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COMMONWEALTH OF PENNSYLVANIA

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November 5, 2001

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Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, S. W.
Washington, DC 20554

In the Matter of: Common Carrier Bureau
Seeks Comments On the Petitions of
Representative Keith R. McCall and Other
Pennsylvania State Representatives and the
Louisiana Public Service Commission
Requesting Delegated Authority to Implement
Number Conservation Measures
NSD File Nos. L-01-113 & L-01-147
CC Docket Nos. 96-98 & 99-200

Dear Ms. Salas:

Enclosed please find an original and four copies of the Pennsylvania Office of Consumer Advocate's Reply Comments in the above-referenced matter. Please also note that these Reply Comments have been filed with the Commission electronically. However, the electronic version does not contain Attachment A. Only the hard copies are being provided with the Attachment.

Please indicate your receipt of this filing on the additional copy provided and return it to the undersigned in the enclosed self-addressed, postage prepaid, envelope. Thank you.

Sincerely yours,

Joel H. Cheskis
Assistant Consumer Advocate

Enclosure
cc: Carmell Weathers

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	:	
	:	**NSD File No. L-01-113**
Common Carrier Bureau Seeks Comments	:	**NSD File No. L-01-147**
On the Petitions of Representative Keith R. McCall	:	
And Other Pennsylvania State Representatives And	:	**CC Docket No. 96-98**
The Louisiana Public Service Commission	:	**CC Docket No. 99-200**
Requesting Delegated Authority to Implement	:	
Number Conservation Measures	:	

REPLY COMMENTS OF THE
PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE

I. INTRODUCTION

The Pennsylvania Office of Consumer Advocate ("PA OCA") hereby submits these Reply Comments in response to the Comments filed by other parties pursuant to the Public Notice released on October 9, 2001 by the Federal Communications Commission ("FCC") in the above-captioned proceeding. The PA OCA represents the interests of Pennsylvania consumers in utility proceedings at both the state and federal level. The PA OCA has been very active in the issue of area code proliferation at both the state and federal level including advocating consumer interests on behalf of the National Association of State Utility Consumer Advocates at the FCC's North American Numbering Council ("NANC").

The PA OCA files these Reply Comments in response to the Comments filed by Pennsylvania State Representative Keith R. McCall and the Comments filed by the Pennsylvania Public Utility Commission ("PA PUC"). In particular, the PA OCA supports Representative McCall's Comments that requested the FCC to hold in abeyance

any action on the McCall Petition because it is anticipated that thousands block number pooling will be implemented in February, 2002 pursuant to the PA PUC Order.[1] As such, this PA PUC Order has effectively rendered the McCall Petition moot. However, the PA OCA also responds to the Comments filed by the PA PUC who have questioned whether, in fact, thousands-block pooling will occur for the 570 area code in February, 2002 due to the announced national rollout schedule that was issued after the PA PUC Order.

The PA OCA continues to assert that the FCC should hold in abeyance any action on the McCall Petition as this Petition has been rendered moot by the PA PUC Order which implements thousands block number pooling in the 570 area code in February, 2002. As discussed further below, the PA OCA further submits that the national roll out plan does not include the 570 area code because pooling will have already been implemented prior to the start of the national plan.

In support of these Reply Comments, the PA OCA submits as follows:

II. COMMENTS

The PA OCA supports the Comments filed by Pennsylvania State Representative Keith R. McCall on October 22, 2001. Representative McCall requested that the FCC withhold further consideration of the McCall Petition that he filed because thousands block number pooling was being voluntarily implemented in the 570 area code pursuant to the PA PUC Order. Representative McCall's Comments detail the relevant events in Pennsylvania that occurred after his Petition was filed and that culminated in

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[1] See, Implementation of Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, Docket Nos. P-00961071F0002 and P-00961071F0003 (Order entered August 9, 2001)("PA PUC Order").

the PA PUC issuing the PA PUC Order on August 9, 2001. Representative McCall acknowledged in his Comments that the PA PUC Order effectively rendered his Petition moot. Furthermore, the PA PUC Order approved a settlement entered into by the LNP capable telephone utilities with numbering resources in the 570 area code and represents a consensus of the telecommunications industry in the 570 area code.[2]

The PA OCA submits that the PA PUC should be commended for its efforts that resulted in the PA PUC Order as well as its other number conservation efforts. The PA PUC has acted upon its delegated authority granted to it by the FCC[3] including implementing thousands block number pooling in the 610/484 and 412/724/878 area codes in southeastern and southwestern Pennsylvania, respectively, investigating NXX code sharing, maintaining rationing procedures, implementing NXX code reclamation procedures and investigating rate center consolidation. The PA OCA submits that the PA PUC's efforts under its interim delegated authority will defer the need for additional area codes in Pennsylvania. The PA PUC Order is yet another action by the PA PUC that will further avoid the unnecessary proliferation of area codes in Pennsylvania.

