, and 717 NPAs but rather directed the implementation of number conservation measures to relieve the need for more NXX codes in the affected NPAs. On December 18, 1997, the PAPUC adopted another Order that, among other things, created a Joint Task Force for the implementation of its [the PAPUC] directives on NPA/NXX code relief and number conservation measures. Subsequently, the PAPUC adopted several additional Orders that promoted implementation of number conservation measures and approved area code relief plans for the 717, 215, and 717 NPAs. These number conservation measures included, the return of NXX codes, NXX code rationing, thousands-block number pooling, and thousand block reclamation.²

In deciding a challenge to the PAPUC's July 15, 1997 Order, in what is now commonly referred to as the *Pennsylvania Numbering Order*, the Commission concluded, among other things, that the PAPUC had exceeded its authority by ordering thousands-block number pooling, thousand block reclamation, NXX code rationing, and the return

¹ "NXX code" or "central office code" refers to the second three digits of a ten-digit telephone number in the form "NPA-NXX-XXXX," where N represents any one of the numbers 2 through 9 and X represents any one of the numbers 0 through 9.

² Specifically, the PAPUC order directed the Code Administrator to ration NXX codes in the 215, 610, and 717 area codes at the rate of three per month; design a geographic split for the 412 NPA; and implement transparent overlays and number pooling for 610, 215, and 717. The PAPUC order also sought to

of unassigned NXX codes.³ To resolve the demand for NXX codes, the PAPUC eventually approved area code relief plans that have resulted in the introduction of four new area codes in Pennsylvania: In March 1998, the 412 area code was geographically split to create the 724 area code; in June 1999, Southeastern Pennsylvania received two new area codes when 215 was overlaid with 484 and 610 was overlaid with 267;⁴ and in April 1999, the 717 area code was geographically split to create the 570 area code.

Although the Commission ruled in the *Pennsylvania Numbering Order* that number conservation measures could not be implemented as alternatives to area code relief, it delegated additional authority to the PAPUC and other state commissions to implement NXX code rationing in conjunction with area code relief and voluntary thousands-block number pooling trials.⁵ As stipulated in the *Pennsylvania Numbering Order*, states would have to petition the Commission for additional delegations of authority to implement other innovative number conservations measures, including thousands-block number pooling, before adopting number conservation plans.

On December 23, 1999, the PAPUC first petitioned the Commission for delegated authority to implement number conservation measures, CC Docket No. 96-98.

Subsequently, the Commission released its first *Numbering Resource Optimization Order*

implement NXX-X/LRN, imposed certain restrictions on NXX code assignment, and mandated return of certain NXX codes.

³ *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Memorandum Opinion and Order on Reconsideration*, CC Docket No. 96-98, 13 FCC Rcd 19009 (1998).

⁴ Most of the area code activity in Pennsylvania has involved the 215/610 area codes in the Philadelphia MSA and the 412 area code in the Pittsburgh MSA. Recent industry demand for additional telephone numbers resulted in the assignment of the 878 area code as an overlay of 412/724, 835 as an overlay of 610/484, and 445 as an overlay of 215/267. After a number utilization study revealed that more than 96% of the telephone numbers in 267 and 484 remain unassigned, the PAPUC decided to suspend activation of the 445 and 835 area codes.

⁵ *Pennsylvania Numbering Order*, 13 FCC Rcd at 19025-19030.

("NRO")⁶ which, among other things, requested that states with pending petitions for delegated authority supplement these petitions to demonstrate that 1) an NPA in the state is in jeopardy, 2) the NPA in question has a remaining life span of at least a year, and 3) that the NPA is in one of the largest 100 Metropolitan Statistical Areas ("MSAs")⁷, or alternatively, that the majority of wireline carriers in the NPA are LNP-capable. Additionally, the Commission recognized that there may be "special circumstances" where pooling would benefit NPAs that do not meet all of the above criteria. Therefore, the Commission invited state commissions to explain these circumstances in supplemental filings.

