

COMMONWEALTH OF PENNSYLVANIA

ORIGINAL



EX PARTE OR LATE FILED

OFFICE OF CONSUMER ADVOCATE

555 Walnut Street 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048

IRWIN A. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
E-Mail: paoca@ptd.net

December 4, 2001

RECEIVED
DEC - 5 2001
FCC MAIL ROOM

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

Re: Ex Parte Concerning: 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

Ex Parte Concerning: The Common Carrier Bureau Seeks Comment on the
National Thousands-Block Number Pooling Rollout Schedule
DA 01-2419; CC Docket No. 99-200

Dear Ms. Salas:

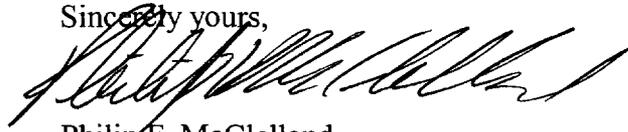
Philip McClelland, Senior Assistant Consumer Advocate and NASUCA
delegate to NANC sent to Diane Harmon, Network Services Division, the enclosed letter and
attachment concerning the Thousands Block Pooling Trial for the 717 and 570 area codes.
These materials emphasize the importance of facilitating the creation of pooling in those NPAs
and a transition to the national program.

No. of Copies rec'd at 2
List ABOVE

Page 2

Please note that this Ex Parte letter has been filed electronically. 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,

A handwritten signature in black ink, appearing to read "Philip F. McClelland", written over the typed name below.

Philip F. McClelland
Senior Assistant Consumer Advocate

Enclosure

00066564.WPD

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048

IRWIN A. POPOWSKY
Consumer Advocate

FAX (717) 783-7152
E-Mail: paoca@ptd.net

December 4, 2001

RECEIVED
DEC - 5 2001
FCC MAIL ROOM

Diane Harmon,
Designated Federal Officer
Federal Communications Commission
445 12 St., S.W.
Room 5C441
Washington, D.C. 20554

Re: Ex Parte Concerning: 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

Ex Parte Concerning: The Common Carrier Bureau Seeks Comment on the National Thousands-Block Number Pooling Rollout Schedule
DA 01-2419; CC Docket No. 99-200

Dear Ms. Harmon:

As a follow up to our conversation last week about the above-referenced proceedings, I am forwarding for your review the signature pages to the Joint Petition approved by the Pennsylvania Public Utility Commission on August 9, 2001 which established thousands-block number pooling in the 717 and 570 area codes. Please note the following signors all operate in the 717 and 570 area codes and have all agreed to participate in pooling. These companies include:

Arbros Communications
Sprint/United Telephone Company
D&E Communications
Verizon Pennsylvania/Verizon North

Diane Harmon
December 4, 2001
Page 2

XO Pennsylvania, Inc.
Choice One Communications
CTSI, LLC
Adelphia Business Solutions
ATX/Corecomm
Cavalier Company
US LEC of Pennsylvania

Additionally, the following companies have included written correspondence indicating their support for thousands-block number pooling in the 717 and 570 area codes:

KMC Telecom
AT&T

Please note, that you already have a copy of the PA PUC's August 9, 2001 Order which approved this Joint Petition. We are unaware of any telephone companies operating in the 717 and 570 area codes that have expressed their opposition to these pools.

As such, the PA OCA submits that it is appropriate to roll the 717 and 570 pools into the national system when the national schedule begins on March 15, 2002. Neustar has advised the PA PUC that they stand ready and able to implement any pool directed by the PA PUC but they cannot rollout any state pool after commencement of the national pooling roll out.¹ The 570 pool will start on February 28, 2002 and the 717 pool will start on March 14, 2002. Therefore, these pools should be rolled into the national schedule on March 15, 2002.

As further support that these pools should be rolled into the national schedule on March 15, 2002, the PA OCA submits that, in the Pennsylvania Order², the FCC allowed thousands-block number pooling provided that carrier participation is voluntary and that the pool complies with national pooling standards. Furthermore, the FCC has indicated that any pooling underway prior to the implementation of the national schedule will be transitioned into the national schedule so long as such

¹ Order, Implementation of Accelerated Voluntary Thousands-block Pooling in the 570 and 717 Area Codes, Docket No. M-00001427 (August 9, 2001) at 6 ("PA PUC Order").

² In the Matter of 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, 13 FCC Rcd 19,009 (rel. September 28, 1998) at ¶27.

