



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

November 21, 2001

via electronic filing

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

**Re: Supplement of the Pennsylvania Public Utility Commission
In the Matter of Numbering Resource Optimization
CC Docket No. 99-200 ; CC Docket No. 96-98; NSD-L-01-113; DA 01-2174**

Dear Ms. Salas:

Attached for filing in the above matter please find one copy of the Supplement of the Pennsylvania Public Utility Commission, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200; CC Docket No. 96-98; NSD-L-01-113; DA 01-2174.

Sincerely,

Deanne M. O'Dell
Assistant Counsel

Enclosure

cc: per certificate of service

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C. 20554

In the Matter of)	
)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
)	
Implementation of the Local Competition)	
Provisions of the Telecommunications Act of)	CC Docket No. 96-98
1996)	
)	
Petition of Representative Keith R. McCall)	
And Members of the Northeast Delegation of)	
the Pennsylvania House of Representatives)	NSD-L-01-113
Requesting that Additional Authority Be)	
Delegated to the Pennsylvania Public Utility)	
Commission to Implement Additional)	DA 01-2174
Number Conservation Measures in CC)	
Docket No. 99-200)	

**SUPPLEMENT OF THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Dated: November 21, 2001

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INTRODUCTION

This Supplement is being filed by the Pennsylvania Public Utility Commission (PAPUC) in response to Commission Staff's request to delineate reasons in support of our position that the Commission should delegate to us the authority to convert the currently progressing voluntary pool in the 717 NPA to a mandatory pool. In our comments and reply comments to a petition filed by Representative Keith R. McCall and the 31 member Northeast Delegation of the Pennsylvania House of Representatives ("Rep. McCall's Petition"),¹ the PAPUC made two alternative requests. First, the PAPUC urged the Commission to grant our Request for Clarification and declare that the voluntary pools in the 717 and 570 NPAs will become a part of the national thousands-block number pooling network prior to March 15, 2002. In the alternative, the PAPUC asked that Rep. McCall's Petition be granted; thereby, delegating to the PAPUC the authority necessary to make the currently progressing voluntary pools in the 717 and 570 NPAs mandatory. To further support our request for delegated authority to implement mandatory pooling in the 717 NPA, the PAPUC submits the following information.

¹ *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* (dated June 7, 2001). The PAPUC filed Comments and Request for Clarification Regarding Mandatory Pooling in the 717 and 570 NPAs on October 23, 2001 and Reply Comments were filed on November 6, 2001.

DISCUSSION

On March 31, 2000, the Commission released its *Report and Order and Further Notice of Proposed Rule Making on Numbering Resource Optimization*, CC Docket No. 99-200. In paragraph 170 of this Report and Order, the Commission directed states with pending petitions for delegated authority to file supplements demonstrating 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 MSAs, or alternatively, that the majority of wireline carriers in the NPA are LNP-capable.

Further, the Commission recognized that “special circumstances” may exist where pooling would be of benefit in NPAs that do not meet the above criteria and invited states to delineate any such situations. The Commission has continued to rely on this criteria in granting state petitions for delegated authority.² Applying these criteria to Pennsylvania’s 717 NPA clearly justifies delegating authority to the PAPUC to convert the already progressing voluntary pool into a mandatory pool.

² See *Connecticut Department of Public Utility Control Expedited Petition for Additional Authority*, Order, NSD-L-01-35, *Michigan Public Service Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures*, Order, NSD-L-01-36, *Petition of the North Carolina Utilities Commission for Additional Delegated Authority to Implement Number Optimization Measures* CC Docket No., 96-98, Order, NSD-L-01-75, 2001 FCC LEXIS 4601, at ¶ 22 (2001).

I. The 717 NPA has a lifespan of over a year, is within the largest 100 MSAs, and the majority of wireline carriers are LNP-capable

The 717 NPA was one of Pennsylvania's original area codes that covered Central and Northeastern Pennsylvania. In April of 1999, the 717 NPA was split and the 570 NPA was created pursuant to an order of the PAPUC. Now, the 717 NPA covers South Central Pennsylvania while the 570 NPA covers both North Central and Northeastern Pennsylvania.³

As of June 1, 2001, the projected exhaust date for the 717 NPA is during the second quarter 2003;⁴ therefore, the 717 NPA currently has a projected remaining life span of over one year. Additionally, the 717 NPA covers two MSAs that are within the top 100 MSAs. One MSA is the Harrisburg-Lebanon-Carlisle MSA which is ranked 67 and the other MSA is the Lancaster MSA which is ranked 89.⁵ Finally, there are approximately 22 wireline carriers with NXX codes in the 717 NPA and 19 of these wireline carriers are LNP-capable which means that a majority of the wireline carriers in the 717 NPA are LNP-capable.