The PAPUC filed a supplement to its initial petition with the Commission April 25, 2000 stating that the 412 and 610/484 NPAs met the above three listed requirements and requested the authority to implement pooling trials in these NPAs. Further, the PAPUC reiterated that it needed the authority to implement pooling trials in Pennsylvania's 215/267, 570, and 717 NPAs based on the special circumstances in those area codes. On July 20, 2000, the Commission granted additional delegated authority to the PAPUC to implement several number conservation measures, including thousands-block number pooling.⁸ Under this grant of authority, the PAPUC could institute thousands-block number pooling in the Philadelphia and Pittsburgh MSAs, which encompasses the 484/610 and 412 NPAs, respectively. The Commission, however, conditioned the grant of authority by restricting the implementation of thousands-block

⁶ *Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574 (2000).

⁷ MSAs are geographic areas designated by the Bureau of Census for purposes of collecting and analyzing data. The boundaries of MSAs are defined using statistics that are widely recognized as indications of metropolitan character. *See Policy and Rules Concerning Rates for Dominant Carriers*, Memorandum Opinion and Order, 12 FCC Rcd 8115, 8122 (1997).

number pooling trials to one MSA at a time. Specifically, the PAPUC must first implement thousands-block number pooling in a single MSA, and may not extend pooling to another MSA until it is fully implemented in the initial MSA.⁹ The PAPUC must also give carriers sufficient time to modify their networks to accommodate thousands-block number pooling.

In response to this delegation of authority, the PAPUC implemented its first interim pooling trial in the 610/484 NPAs on April 27, 2001. Further, the PAPUC adopted an order on May 24, 2001 directing that its second interim pooling trial be implemented in the Pittsburgh area on October 29, 2001. After implementation of this second interim pooling trial, the PAPUC needs additional delegated authority from this Commission before mandating that a third interim pooling trial be implemented in Pennsylvania.

We believe that this delegation of authority is necessary now. Even though the Commission plans to implement national pooling in the future and, thereby, take over all state pooling trials, the earliest possible date for this rollout is February 2002.¹⁰ A pooling trial for the 570 NPA could be implemented prior to this date and thus immediately benefit consumers in that area.

⁸ *In the Matter of Numbering Resource Optimization*, CC Docket Nos. 99-200, 96-98; NSD File No. L-99-101 (Common Carrier Bureau, July 20, 2000).

⁹ *In the Matter of Numbering Resource Optimization*, CC Docket Nos. 99-200, 96-98, at 45-46.

¹⁰ According to the first NRO, national pooling will be implemented within nine months of the selection of a national pooling administrator. As of the date of this filing, the national pooling administrator had not been selected. Assuming the pooling administrator were selected May 30, 2001 then the earliest date for national rollout of pooling would be February 2002. *Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574 ¶ 156 (2000).

III. THE 570 NPA

The 570 NPA was activated on April 8, 1999 and, according to the April 1999 COCUS and NPA Exhaust Analysis, was projected to have enough numbering resources to last until the second quarter, 2009.¹¹ The January 18, 2000 COCUS Update however, revised the projected NPA exhaust date to the first quarter, 2002. Consequently, the NANPA notified the telecommunications industry on May 4, 2000, that relief planning was necessary in the 570 NPA. At a subsequent NPA Relief Industry Meeting, the NANPA proposed three relief alternatives to rectify the numbering shortage in 570: an overlay, an east-to-west geographic split, and a north-to-south geographic split. The industry reached a consensus to adopt an all services distributed overlay as the form of area code relief. Under this alternative, all existing land-based telephone customers would retain the 570 area code and would not be required to change their telephone numbers. NXX codes from the new overlay area code would be assigned to carriers that do not have telephone numbers available for assignment and to carriers who have exhausted their inventories of NXX codes in a particular rate center of the affected area code. Telephone customers of such carriers would be assigned telephone numbers from the new overlay area code. If an existing carrier would deplete its inventory of NXX codes in 570, activation of an overlay area code could eventually result in some telephone customers having two different area codes for telephone lines serving a home or place of

