ORIGINAL

DOCKET FILE COPY ORIGINAL

RECEIVED

NOV 6 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

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

COMMENTS OF THE RURAL CELLULAR ASSOCIATION

The Rural Cellular Association ("RCA"),[1] by counsel, hereby responds to the Commission's invitation to comment on the proposed national thousands-block pooling rollout schedule developed by NeuStar, the National Thousands-Block Pooling Administrator.[2]

In its efforts to conserve numbering resources, the Commission has mandated that CMRS carriers within the top 100 MSAs must participate in thousands-block number pooling beginning on November 24, 2002.[3] Additionally, beginning with this date, all CMRS carriers outside of the top 100 MSAs must participate in thousands-block number once they become LNP-capable.[4]

---

[1] RCA is an association representing the interests of small and rural wireless licensees providing commercial services to subscribers throughout the nation. Its member companies provide service in more than 135 rural and small metropolitan markets where approximately 14.6 million people reside. RCA was formed in 1993 to address the distinctive issues facing rural wireless service providers.

[2] *The Common Carrier Bureau Seeks Comment on the National Thousands-Block Number Pooling Rollout Schedule: Public Notice*, CC Docket No. 99-200, DA 01-2419 (rel. Oct. 17, 2001) ("Public Notice").

[3] *See In the Matter of Numbering Resource Optimization: Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 99-200, FCC 00-104 (rel. Mar. 31, 2000) ("Number Pooling R&O") at para. 125.

[4] *Id.*

No. of Copies rec'd 0+4
List ABCDE

Where licenses are held by rural or small carriers, the potential costs and burdens associated with thousands-block number pooling far outweigh the benefits of pooling. Accordingly, the FCC should forbear from imposing number pooling requirements on a small and rural wireless carriers. If the Commission nonetheless determines to continue to impose this burden, small and rural carriers should not be required to implement the MIN/MDN separation.

I. The FCC Should Forbear from Number Pooling Requirements on Small and Rural Wireless Carriers

In imposing thousands-block number pooling requirements on CMRS carriers, the Commission replicated its approach for wireline companies and determined not to impose the costs of implementing number pooling unless and until the carrier had implemented upgrades to support local number portability ("LNP").[5] RCA has recently demonstrated that the Commission should forbear permanently from imposing all aspects of wireless LNP, including the requirement that CMRS carriers implement software upgrades in their network to support nationwide roaming capabilities for number portability.[6] In its comments, RCA demonstrated that the conclusions reached by the Commission when it decided to temporarily forbear from imposing wireless LNP obligations on CMRS carriers are still valid today and that ample evidence exists that forbearance would serve the public interest by preserving scarce resources for focused construction and service purposes. For similar public interest reasons, the

---

5 *Id.* at n.270.

6 *See* Comments of RCA, WT Docket No. 01-184, filed September 21, 2001.

Commission should forbear permanently from imposing number pooling requirements on small and rural wireless carriers.[7]

Section 10 of the Communications Act of 1934, as amended, gives the FCC the authority to forbear from applying any regulation as long as certain conditions are met.[8] If the Commission were to forbear from number pooling requirements for small and rural carriers, the first prong of the three-prong test would be met because whether implemented or not, thousands-block number pooling would not have an impact on carrier rates. Further, the second prong of the test would be met because forbearance from number pooling requirements would not harm consumers. The Commission has already imposed alternative number optimization measures for CMRS carriers that are not required to implement number pooling requirements.[9] Additionally, many small and rural carriers do not receive blocks of 10,000 numbers directly from NANPA but rather receive much smaller blocks from local exchange carriers. Accordingly, implementation of numbers pooling requirements on these carriers would not contribute to numbers conservation efforts.

---

[7] In the event that the Commission determines that permanent forbearance is not in the public interest, RCA strongly urges the Commission to grant a temporary forbearance for at least two years.

[8] *See* 47 C.F.R. § 160(a). Before forbearing from any regulation, the Commission must determine that "(1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory; (2) enforcement of such regulation or provision is not necessary for the protection of consumers; and (3) forbearance from applying such provision or regulation is consistent with the public interest."

[9] *See* Number Pooling R&O at para. 141 (FCC ruling that CMRS providers that are not LNP-capable must achieve a number utilization threshold before they are eligible to obtain a new growth code).

