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**Before the**
**Federal Communications Commission**
**Washington, D.C. 20554**

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| In the Matter of<br>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 |
| Florida Public Service Commission Petition for Expedited Decision for Authority to Implement Thousands-Block Number Pooling in the 941 NPA, CC Docket No. 96-98 | ) | NSD-L-01-109 |
| Iowa Utilities Board Petition for Delegation of Additional Authority | ) | NSD-L-01-74 |
| Petition of the Public Service Commission of South Carolina for Delegation of Authority Pertaining to NXX Code Conservation Measures | ) | NSD-L-01-87 |

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## ORDER

**Adopted: October 23, 2001** **Released: October 24, 2001**

By the Common Carrier Bureau:

## I. INTRODUCTION

1. This Order addresses the petitions for additional delegated authority to implement numbering resource optimization strategies filed by the Florida Public Service Commission (Florida Commission),[1] the Iowa Utilities Board (Iowa Commission),[2] and the Public Service Commission of

[1] *Florida Public Service Commission Petition for Expedited Decision for Authority to Implement Thousands-Block Number Pooling in the 941 NPA, CC Docket No. 96-98*, filed May 9, 2001 (Florida Commission Petition).

[2] *Iowa Utilities Board Petition for Delegation of Additional Authority*, filed March 9, 2001 (Iowa Commission Petition).

South Carolina (South Carolina Commission).[3]

2. In this Order, we conditionally grant the Florida and South Carolina Commissions the authority to institute thousands-block number pooling trials. The thousands-block number pooling trials for these numbering plan areas (NPA), however, must be initiated prior to the commencement of national pooling, which is currently scheduled for March 2002.[4] We deny the Iowa Commission the authority to (1) implement thousands-block number pooling in the 319 NPA; and (2) require carriers that do not possess local number portability (LNP) to participate in thousands-block number pooling. We also conditionally grant the South Carolina Commission the authority to maintain rationing procedures for six months following the implementation of area code relief.

3. Additionally, the South Carolina Commission requests the authority to order sequential number assignments and reclaim unused or minimally used thousands-blocks.[5] Because the Federal Communications Commission (FCC), in the *Numbering Resource Optimization First Report and Order*,[6] already mandated sequential numbering for all carriers using numbering resources and granted state commissions authority to reclaim unused numbering resources, including thousands-blocks, we dismiss these aspects of the South Carolina Commission's petition as moot.[7]

4. Although we grant the above state commissions interim authority to institute certain optimization measures in their petitions, this limited grant of delegated authority should not be construed as a prejudgment of any of the remaining numbering resource optimization measures on which the FCC has sought public comment in the *Numbering Resource Optimization* proceeding.[8] Moreover, the state commissions receiving new delegations of thousands-block number pooling authority in this Order must conform to the national framework as articulated in the *Numbering*

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[3] *Petition of the Public Service Commission of South Carolina for Delegated Authority to Implement Number Conservation Measures*, filed April 25, 2001 (South Carolina Commission Petition).

[4] *See Federal Communications Commission's Common Carrier Bureau Selects NeuStar, Inc. as National Thousands-Block Number Pooling Administrator*, Press Release (rel. June 18, 2001) (*Pooling Administrator Press Release*).

[5] South Carolina Commission Petition at 1.

[6] *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7678-7885 (2000) (*Numbering Resource Optimization First Report and Order*).

[7] We note that the FCC's requirement that minimally used thousands-blocks be donated to facilitate thousands-block number pooling addresses the South Carolina Commission's request for authority to reclaim minimally used thousands-blocks.

[8] *See Numbering Resource Optimization*, Notice of Proposed Rulemaking, 14 FCC Rcd 10322 (1999) (*Numbering Resource Optimization Notice*); *Numbering Resource Optimization First Report and Order*; *see also Numbering Resource Optimization*, Second Report and Order in CC Docket No. 99-200, Order on Reconsideration in CC Docket No. 96-98, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, 16 FCC Rcd 306 (2000) (*Numbering Resource Optimization Second Report and Order*).