¹¹ The Central Office Code Utilization Study or COCUS was conducted annually by NANPA from direct input received from Code Administrators for the purpose of monitoring central office code utilization, projected exhaust of NPAs, and demand for new NPAs to provide code relief. To improve the central office code reporting system and the accuracy of NANPA's exhaust projections, the FCC adopted new rules effective July 17, 2000. 47 CFR § 52.15(f). Under these rules, all carriers are required to report utilization and forecast data to the NANPA. This data is referred to as the Numbering Resource Utilization/Forecast (NRUF) data.

business. More alarming, however, is the fact that ten-digit dialing would be required within and between the existing NPA and the overlay NPA.¹²

Implementation of the new area code overlay of 570 was proposed to begin on October 2, 2000, unless otherwise directed by the PAPUC. Under the implementation schedule, the new NPA would have been activated by May 2002. However, on September 15, 2000, several weeks before implementation of the area code relief plan for 570 was proposed to begin, the PAPUC entered an order seeking public comment on the three relief alternatives proffered by the NANPA at the June 2000 570 NPA Relief Industry Meeting. The September PAPUC *Order* further directed the industry to delay implementation of its schedule for area code relief until it [the PAPUC] could receive and consider comments on the NANPA's three relief alternatives. Before the PAPUC could issue a decision adopting the form of area code relief, the NANPA in its April 4, 2001 COCUS and NPA Exhaust Analysis Update, revised the projected exhaust date of the 570 NPA to the second quarter, 2003. The projected exhaust date was revised again in the NANPA's June 1, 2001 NRUF and NPA Exhaust Analysis to the fourth quarter 2003. The PAPUC is currently reviewing public comments concerned with the three alternatives for area code relief and analyzing Numbering Resource Utilization and Forecast (NRUF) data to determine the extent of telephone number usage in the 570 NPA.

The NRUF data should give the PAPUC the information it needs to verify telephone number utilization rates in 570 to help it decide when area code relief needs to be implemented in the 570 NPA. This NRUF data helped the PAPUC to reassess the

¹² FCC rules, at 47 C.F.R. § 52.19(c)(3)(ii), governing area code relief mandates, in the case of an area code overlay, the implementation of ten-digit dialing for every telephone call within and between all area codes

need for a third overlay in Southeastern Pennsylvania. In December of 1999, the industry reached a consensus to implement additional overlays for the 610/484 and 215/267 NPAs. These overlay NPAs (835 and 445) were to be activated on May 1, 2001. In March 8, 2001 partly because of the NRUF data, the PAPUC concluded that there were approximately 7.6 million and 7.7 million telephone numbers in the 267 and 484, respectively, still available for assignment to customers. Therefore, the PAPUC voted to postpone activation of the 445 and 835 NPAs until three months prior to exhaust.

The 215/267 NPAs and 610/484 NPAs serve telephone customers who reside in densely populated Southeastern Pennsylvania. The geographic range of 215/267 includes all of Philadelphia County, and parts of Berks, Bucks, Lehigh, and Montgomery Counties. The range of the 610/484 NPAs includes all of Chester, Delaware, and Northampton Counties, most of Berks Counties, and one or more rate centers in Bucks, Carbon, Lancaster, Lebanon, Monroe, Montgomery, and Schuylkill Counties. Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties are located in the Philadelphia, PA-NJ PMSA and, according to the 2000 Census, have an estimated combined population of 3,849,647 persons, with an average of 3,469.2 persons per square mile. The average land area of the five counties is 433 square miles.

Conversely, the 570 NPA serves a geographic area that comprises twenty-one north central and northeastern counties.¹³ Seven of the counties, Carbon, Columbia, Lackawanna, Luzerne, Lycoming, Pike, and Wyoming, are located in a Metropolitan

in the geographic area covered by the overlay area code.