Diane Harmon
December 4, 2001
Page 3

pooling starts prior to when the national schedule commences and conforms with the national standards.³
The PA PUC Order requires that the 570 and 717 pools be in compliance with national pooling standards.⁴

The PA OCA submits that the PA PUC has the authority to issue pools such as they have done in their August 9th Order and such pools should be rolled into the national schedule on March 15, 2002 so that their progress will be continued uninterrupted from their prior start dates. The PA OCA does not believe it necessary that the proposed national roll out schedule need be revised to accommodate the inclusion of the 717 and 570 pools into the national schedule.

Therefore, and in light of the voluntary agreement to pool from the above named telephone companies that operate in the 570 and 717 area codes, the PA OCA submits that the 717 and 570 pools be rolled into the national system when the national schedule begins on March 15, 2002.

Very truly yours,



Philip F. McClelland
Senior Assistant Consumer Advocate

attachments

00066553.WPD

³ See, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, 15 FCC Rcd 7574 (rel. March 31, 2000) at ¶¶169-171; and Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, 16 FCC Rcd 306 (rel. December 29, 2000) at ¶46. See also, Public Notice, Common Carrier Bureau Seeks Comment on the National Thousands-block Number Pooling Rollout Schedule, CC Docket No. 99-200 (rel. October 17, 2001) at 2.

⁴ PA PUC Order at 7-8.

ANNEX A

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Rate Center Consolidation

:

:

:

M-00011452

**JOINT PETITION FOR SETTLEMENT AND
AGREEMENT FOR ACCELERATED VOLUNTARY THOUSANDS-
BLOCK POOLING IN THE 570 AND 717 AREA CODES**

AND NOW comes the jurisdictional telecommunication utilities that have signed this Joint Petition and hold NXX codes in either the 717 NPA, the 570 NPA, or in both NPAs. The Joint Petitioners respectfully request that this Joint Petition for Settlement and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes be approved, without modification, by this Commission because this Petition is in the public interest. In support of this request, the Joint Petitioners represent as follows:

1. On February 9, 2001, the Pennsylvania Public Utility Commission ("Commission") entered an order at M-00011452 directing that a Rate Center Consolidation ("RCC") Subcommittee be established to devise and implement a rate center consolidation plan in any and all area codes in Pennsylvania and file this plan with the Commission no later than August 1, 2001.
2. Between March and July 2001, the RCC Subcommittee was formed and in meetings regarding the implementation of RCC in Pennsylvania a proposal was made that accelerated voluntary thousands-block (1K)

number pooling be implemented by industry consensus' in the 570 area code (or "NPA") and the 717 NPA as an alternative to RCC.

3. Both the 570 and 717 NPAs are currently in the process of relief planning.³¹ The 570 NPA is currently projected to exhaust during the fourth quarter of 2003 and the 717 NPA is currently projected to exhaust during the second quarter of 2003.
4. Based upon such proposal, members of the RCC Subcommittee were directed to file with the Commission by June 29, 2001 "comments regarding the implementation of viable alternative number conservation measures." Further, members of the RCC Subcommittee were directed to file with the Commission by June 22, 2001 "detailed information and documentation to support the subcommittee members' claims that rate center consolidation is burdensome, costly, and time consuming."
5. Accordingly, the members of the RCC Subcommittee had the opportunity to engage in comprehensive discussions concerning both RCC and other telephone number conservation measures, including accelerated voluntary 1K number pooling.

³¹ On May 29, 2001, the industry filed a consensus plan with the Commission to implement an overlay for the 717 NPA. Relief Plan for the 717 NPA, Docket No. P-00961071F0003. Action from the Commission is still pending. On July 19, 2000, the industry filed a consensus plan with the Commission to implement an overlay for the 570 NPA. On September 15, 2000, the Commission entered an order seeking public comment on the proposed relief plan. A final decision from the Commission is still pending. Relief Plan for the 570 NPA, Docket No. P-00961071F0002 (Order entered September 15, 2000), 30 Pa. B. 5108 (September 30, 2000).