*Resource Optimization Orders.*[9]

## II. BACKGROUND

5. Congress granted the FCC plenary jurisdiction over numbering administration.[10] Section 251(e)(1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (1996 Act), allows the FCC to delegate to state commissions or other entities all or any portion of its jurisdiction over numbering administration.[11] On September 28, 1998, the FCC released the *Pennsylvania Numbering Order*, in which it delegated authority to state commissions to order NXX code rationing in conjunction with area code relief decisions, in the absence of industry consensus.[12] In that Order, the FCC also encouraged state commissions to seek further limited delegations of authority to implement number conservation measures.[13] In September 1999, the FCC addressed five petitions from state commissions seeking delegations of authority to implement number conservation measures,[14] and, in November 1999, the Bureau addressed five similar petitions from state commissions under delegated authority.[15]

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[9] *See generally, Numbering Resource Optimization First Report and Order*, 15 FCC Rcd 7574; *Numbering Resource Optimization Second Report and Order*, 16 FCC Rcd 306 (2000).

[10] 47 U.S.C. § 251(e).

[11] *Id.* at § 251(e)(1).

[12] *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*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009, 19025 (1998) (*Pennsylvania Numbering Order*); *see also Numbering Resource Optimization Second Report and Order* at 341-43, paras. 76-80 (addressing petitions for clarification and reconsideration that were filed in response to the *Pennsylvania Numbering Order*).

[13] *Id.* at 19030.

[14] *See California Public Utilities Commission Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, Order, 14 FCC Rcd 17485 (1999) (*California Delegation Order*); *Florida Public Service Commission Petition for Expedited Decision for Grant of Authority to Implement Number Conservation Measures*, Order, 14 FCC Rcd 17506 (1999) (*Florida Delegation Order*); *Massachusetts Department of Telecommunications and Energy Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, Order, 14 FCC Rcd 17447 (1999) (*Massachusetts Delegation Order*); *New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, Order, 14 FCC Rcd 17467 (1999); *Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures*, Order, 14 FCC Rcd 16440 (1999).

[15] *See Connecticut Department of Public Utility Control Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures*, Order, 15 FCC Rcd 1240 (1999) (*Connecticut Delegation Order*); *New Hampshire Public Utilities Commission's Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code*, Order, 15 FCC Rcd 1252 (1999); *Petition of the Ohio Public Utilities Commission for Delegation of Additional Authority to Implement Number Conservation Measures*, Order, 15 FCC Rcd 1268 (1999); *Petition of the Public Utility Commission of Texas for Expedited Decision for Authority to Implement Number Conservation Measures*, Order, 15 FCC Rcd 1285 (1999); *Petition of the Public Service Commission of Wisconsin for Delegation of Additional Authority to Implement Number Conservation Measures*, Order, 15 FCC Rcd 1299 (1999) (*Wisconsin Delegation Order*). Although these orders granted the state (continued....)

6. In the *Numbering Resource Optimization First Report and Order*, the FCC delegated to the Bureau the authority to rule on state petitions for additional delegation of numbering authority when no new issues are raised.[16] In the *Numbering Resource Optimization First Report and Order* and the *Numbering Resource Optimization Second Report and Order*, the FCC adopted a number of administrative and technical measures to allow it to monitor more closely the way numbering resources are used within the North American Numbering Plan (NANP) as well as to promote more efficient use of NANP numbering resources. In the *Numbering Resource Optimization First Report and Order*, the FCC recognized that state commissions may be able to resolve certain issues more quickly and decisively than the industry through a consensus process. Thus, the FCC granted authority to state commissions to, among other things, order the North American Numbering Plan Administrator (NANPA), after an investigation, to reclaim carriers' NXX codes not activated within the permitted time period.[17]

7. The Bureau subsequently released orders on July 20, 2000, February 14, 2001, March 14, 2001, and August 23, 2001 addressing fifteen state commissions' petitions, four state commissions' petitions, seven state commissions' petitions, and three state commissions' petitions, respectively, for additional delegated authority.[18] To the extent the requests in the instant petitions raise no new issues, the Bureau exercises its delegated authority to address these petitions herein.