The PA PUC Order represents the PA PUC's approval of an industry agreement that recognizes the benefits of thousands block number pooling over other number conservation measures at this time. In lieu of current analysis of rate center consolidation, the PA PUC Order approves thousands block number pooling to be implemented in the 570 and 717 area codes in February and March, 2002, respectively. The PA OCA submits that this will extend the lives of these area codes substantially and

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[2] The PA OCA further submits that the PA PUC Order has not been appealed or modified in any manner since it was entered.

[3] In the Matter of Numbering Resource Optimization, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101 (rel. July 20, 2000).

delay the need for area code overlays. This, in turn, will delay the burdens and inconveniences borne by consumers with the implementation of each new area code. Furthermore, benefits of these pooling trials are already being realized as numbering resources have been donated or protected according to the implementation time line established for these pools by the PA PUC in the PA PUC Order.

Under the FCC's Pennsylvania Order,[4] state commissions are allowed to implement thousands block number pooling where carrier participation is voluntary. As discussed further below, the 570 and 717 state pooling trials are being implemented on a voluntary basis ahead of the national pooling roll out schedule under that authority. The PA PUC, however, has sought clarification from the FCC as to whether or not these pools will be "flashcut" into the national scheme.[5] The PA PUC has raised questions as to why the FCC has solicited Comments on the McCall Petition and has requested that the 717 and 570 pools be flashcut to the national pooling platform on or before March 15, 2002.[6]

The PA OCA respectfully submits, however, that it is unnecessary to include 570 and 717 pooling as part of the national schedule as it is clear that the pooling trials in the 570 and 717 area codes will begin in February and March, 2002 as per the PA PUC Order because the FCC has instructed that pooling trials that have commenced

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[4] In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 215, 412, 610 and 717, Memorandum Opinion and Order and Order on Reconsideration, CC Docket No. 96-98, 13 FCC Rcd 190029 (1998) at ¶27 ("Pennsylvania Order").

[5] Comments of the Pennsylvania Public Utility Commission and Request for Clarification Regarding Mandatory Pooling in the 717 and 570 NPAs, CC Docket No. 99-200, NSD L-01-113 (October 23, 2001) at 4.

[6] Id. at 6.

before March 2002 will be transitioned into the national pooling administration program prior to the national pooling rollout.[7]

Furthermore, prior to entering into the Joint Petition that preceded the PA PUC Order, Neustar, the national pooling administrator, represented that these pools would be allowed to continue once the national roll out schedule was established. Essentially, Neustar was "grandfathering" these pooling trials in to the national roll out schedule.[8] Finally, the PA OCA submits that, after the national pooling roll out scheduled was released by the FCC for Comment, Neustar has confirmed through a notation issued after the 570 and 717 area codes were removed from the list because the PA PUC has issued an order implementing pooling in those area codes in February and March, 2002, respectively.[9] In particular, the notation indicated that the "570 and 717 NPAs in Pennsylvania were removed from [the] previous list because the PAPUC has issued an order implementing pooling in those NPAs in February and March 2002 respectively."

The PA OCA submits that the 570 and 717 area codes have correctly been excluded from the national pooling roll out schedule because they will have already been implemented at the time that the national schedule begins. The OCA is also concerned that attempting to place these area codes in the national roll out plan might require displacing an existing area code scheduled for pooling. Neustar has acknowledged that

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[7] Common Carrier Bureau Seeks Comment on the National Thousands Block Number Pooling Roll Out Schedule, Public Notice, CC Docket No. 99-200 (rel. October 17, 2001) at 2.

[8] The PA OCA further submits that "grandfathering" is permissible as evidenced in the FCC's past numbering orders as well that have required existing state pools be conformed to the national roll out framework. See, In the Matter of Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200 (rel. March 31, 2000) at ¶169; and In the Matter of Numbering Resource Optimization, Second Report and Order, Order on Reconsideration and Second Further Notice of Proposed Rulemaking, CC Docket No. 99-200 (rel. December 29, 2000) at ¶46.

[9] See, Attachment A, herein, "Thousands Block Number Pooling Detailed Rollout Plan – 9/24/01" at 4.

these area codes will be pooled in February and March, 2002 and the LNP capable carriers with numbering resources in these area codes have all voluntarily agreed to participate in such pooling as scheduled.

The PA OCA submits that the FCC should hold in abeyance any action on the McCall Petition so that thousands block number pooling can be implemented in the 570 area code pursuant to the PA PUC Order. The PA PUC Order was entered after the McCall Petition was submitted to the FCC and, therefore, any action on the McCall Petition is unnecessary at this time. Steps have already been taken to implement thousands block number pooling in the 570 area code and there is no need for clarification by the FCC of whether 570 pooling should or should not be included in the national pooling roll out schedule.

