

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
The New York State Public Service	)	NSD File No. L-01-159
Commission’s Request for Delegated	)	CC Docket No. 96-98
Authority for Jurisdiction Over Area Code	)	
Changes Pursuant to 47 U.S.C. § 251(e)(1)	)	
	)	

**AT&T CORP. COMMENTS OPPOSING THE NEW YORK STATE PUBLIC SERVICE  
COMMISSION’S PETITION FOR DELEGATED AUTHORITY**

Pursuant to the Commission’s *Notice*,<sup>1</sup> AT&T Corp. (“AT&T”) submits these Comments in opposition to The New York State Public Service Commission’s (“NYPSC”) request for broad delegated authority, outside the context of area code relief planning or number conservation activities, over area code changes.<sup>2</sup> In its recent number resource optimization Order, the Commission emphasized its unambiguous “efforts to maximize the efficiency with which numbering resources in the North American Numbering Plan (“NANP”) are utilized.”<sup>3</sup> The Commission went on to underscore that its efforts, in conjunction with others, has

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<sup>1</sup> Public Notice, *Common Carrier Bureau seeks Comment on the New York State Public Service Commission’s Request for Delegated Authority for Jurisdiction over Area Code Changes Pursuant to 47 U.S.C. § 251(e)(1)*, NSD File No. L-01-159, CC Docket 96-98 (Released January 10, 2002) (“*Notice*”).

<sup>2</sup> Petition of New York State Public Service Commission’s Request for Delegated Authority for Jurisdiction over Area Code Changes Pursuant to 47 U.S.C. § 251(e)(1), CC Docket 96-98 (filed October 15, 2001) (“*Petition*”).

<sup>3</sup> Third Report and Order and Second Order on Reconsideration, *In the matter of Numbering Resource Optimization*, CC Docket No. 99-200 (released December 28, 2001) at 3 (cites omitted) (the “Third Order”).

substantially increased “the estimated life of the NANP.”<sup>4</sup> The NYPSC has also recognized the importance of number conservation and the need to “provide sufficient incentive to ensure that numbering resources will be allocated and used efficiently to prevent waste.”<sup>5</sup> The NYPSC further highlighted the point by stating “[m]ore stringent requirements are necessary, including well-defined need-based number assignment requirements, to ensure that numbering resources are distributed to carriers efficiently.”<sup>6</sup>

In the Petition, however, the NYPSC seeks a seemingly inconsistent grant of authority “unrelated to area code relief or number conservation.”<sup>7</sup> The NYPSC predicates its instant request for “broad” delegated authority on various desires including the desire to “create a sense of [a] county as a community”<sup>8</sup> and a desire of certain concerns to “be associated with an area code where a community has close political and economic ties.”<sup>9</sup> A grant of broad permissive authority to the NYPSC predicated on these grounds would be antithetical to the heretofore successful efforts of the Commission to implement an efficient numbering resource optimization plan that preserves the current ten-digit numbering plan for as long as possible.

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<sup>4</sup> *Third Order* at 3. As a result of the Commission’s numbering resource efforts, the ten-digit NPA numbering plan point of exhaust, as estimated by NANPA, has moved from between 2007-2012 to between 2024-2038. See Industry Numbering Committee, *Recommended Plan For Expanding The Capacity Of The North American Numbering Plan*, INC 02-0107-029 at 1 (dated January 7, 2002).

<sup>5</sup> Comments of New York State Public Service Commission, *In The Matter of Numbering Resource Optimization*, CC Docket No. 99-200, dated July 29, 1999 at 2 (the “NYPSC Comments”). *Id* at 23.

<sup>6</sup> *NYPSC Comments* at 2.

<sup>7</sup> *Petition* at 1; see also *Petition* at 3.

<sup>8</sup> *Petition* at 3.

<sup>9</sup> *Notice* at 1. It is important to note that in addition to the inefficient use of numbering resources, the authority the NYPSC seeks will cause telecommunications carriers to “split” existing area code or Numbering plan areas (“NPAs”).

Importantly, anything that hastens the need to convert the current ten-digit numbering regime to the Industry Numbering Committee's proposed twelve-digit dialing plan will also expedite the imposition of significant costs, currently estimated in the billions of dollars, on residential customers, business customers and telecommunications service providers.<sup>10</sup> Furthermore, such a grant of broad and permissive authority, devoid of the Commission's carefully crafted number conservation principles, would create dangerous precedent.

Finally, the Petition does not acknowledge that area code changes (splits) impose substantial costs on the industry and consumers in the first instance or costs associated with NPA exhaust due to inefficient number usage in the second. Nor does the Petition quantify the supposed benefits of the Petition's request such that they could be balanced against the costs of a potential grant of permissive delegated authority. The Petition is also silent on who and how these costs would be born.

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<sup>10</sup> "In 1999, some industry members suggested that the cost to expand the NANP by adding one or more digits could be between \$50 to \$150 Billion." *Third Order* at footnote 8 (cites omitted).

## CONCLUSION

For the foregoing reasons, the Commission should deny the New York Public Service Commission's Request for delegated authority because of the substantial harm that this delegation would cause to the important number resource conservation efforts of the Commission.

Respectfully submitted,

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