The public interest would also be served by forbearance. By eliminating the significant capital investment required to implement MIN/MDN separation, the Commission would foster the continued provision of competitive wireless services to small and rural communities, an objective already threatened by carriers' implementation of other Commission mandates such as CALEA and E911. The capital requirements to upgrade switches to participate in number pooling are enormous, and the recovery of those costs uncertain. According to one RCA member, the vendor software necessary to support only one portion of the implementation of number pooling, that of the MIN/MDN separation, is not compatible with the carrier's MTSO.[10] Thus, in addition to the costs of expensive software upgrades to separate the MIN/MDN, Mid-Missouri will also be required to undergo a major hardware upgrade. Additional costs would be incurred if carriers must upgrade their switches from a Rev A to Rev C for billing purposes. The cost of such upgrades has been estimated to be around half a million per switch. Ominously, the costs of applying for and maintaining MBIs have yet to be determined.

The burdensome costs associated with thousands-block number pooling far outweigh any benefits that might be gained by small and rural carriers participating in numbers pooling. As noted above, many small and wireless carriers already receive numbers in blocks smaller than 10,000; the public interest policy goal which underlies the rule would not even be served by its imposition on these small and rural carriers. Furthermore, the proposed implementation of pooling would yield minimum benefits even where small and rural wireless carriers receive numbers directly from NANPA. At most, pooling would return only 9,000 of the single 10,000

---

[10] See Reply Comments of Mid-Missouri Cellular, WT Docket No. 01-184, filed October 22, 2001 at 2.

number block assigned to a small carrier, a minute number compared with the possible return from larger carriers with large 10,000 number block inventories.[11]

Where regaining use of unused numbers from large carriers that have significant blocks of numbers assigned may make policy sense to conserve numbers, it does not make sense to impose this cost burden on small carriers. The Commission has already determined that, for public interest reasons, number pooling should be implemented in a way as to "avoid imposing unnecessary costs on covered CMRS providers" and that such expenditures should not "divert them from other important tasks," such as implementing CALEA and E911 requirements.[12] Accordingly, forbearance is in the public interest as the costs of imposing number pooling requirements on small and rural carriers greatly outweighs any benefits that would be gained. Forbearance would enable small and rural carriers to utilize limited financial resources to expand their networks and implement other Commission mandates, while not sacrificing the underlying goal of number conservation.

Because all three prongs of the test for forbearance are met, the Commission must exercise its authority and forbear permanently from imposing number pooling requirements on small and rural wireless carriers.

---

[11] In its Reply Comments in the number portability proceeding, Mid-Missouri Cellular notes that in some instances, requirements of state public service commissions force carriers to utilize far more numbers than are necessary and recommends alternatives to number pooling to better conserve numbering resources. *See* Reply Comments of Mid-Missouri Cellular, WT Docket No. 01-184, filed October 22, 2001 at 6.

[12] *See* Number Pooling R&O at paras. 137, 139.

II. If the Commission Nonetheless Determines to Impose this Burden, Carriers Should Not be Required to Implement Costly Upgrades to Separate the MIN and MDN to Support Roaming.

Because of the ability of CMRS networks to accommodate roaming, once one CMRS carrier implements thousands-block number pooling, all of the carrier's roaming partners must accommodate the subscribers' pooled numbers when they roam. This means that if the Commission decides not to forbear from imposing all aspects of number portability requirements and pooling requirements on small and rural carriers, virtually all small and rural wireless carriers must make significant and costly upgrades in their networks and must undergo an administrative process to receive a second range of numbers so that they can support pooled numbers that roam on their networks. This process, known as the MIN/MDN separation, is highly complex, extremely costly and administratively burdensome. Accordingly, if the Commission does not forbear from imposing number pooling on small and rural carriers, the Commission should, at the very least, not require the implementation of the MIN/MDN separation process to support roaming.

A. The MIN/MDN Separation Process is Extremely Complex and Costly

Presently, wireless carriers utilizing AMPS, CDMA and TDMA technologies use a ten digit number both as a means of associating a mobile handset with a particular wireless network and as the subscriber's telephone number. In today's environment, established through large company fiat, in order to support roamers with pooled numbers, carriers utilizing these technologies must make software modifications to accommodate the two types of identifiers required in an LRN environment: the Mobile Directory Number ("MDN") and the Mobile Identification Number ("MIN"). The MIN consists of a six-digit prefix known as the MIN Block

Identifier ("MBI") followed by a four-digit Mobile Subscriber Number ("MSN"). One MBI provisions up to 10,000 subscribers and will be administered by the MBI Administrator.