## III. DISCUSSION

### A. Thousands-Block Number Pooling Authority

8. Thousands-block number pooling involves the allocation of blocks of 1,000 sequential telephone numbers within the same central office code or NXX code[19] to different service providers. In the *Pennsylvania Numbering Order*, the FCC recognized that state thousands-block number pooling trials could aid in developing national pooling implementation, architecture and administrative standards.[20] In the *Numbering Resource Optimization Notice*, the FCC concluded that

(Continued from previous page)
commissions interim authority to institute many of the optimization measures they requested in their petitions, they did so subject to the caveat that the grants were to be superseded by national number conservation measures adopted in the FCC's *Numbering Resource Optimization* proceeding. *See, e.g.,California Delegation Order,* 14 FCC Rcd at 17486; *Connecticut Delegation Order*, 15 FCC Rcd at 1240-41; *see also Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at 7581.

[16] *Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at 7651-52; *see also Pennsylvania Numbering Order*, 13 FCC Rcd at 19030-31.

[17] *Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at 7680-82.

[18] *Numbering Resource Optimization*, Order, 15 FCC Rcd 23371 (2000) (*July 2000 Delegation Order*); *Numbering Resource Optimization*, Order, 16 FCC Rcd 3479 (2001); *Numbering Resource Optimization*, Order, 16 FCC Rcd 5474 (2001); *Numbering Resource Optimization*, Order, DA 01-2013 (2001).

[19] "Central office code" or "NXX code" refers to the second three digits (also called digits D-E-F) 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. 47 C.F.R. § 52.7(c).

[20] *Pennsylvania Numbering Order*, 13 FCC Rcd at 19027.

thousands-block number pooling is an important numbering resource optimization strategy, essential to extending the life of the NANP.[21] As a result, in prior state delegation orders, the FCC granted state commissions the authority to implement thousands-block number pooling trials.[22]

### 1. Conditions and Safeguards

9. A grant of thousands-block number pooling authority is subject to the conditions and safeguards enumerated by the FCC in the *Pennsylvania Numbering Order*, previous state delegation orders, and the *Numbering Resource Optimization First Report and Order*, which sets forth the national thousands-block number pooling framework.[23] For instance, the FCC requires that the state commissions, to the extent they have not already done so, prepare an NPA relief plan that may be adopted by the state commissions when numbering resources in an NPA are in imminent danger of being exhausted.[24] The FCC also requires the state commissions to first implement thousands-block number pooling in a single metropolitan statistical area (MSA), and allows them to expand pooling to another MSA only after pooling has been fully implemented in the initial MSA and carriers have had sufficient time to make the necessary adjustments for pooling, such as modifying their databases and upgrading their switch software. In addition, the state commissions must implement their thousands-block number pooling trials before the commencement of national pooling, which is currently scheduled for March 2002.[25]

10. We also reiterate that only those carriers that have implemented permanent LNP shall be subject to state-mandated thousands-block number pooling trials.[26] Wireline carriers outside the top 100 MSAs are only required to implement LNP if requested by another carrier subject to the requirements established by the FCC.[27] Within areas that are subject to a pooling trial, non-LNP-capable carriers shall have the same access to numbering resources after pooling is implemented that they had prior to the implementation of pooling (*i.e.*, non-LNP capable carriers shall continue to be

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[21] *Numbering Resource Optimization Notice*, 14 FCC Rcd at 10383-84.

[22] *See, e.g., Numbering Resource Optimization*, Order, 15 FCC Rcd 23371 (2000).

