



N A R U C
National Association of Regulatory Utility Commissioners

ORIGINAL

December 5, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Margie Salas
Secretary
Federal Communications Commission
445 12th Street, SW Portals II Building
Washington, D.C. 20544

**RE: Notice of Ex Parte Contact: Two Originals Filed in the Proceeding
Captioned: *In the Matter of Numbering Resource Optimization*,
CC Docket No. 99-200; CC Docket No. 96-98**

Dear Ms. Salas:

This letter is being filed to comply with the FCC's ex parte rules. I respectfully request any waivers needed to file this notice out-of-time.

On December 3, 2001, I met with Jeffrey Carlisle, Diane Harmon, and Cheryl Callahan to discuss NARUC's views on several issues expected to arise in the above captioned proceeding.

On November 30, 2001, I spoke with Kyle Dixon, Sam Feder and Jordan Goldstein discussing the same issues.

On December 5, 2001, I spoke with or left voice mail for Sam Feder, Jordan Goldstein, Bryan Tramont, and Kyle Dixon on the same issues.

In each of those calls, I indicated one or more of the following positions:¹

- **DEADLINE FOR WIRELESS CARRIER PARTICIPATION IN POOLING:** NARUC has been very consistent in its arguments that Wireless participation in pooling is essential for long-term conservation. No more delays should be allowed and the FCC should make clear to the carriers that they need to assure vendors provide the needed upgrades to allow pooling by the deadline.

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¹ NARUC's positions are based on July 1999 (http://www.naruc.org/Resolutions/1999/summer/telecom/rulemaking_proceeding.html) and March 2000 Resolutions (http://www.naruc.org/Resolutions/2000/winter/telecom/number_conservation.html) and the March Resolution addendum (http://www.naruc.org/Resolutions/2000/winter/telecom/attachment_number_conservation.html).

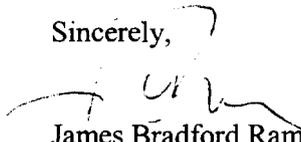
- **DECRETIONARY STATE AUDITING AUTHORITY SHOULD BE RETAINED:** NARUC has also been very consistent in arguing for permitting the States to retain the authority to order audits. States should not be required to conduct the audits, but should be allowed to do so if resources permit. The ability of the State to order audits will obviously provide the PUC with another tool to assure carrier cooperation. As our July 1999 resolution states: "States and territories [need] strong enforcement authority over all code holders (including wireless carriers) and access to all information collected by the FCC and NANPA."

NARUC EX PARTE NOTICE

- **STATE SHOULD HAVE ABILITY TO ORDER LNP CAPABILITY OUTSIDE THE TOP 100 MSA's:** As the resolution addendum states, there should be no distinction between urban and rural areas. LNP is a prerequisite for pooling. The FCC should not condition the availability of conservation measures on whether an area is in an urban or rural area. States should be able to order LNP capability where they deem it is warranted.
- **STATE REQUESTS FOR TECHNOLOGY SPECIFIC NPA TRIALS:** While NARUC has not taken a specific position on the various state proposals pending before the FCC, I did reference Connecticut's petition in particular in my discussions with one or more persons at the FCC as Ct. Commissioner Jack Goldberg had previously suggested to me that his state (1) had the support of Verizon Wireless to do an 'interim' TSO and (2) was facing exhaust in the first half of 2002 and would have to receive an NPA assignment anyway.
- **COST RECOVERY:** More than 12 states have pooling trial authority. To date, I believe only the Maine commission has instituted specific cost recovery mechanisms. NARUC has no specific position on how the costs of the rollout should be recovered.
- **OTHER STATE AUTHORITY DELEGATIONS, e.g., carrier requests for emergency resource allocations:** NARUC has generally supported granting the States maximum flexibility and authority to deal with state specific issues and requests. Specifically, the resolution states: "States and NANPA need enforcement authority and states need the ability to participate in policy decisions relating to the implementation of conservation measures."

As always, if you have any questions about this or any other NARUC position, please do not hesitate to give me a call at 202.898.2207.

Sincerely,



James Bradford Ramsay
NARUC General Counsel