This MIN/MDN process is very complex and, to date, there is no industry consensus as to all of the necessary components. For example, RCA has found no consensus in the industry as to whether carriers need to upgrade to from a "Rev A" to a "Rev C" for billing purposes. Further, the recently named MBI Administrator has yet to provide information regarding the cost of applying for MBIs. Such unknown elements of the MIN/MDN process have impeded its implementation.

As noted in Section I above, the MIN/MDN separation process is also extremely costly; less costly alternatives to roaming support require exploration, such as the proposal submitted by Mid-Missouri in comments filed in the number portability proceeding in which pooled numbers would be treated in the same fashion as is currently in use when two or more wireless carriers share a block of numbers from the same landline serving end office.[13]

B. The Administrative Process Associated with the MIN/MDN Separation Has Been Delayed

The MBI Administrator, NCS Pearson, has notified carriers that it cannot begin the application or grandfathering process[14] as scheduled and that the delay will be for at least 60-90 days. According to the timeline adopted by industry working groups, the account registration

---

[13] *See* Attachment A to Reply Comments of Mid-Missouri Cellular, WT Docket No. 01-184, filed October 22, 2001.

[14] When applying for MBIs, each carrier must specify in its application the MDNs (NPA/NXX) that the carrier has already received from NANPA or from another carrier. This is to ensure that at the outset of implementation of LNP, all of the MINs will match all of the MDNs. The final date for wireless providers to request retention of MINs that are the same as the MDNs is called the "grandfathering date."

process for MBI administration was to begin on November 14, 2001 and end on December 14, 2001. The "grandfathering date" was scheduled to be March 4, 2002. In conjunction with this administration, wireless carriers were to begin inter-carrier testing on October 1, 2001 and end on May 31, 2002. The delay in administration necessarily will delay the ability for carriers to proceed with testing, leaving more time to explore more rational and cost-effective approaches to roaming support.

The Commission must also take official notice of the many uncertainties which exist with the MBI administration. For example, how will MBIs be issued after the grandfather date? Many small and rural carriers share line ranges with local exchange carriers, and this question clearly must be answered. Also, as referenced above, the MBI Administrator has yet to announce its administration fees, which could be significant.[15] Given the delays and uncertainties that exist with the MBI Administration as well as the need to find less costly alternatives, it would be irrational for the Commission to impose MIN/MDN separation requirements on small and rural carriers.

III. Conclusion

Public interest dictates that the Commission should forbear permanently from imposing number pooling requirements on small and rural wireless carriers. By eliminating the significant capital investment required to implement the MIN/MDN separation, the Commission would

---

[15] RCA has no input as to the fees that the MBI Administrator can charge and is concerned that the process is already becoming far more costly than is necessary. For example, rather than set up an extensive process where individual carriers must submit their line ranges to the administrator to be "grandfathered," the Administrator could obtain this information from NANPA or CMRS billing clearinghouses.

foster the continued provision of competitive wireless service to small and rural communities and enable small and rural carriers to utilize limited financial resources to expand their networks and implement other Commission mandates. Implementation of number pooling on small and rural wireless carriers would yield only minimum benefits which are far outweighed by the burdensome costs associated with pooling. In the event that the Commission determines not to forbear, the Commission should, at the very least, not require the implementation of the MIN/MDN separation process to support roaming.

Respectfully submitted,

RURAL CELLULAR ASSOCIATION

By: _____
Sylvia Lesse
John Kuykendall

Kraskin, Lesse & Cosson, LLP
2120 L Street, N.W.
Suite 520
Washington, D.C. 20037
(202) 296-8890

CERTIFICATE OF SERVICE

I, Ann Tait, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Comments of the Rural Cellular Association" was served on this 6th day of November 2001, via hand delivery to the following parties:

Ann Tait

Ann Tait

Chairman Michael Powell
Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, DC 20554

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, SW, Room 8-A302
Washington, DC 20554

Commissioner Kathleen Abernathy
Federal Communications Commission
445 12th Street, SW, Room 8-A204
Washington, DC 20554

Commissioner Kevin Martin
Federal Communications Commission
445 12th Street, SW, Room 8-C302
Washington, DC 20554

Carmell Weathers
Network Services Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW, Room 6-B153
Washington, DC 20554
(2 copies)

Qualex International
445 12th Street, SW
Room CY-B402
Washington, DC 20554