[23] *Pennsylvania Numbering Order*, 13 FCC Rcd at 19029-30; *see also July 2000 Delegation Order*, 15 FCC Rcd at 23377-82, paras. 10, 11, 13-22.

[24] Lack of numbering resources should never prevent carriers from providing service to prospective customers. Thus, this criterion attempts to ensure that carriers continue to have numbering resources available to them in the event that a pooling trial fails to alleviate the need for area code relief. In Illinois, the Illinois Commission recognized that a "back-up plan" was necessary because the pooling solution had not been completely developed or tested. Thus, the Illinois Commission decided that an all-services overlay would supersede the pooling trial in the event that the NXXs in the 847 NPA were depleted.

[25] *See Pooling Administrator Press Release.*

[26] Wireless carriers, for example, are not required to implement LNP until November 24, 2002. *See Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability*, Memorandum Opinion and Order, 14 FCC Rcd 3092, 3116 (1999).

[27] *See* 47 C.F.R. § 52.23(b)-(c).

able to obtain full NXX codes).[28]

11. We direct the state commissions to conduct their thousands-block number pooling trials in accordance with industry-adopted thousands-block number pooling guidelines to the extent that the guidelines are not in conflict with the FCC's *Numbering Resource Optimization Orders*.[29] We also direct the state commissions to ensure that adequate transition time is provided for carriers to adjust their switches and administrative systems prior to commencing thousands-block number pooling.

### 2. Cost Recovery

12. Because the FCC's national cost recovery plan will not be in effect until national thousands-block number pooling implementation occurs, the state commission conducting pooling trials must develop a cost recovery mechanism for the joint and carrier-specific costs of implementing and administering pooling trials.[30] Cost recovery for national thousands-block number pooling will be under the national cost recovery plan when it becomes effective.

13. In the *Numbering Resource Optimization First Report and Order*, the FCC concluded that thousands-block number pooling is a numbering administration function, and that section 251(e)(2) authorizes the FCC to provide the distribution and recovery mechanisms for the interstate and intrastate costs of number pooling.[31] The FCC determined in the *Numbering Resource Optimization First Report and Order* that section 251(e)(2) requires all carriers to bear the shared costs of number pooling on a competitively neutral basis.[32] In exercising its delegated authority, the state commission must also ensure that costs of number pooling are recovered in a competitively neutral manner.[33] We encourage the state commission to consider the *Numbering Resource Optimization First Report and Order* and *Telephone Number Portability Order*[34] for guidance

[28] *California Delegation Order*, 14 FCC Rcd at 17493.

[29] Thousands-Block Number (NXX-X) Pooling Administration Guidelines, Draft (INC 99-0127-023) (rev. Jan. 2001). This document is available at <http://www.atis.org>.

[30] Some commenters contend that the state commissions have failed to implement a cost recovery system for carriers incurring costs from state pooling trials. *See, e.g.*, United States Telecom Association (USTA) Comments at 3-4 (Florida Commission Petition); BellSouth Comments at 4 (South Carolina Commission Petition); USTA Comments at 5 (South Carolina Commission Petition). BellSouth has suggested that the FCC should require state commissions to have a cost recovery plan in place before state pooling trials are implemented. BellSouth Comments at 4 (South Carolina Commission Petition); *see also* South Carolina Telephone Coalition Comments at 3 (South Carolina Commission Petition). We decline to consider BellSouth's recommendation because the FCC, when discussing cost recovery for state thousands-block number pooling trials, did not require this type of condition as a prerequisite for state pooling authority. *See Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at 7652-53.

[31] *Id.* at 7663-64.

[32] *Id.* at 7664-65.

[33] 47 U.S.C. § 251(e)(2).

