



PUBLIC NOTICE

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DA 02-274

Released: February 6, 2002

COMMON CARRIER BUREAU SEEKS COMMENT ON THE PETITION OF THE CONNECTICUT DEPARTMENT OF PUBLIC UTILITY CONTROL FOR DELEGATED AUTHORITY TO IMPLEMENT TRANSITIONAL SERVICE-SPECIFIC AND TECHNOLOGY-SPECIFIC OVERLAYS

CC Docket No. 99-200
NSD File No. L-02-03

Comments: February 26, 2002

Reply Comments: March 8, 2002

In the *Third Report and Order*, released on December 28, 2001, the Federal Communications Commission (Commission) lifted the ban on service-specific and technology-specific overlays (collectively specialized overlays or SOs).¹ The Commission had previously declined a request by an incumbent local exchange carrier, Ameritech, to implement a wireless-only overlay in the Chicago-based 708 numbering plan area (NPA), finding that the plan was unreasonably discriminatory and unduly inhibited competition, in violation of the Communications Act of 1934, as amended by the Telecommunications of 1996.² By 1999, however, the Commission decided to reconsider the ban on SOs because of the numbering crisis.³ Subsequently, in the *Second Report and Order*, the Commission sought comment on a proposal to permit SOs that would “transition” into all-services overlays after a specified time or when certain events occurred.⁴

¹ *Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, FCC 01-362, paras. 67-94 (2001) (*Third Report and Order*).

² See *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech—Illinois*, Declaratory Ruling and Order, 10 FCC Rcd 4596, 4607-12, paras. 25-29, 33-35 (1996) (*Ameritech Order*); see also 47 U.S.C. §§ 201(b), 202(a).

³ *Numbering Resource Optimization*, Notice of Proposed Rulemaking, 14 FCC Rcd 10322, 10432, para. 257 (rel. June 2, 1999).

⁴ *Numbering Resource Optimization*, 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 at 361-63, 364-66, paras. 127, 130, 135-141 (2000) (*Second Report and Order*) (citing Letter from Judith St. Ledger-Roty and Todd Daubert, Kelley, Drye & Warren, LLP, to Magalie Roman Salas, Secretary, FCC, dated November 15, 2000 (joint filing on behalf of PCIA, AT&T Wireless, Nextel, Verizon Wireless Messaging Services and VoiceStream Wireless) and letter from Celia Nogales, SBC, to Magalie Roman Salas, Secretary, FCC, dated November 19, 1999).

In the *Third Report and Order*, the Commission reversed the ban on SOs and decided to allow state commissions to seek authority to implement SOs on a case-by-case basis.⁵ State commissions were directed to discuss why implementation of the SO would be better than implementation of an all-services overlay. The Commission also set forth eight criteria that state commissions should specifically address in their petitions: (1) the technologies or services to be included in the SO; (2) the geographic area to be covered; (3) whether the SO will be transitional; (4) when the SO will be implemented, and, if a transitional SO is proposed, when the SO will become an all-services overlay; (5) whether the SO will include take-backs; (6) whether there will be ten-digit dialing in the SO and the underlying area code(s); (7) whether the SO and the underlying area code(s) will be subject to rationing; and (8) whether the SO will cover an area in which pooling takes place.⁶

On January 18, 2002, the Connecticut Department of Public Utility Control (Connecticut Commission) filed a supplemental petition requesting delegated authority to implement transitional SOs in the 203 and 860 NPAs.⁷ Specifically, the Connecticut Commission seeks to implement, in each NPA, SOs that will transition into all-services overlays once the underlying NPAs exhaust.⁸ In addressing the criteria, the Connecticut Commission states that it intends to limit take-backs to unused NXX codes, will not implement rationing in the underlying area codes or the SOs,⁹ and that thousands-block number pooling is already underway in the 203 and 860 NPAs.¹⁰

We hereby seek comment on the Connecticut Commission's petition to implement transitional SOs in the 203 and 860 NPAs. A copy of this petition will be available during regular business hours at the Commission Reference Center, Portals II, 445 12th Street, S.W., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the petition may also be found by searching on the Commission's Electronic Comment Filing System (ECFS) at <<http://www.fcc.gov/e-file/ecfs.html>> (insert 99-200 into the Proceeding block). Comments are due **February 26, 2002** and reply comments are due **March 8, 2002**. All filings must reference NSD File No. L-02-03 and CC Docket No. 99-200. If filing paper copies, send an original and four

⁵ *Third Report and Order* at para. 79. The Commission declined to address the merits of previously filed state commission petitions, but requested state commissions to supplement their petitions in accordance with the criteria set forth in that Order. See *Third Report and Order* at para. 67.

⁶ *Id.* at para. 81.

⁷ *Petition of the Connecticut Department of Public Utility Control for Authority to Implement a Transitional Service/Technology-Specific Overlay in Connecticut*, filed January 18, 2002 (Connecticut Commission Petition). The Connecticut Commission previously filed a petition on March 12, 2001. See *Petition of the Connecticut Department of Public Utility Control for Authority to Conduct a Transitional Service/Technology-Specific Overlay Trial*.

⁸ Connecticut Commission Petition at 6-7.

⁹ *Id.* at 8.

¹⁰ *Id.* at 6.

copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, SW, Suite TW-A325, Washington, D.C. 20554 and two copies to Carmell Weathers, Network Services Division, Portals II, 445 12th Street, S.W., Room 6-B153, Washington, D.C. 20554.

Comments may be filed using the ECFS. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. If using this method, please reference the docket number, 99-200, in the Proceeding block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number(s). Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Carmell Weathers, cweather@fcc.gov, indicating that comments have been filed.

Interested parties who wish to file comments via messenger-delivery or hand-delivery are also notified that effective December 18, 2001, the Commission will only receive such deliveries weekdays from 8:00 a.m. to 7:00 p.m., via its contractor, Vistrionix, Inc., located at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. **The Commission no longer accepts these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743.** Please note that all hand deliveries must be bound with rubber bands or fasteners, and envelopes must be disposed of before entering the building. In addition, this is a reminder that as of October 18, 2001, the Commission no longer accepts hand-delivered or messenger-delivered filings at its headquarters at 445 12th Street, SW, Washington, DC 20554. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS), Express and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location is open weekdays from 8:00 a.m. to 5:30 p.m. USPS First-Class, Express, and Priority Mail should be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The following chart summarizes this information:

TYPE OF DELIVERY	PROPER DELIVERY ADDRESS
Hand-delivered or messenger-delivered paper filings	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (Weekdays - 8:00 a.m. to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (this type excludes USPS Express and Priority Mail)	9300 East Hampton Drive, Capitol Heights, MD 20743 (Weekdays - 8:00 a.m. to 5:30 p.m.)
USPS First-Class, Express, and Priority Mail	445 12 th Street, SW Washington, DC 20554

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.¹¹ As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set

¹¹ See generally 47 C.F.R. §§ 1.1200-1.1216.

forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.¹²

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.¹³ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

For further information, contact Jennifer Gorny of the Common Carrier Bureau, Network Services Division, at (202) 418-2320 or jgorny@fcc.gov. The TTY number is (202) 418-0484.

-FEDERAL COMMUNICATIONS COMMISSION-

¹² 47 C.F.R. § 1.1206.

¹³ 47 C.F.R. § 1.1206(b)(2).