IN THE
COMMON CARRIER BUREAU
OF THE FEDERAL COMMUNICATIONS COMMISSION

In re	)	CC Docket No. 96-98
	)	CC Docket No. 99-200
	)	DA 02-108
Public Notice Seeking Comment on	)	
Number Audit Program.	)	

COMMENTS OF NORTH COUNTY COMMUNICATIONS CORPORATION

"Many people make the mistake of assuming that big is somehow bad."

These are the words of FCC Chairman Michael Powell in an article entitled *Familiar Ring—How Effort to Open Phone Markets Helped the Baby Bells-An Aggressive SBC Thrives Under New Regulations; A Trend to Oligopolies—Slowing Rollout of Broad Band*, appearing on the front page of the January 11, 2002 edition of the Wall Street Journal.

Perhaps, Mr. Powell. Then again, there are those people who make the mistake of assuming that **small** is somehow bad. And when those people are in a position to make the rules, we all suffer.

Classic point: In the order giving rise to this public notice, the Commission blithely concludes that [audit] "costs should not impose a significant cost on small or large carriers."[1]

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[1] Numbering Resources Optimization, *Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and in CC* Docket *No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200,*Appendix B, ¶ 30, at p. 90 (2000).

How easy it is to spend other people's money. That this "one-size-fits-all" mindset permeates the Commission's actions and has led to the demise and bankruptcy of competitive local exchange carriers throughout the nation cannot be disputed objectively. Why exactly **does** one size have to fit all?

> Many policymakers now concede that it may be impossible to foster meaningful competition from within the local phone industry. Michael Powell, chairman of the Federal Communications Commission, argues that competition will come from without, as the powerful players that control the cable and wireless phone industries accelerate efforts to offer voice and data services.

WSJ Article, *Familiar Ring*, supra.

Are you really ready to give up, Mr. Powell? It seems unlikely that Congress enacted the Telecommunications Act of 1996 for the purpose of consolidating the industry in the hands of a few players. Wasn't the purpose to foster competition and to eliminate barriers to entry? Instead, what the Commission has done is first cut CLECs' compensation in a series of unprecedented actions last spring,[2] and now seeks to deliver yet another blow by upping the cost of doing business.

What is the answer? It starts by recognizing that ILECs have no intention of voluntarily or easily giving up that "last mile" of wires into America's homes and businesses. It starts by recognizing that ILECs' exorbitant administrative fees must end; that the internal systems for handling orders must be handled by a few key strokes of the computer and not long spreadsheets filled out in quadruplicate; and, that the ILEC "policy decisions", such as prohibiting CLECs from terminating interconnection facilities at "retail"

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In the Matter of Developing a Unified Carrier Compensation Regime, CC Docket 01-92, *Notice of Proposed Rulemaking*, FCC 01-132. In the Matter of Intercarrier Compensation for ISP-Bound Traffic, CC Docket No. 99-68, *Order on Remand and Report and Order*, FCC 01-131. In the Matter of Access Charge Reform; Reform of Access Charges Imposed by Competitive Local Exchange Carriers, CC Docket 96-262, *Seventh Report and Order*, FCC 01-146.

facilities, requiring expensive and unnecessary wholesale fiber build-outs, refusing to provide copies of interconnection agreements, and refusing information requested because of formatting differences, all must end, once and for all.

These are the real reasons that a CLEC's numbers may go unused; they can't get the ILEC's to fairly and expeditiously interconnect with the facilities they control, **not** because of hoarding. CLECs are already required to report usage several times a year on Form 502. An audit alone can be expected to jeopardize operations at small carriers for weeks because of personnel limitations. Small companies should be excluded from the proposed audit process. Since small companies have so few prefixes, even if there were a 50% error rate, the effect on available numbers in a given area code would be *de minimus*. The Board should include provisions in its audit program which exempt small carriers and instead focus its activities on rooting out the anti-competitive tactics in which ILECs engage in on a regular basis. Ladies and gentlemen, there is a major pile-up on the telecommunications freeway involving serious injuries and fatalities. Stop writing tickets for expired registrations and start saving some lives. The ratepayers would be grateful if someone were *really* permitted to compete for their business.

Respectfully submitted,

/s/

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Joseph G. Dicks

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