[34] *Telephone Number Portability*, Fourth Memorandum Opinion and Order on Reconsideration, 14 FCC Rcd 16459, 16478-88 (rel. July 16, 1999) (*Telephone Number Portability Order*).

regarding the criteria with which a cost recovery mechanism must comply in order to be considered competitively neutral. First, "a 'competitively neutral' cost recovery mechanism should not give one service provider an appreciable, incremental cost advantage over another service provider, when competing for a specific subscriber." Second, the cost recovery mechanism "should not have a disparate effect on the ability of competing service providers to earn normal returns on their investments."[35]

14. Consistent with the FCC's treatment of cost recovery in the *Telephone Number Portability* proceeding and *Numbering Resource Optimization First Report and Order*, we believe that even those carriers that cannot participate in thousands-block number pooling at this time will benefit from the more efficient use of numbering resources that pooling will facilitate and thus should share in bearing the costs associated with thousands-block number pooling. We encourage the state commissions to utilize the "road map" provided by the FCC in the *Numbering Resource Optimization First Report and Order* regarding cost recovery for thousands-block number pooling.[36]

### 3. Petitions for Thousands-Block Number Pooling Authority

15. To ensure that thousands-block number pooling is implemented in areas where it has the potential to be most beneficial, the FCC requires state commissions to demonstrate that certain conditions are satisfied in their states before thousands-block number pooling authority will be delegated to them. In the *Numbering Resource Optimization First Report and Order*, the FCC directed state commissions seeking thousands-block number pooling authority to demonstrate that: 1) an NPA in its 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 MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable. The FCC recognized, however, that there may be "special circumstances" in which pooling would be beneficial in NPAs that do not meet all of the above criteria, and stated that it may authorize pooling in such an NPA upon a satisfactory showing by the state commission of special circumstances.[37]

#### a. Florida Commission

16. The Florida Commission requests authority to implement thousands-block number pooling in the 941 NPA. The Florida Commission's filing demonstrates that although the 941 NPA has a remaining life span of at least a year and that a majority of wireline carriers in the 941 NPA are LNP-capable, the 941 NPA is not currently in jeopardy.[38] The Florida Commission asserts that "special circumstances" exist to merit a grant of authority to implement thousands-block number pooling in the 941 NPA. The Florida Commission explains that Florida has experienced a population increase of 23.5% since 1990, making its population growth the fifth fastest in the United

[35] *Telephone Number Portability Order*, 14 FCC Rcd at 16478 (citing *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8420-21 (1996)); *see also Number Resource Optimization First Report and Order*, 15 FCC Rcd at 7665.

[36] *Id.* at 7662-75.

[37] *Id.* at 7652.

[38] Florida Commission Petition at 3.

States. In particular, the population in the Naples MSA, which is encompassed by the 941 NPA, has increased by 65.3%.[39] The Florida Commission further explains that without pooling, numbering resources in this area could rapidly deplete.[40]

17. We agree that thousands-block number pooling would benefit the 941 NPA, particularly given the rapid population growth within the 941 NPA. Thousands-block number pooling should result in more efficient use of numbering resources within this NPA. Thus, we grant the Florida Commission the authority to implement a thousands-block number pooling trial in the 941 NPA subject to the conditions and safeguards referenced above. Further, this grant of thousands-block number pooling authority extends to any new area code(s) implemented to relieve all NPAs in which pooling is taking place.

**b. Iowa Commission**

18. The Iowa Commission requests the authority to implement thousands-block number pooling in the 319 NPA.[41] The Iowa Commission's petition demonstrates that the 319 NPA has a remaining life span of at least a year.[42] The petition indicates, however, that the 319 NPA is not in jeopardy and does not encompass one of largest 100 MSAs, and that a majority of carriers are not LNP-capable.[43] Because the petition only satisfies one criterion and no special circumstances are specifically provided, we deny the Iowa Commission's request to implement thousands-block number pooling in the 319 NPA. The Iowa Commission also requests authority to require carriers that have not implemented LNP to participate in the thousands-block number pooling trial for the 319 NPA.[44] Because we deny the Iowa Commission's application for pooling authority, this issue is moot.[45] We note, in addition, that most commenters opposed this request.[46]

**c. South Carolina Commission**

19. The South Carolina Commission requests authority to implement thousands-block

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[39] *Id.*

[40] *Id.* at 4.