¹³ Bradford, Carbon, Centre, Clinton, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne and Wyoming are in the 570 NPA. Because only very small areas of Centre and Potter Counties are served by the 570 area code, neither is considered hereafter for statistical purposes. All of the remaining counties or either in whole or great part, served by the 570 area code.

Statistical Area (MSA).¹⁴ The estimated population of these seven counties and the other twelve counties considered here for statistical purposes are approximately 1,569,473.¹⁵ Moreover, there is an average of 300.8 people per square mile situated over an average land area of 12,200 square miles.

Although overlapping rate centers, which transcend county boundaries, makes it difficult to educe NPA specific population totals from Census data, it does provide a clear picture of the population distribution of the 215/267, 610/484, and 570 NPAs.

Hypothetically, if the PAPUC's analysis of NRUF data resulted in the discovery of an abundant number of unassigned NXX codes in the NPAs of Southeastern Pennsylvania, which were placed in service just two months after 570, an examination of NRUF data associated with the 570 NPA may also expose a large number of unassigned NXX codes. Analysis of NRUF data gives the PAPUC the information it needs to determine if or when a new area code is needed, thereby helping it [the PAPUC] avoid unnecessary public discontent and apprehension over proposed plans for area code relief. We applaud the Commission's decision to give state commissions access to NRUF data, primarily, because the data provide accurate measures of NXX code utilization and availability, and an accurate count of uncontaminated NXX codes within an NPA that could be conserved to extend the life of an area code. However, the PAPUC's and other state commissions' inability to use this data to devise NPA-specific plans for development and implementation of number conservation measures, frustrates timely implementation of

¹⁴ Carbon County is in the Allentown-Bethlehem-Easton, PA MSA; Columbia, Lackawanna, Luzerne, and Wyoming Counties are in the Scranton-Wilkes-Barre-Hazleton, PA MSA; and Lycoming County is in the Williamsport, PA MSA. (2000 Census, State and County QuickFacts)

¹⁵ This population number is an approximate of the total population because it is a count of persons in the counties that are served in whole or great part by the 570 NPA. People in Centre and Potter Counties that live in rate centers of the 570 NPA are not included in the total. People who live in one or more of the rate

conservation activities and serves to compromise the lifespan of the entire NANP. Accordingly, whenever NRUF data reveal that NXX codes are under-utilized in an NPA, the PAPUC should have the power to institute timely conservation measures, in accordance with Commission requirements. This authority should include thousands-block number pooling. Without such authority (but with the continued reliance on area code relief), the NANP as we know it today will be a relic of the 20th Century.

IV. THOUSANDS-BLOCK NUMBER POOLING WOULD EXTEND THE LIFE SPAN OF THE 570 NPA

An examination of telephone number utilization data undertaken by the Pennsylvania Office of Consumer Advocate (PAOCA) concluded that, as of October 10, 2000, 548 NXX codes had been assigned to carriers in the 570 NPA and 256 NXX codes were available for assignment.¹⁶ A recent review of NXX Code Activity and Assignment data compiled by the NANPA revealed that, as of April 2001, 208 NXX codes (or 2,080,000 telephone numbers) were still available for assignment in the 570 NPA.¹⁷ The NANPA data further revealed that, since each area code contains 792 possible usable NXX codes, 584 NXX codes (or 5,840,000 telephone numbers) have been distributed to carriers for assignment to end-users. Of the 584 NXX codes assigned to carriers in 570, the data reveal that 62% or 3,620,800 telephone numbers have not been assigned to customers. Therefore, the 2,080,000 unassigned telephone in 570, coupled

centers in Carbon, Schuylkill, Snyder, which are in the 610 and 717 NPAs, respectively, are included in the count.