Because the 717 NPA meets almost all of the Commission's criteria for pooling, we urge the Commission to delegate to us the authority to transform the currently progressing voluntary pool to a mandatory pool. Although the 717 NPA is not in jeopardy, the Commission has granted other states the delegated authority necessary to

³ Maps of the geographic areas covered by the 717 and 570 NPAs can be found on our web site at http://puc.paonline.com/telecomm/Area_Codes.asp.

⁴ NANPA's "2001 NRUF and NPA Exhaust Analysis, June 1, 2001 Update," available at <http://www.nanpa.com>.

⁵ See "Census 2000 PHC-T-3. Ranking Tables for Metropolitan Areas: 1990 and 2000, Table 3: Metropolitan Areas Ranked by Population: 2000," available at <http://www.census.gov>.

implement pooling in NPAs that were not in jeopardy. As we detailed in reply comments to Rep. McCall's Petition,⁶ the Commission should take that same action with regard to Pennsylvania's 717 NPA and delegate to us the authority to transform the currently progressing voluntary pool into a mandatory pool.

II. The special circumstances of the 717 NPA support delegating authority to the PAPUC to transform the currently progressing voluntary pool to a mandatory pool

Beyond meeting most of the specifically identified criteria established by the Commission, there are special circumstances in the 717 NPA that support delegating the PAPUC the authority to transform the currently progressing voluntary pool to a mandatory pool. First, pooling in the 717 NPA has the potential to be very successful because there are significant numbering resources already available in the 717 NPA which are inaccessible now only because pooling has not yet been implemented. Second, without the implementation of successful pooling, the 717 NPA could prematurely exhaust because of the significant amount of rate centers and the healthy demand for NXX codes in the 717 NPA. Third, the potential for a successful pool in the 717 NPA will be increased if the PAPUC is given the authority to transform the currently progressing voluntary pool to a mandatory pool. For these reasons, the PAPUC urges the Commission to delegate to us the authority to convert the currently progressing voluntary pool in the 717 NPA to a mandatory pool.

⁶ *Reply Comments of the PAPUC to Rep. McCall's Petition* at 10-11.

A. Pooling in the 717 NPA has the potential to be very successful because there are significant numbering resources already available in the 717 NPA which are inaccessible now only because pooling has not yet been implemented

Based on the PAPUC's experience, pooling in NPAs with a sizeable amount of stranded numbers means that carriers will be able to donate enough blocks to the pool to successfully accomplish the goal of pooling – preserving NXX codes in the existing NPA. For example, when pooling opened on April 29, 2001 in the 610/484/835 NPAs, the overall utilization rate was 57%⁷ and carriers were able to donate 3.2 million numbers to the pool. Because of these donations, only two NXX codes in the 610/484 NPAs will need to be opened between April 2001 and July 2002 to meet the demands of the pooling participants. Likewise, because of the 43% utilization rate in the 412 NPA, carriers were able to donate approximately 937,000 numbers to the pool from their existing numbering resources. Since these donated numbers will satisfy their numbering needs, no new NXX codes in the 412 NPA will need to be opened between now and October 2002 for the benefit of the pooling participants. Finally, in the 724 NPA with a utilization rate of 30%, carriers have donated almost 2 million numbers from their inventories of numbers. Only one NXX code will need to be opened between now and October 2002 to fulfill the demands of the pooling participants in the 724 NPA. Consequently, in these three NPAs where the pre-pooling utilization rates were 57%, 43% and 30%, the carriers were able to

⁷ The 57% overall utilization rate for the 610/484 NPA combines and averages the 54% utilization rate in the 610 NPA with the 3% utilization rate in the 484 NPA.

donate to the pools enough stranded numbers to more than meet and exceed their numbering needs for a year.⁸

Based on our analysis of the 717 NPA, the PAPUC believes there are likewise a significant amount of thousands-blocks available in the inventories of the telecommunications carriers that could be donated to make pooling similarly successful. In the 717 NPA there are approximately 792 NXX codes available for assignment to the carriers.⁹ As of October 2001, the NANPA allocated approximately 615 (or 78%) of all these available NXX codes to telecommunications carriers.¹⁰ The utilization rate for the 717 NPA is 44%.¹¹ Since the pre-pooling utilization rate of the 717 NPA parallels that of our other very successfully pooled NPAs, pooling in the 717 NPA can be just as effective at more efficiently using the NXX codes already given to carriers.

