In the Matter of	)	
	)	
Provision of Directory Listing Information Under the Communications Act of 1934, As Amended	)	**CC Docket No. 99-273**
	)	
The Use of N11 Codes and Other Abbreviated Dialing Arrangements	)	**CC Docket No. 92-105**
	)	**CC Docket No. 92-237**
Administration of the North American Numbering Plan	)	

COMMENTS BY RICHARD C. BARTEL, and
COMMUNICATIONS VENTURE SERVICES, INC.,
TO FCC NOTICE OF PROPOSED RULEMAKING (Order FCC 01-384)

In Par 11, the FCC seeks comment on the extent to which the Commission is authorized to promote competition in the retail DA market through 411 presubscription, the assignment of alternative dialing codes to DA providers, or 411 elimination, pursuant to our plenary authority over numbering administration under section 251(e)(1) of the Act.[1]

Answer: Yes.

The Commission's authority over numbering administration extends to the assignment of all N11 numbering codes including 411.[2] Thus, if the Commission, under section 251(e)(1), has the authority to assign 411 for the provision of DA, does this authority also allow the Commission to require presubscription as part of that assignment, or eliminate it as a code for that use?[3]

Answer: Yes, particularly if DA is classified as pay-per-call..

Further, as the Commission concluded in the *Local Competition Second Report and Order*, the Commission's authority over numbering administration extends to all portions of the North American Numbering Plan (NANP) that pertain to the United

[1] 47 U.S.C. § 251(e)(1).

[2] *See e.g., N11 First Report and Order*, 12 FCC Rcd at 5579-80. The Commission's authority over N11 codes includes authority over "911" for emergency services, "711" for telephone relay services (TRS), and "311" for non-emergency police calls.

[3] We note that the 411 code, although popularly associated with DA, has never been permanently assigned by the Commission for that purpose.

States,[4] including the assignment of numbering codes such as carrier identification codes (CICs) and national 555 numbers. Thus, this authority allows the Commission to reserve those CICs and national 555 numbers that contain the 411 code (e.g., 101X411, 101411X, 555-X411, and 555-411X) and assign them to various competing DA providers. Accordingly we seek comment as to whether we can exercise this authority as an alternative and additional basis for requiring presubscription to 411.

Answer: Yes, absolutely. The 555 Exchange (NXX) is ideal for multiple uses, including competitive Directory Assistance, and for competing Information Services, as well as alternative(s) to toll free dialing / routing / billing (called-paid specifically authorized in Industry 555 consensus documents).[5] The FCC has stated that Industry consensus should not be overturned without cause. (<u>Southern New England Telephone Expedited Petition for Emergency Interim Relief, Preliminary Injunction and Stay</u>, 1995 FCC 6687, Release DA 95-2141, 10/6/95). Multiple methods of translation and routing should be mandated, such as AIN (i.e. Single Number Service feature already available), LNP (Local Number Portability), and other database solutions as already envisioned in the industry documents.

The Numbering Parity provisions of the Act of 1996 also demand that FCC mandate activation, translation, and routing of all 555 line numbers by all carriers, for all industry envisioned uses (including competitive DA). (See also FCC Order 99-243 permitting 7-digit dialing, even in NPA overlays).[6]

Do technical or other barriers to the use of 555 numbers exist, and is Commission action necessary to overcome any such barriers?

Answer: Industry consensus documents (see footnote 5) have addresses almost all technical issues. Feasibility is no longer an issue, but intentional inhibition of 555 implementation by certain carriers (and their representative(s) at ATIS industry meeting(s)), is well

---

[4] *Local Competition Second Report and Order*, 11 FCC Rcd at 19508. *See also N11 First Report and Order*, 12 FCC Rcd at 5579-80.

[5] Uniform Dialing Plan, INC 97-0131-017, par. 1.0 – 2.8 (January, 1997); IILC Issue 046 (NIIF 0005) (January, 1997); OBF Issue 1038; INC 96-0308-011, par. 4.2.3, 3/8/96; ICCF 96-0411-014, 4/11/96; INC 94-0429-002 (May, 1994).

[6] **FCC: "**Section 251(c)(2) imposes on incumbent LECs "the duty to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network that is at least equal in quality to that provided by the [LEC] to itself or to any subsidiary, affiliate, or any other party to which the carrier provides interconnection." In the First Interconnection Order, we interpreted the term "equal in quality" as requiring an incumbent LEC to provide interconnection to its network at a level of quality that is at least indistinguishable from that which the incumbent LEC provides itself. Further, we found that, to the extent a carrier requests interconnection that is of a superior or lesser quality than the incumbent LEC currently provides, the incumbent LEC is obligated to provide the requested interconnection to the extent ***<u>technically feasible</u>***." (<u>In The Matter of Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended</u>, FCC First Report and Order, December 23, 1996). The Order goes on to state that the feasibility standard applies even if the LEC does not plan to offer the same to itself or its affiliate(s).

documented, and has been reported to the Justice Department's Anti-trust Division, Telecom Task Force. [7]

The FCC also seeks comment on:

- whether certain specific easily identifiable 555 numbers should be set aside for DA service providers. For example, we could set aside the 555-X411 and 555-411X numbers for DA service. (**Answer: any 555 number should be permitted and encouraged for competitive 555 services, except 555-0100 thru 555-0199 (reserved for entertainment / movies**)).

- any other benefits or costs associated with setting aside easily identifiable 555 numbers for DA service, and whether any providers should be given priority for assignment of these numbers. (**Answer: None known**).

- whether easily identifiable national 555 numbers would offer access to DA sufficiently comparable to that provided by 411 that presubscription to 411 would not be necessary. If such national 555 numbers were used instead of 411 presubscription, would the introduction of national 555 numbers for DA obviate any need to eliminate 411? (**Answer: 555 numbers should be provisioned by all carriers, per specific FCC Order, for all uses of 555 line numbers**).[8]

---

[7] For example, we believe that Bell Atlantic (Verizon) is delaying activation of reasonable 555 service to prevent 555 access by competitors and potential interexchange carriers who wish to compete with Bell Atlantic Directory and Information services, a traditional 555 purpose, until such time as Bell Atlantic itself is allowed into the interchange (long distance) and information services businesses. Bell Atlantic has fully trialed 555 for itself and has implemented 555-5454 for itself as a caller-paid reverse directory assistance service, and has been assigned other 555 numbers (555-1515, 555-2000, 555-2525, 555-5665, and 555-9985), in addition to any NYNEX assignments merged into Bell Atlantic.

[8] **FCC** : **"**1. Administration of the plan must seek to facilitate entry into the communications marketplace by making numbering resources available on an efficient, timely basis to communications services providers; 2. Administration of the NANP should not unduly favor or disadvantage any particular industry segment or group of consumers; 3. Administration of the NANP should not unduly favor one technology over another. The NANP should be largely technology neutral." *(See In Re Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois, 10 FCC Recd. 4596 (1995); FCC 95-19, Jan., 1995)), and: 4.* **Administration of the NANP and the dialing plan should give consumers easy access to the public switched telephone network;** 5. Administration of NANP should ensure that the interests of all NANP member countries are addressed fairly and efficiently, and foster continued integration of the NANP across NANP member countries; 6. United States numbering policy should be developed in a manner that fosters international numbering consistency and interoperability.**"** *(Reaffirmed and supplemented in: In the Matter of Administration of the North American Numbering Plan, CC Docket No. 92-273, Release: CC Docket 92-273 (July 13, 1995)).*

February 8, 2002

Richard C. Bartel

Individually

Communications Venture Services, Inc.

Richard C. Bartel, President