6. The signatories to this Joint Petition agree that successful accelerated voluntary 1K number pooling in the 570 and 717 NPAs would lengthen the lives of these NPAs, would ensure that carriers have access to needed numbering resources, and would alleviate the need to implement premature new area codes.
7. The signatories to this Joint Petition also agree that 1K number pooling in the 570 and 717 NPAs will have an immediate and greater impact than RCC on delaying the need for additional area codes. Unlike RCC, implementation of 1K number pooling will result in the return and use of currently underutilized blocks of numbers. Finally, 1K number pooling will be transparent to consumers.
8. The signatories to this Joint Petition agree to the suspension of the rate center consolidation conservation measure at this time in order to focus industry and Commission resources on the implementation of the accelerated voluntary 1K number pooling in the 570 and 717 NPAs.
9. Under the Telecommunications Act of 1996, 47 U.S.C. § 251(e)(1), the Federal Communications Commission ("FCC") has plenary jurisdiction over numbering issues, but it has delegated to state commissions the authority to implement some additional number conservation measures.
10. The Commission does not have the authority to implement mandatory 1K pooling in the 570 and 717 NPAs because it has not been delegated such authority by the FCC.

11. The Commission does have the authority to implement voluntary 1K number pooling in the 570 and 717 NPAs.³²
12. The signatories to this Joint Petition (Joint Petitioners) are LNP-capable carriers who have numbers in either or both the 570 and 717 NPAs and are therefore capable of participating in accelerated voluntary 1K pooling in these NPAs.³³
13. The signatories to this Joint Petition realize the necessity for their full participation in the accelerated voluntary 1K pooling for the 570 and 717 NPAs. Therefore, each individually agrees to donate all available thousands blocks to the pools and to obtain all its future numbers from the pooling administrator. Only the pooling administrator will receive full NXX codes from the NANPA to replenish the pool and meet the needs of the carriers participating in the accelerated voluntary 1K pooling for the 570 and 717 NPAs. All signatories agree to follow the other provisions of the Industry Numbering Committee (INC) Thousands-Block Number (NXX-X) Pooling Administration Guidelines (*INC Pooling Guidelines*).
14. All signatories agree that the Law Bureau should recommend approval of, and prepare the Order approving, the Joint Petition for Settlement

³² *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 412, 610, 215, 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Memorandum Opinion and Order and Order on Reconsideration, CC Docket No. 96-98, 13 FCC Rcd 190029 at ¶ 27 (1998).*

³³ The signatories recognize that cost recovery has not yet been fully addressed by the FCC under whose authority the Commission is implementing these voluntary pools. However, the signatories recognize that recovery of reasonable costs is an issue that will be addressed.

and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes (Approval Order).

15. All signatories agree that in the foregoing Approval Order, the Commission should mandate that accelerated voluntary pooling be implemented in the 570 and 717 NPAs on February 28, 2002 and March 14, 2002, respectively.
16. Further, all signatories agree that the Approval Order should set forth the block protection dates for the accelerated voluntary pools in the 570 and 717 NPAs and the dates for initial industry meetings in order to discuss and establish a pooling timeline necessary for the accelerated voluntary 1K pools in each NPA to be implemented on schedule.
17. Furthermore, all signatories agree that the Approval Order shall ensure that accelerated voluntary 1K pooling in the 570 and 717 NPAs conforms with the INC *Pooling Guidelines* until the National Pooling Administrator rolls the respective pools into the national rollout.
18. The participating industry members also agree that the costs associated with the interim pooling administrator will be borne by all carriers in Pennsylvania and that these costs are to be allocated according to the LNP model.
19. All Joint Petitioners acknowledge that any violation of the Commission Order approving and adopting the commitments and other terms set forth in this Joint Petition may subject the alleged violator to the civil

penalty provisions of Section 3301 of the Public Utility Code. 66 Pa. C.S. § 3301.

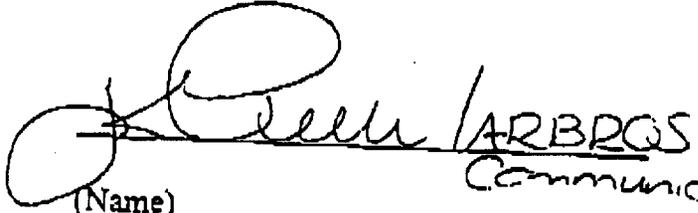
20. All parties request that the Commission defer further consideration of RCC since it is anticipated that pooling and other number conservation measures in effect in Pennsylvania will be adequate to efficiently manage and conserve the Pennsylvania number supply.
21. The signatories agree that the Commission expressly reserves the right to revisit rate center consolidation if the accelerated voluntary 1K number pools in 570 and 717 NPAs are not implemented successfully by the dates set forth in this Joint Petition, or if rate center consolidation is needed to preserve other Pennsylvania area codes.
22. The agreement to do accelerated voluntary 1K number pooling in the 570 and 717 NPAs, which is set forth in the Joint Petition, is expressly conditioned upon the Commission's approval and adoption of the provisions of this Joint Petition under appropriate public interest standards without modification of any term or condition therein.
23. If the Commission fails to approve the Joint Petition, or any of the terms or conditions set forth herein, without modification, then any Joint Petitioner may elect to withdraw from its agreement to do accelerated voluntary 1K number pooling in the 570 and 717 NPAs. A Joint Petitioner wishing to exercise its option pursuant to this paragraph shall file a notice to that effect with the Commission and the other parties within ten (10) business days after entry of an order by the Commission.