¹⁶ The PAOCA is an agency of the Commonwealth of Pennsylvania created by statute for the express purpose of representing the interest of public utility ratepayers before the PAPUC, Federal agencies, and state and Federal courts. To develop its analysis of number utilization in 570, the PAOCA used utilization and forecast data reported to the NANPA by telecommunications carriers in the Central Office Code Utilization Survey or COCUS. Accordingly, because of the inherent shortcomings of COCUS reporting, the accuracy of the data cannot be guaranteed.

with the 3,620,800 numbers held by carriers but not assigned to customers, means that there could be approximately 5,700,800 telephone numbers available for assignment in 570. According to recent data supplied by the PAPUC, 45 telecommunications carriers have been assigned telephone numbers in the 570 NPA. The PAPUC data further revealed that of the NXX codes held by the incumbent local exchange carrier in 570, 979,980 have been assigned to customers. Since the estimated population of 570 is approximately 1,569,473 people, the NANPA data indicate that each person in 570 could be assigned at least four telephone numbers.

The NANPA NXX code utilization data reveals that there could be a large number of unassigned NXX codes in 570 which could be reserved for thousands-block number pooling. Thousands-block number pooling involves the allocation of sequential telephone numbers with the same NXX code to different carriers that provide telephone service in the same rate center. Although all 10,000 numbers within each NXX code would continue to be assigned to a single rate center, they would be allocated among each carrier in that rate center at the thousands-block level, thereby breaking the traditional relationship between a full NXX code and a single carrier's switch. Thousands-block number pooling would, therefore, permit the assignment of blocks of numbers that would more closely match the requirements of carriers operating in a particular rate center within an area code. A carrier seeking to provide telephone service to a limited number of customers in an area code would not tie-up thousands of telephone numbers that could be used by other carriers serving that rate center. As a numbering resource optimization measure, the authority to implement thousands-block number pooling would give the

¹⁷ www.nanpa.com.

PAPUC a critical tool it needs to extend the lifespan of area codes in Pennsylvania and, thereby, slowing the proliferation of new area codes and exhaustion of the NANP.

Pennsylvanians do not need new area codes at this time but the PAPUC does need the delegated authority to implement number conservation measures. In 1994, Pennsylvania had a total of only four area codes – 814, 717, 412, and 215. Over the past six years the number of area codes has increased to 12 – 814, 717, 570, 412, 724, 878, 215, 610, 267, 484, 445, and 835. Implementing an overlay over 570 would create a 13th area code which would make 103 million numbers available in a state with a population of only 12 million people. Each one of these new area codes has caused consternation for the consumers of Pennsylvania, and the implementation of each has been inconvenient and costly. Moreover, this rapid allocation of area codes to Pennsylvania severely threatens the life span of the entire NANP.¹⁸ As noted by the Commission in footnote 10 of its FNPRM, NANP expansion will be very costly and will change local and long distance dialing patterns by increasing the number of digits that must be dialed to place calls.¹⁹ By giving the PAPUC the authority to implement thousands-block pooling in the 570 NPA, this Commission will be allowing the PAPUC to effectively assist in addressing this local and national problem.

¹⁸ The NANP is currently projected to exhaust between 2006 and 2012. *See Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574, ¶ 6 (2000).

¹⁹ Preliminary estimates place the cost of NANP expansion between 50 and 150 billion dollars and actually expanding the NANP could take as long as 10 years. *See Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574, ¶ 6 (2000).

V. AUTHORITY REQUESTED BY THE STATE LEGISLATORS

The State Legislators, as petitioners, respectfully requests that the Commission grant the PAPUC authority to implement mandatory thousand-block number pooling in the 570 NPA. As evidenced in its July 15, 1997 *Order* and its subsequent petition for delegated authority to implement number conservation measures,²⁰ the PAPUC has long recognized the inefficient assignment of NXX codes in 10,000 blocks as the major contributing factor to NXX code depletion, and thousand-block number pooling as an important numbering resource optimization strategy which would improve assignment and utilization of NXX codes and, consequently, extend the life of the North American Numbering Plan. Moreover, based on the PAPUC past assurances, we are confident that the PAPUC recognizes that any authority granted to it to implement thousands-block pooling is interim in nature and will not relieve it [the PAPUC] of its obligation to implement timely area code relief. Also, we recognize that any thousands-block number pooling activities implemented by the PAPUC will be superseded by the national rollout of thousands-block number pooling. As State Legislators, we recognize that the Commission has adopted conditions to govern thousands-block number pooling and, if authority were granted to implement pooling in the 570 NPA, we fully expect the PAPUC to conduct such pooling in accordance with these pooling guidelines.