Because the PAPUC has been asked by the industry to consider activating a new area code for this region in the near future,¹² this pool needs to be opened on a mandatory basis as soon as possible so that the ineffective alternative to pooling, an unnecessary area code, is not prematurely implemented. Even though carriers currently have

⁸ Information regarding the status of Pennsylvania's pools as well as the pools of other states is available at <http://www.numberpool.com> in the "reports" section.

⁹ For the purposes of NPA relief planning, it is assumed that the capacity of an NPA is 792 NXX codes. *Industry Numbering Committee (INC) NPA Code Relief Planning & Notification Guidelines*, INC 97-0404-016, issued August 6, 2001 at § 2.3.

¹⁰ There are 177 NXX codes available for assignment from the 717 NPA. "Code Assignment Activity for Oct2001" available at <http://www.nanpa.com>. Subtracting the total available NXX codes from the total possible available NXX codes (792) equals 615.

¹¹ The average utilization rate of 717 NXX codes is 44%, according to the June 2001 Numbering Resource Utilization/Forecast ("NRUF") Reports collected by the NANPA in accordance with federal rules. 47 C.F.R. § 52.15(f).

¹² In August 2001, the PAPUC sought input from Central Pennsylvanians regarding an industry consensus relief plan to implement an area code overlay for the 717 NPA. Relief Plan for the 717 NPA, Docket No. P-00961071F0003 (Order entered September 5, 2001), 31 Pa. B. 5422 (September 22, 2001). The industry plan requests that the overlay be implemented over a 19-month period using the latest forecasted exhaust date. Since the currently projected exhaust date for the 717 NPA is second quarter 2002, this means that under the schedule proposed by the industry a new area code should have been activated in November

stranded in their inventories 3.4 million numbers¹³ that could satisfy consumer demands of this area inhabited by approximately 1.8 million people,¹⁴ these numbers will remain stranded without pooling. Opening a new area code will not solve this problem. Instead it will just flood 7.9 million more numbers into this area adding them to the 3.4 million numbers already stranded in the inventories of carriers in the 717 NPA.

Thus, we urge the Commission to delegate to us the authority to transform the currently progressing voluntary pool in the 717 NPA to a mandatory pool which will ensure that a new NPA is not prematurely activated for this region. Further, we submit to the Commission that there are enough stranded numbering resources in the 717 NPA to ensure that mandatory pooling there will successfully preserve the NPA.

B. Without the implementation of successful pooling, the 717 NPA could prematurely exhaust because of the significant amount of rate centers and the healthy demand for NXX codes in the 717 NPA

The PAPUC believes it should be delegated the authority to transform the currently progressing voluntary pool in the 717 NPA to a mandatory pool because the rate of assignment of NXX codes in the 717 NPA could push the 717 NPA into

2001. A final decision from the PAPUC is still pending.

¹³ A utilization rate of 44% of the 615 NXX codes assigned in the 717 NPA to carriers means that there are approximately 3.4 million numbers (or 56% of the available 6.15 million numbers) in the possession of carriers that have not yet been assigned to end-users.

¹⁴ According to the 2000 U.S. Census, the population of entire counties served by the 717 NPAs are as follows: Adams – 91,292; Cumberland – 213,674; Dauphin – 251,798; Franklin – 129,313; Fulton – 14,261; Juniata – 22,821; Lancaster – 470,658; Lebanon – 120,327; Mifflin – 46,486; Perry – 43,602; York – 381,751. Parts of the following three counties are also included in the 717 NPA: Berks, Schuylkill and Snyder. See “Census 2000 PHC-T-4. Ranking Tables for Counties: 1990 and 2000, Table 1. Counties in Alphabetic Sort Within State, 1990 and 2000 Population, Numeric and Percent Change,” available at <http://www.census.gov>.

premature exhaust.¹⁵ Because of the network structure of the 717 NPA, the potential exists for a significant amount of NXX codes to be assigned from the 717 NPA since there are approximately 108 rate centers in the 717 NPA. Thus, any new carrier wishing to establish a presence in Central Pennsylvania would need to receive a significant amount, or even 108, initial NXX codes. In light of the fact that there are only 177 NXX codes still available for assignment to carriers in the 717 NPA,¹⁶ just one new carrier wishing to establish a total presence in Central Pennsylvania would need to be assigned 108 of these 177 NXX codes thereby leaving only 69 NXX codes remaining. Since area code exhaust is determined by the amount of NXX codes available for assignment to telecommunications carriers, a total of only 69 NXX codes would necessitate the activation of a new area code to relieve the 717 NPA even though there are significant numbering resources stranded in carriers' inventories.

