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

MAR 14 2002

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
Implementation of the Local Compensation Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
Telephone Number Portability	)	CC Docket No. 95-116

**PETITION FOR CLARIFICATION OF  
 SBC COMMUNICATIONS INC.**

SBC Communications Inc. (SBC), on its own behalf and on behalf of its local exchange carriers, files this petition, seeking clarification of the Commission's Third Report and Order<sup>1</sup> (NRO III) in the above-referenced dockets:

**A. Number Portability**

In its summary of the background for this docket, the Commission writes:

9. Also, the Commission has mandated that CMRS providers begin participating in thousands-block number pooling by November 24, 2002. The allocation of numbers in blocks of 10,000 has been a significant driver of premature NPA and NANP exhaust, primarily because many telephone numbers become stranded and, thus, unusable. Thousands-block number pooling allows resources to be allocated in smaller blocks, and thus frees up stranded numbers. Once CMRS providers are capable of participating in pooling, even greater efficiencies will be achieved. *Carriers will have greater flexibility to port numbers between switches and even outside of rate centers.*<sup>2</sup>

Consistent with the clear language of the Act, local number portability (LNP) is limited to the ability of the "users of telecommunications services to retain, *at the same location*, existing telecommunications numbers . . . when switching from one telecommunications carrier to

<sup>1</sup> *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; and Telephone Number Portability*, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, \_\_\_ FCC Rcd \_\_\_, FCC 01-362 (rel. Dec. 28, 2001) (NRO III).

<sup>2</sup> *Id.* ¶ 9.

another.”<sup>3</sup> This Commission has expressly decided not to require “location portability” — the ability of users of telecommunications services to retain existing telecommunications numbers when moving from one physical location to another.<sup>4</sup>

The language of paragraph 9 above has caused considerable confusion in the industry. In spite of the prior LNP ruling, certain competitive LECs are now insisting that SBC’s LECs port telephone numbers outside of the rate center, citing this language. In brief, they are arguing that the Commission is now requiring location portability.

SBC requests that the Commission reiterate the limitation imposed on porting numbers articulated in the First Report and Order and clarify that, by making the statement quoted above, the Commission did not intend any change of its porting rules and regulations — a change that could not be supported by the present record in the Telephone Number Portability docket.

#### **B. Thousands-Block Number Pooling**

In NRO I, the Commission concluded that a staggered rollout of thousands-block number pooling was necessary.<sup>5</sup> Effectively, this meant that the schedule would limit the rollout to “a maximum of three NPAs in each NPAC region per quarter.”<sup>6</sup> In NRO III, however, in paraphrasing this scheduling limitation, the Commission wrote: “for each three-month period, three *pools* in each of the 7 Number Portability Administration Center (NPAC) regions.”<sup>7</sup> SBC does not understand “three pools per NPAC region per quarter” to be the equivalent of “three NPAs per NPAC region per quarter.”

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<sup>3</sup> 47 U.S.C. § 153(30).

<sup>4</sup> *In the Matter of Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8447 (1996).

<sup>5</sup> *In the Matter of Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rule Making, 15 FCC Rcd 7574, 7646 (2000)(NRO I).

<sup>6</sup> *Id.*

<sup>7</sup> NRO III, ¶ 12.

In its comments on the proposed rollout schedule, SBC and several other commenters drew the Commission's attention to the ruling made in NRO I, requiring a staggered rollout limited to three NPAs per quarter per NPAC region.<sup>8</sup> SBC reiterates those comments here by reference. SBC respectfully requests that the Commission clarify the statement made in NRO III and reiterate the guiding principal enunciated in NRO I that the staggered rollout of thousands-block number pooling would be based on three NPAs per NPAC region per quarter.

### Conclusion

SBC respectfully requests that the Commission consider these concerns and clarify the rules pertaining to LNP and the rollout of thousands-block number pooling.

Respectfully submitted,

SBC COMMUNICATIONS INC.

By:   
William A. Brown  
Gary L. Phillips  
Paul K. Mancini

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SBC Telecommunications, Inc.  
1401 Eye Street, N.W., 4<sup>th</sup> Floor  
Washington, DC 20005  
(202) 326-8904 – Voice  
(202) 408-8745 – Fax

Its Attorneys

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<sup>8</sup> *In the Matter of Numbering Resource Optimization*, Comments of SBC Communications Inc., pp. 2-7, November 6, 2001.