The State Legislators are aware that thousands-block number pooling utilizes the Location Routing Number (LRN) architecture which supports local number portability,

²⁰ *In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996* CC Docket No. 99-200 and 96-98; *Petition of the Pennsylvania Public Utility Commission for Delegated Authority to Implement Number Conservation Measures*

and that pooling can only be implemented in rate centers where LNP has been deployed.²¹ Local number portability has been deployed in the 570 NPA.

As delineated previously, state commissions seeking pooling authority must demonstrate that (1) the affected NPA is in jeopardy, (2) the NPA has a remaining life span of at least a year, and (3) the NPA is one of the largest 100 MSAs or, alternatively, the majority of wireline carriers in the NPA are LNP-capable. Although jeopardy has not been declared in the 570 NPA, area code relief has been proposed and specific relief plans are currently under review. The 570 NPA encompasses counties in the Scranton-Wilkes-Barre-Hazleton PA MSA, the Allentown-Bethlehem-Easton PA MSA, and the Williamsport PA MSA, and has a possible remaining life span of at least a year.

However, The constant fluctuations in the projected exhaust date makes it difficult to pin point with certainty, a valid exhaust date for the 570 NPA. For instance, in the April 1999 COCUS, the exhaust date for the 570 NPA was projected to be the second quarter 2009 but the subsequent January 2000 COCUS update revised the exhaust date to the first quarter 2002. The April 4, 2001 COCUS exhaust projections changed the exhaust date of the 570 NPA as the second quarter 2003. The exhaust date was revised again in the NANPA's June 1, 2001 update of its NRUF and NPA Exhaust Analysis to the fourth quarter 2003. These fluctuations in exhaust dates juxtaposed with the probability of low NXX code utilization creates a special circumstance which may make the 570 ideal for thousands-block number pooling. Specifically, if our calculations are correct and there is in fact low NXX code utilization in 570, a high number of NXX

²¹ Location Routing Number is a unique ten-digit number assigned to each central office switch to identify each switch in the network for call routing purposes. Local Number Portability (LNP means the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another.

codes, and maybe as many as 208 uncontaminated NXX codes, may be available for pooling. Unfortunately, however, the benefits of pooling erode over time. The only means of optimizing numbering resources in the 570 NPA, and thereby extending its life span, is by implementing thousands-block number pooling immediately, rather than some time in the future when conservation will not extend the life span of the NPA and there will be little or no benefit to the preservation of the NANP.

Since the PAPUC has instituted thousands-block pooling in the 610/484 NPA and plans to implement a thousands-block pooling trial in the Pittsburgh area on October 29, 2001 through a previous delegation of authority, we are certain that it would welcome an additional delegation of authority to implement pooling in 570, especially since thousands-block number pooling would increase the longevity of 570 and help avoid the introduction of a new area code, which, depending on the form of area code relief instituted, could mean the additional burden of 10-digit dialing for the residents of Northeastern and North central Pennsylvania.