Therefore, the PA OCA submits that the FCC should hold in abeyance any action on the McCall Petition because thousands block number pooling is anticipated to begin in the 570 area code in February, 2002. If this occurs, the McCall Petition will be rendered moot. However, if it is determined that the thousands block number pooling will not be implemented in the 570 area code in February, 2002, the PA OCA submits that the FCC should consider the McCall Petition at that time and order the relief requested therein.

III. CONCLUSION

WHEREFORE, the Pennsylvania Office of Consumer Advocate respectfully submits that the Federal Communications Commission consider these Reply Comments, and the PA OCA's original Comments, when deciding the above-referenced proceeding. In particular, the PA OCA submits that the FCC should defer acting on the Petition filed by Representative McCall pending the implementation of thousands-block number pooling in the 570 area code in Pennsylvania that will be conducted pursuant to industry agreement.

Respectfully submitted,

Philip F. McClelland
Senior Assistant Consumer Advocate
Joel H. Cheskis
Assistant Consumer Advocate

For: Irwin A. Popowsky
Consumer Advocate

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November 5, 2001

66120

ATTACHMENT A

Thousands Block Number Pooling
Detailed Rollout Plan - 09/24/01

Bold Blue	NPAs in top 100 MSAs - Jeopardy - More than one year life
Black	NPAs in top 100 MSAs - Non-jeopardy or less than one year's life
Bold Red	NPAs not in top 100 MSAs - Jeopardy - More than one year's life
Red	NPAs not in top 100 MSAs - Non-jeopardy or less than one year's life
BoldGreen	NPAs in 2000 Census top 100 MSAs but not in LNP top 100 MSAs
Violet	NPAs not in 2000 Census top 100 MSAs but in LNP top 100 MSAs

Notes:

1. 360/564 NPA was removed from previous list (1st Q) because Order Issued by WUTC for Pooling in the Western Washington area - Implementation expected in December, 2001
2. 602 NPA and 480 NPA in Arizona were removed from previous list (5th Q and 4th Q) due to Pooling implementation in 2/2002 and 3/2002.
3. 336 NPA was removed from previous list because an order by the NC PUC to implement pooling in that NPA by 2/15/02.
4. 570 and 717 NPAs in Pennsylvania were removed from previous list because the PAPUC has issued an order implementing pooling in those NPAs in February and March 2002 repspectively.
5. Because 6 NPAs have been removed from the previously submitted schedule, others have moved up in the schedule to compensate.
6. The schedule is in order by region and not necessarily in order of implementation dates. The actual implementation schedule for the first quarter is contained in another document.
7. In many cases, an NPA covers territory in more than one MSA and potentially non-MSA territory. In these cases, the MSA listed may or may not be the only MSA associated with that NPA. The following general rules were applied:
   a. If an NPA had no associations with any MSA, it is listed as non-MSA.
   b. If an NPA has an association with only one MSA, then that association is shown.
   c. If an NPA has associations with more than one MSA and only one MSA is in the top then that NPA is associated with the MSA in the top 100 MSA list.
   d. If an NPA has associations with more than one MSA and none of the MSAs are in the top 100 MSAs, then the NPA is associated with the most populous MSA.
   e. If an NPA has associations with more than one MSA and more than one of those MSAs is in the top 100 MSAs, the NPA is associated with the MSA that is most predominant.
8. In cases where an NPA split is scheduled to occur and forecasts are available from NANPA, the NPAs are shown as already split in this schedule. It is also assumed that the jeopardy status of these NPAs will terminate upon relief. NPAs in this category are:
   334 & 251 in Alabama; 504 & 985 in Louisiana, 520 & 928 in Arizona; 517 & 989 in Michigan; 810 & 586 in Michigan; 316 & 620 in Kansas; 319 & 563 in Iowa; 912 & 478 & 229 in Georgia.
   This change added to the previous list of NPAs.
9. NANPA Delta NRUF Forecast Updates received on 9/21/01 were included and updated.
10. Several NPAs (318, 225, 208, 843 and 803) were moved at the request of the FCC.
11. The 501 & 479 NPAs and the 616 & 269 NPAs should be separated in the rollout schedule. However, no NANPA forecast is available for either split to determine location in schedule.
12. The 435 NPA in Utah has a very slight association with the Flagstaff MSA in Arizona; however, it was listed as non-MSA. The association would not change its location in the rollout.
13. Vermont 802 NPA is already scheduled as a state trial for implementation on 5/02.

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	:	
	:	NSD File No. L-01-113
Common Carrier Bureau Seeks Comments	:	NSD File No. L-01-147
On the Petitions of Representative Keith R. McCall	:	
And Other Pennsylvania State Representatives And	:	CC Docket No. 96-98
The Louisiana Public Service Commission	:	CC Docket No. 99-200
Requesting Delegated Authority to Implement	:	
Number Conservation Measures	:	

I hereby certify that I have this day served a true copy of the foregoing document, Reply Comments, upon parties of record in this proceeding.

Dated this 5th day of November, 2001.

Respectfully submitted,

Joel H. Cheskis
Assistant Consumer Advocate

Counsel for
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