[41] *See generally,* Iowa Commission Petition.

[42] *Id.* at 4.

[43] *Id.* at 2.

[44] *Id.* at 1.

[45] In a related matter, we note that the FCC is currently reviewing and will address the issue of whether non-LNP-capable carriers should be required to participate in pooling, as discussed in *Numbering Resource Optimization Second Report and Order,* 16 FCC Rcd at 379-380.

[46] *See* AT&T Wireless Services Comments at 2; Cellular Telecommunications & Internet Association (CTIA) Comments at 4-6; Iowa Telecommunications Services Comments at 5-7; Personal Communications Industry Association Comments at 5; Qwest Corporation Comments at 1 (Bureau lacks the authority to grant the Iowa Commission's request); Sprint Corporation Comments at 1-2; USTA Comments at 3-5; Verizon Wireless Comments at 4.

number pooling in the 803 and 843 NPAs. The South Carolina Commission's filing demonstrates that although the 803 and 843 NPAs each have a remaining life span of at least a year and both NPAs encompass a top 100 MSA,[47] neither NPA is currently in jeopardy.[48] The South Carolina Commission considers the 803 and 843 NPAs to be in a "jeopardy situation," however, because the NANPA has filed informal requests for approval of an area code relief plan, which recommends an all-services overlay for these NPAs.[49] The South Carolina Commission also asserts that special circumstances exist because the increase in the number of competitive local exchange carriers and wireless carriers providing service to South Carolina residents has created a significant demand for central office codes.[50] Thus, South Carolina believes immediate implementation of thousands-block number pooling trials will slow the need for new area codes.[51]

20. We agree that thousands-block number pooling trials will benefit the 803 and 843 NPAs, particularly because the demand for central office codes has increased significantly. Thus, we believe that special circumstances exist, and grant the South Carolina Commission's request to implement thousands-block number pooling in the 803 and 843 NPAs. The South Carolina Commission's authority is also subject to the conditions and safeguards referred to herein, including the requirement to implement pooling trials in one MSA at a time.[52] Further, this grant of thousands-block number pooling authority extends to any new area code(s) implemented to relieve all NPAs in which pooling is taking place.

21. One commenter, the South Carolina Telephone Coalition (Coalition), argues that if thousands-block number pooling authority is granted to the South Carolina Commission, rural carriers in South Carolina, most of which are not LNP-capable, should be exempted from any pooling requirements.[53] The Coalition also indicates that they will incur indirect costs from pooling because, with the existence of Extended Area Calling and Area Calling Plan arrangements, rural carriers would need to adjust their switches in order to recognize the thousands-block numbers of pooling carriers located within a rural carrier's LATA.[54] As discussed above, non-LNP-capable carriers are already exempt from participating in pooling and, thus, to the extent that rural carriers are not LNP-capable, they will not be required to participate in pooling. Further, any direct or indirect costs incurred by rural carriers as a result of state pooling trials should be addressed by the

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[47] *See* South Carolina Commission Petition at 3. The 803 and 843 NPAs are projected to exhaust in the first quarter of 2003. *Id.* Both the North Charleston-Charleston (843 NPA) and Columbia (803 NPA) MSAs are among the top 100 MSAs. *Id.*

[48] Public Service Commission of South Carolina's Reply Comments at 2-3.

[49] *Id.* The NANPA filed informal requests on February 22, 2001. *Id.*

[50] South Carolina Commission Petition at 3-4.

[51] *Id.* at 4.

[52] *See, e.g., July 2000 Delegation Order*, 15 FCC Rcd at 23377-82, paras. 10, 11, 13-22.

[53] South Carolina Telephone Coalition Comments at 1-3.

[54] *Id.* at 2.

