

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

In the Matter of)
)
Number Resource Optimization) CC Docket No. 99-200
)
)

COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), on behalf of its local and long distance divisions, submits its Comments to the Petition for Reconsideration ("PFR") filed on July 12, 2001, by the Competitive Telecommunications Association ("CompTel") and the Personal Communications Industry Association ("PCIA"). The PFR seeks reconsideration of the *Public Notice* issued by the Common Carrier Bureau (the "Bureau") in the above referenced docket on June 11, 2001.¹ In the *Public Notice*, the Bureau "clarified" that information on NPAs 500 and 900 should be included in numbering resource utilization and forecast ("NRUF") reports. Previously, these reports contained information only on geographic NPAs.

The issue raised in the PFR is whether the Bureau violated section 553(b) of the Administrative Procedures Act ("APA")² by effectively issuing a new rule without following rulemaking procedures, or whether the *Public Notice* can be fairly considered a clarification of

¹ *Common Carrier Bureau Clarifies that Future Filings of Number Utilization and Forecast Reports Must Include Numbering Resources in the 500 and 900 NPAs*, CC Docket No. 99-200, *Public Notice*, DA 01-1409 (rel. June 11, 2001).

² 5 U.S.C. §553(b)

an existing rule. The Bureau apparently believes that the current rule³ is sufficiently broad to cover mandatory reporting on all numbering resources. In contrast, the Petitioners maintain that neither the Commission's orders nor the reporting forms contemplate reporting on non-geographic NPAs.

It cannot be denied that the intent and practice of all parties (including the Commission, as evidenced by the reporting form which the Bureau itself developed) prior to the issuance of the *Public Notice* was to provide information only on geographic NPAs. Under these circumstances, the Commission's recent decision to widen the scope of the reporting requirement to include information relating to non-geographic NPAs raises serious doubts about the procedural legitimacy of such a decision. Sprint emphasizes that, where doubt exists as to the existence or scope of a rule, the better path is to follow procedures that afford carriers a public opportunity for input. Following the APA affords protection to both the Commission and the carriers in establishing rules. The Commission is protected from claims of improper rulemaking, and carriers are protected by having the opportunity to influence the Commission through comment and *ex parte* filings.

If a situation requires expedited action, Commission rules allow for rule changes to be made without prior notice. Such rule changes may occur where the Commission finds good cause that notice and public procedures are impractical, unnecessary or contrary to the public interest.⁴ However, there would appear to be no reason for expedited action here, and thus no reason why the Commission cannot or should not solicit public comment on the expanded reporting requirements.

³ See 47 CFR §52.15(f)

⁴ 47 CFR §1.412(c).

For the reasons set forth in the PFR, Sprint urges adoption of the PFR and initiation of a proceeding to consider the inclusion of the 500 and 900 NPAs in the NRUF reporting requirements.

Respectfully submitted,

SPRINT CORPORATION

By _____ //s// _____

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CERTIFICATE OF SERVICE

I, Joyce Y. Walker, hereby certify that I have on this 19th day of September 2001, served via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing letter, "In the Matter of Number Resource Optimization, CC Docket No. 99-200," filed this date with the Secretary, Federal Communications Commission, to the persons listed below.

//s//

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