VI. CONCLUSION

The rapid depletion (or alleged depletion) of NXX codes in the North American Numbering Plan (NANP) is not the fault of the citizens of Pennsylvania. The blame lies mostly with the antiquated system still used as the primary means for assigning NXX codes to telecommunications service providers in most NPAs of Pennsylvania and nationwide. That system, which in most cases continue to dole out NXX codes profligately in blocks of 10,000, coupled with the emergence of competitive providers, is why the NANP continues on life support, near death. Yet the citizens of Pennsylvania

continue to suffer the cost, inconvenience, and confusions of new area codes, and the elected State Legislators, not the regulators, bear the brunt of public discontent and anger over whatever relief plan is proposed, while the telecommunications providers stockpile and hoard a public resource, which to them has, as a result of local competition, become a valuable economic commodity. We are constantly bombarded with constituent complaints about changing area codes. People want to know why they need to give up the identity they gain from the uniqueness of their area codes; why they might have to dial ten digits to telephone the neighbor across the street; why we cannot find answers to the problem, especially in the age of advanced technology; and why the telephone companies always come out the winner and consumers end up opening their wallets, once again. In public hearings, emails, letters, office visits, and telephone calls, we hear the same refrain: Why? But the most frustrating question constituents ask that we cannot answer is why no one considered the effect local telephone competition would have on telephone numbers? Last century, we used local competition as an excuse for area code proliferation by telling out constituents that competitive telephone companies would give them a choice other than Bell Telephone, more services, and lower rates. However, the local competition envisioned, and to a significant degree promised, by the *Telecommunications Act of 1996* has not materialized and, therefore, can no longer be used as an excuse for area code proliferation. In fact, knowledgeable consumers who still do not have a choice of telephone providers now view local competition as the problem.

The inability of the PAPUC and other state commissions to immediately deal with the numbering crisis has placed Pennsylvanians in a state of perpetual turmoil with no

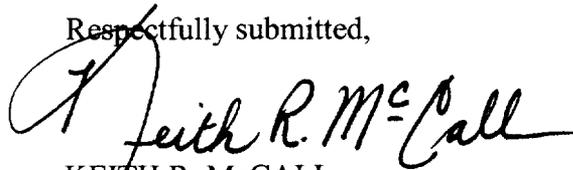
choice but to pay the monetary and societal costs that have become synonymous with the provision of telephone service. However, the costs and inconveniences Pennsylvanians confront now will in no way compare to the costs all North Americans will incur with the demise of the NANP and the subsequent reconfiguration of our numbering system, a demise that could have been avoided yet for the zealous pursuit of unrealized local competition, bankrolled by area code proliferation, at the expense of the NANP.

As State Legislators we maintain that PAPUC and other state commissions can and should implement measures to stifle the proliferation of area codes to preserve the NANP. However, the PAPUC and other state commissions, which have unique knowledge of local circumstances, should be given the authority they need to implement NPA-specific numbering resource optimization measures designed with one goal in mind, to extend the lifespan of the NANP for as long as possible. The Commission has voiced its reliance on state commissions “to make area code relief decisions because of their unique position to ascertain and weigh the very local and granular information inherent in area code relief decision making.” Nevertheless, the Commission’s recognition of the role state commissions could assume in the numbering crisis is compromised by its [the Commission’s] reluctance or refusal to provide state commissions with the authority they need to effectively address area code proliferation and NPA exhaust. We know that area code relief has worked only to generate more telephone numbers that go unassigned; it is no longer a viable option that can continue unfettered at the expense of the NANP. Inherent in the statutory authority of the Commission to regulate numbering is a public purpose, a purpose that is not served fully by area code relief. A delegation of authority to the PAPUC to implement thousands-

block number pooling in the 570 NPA would be in the public interest of the citizens of Pennsylvania. Thousands-block number pooling in 570 would also play a major part in preserving the life span of the NANP.

Accordingly, the State Legislators respectfully requests that the Commission grant this petition and delegate to the PAPUC additional authority to implement thousands-block number pooling in the 570 NPA in order that it [the PAPUC] can ensure that the public purpose of numbering is sustained by the efficient utilization and assignment of telephone numbers in the 570 NPA.