South Carolina Commission, which is expected to devise its own cost recovery plan.[55]

22. We disagree with some commenters that the grants of delegated pooling authority to the Florida and South Carolina Commissions will interfere with national thousands-block number pooling.[56] As discussed in the *Numbering Resource Optimization First Report and Order*, state commissions must conform their thousands-blocks number pooling trials to the national framework in order to minimize additional costs and confusion that stem from differing regulatory requirements.[57] This requirement we believe, will likely facilitate a quicker, easier transition to the national Pooling Administrator in these area codes. As a result, state residents will be able to realize the benefits of pooling as soon as possible.

23. We also disagree with the CTIA's contention that "[g]iven the FCC's decision that states must conform all aspects of their pooling trials with Federal requirements by April 8, 2001, there is no need to make further grants of interim authority to states to merely follow Federal requirements established by the *NRO Order*."[58] This deadline was established for states that had already implemented thousands-block number pooling trials and, therefore, is not relevant for deciding whether additional states should continue to receive thousands-block number pooling authority.

24. Finally, the CTIA opposes the South Carolina Commission's request to require non-LNP-capable carriers to participate in thousands-block number pooling.[59] We decline to consider the CTIA's comments on this matter because we find no request for this authority in the petition of the South Carolina Commission.

### B. Maintenance of Rationing Procedures for Six Months Following Area Code Relief

25. The South Carolina Commission requests the authority to maintain pre-NPA relief NXX code rationing measures for six months following implementation of area code relief to prevent an excessive number of requests for NXX codes.[60] In prior orders, the FCC granted similar

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[55] *See infra* Section III.A.2.

[56] *See, e.g.*, CTIA Comments at 2-3 (Florida Commission Petition); USTA Comments at 2-3 (Florida Commission Petition); BellSouth Comments at 2 (South Carolina Commission Petition); CTIA Comments at 2-3 (South Carolina Commission Petition).

[57] *See Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at 7651.

[58] CTIA Comments at 4. We note that the FCC required states to conform all aspects of their pooling trials within three months after the *Numbering Resource Optimization Second Report and Order* was published in the Federal Register. *See Numbering Resource Optimization Second Report and Order*, 16 FCC Rcd at 328, para. 46. The date of publication was February 8, 2001, making the deadline for conformance well past April 8, 2001.

[59] CTIA Comments at 3, 5-7.

[60] South Carolina Commission Petition at 1.

authority to state commissions.[61] The FCC reasoned that a continuation of rationing after area code relief neither contradicts the *Pennsylvania Numbering Order*,[62] as the requisite area code relief has been implemented, nor has the potential—in contrast to rationing prior to area code relief—to forestall area code relief indefinitely. Accordingly, we grant the South Carolina Commission the authority to order continuation of any rationing plan in place prior to area code relief for six months following implementation of area code relief.

26. Where area code relief takes the form of an area code split, we grant the South Carolina Commission the authority to direct that whatever rationing plan was in place prior to area code relief continue to be applied in both the newly implemented area code and the relieved area code for a period of up to six months following the date of implementation of area code relief.[63] Correspondingly, if the area code relief is in the form of an all-services overlay, the South Carolina Commission may direct that the pre-existing rationing plan be applied to each area code (overlay code and relieved code) for a period of six months following the date of implementation of area code relief. Whether the rationing plan in place prior to relief was an industry consensus plan, or whether it was a state commission-ordered plan, only those terms in place prior to area code relief may remain in place following area code relief. The South Carolina Commission may order a continuation of rationing for up to six months, but neither they nor the telecommunications industry participants in a consensus plan may alter the terms of the rationing plan. We find this limitation appropriate to prevent a potentially contentious re-opening of the terms of a previously settled NXX code rationing plan, resulting in uncertainty and a drain on resources.