24. The individual Joint Petitioners have each executed the final page of their respective copies of this Joint Petition, and each Joint Petitioner intends that its signature page be affixed to the original filed with the Commission as part of the original document.

WHEREFORE, the Joint Petitioners respectfully request that this Commission approve this Joint Petition for Settlement and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, including all the terms and conditions herein without modification, as being in the public interest.

... terms, including all the terms and conditions herein
without modification, as being in the public interest.

Respectfully Submitted,


(Name) Kelly Larbros Communicate

(Participant/company)

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WHEREFORE, the Joint Petitioners respectfully request that this Commission approve this Joint Petition for Settlement and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, including all the terms and conditions herein without modification, as being in the public interest.

Respectfully Submitted,


(Name) *Sprint/Verizon*
(Participant/company)

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WHEREFORE, the Joint Petitioners respectfully request that this Commission approve this Joint Petition for Settlement and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, including all the terms and conditions herein without modification, as being in the public interest.

Respectfully Submitted,



Gregory C. Strunk
VP - Network Development & Technology
D&E Systems, Inc. d/b/a D&E Communications
124 East Main Street
Ephrata, PA 17522

Date: August 2, 2001

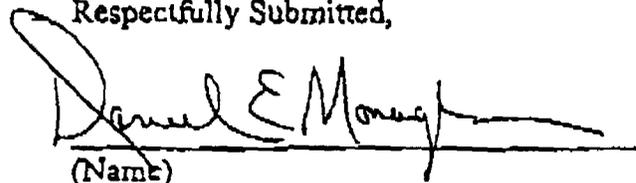
Docket No. M-00011452

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WHEREFORE, the Joint Petitioners respectfully request that this Commission approve this Joint Petition for Settlement and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, including all the terms and conditions herein without modification, as being in the public interest.

AUGUST 3, 2001

Respectfully Submitted,



(Name)

(Participant/company)

DANIEL E. MONAGUE
ATTORNEY FOR
VERIZON PENNSYLVANIA INC
VERIZON NORTH INC.

1717 ARCH STREET 32NW
PHILADELPHIA, PA 19103
(215) 963-6004

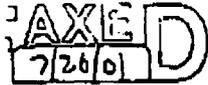
Pooling in the 717 and 570 Area Codes, including all the terms and conditions herein without modification, as being in the public interest.

Respectfully Submitted,

Renardo L. Hicks

Renardo L. Hicks

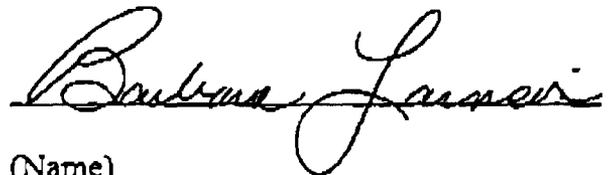
XO Pennsylvania, Inc.



TOTAL P.08

WHEREFORE, the Joint Petitioners respectfully request that this Commission approve this Joint Petition for Settlement and Agreement for Accelerated Thousands-Block Pooling in the 717 and 570 Area Codes, including all the terms and conditions herein without modification, as being in the public interest.

Respectfully Submitted,



(Name)

(Participant/company) *Choir One*
Communicators

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WHEREFORE, the Joint Petitioners respectfully request that this Commission approve this Joint Petition for Settlement and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, including all the terms and conditions herein without modification, as being in the public interest.

