

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Numbering Resource Optimization

Implementation of the Local Competition
Provisions of the Telecommunications Act of
1996

CC Docket No. 99-200

CC Docket No. 96-98

BELLSOUTH COMMENTS

BellSouth Corporation, by counsel and on behalf of itself and its wholly-owned subsidiaries (“BellSouth”), comments on certain proposed Numbering Audit Program “work steps” for random audits conducted pursuant to the *NRO Second Report and Order*¹ in the sequence in which they appear in Appendix A to the *Public Notice*.²

Items 23 & 24

The Commission should delete these work steps, or, in the alternative, clarify the legal basis for the requirement. There is no specific requirement relating to the handling of “suspended” numbers in the Commission’s rules or orders. Moreover, the Commission does not use the word “suspended” in any of its orders. The lack of

¹ *In the Matter of Numbering Resource Optimization and Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Service Commission Regarding Area Codes 412, 610, 215, and 717*, CC Docket Nos. 99-200 and 96-98, *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, 344-50, ¶¶ 81-99 (2000) (“*NRO Second Report and Order*”).

² *Common Carrier Bureau Seeks Comment on Numbering Audit Program*, CC Docket Nos. 96-98 and 99-200, *Public Notice*, DA 02-108, (rel. Jan. 15, 2002).

definition and legal requirement could lead to inconsistent audit results, and impose unnecessary and extra-legal burdens on audited carriers.

Items 25 & 26

The commission should either eliminate these two work steps or clarify what the term “*permanently disconnected*” numbers means. Although bracketed in quotation marks, the term “permanently disconnected” as a description of the status of a telephone number does not appear in any of the Commission’s *Numbering Resource Optimization* orders and is not used in any Industry Numbering Committee (“INC”) written guidelines. There is no reason to further refine the category of “aging numbers” into a subcategory of undefined “*permanently disconnected*” numbers, especially without opportunity for notice and comment, in this context. In the alternative, the Commission should clarify the meaning of the term as used in the work steps, so that the same definition will be used in all circumstances.

Item 34

The Commission should change the term “pending order” to “request from a specific end-user or customer for future use.” In the *First Report and Order*, the Commission adopted the definition of “reserved numbers” that it had articulated in the antecedent *Notice of Proposed Rulemaking*.³ In that Notice, the Commission described a number of characteristics of reserved numbers, none of which are associated with any

³ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574, 7587-88, ¶¶ 22-23 (2000).

requirement that there be a “pending order.”⁴ The *Notice* and the Commission’s rules define “reserved numbers” as numbers “that are held by service providers *at the request of specific end users or customers* for their future use.”⁵ The audit should therefore focus on documentation of the underlying request by a specific end-user or customer for the future use of a telephone number, whether or not that request is in the form of a “pending order,” whatever that term might mean to the Commission, the auditor, or the audited carrier.

Item 37

The Commission should change the words “ensure that” to “determine whether,” because this wording is more consistent with the change made by the *Third Report and Order*, which provides that numbers contained in blocks assigned for use in Centrex or PBX systems may be categorized as assigned numbers if 50% or more of such numbers are working at all times.⁶ The words “ensure that” imply a non-existent requirement that all numbers must be assigned and working at all times.

Item 53

The Commission should conform the language of this work step to the actual practices and procedures in effect. Specifically, the auditor should determine whether the

⁴ *In the Matter of Numbering Resource Optimization, et al*, CC Docket No. 99-200, *Notice of Proposed Rulemaking, 14 FCC Rcd 10322, 10344, ¶46* (1999).

⁵ *Id.*; 47 C.F.R. § 52.15(f)(vi).

⁶ *In the Matter of Numbering Resource Optimization, et al.*, CC Docket No. 99-200, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, FCC 01-362, ¶ 122, (rel. Dec. 28, 2001).

work sheet contains a six-month growth history rather than “the utilization by rate center for the preceding six months.”

CONCLUSION

Any audit procedures adopted by the Commission should be clearly understood by the auditor and audited carriers with reference to the specific underlying requirements in actual Commission rules or orders. The Commission should therefore conform its audit work steps to existing rules as outlined above. Alternatively, the Commission should clarify all terms and requirements that it imposes for the first time in the audit work steps, allowing reasonable opportunity for public notice and comment on any new requirements.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that I have this 15th day of February 2002 served the parties of record to this action with a copy of the foregoing **BELLSOUTH COMMENTS** via electronic filing, addressed to the parties listed below:

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