Respectfully submitted,



KEITH R. McCALL
State Legislator
122nd Legislative District

Pennsylvania House of Representatives
Members of the Northeast Delegation
The Honorable David G. Argall
The Honorable Matthew E. Baker
The Honorable Fred Belardi
The Honorable Robert Belfanti
The Honorable Jerry Birmelin
The Honorable Kevin Blaum
The Honorable Steven W. Cappelli
The Honorable Gaynor Cawley
The Honorable Thomas R. Caltagirone
The Honorable Daniel F. Clark
The Honorable Todd Eachus
The Honorable Russ Fairchild
The Honorable Brett Feese
The Honorable Robert Freeman
The Honorable John Gordner
The Honorable Richard T. Grucela
The Honorable George C. Hasay
The Honorable Kelly Lewis
The Honorable Edward J. Lucyk
The Honorable Sandra J. Major

The Honorable Jennifer L. Mann
The Honorable Phyllis Mundy
The Honorable Merle H. Phillips
The Honorable Tina L. Pickett
The Honorable T. J. Rooney
The Honorable Steve Samuelson
The Honorable Dante Santoni, Jr.
The Honorable Edward G. Staback
The Honorable Thomas M. Tigue
The Honorable John Yudichak
The Honorable James Wansacz

By:

Audrey P. Powell
Research Analyst

Dated: June 7, 2001

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of

Numbering Resource Optimization : CC Docket No. 99-200

CERTIFICATE OF SERVICE

I, Audrey P. Powell, hereby certify that I have, on this 7^h day of June 2001, served an original and six true and correct copies of the Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting That Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures upon the Secretary of the Federal Communications Commission by United States Postal Service Express Mail and that I have served a true and correct copy of the Petition upon the other persons listed below by U. S. Postal Service First Class Mail.

Via U.S. Postal Service Express Mail:

Magalie R. Salas, Secretary
Office of the Secretary
Federal Communications Commission
Portals II
445 Twelfth Street, SW
Suite TW-A325
Washington, DC 20554

Via First Class Mail:

Al McCloud
Network Services Division
Common Carrier Bureau
Federal Communications Commission
2000 M Street, NW
Washington, DC 20554

Jeannie Grimes
Common Carrier Bureau
Federal Communications Commission
Suite 235
2000 M Street, NW
Washington, DC 20554

Michael Powell, Chairman
Federal Communications Commission
445 12th Street, SW
8th Floor
Washington, DC 20554

Gloria Tristani, Commissioner
Federal Communications Commission
445 12th Street, SW
8th Floor
Washington, DC 20554

Kathleen Q. Abernathy, Commissioner
Federal Communications Commission
445 12th Street, SW
8th Floor
Washington, DC 20554

Michael J. Copps, Commissioner
Federal Communications Commission
445 12th Street, SW
8th Floor
Washington, DC 20554

Dorothy Attwood, Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW Room 500
Washington, DC 20554

Yog R. Varma, Deputy Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 500
Washington, DC 20554

Brent Struthers, Chief Regulatory Matters
NeuStar, Inc
1120 Vermont Avenue, NW, Suite 550
Washington, DC 20005

J. Bradford Ramsay
NARUC
1100 Pennsylvania Avenue, Suite 603
Washington, DC 20004

John M. Quain, Chairman
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Nora Mead Brownell, Commissioner
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Robert K. Bloom, Commissioner
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Aaron Wilson, Jr., Commissioner
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Terrence Fitzpatrick, Commissioner
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Irwin A. Popowsky, Consumer Advocate
Pennsylvania Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17101

Bernard A. Ryan, Jr. Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101

Phillip F. McClelland
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17101

June Perry
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105

Deanne O'Dell
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

International Transcription Service
1231 20th Street, NW
Washington, DC 20036

A handwritten signature in black ink, reading "Audrey P. Powell". The signature is written in a cursive style and is positioned above a horizontal line.

Audrey P. Powell
Research Analyst to
Representative Keith R. McCall
State Legislator
Pennsylvania House of Representatives
P.O. Box 202020
Harrisburg, PA 17120