In addition to the fact that the potential exists for the assignment of a significant number of initial NXX codes in the 717 NPA, there exists a significant number of NXX codes for the 717 NPA are regularly requested. Between May 2001 and October 2001, for example, the NANPA received applications for 51 NXX codes in the 717 NPA. Thus, the average demand for 717 NXX codes over this six-month period was 9 NXX codes per month.¹⁷ If this level of assignment continues, then the 717 NPA will be exhausted of all its NXX codes within the next 19 months.

¹⁵ Section II, A explains that exhaust of the 717 NPA in the near future would be premature because there are a significant amount of numbers stranded in the inventories of carriers that can only be utilized in a pooling environment.

¹⁶ "Code Assignment Activity for Oct2001" available at <http://www.nanpa.com>.

¹⁷ Per 47 C.F.R. 52.15(f)(7), the PAPUC receives a monthly list of all NXX code applications submitted to the NANPA for all of Pennsylvania's NPAs. This information is taken from that data.

Either the structure of the 717 NPA or the assignment rate of the 717 NPA could cause the premature exhaust of the 717 NPA. The threat of both of these factors coming together at the same time is even more troublesome if pooling has not been implemented. Because of this very real possibility of premature exhaust of the 717 NPA, the PAPUC urges the Commission to delegate to us the authority to transform the currently progressing voluntary pool in the 717 NPA to mandatory as soon as possible.

C. The potential for a successful pool in the 717 NPA will be increased if the PAPUC is given the authority to transform the currently progressing voluntary pool to a mandatory pool

The PAPUC submits that pooling in the 717 NPA has the potential to be very successful based on the significant amount of thousands-blocks currently available. Further, the implementation of a successful pool in the 717 NPA would alleviate the need for premature activation of another new area code in Pennsylvania, thereby preserving the resources of the NANP. Though voluntary pooling will be implemented in the 717 NPA on March 14, 2002,¹⁸ the PAPUC cannot stress enough that the longer this pool remains voluntary the greater chance there is for outsiders to undercut its effectiveness.

For example, while the Commission has recognized that the success of pooling is dependent on the participation of as many carriers as possible,¹⁹ the PAPUC is without the authority to mandate that all potential carriers participate in the 717 NPA pool because it is voluntary. Thus, if a new CLEC were to come into the 717 NPA market and

¹⁸ *Comments of the PAPUC to Rep. McCall's Petition* at 8. *Reply Comments of the PAPUC to Rep. McCall's Petition* at 7-8.

¹⁹ *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 at ¶ 125 (2000).

seek 108 initial NXX codes, the PAPUC would not have the regulatory authority to mandate that CLEC's participation in the pool since it was not an original signatory of the joint agreement to voluntarily pool.²⁰ This unnecessary assignment of a significant number of NXX codes in the 717 NPA is a major regulatory loophole that could undermine all the efforts of the pooling participants to share their numbering resources and conserve the resources of the NPA. The Commission has the authority to close this loophole and we strongly urge that it consider doing so by delegating to the PAPUC the delegated authority necessary to transform the voluntary pool in the 717 NPA to a mandatory pool.

CONCLUSION

The PAPUC has always advocated the use of number conservation measures to preserve existing area codes in Pennsylvania and; thereby, in the NANP. The PAPUC has first-hand experience with thousands-block number pooling because it has implemented three mandatory thousands-block pools in the Commonwealth and is in the process of implementing two voluntary thousands-block pools. While the PAPUC knows that thousands-block number pooling is an extremely effective number conservation measure, we also know that the effectiveness of this number conservation measure is dependent on the specific circumstances of the NPA as well as the level of participation of the carriers in the pool. The PAPUC submits that both the 717 and 570 NPAs are ideal for pooling and, consequently, we have taken the steps necessary to implement voluntary

²⁰ More examples of the importance of having the voluntary pools converted to mandatory pools are outlined in our *Reply Comments to Rep. McCall's Petition* at 3.

pools in both NPAs. But, based on our experience with three mandatory pools, the success of pooling is dependent on the regulatory authority to ensure full compliance. Thus, we submit to the Commission that it has the power to virtually guarantee the success of voluntary pooling in both the 717 and 570 NPAs by delegating the authority to the PAPUC to transform them from voluntary pools to mandatory pools.

Respectfully submitted,

PENNSYLVANIA PUBLIC
UTILITY COMMISSION

By its counsel:

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Deputy Chief Counsel

Bohdan R. Pankiw
Chief Counsel

Dated: November 21, 2001

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CERTIFICATE OF SERVICE

I, Deanne M. O'Dell, hereby certify that I have on this 21th day of November 2001, filed a copy of the Pennsylvania Public Utility Commission's Reply Comments, upon the Secretary of the Federal Communications Commission by electronic filing and that I have served a true and correct copy of the Comments upon the other persons listed below by first class mail.

Via First Class Mail:

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