27. Some commenters oppose the South Carolina Commission's request to continue rationing procedures for six months following area code relief.[64] In particular, Triton PCS claims that the South Carolina Commission currently has no rationing plan in place, and that without such a plan, the South Carolina Commission would be using its delegated authority to implement a new rationing plan after area code relief, which is inconsistent with the FCC's prior orders.[65] We agree that our grant of authority extends only to rationing plans that exist prior to the implementation of area code relief. However, in granting such authority to other state commissions, we have not required state commissions to have a rationing plan in place at the time authority to continue rationing procedures was requested or granted. Thus, as long as the South Carolina Commission has a rationing plan in place before area code relief is implemented, it will be able to utilize its delegated

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[61] *See, e.g.*, *Florida Delegation Order*, 14 FCC Rcd at 17517-18; *Massachusetts Delegation Order*, 14 FCC Rcd at 17458-59; *Wisconsin Delegation Order*, 15 FCC Rcd at 1310-11.

[62] The *Pennsylvania Numbering Order* stated that state commission implementation of number conservation measures could not be used "as substitutes for area code relief or to avoid making difficult and potentially unpopular decisions on area code relief." *See Pennsylvania Numbering Order*, 13 FCC Rcd at 19027.

[63] The "NPA relief date" is defined in the NPA Code Relief Planning and Notification Guidelines as the date by which the NPA is introduced and routing of normal commercial traffic begins. NPA Code Relief Planning and Notification Guidelines at 14.0. This document is available at <http://www.atis.org>.

[64] BellSouth Comments at 7-8; South Carolina Telephone Coalition Comments at 3; Sprint Corporation (Sprint) Comments at 5; Triton PCS, Inc. (Triton PCS) Comments at 8-9; USTA Comments at 6-7.

[65] Triton PCS Comments at 8; *see also* South Carolina Telephone Coalition Comments at 3.

authority to continue rationing after area code relief has been implemented.

28. The USTA argues that rationing is not consistent with the FCC's new numbering rules adopted in the *Numbering Resource Optimization First Report and Order*.[66] However, the rules adopted in the *Numbering Resource Optimization Orders* did not alter the FCC's policy concerning rationing. In fact, in the *Numbering Resource Optimization Second Report and Order*, the FCC explicitly reaffirmed its federal guidelines in the *Pennsylvania Numbering Order*.[67] In that Order, the FCC also stated that *long term* rationing was a threat to competition, and in this case, the South Carolina Commission is requesting authority to implement rationing on a *short term* basis.

## IV. CONCLUSION AND ORDERING CLAUSE

29. We are mindful of the costs, confusion, and inconvenience that frequent area code changes can impose on consumers. The authority we have herein delegated to the above state commissions, we hope, will provide them the tools they need to address their states' concerns about numbering resource exhaust. For example, the authority to order thousands-block number pooling trials allows a state commission to address inefficiencies on the supply side of the telephone number assignment regime by ordering that LNP-capable carriers receive smaller blocks of numbers than they receive now. We are encouraged by the state commissions' willingness to work with the FCC and the Bureau to achieve national numbering resource optimization goals.

30. Accordingly, pursuant to sections 1, 4(i), and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251, and pursuant to sections 0.91, 0.291, 1.1 and 52.9(b) of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, 1.1 and 52.9(b), IT IS ORDERED that the Florida Public Service Commission Petition for Expedited Decision for Authority to Implement Thousands-Block Number Pooling in the 941 NPA, CC Docket No. 96-98 is GRANTED to the extent described herein; the Iowa Utilities Board Petition for Delegation of Additional Authority is DENIED to the extent described herein; and the Petition of the Public Service Commission of South Carolina for Delegation of Authority Pertaining to NXX Code Conservation Measures is GRANTED to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey J. Carlisle
Senior Deputy Bureau Chief,
Common Carrier Bureau

[66] USTA Comments at 6-7; *see also* Sprint Comments at 5.

[67] *See Numbering Resource Optimization Second Report and Order*, 16 FCC Rcd at 332-34.