

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Implementation of the Local Competition)	
Provisions of the Telecommunications Act)	CC Docket No. 96-98
Of 1996)	
)	
Petition of the New York Public Service)	NSD File No. L-01-159
Commission's Request For Delegated)	
Authority for Jurisdiction Over Area Code)	
Changes Pursuant to 47 U.S.C. § 251(e)(1))	

COMMENTS OF BELLSOUTH

BellSouth Corporation, on behalf of itself and its wholly owned subsidiaries (“BellSouth”), hereby submits its comments in response to the *Public Notice* released on January 10, 2002 (“*Notice*”) in the above referenced proceeding.¹

The request of the New York State Public Service Commission (“NYSPSC”) for authority to order area code boundary changes outside the context of area code relief planning is premature, overbroad, and should not be granted. None of the information presented in the request warrants a grant of general authority to change area code boundaries. The request merely states that three local governments have requested certain consideration with regard to area code boundaries.

¹ *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)*, CC Docket No. 96-98 and NSD File No. L-01-159, *Public Notice*, DA 02-42, rel. Jan. 10, 2002.

Although the NYPSC requests a “broad delegation of authority to examine all requests for area code changes in New York,”² BellSouth believes that the NYPSC needs no grant of authority simply to “examine” these various local requests. In fact, the NYPSC should already be examining these requests prior to submitting a petition for delegated authority to the FCC.³ All petitions to the FCC should be submitted on a specific boundary change proposal, case-by-case basis; should present a compelling case for changing current area code boundaries; and should demonstrate that the public interest would indeed be served by the proposed boundary change.

The Commission should review any state petition for delegated authority to modify existing area code boundaries in light of several over-arching principles of federal number administration. Area code changes outside of area code relief planning should be a rare exception to the current practice of automatically considering area code boundary realignment as a relief option only within that context.⁴ Currently, all the impacts of area code boundary realignment are considered by the affected industry as a whole under well-developed processes and procedures, within the context of area code relief planning. Local communities of interest, including local governments, must be encouraged to use the relief planning process forum to advocate area code boundary changes. The Commission should adopt a presumption that any final area code relief plan reflects full consideration of the costs and benefits of boundary

² Petition of the New York Public Service Commission at 4 (“Petition”).

³ BellSouth agrees with the NYPSC that it possess “unique knowledge of local conditions and the importance of maintaining geographic and community identity.” Petition at 4.

⁴ NPA Code Relief Planning & Notification Guidelines, § 6.2 (ATIS Aug. 6, 2001).

realignment for any area code affecting a particular locality, and that presumption should not be easy to overcome.

To the extent local communities within New York can make a convincing case to the NYPSC that area code boundaries should be modified outside of an area code relief planning effort, the NYPSC is free to bring that evidentiary record to the FCC and to request specific, discrete additional authority to implement the particular change. However, the FCC should adopt a number of procedural safeguards and general principles before it considers any such request on the record presented.

First, if it has or had an opportunity to propose the same boundary change in the context of an area code relief effort, a state or local government must not be allowed to disturb any final relief plan unless it can demonstrate to its state commission, by clear and convincing evidence, that any further boundary modification is in the public interest. In order to demonstrate that the proposed boundary modification is in the public interest, the state requesting the delegated authority must then be able to demonstrate to the FCC that:

- 1) Rate center integrity will not be compromised;
- 2) Number pooling will not be adversely impacted;
- 3) The exhaust date of any relevant NPA will not be accelerated;
- 4) Service providers will continue to have access to numbering resources, particularly growth numbers;
- 5) The costs of service provider network and directory listing modifications required by the requested relief have been fully and equitably considered;
- 6) Any resulting changes will not result in inefficient use of numbering resources; and

- 7) The telecommunications industry has participated in, reviewed and approved the boundary change proposal.

The NYPSC has not made a showing that takes into meaningful consideration the overarching principles of federal number administration.

Conclusion

It should be a rare occurrence that all area code boundary realignments were not fully considered in the context of an earlier area code relief process. The relief planning process is conducted in accord with well-established guidelines under the auspices of a neutral third-party administrator with the full participation of interested parties. Because of this, parties seeking to change area code boundaries outside of this process should be required to demonstrate that the public interest will be served by a change. The instant Petition does not demonstrate that the public interest will be served by changing the area code boundaries affecting the identified local communities in New York. For the reasons outlined above, it should be denied.

Respectfully submitted,

BELLSOUTH CORPORATION

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Date: January 30, 2002

CERTIFICATE OF SERVICE

I do hereby certify that I have this 30th day of January 2002 served the following parties to this action with a copy of the foregoing **COMMENTS** by electronic filing and/or by placing a true and correct copy of the same in the United States Mail, postage prepaid to the parties listed below.

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+ **VIA ELECTRONIC FILING**

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