Respectfully Submitted,

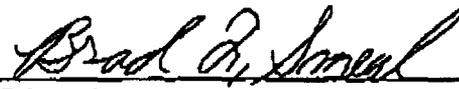


Ronald L. Reeder
Senior Manager -
Regulatory and Public Affairs
CTSI, LLC

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WHEREFORE, the Joint Petitioners respectfully request that this Commission approve this Joint Petition for Settlement and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, including all the terms and conditions herein without modification, as being in the public interest.

Respectfully Submitted,



(Name)

(Participant/company)

Adelphia Business Solutions

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WHEREFORE, the Joint Petitioners respectfully request that this Commission approve this Joint Petition for Settlement and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, including all the terms and conditions herein without modification, as being in the public interest.

Respectfully Submitted,



(Name) BRUCE BENNETT UP ECKINA
(Participant/company) AT&T
AT&T/A CORECOMM COMPANY

Pooling in the 717 and 570 Area Codes, including all the terms and conditions herein
without modification, as being in the public interest.

Respectfully Submitted,



(Kenneth W. McCarthy)

(Cavalier Telephone)

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WHEREFORE, the Joint Petitioners respectfully request that this Commission approve this Joint Petition for Settlement and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, including all the terms and conditions herein without modification, as being in the public interest.

Respectfully Submitted,


Jeremiah Needham
Regulatory Manager
US LEC of Pennsylvania



2001 NOV 30 11:26 AM
717 783-3458

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July 31, 2001

VIA FACSIMILE (717) 783-3458

Mr. Bohdan Pankiw, Chief Counsel
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
3rd Floor, 4 North
Harrisburg, PA 17120

Re: Voluntary Number Pooling Trial

Dear Mr. Pankiw:

I am writing to express the willingness of KMC Telecom to participate in a voluntary thousands-block number pooling trial in the 717 and 570 area codes, where KMC Telecom is an LNP-capable carrier that holds NXX codes. Specifically, KMC Telecom is willing to donate all uncontaminated thousands blocks to the pooling trial, and to obtain future thousands blocks from the pooling administrator.

KMC Telecom understands that the pooling trial will conform with the national pooling guidelines, and that KMC Telecom will continue to have access, through the pooling administrator, to adequate numbering resources on a timely basis as needed to serve current and future customers.

Mr. Bohdan Pankiw, Chief Counsel
July 31, 2001
Page Two

Please contact me or Todd Daubert, whose telephone number is (202) 955-9788,
if you have any questions or need any additional information.

Sincerely,



Randall Meacham,
Government Affairs

cc: Kimberly Hafner
Lois Burns
David Scriven
Todd D. Daubert

*The Competitive
Telephone Company*

US LEC Corp.
6801 Morrison Blvd
Charlotte NC 28211

704.319.1000
Website www.uslec.com
1.800.588.7280



Fax Communication

To: K. Hafner

Fax: 717-783-3458

Phone:

Company:

Total Pages: 2

From: Jeremy Needham

Fax: 704.602.1944

Phone: 704.319.1944

Reference:

Date: 8/3/01

Message:

Urgent

For Your Review

See Attached

Please Respond

Please Recycle

Confidential

Ms. Hafner,

Attached is the requested signature page.

Although we do not operate in these areas within the state of Pennsylvania at this time, we realize the need for our agreement to be submitted.

If you have any questions/ comments, please contact me at 704-319-1944.

Jeremiah Needham
Regulatory Manager
US LEC of Pennsylvania



Robert C. Barber
Senior Attorney

Room 3D
3033 Chain Bridge Road
Oakton, VA 22135
703 691-6061
FAX 703 691-6093
EMAIL rbarber@att.com

August 8, 2001

VIA OVERNIGHT MAIL

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
400 North Street
Harrisburg, PA 17105-3265

Re: Docket No. M-00011452

Dear Mr. McNulty:

I am writing to indicate AT&T Communications of Pennsylvania, Inc.'s support for the adoption of accelerated voluntary thousands-block ("1K") pooling for the 570 and 717 NPAs. Assuming that it is implemented in accordance with the industry consensus described in the Joint Petition for Settlement and Agreement for Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes that has been filed in the above-captioned matter, and particularly paragraphs 13 to 18 of that Petition, AT&T will participate fully in accelerated voluntary 1K pooling for the 570 and 717 NPAs.

Please do not hesitate to contact me with any questions regarding this submission.

Very truly yours,

A handwritten signature in cursive script that reads "Robert C. Barber".

Robert C. Barber

cc: David Screven, Esq.
Daniel Monagle, Esq.
Phillip McClelland, Esq.