

APR 26 2002
FCC - MAILROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)
)
Numbering Resource Optimization) CC Docket No. 99-200
)
)

ORDER

Adopted: April 24, 2002

Released: April 24, 2002

By the Deputy Bureau Chief:

I. INTRODUCTION

1. In this Order, we adopt the attached national thousands-block pooling rollout schedule, and address other issues pertaining to national thousands-block number pooling. In a *Public Notice* released on October 17, 2001, the Common Carrier Bureau (Bureau) sought comment on the proposed rollout schedule for national thousands-block number pooling.¹ The Bureau received comments regarding the rollout schedule and other pooling related issues. On December 28, 2001, the Bureau released a *Public Notice* announcing the first quarter schedule for national thousands-block number pooling.² The Bureau accommodated several states' requests to substitute numbering plan areas (NPAs or area codes) in the first quarter, and deferred decisions on other issues raised by the commenters.³ This Order addresses those other issues raised by parties in their comments regarding the rollout schedule in general and specific requests for changes to the remaining quarters of the rollout schedule.⁴ Specifically, it addresses the guidelines used in establishing the rollout schedule; the geographic scope to be covered by pooling; the number of NPAs per NPAC region to be pooled each quarter; implementation requirements for Commercial Mobile Radio Service (CMRS) carriers; general criteria for pooling in areas subject to a geographic split; and corrections to the identified Metropolitan Statistical Areas (MSAs).

II. DISCUSSION

2. The rollout schedule adopted herein contains some modifications from the schedule proposed in the *Pooling Notice*, primarily to accommodate several states' requests to swap NPAs in the rollout schedule.⁵ In modifying the schedule, we granted those requests that are consistent with our

¹ *The Common Carrier Bureau Seeks Comment on the National Thousands-Block Number Pooling Rollout Schedule*, CC Docket No. 99-200, Public Notice, 16 FCC Rcd 18615 (2001) (*Pooling Notice*).

² *The Common Carrier Bureau Announces the First Quarter Schedule for National Thousands-Block Number Pooling*, CC Docket No. 99-200, Public Notice, 17 FCC Rcd 103 (2001).

³ In the *Pooling Notice*, the Bureau accommodated requests by five states to substitute NPAs into the first quarter of the schedule. The Bureau also accommodated California's request to delete an NPA from the first quarter schedule and Tennessee's request to place an NPA on the first quarter schedule.

⁴ The rollout schedule is in Appendix A of this Order.

⁵ See *Pooling Notice*. In response to the *Pooling Notice*, we received requests from sixteen states and four Local Exchange Carriers (LECs) to modify the rollout schedule. Most of the modifications to the proposed schedules are the result of requests by state commissions to switch NPA's on the schedule.

national policies. Thus, we considered the extent to which a state has been granted delegated authority to implement pooling but has not had the opportunity to do so, whether the NPA is in a top 100 MSA, and whether the NPA is in jeopardy. We grant all state requests to swap NPAs when both NPAs are within a top 100 MSA. We note that except for state requested substitutions, no NPAs are moved to a later date on the rollout schedule.

3. As noted in the *First Report and Order*, the greatest benefits from pooling are achieved when all, or most, carriers providing service in the pooling area are able to participate in pooling.⁶ The network architecture used for pooling, Local Routing Number (LRN), is more widely deployed in switches located within the largest 100 MSAs.⁷ Thus, the Commission concluded that pooling deployment should initially occur in the largest 100 MSAs.⁸ For this reason, we deny requests to swap an NPA within a top 100 MSA with an NPA that is not within a top 100 MSA.⁹ We, however, will consider extending pooling to NPAs outside of the top 100 MSAs once pooling is implemented in the top 100 MSAs. In evaluating requests to modify the schedule, we also give priority to NPAs where jeopardy has been declared and to NPAs that were initially pooled or scheduled to be pooled pursuant to delegations of pooling authority to state commissions. The Commission previously determined that these NPAs should be granted priority, because pooling will likely achieve greater efficiencies in such NPAs.¹⁰

4. *Geographic Scope.* SBC and the Illinois Commerce Commission (Illinois) request that pooling be done in entire NPAs, and not merely in rate centers within a top 100 MSA.¹¹ On the other hand, BellSouth objects to pooling in the portions of an NPA that are not a part of a top 100 MSA.¹² In the *First Report and Order*, the Commission clarified that where an NPA encompasses areas both inside and outside of the qualifying MSA, pooling will be required only in those rate centers in the NPA that are a part of a top 100 MSA.¹³ We therefore decline to mandate pooling in rate centers that are not part of a top 100 MSA.¹⁴ We, nonetheless, encourage voluntary pooling in areas adjoining qualifying MSAs, especially where competition is present and benefits can be achieved by pooling. Moreover, we note that where states have received delegated authority to implement pooling in certain MSAs, such MSAs may be subject to mandatory pooling even if they are not a top 100 MSA.

5. *Pooling Rollout Schedule.* The pooling rollout schedule establishes number pools in approximately 21 NPAs per quarter, but it does not include three NPAs from each of the seven NPAC regions in every quarter as originally contemplated.¹⁵ Some commenters suggest that the proposed rollout should contain no more than three NPAs per NPAC region per quarter, because they claim it

⁶ See *Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7645, para. 158 (2000) (*First Report and Order*).

⁷ LRN was initially designed for local number portability (LNP) deployment, but it is also used for pooling. See *First Report and Order*, 15 FCC Rcd at 7644, para. 157.

⁸ *First Report and Order*, 15 FCC Rcd at 7645, para. 158.

⁹ For example, Minnesota requested that we insert the 507 NPA, which has no top 100 MSA affiliation, in the 1st quarter of the schedule, in place of the 320 NPA, which does have a top 100 MSA affiliation. We denied this request. See Minnesota PUC Comments at 3-4.

¹⁰ *First Report and Order*, 15 FCC Rcd at 7647, para. 161.

¹¹ See SBC Comments at 9; Illinois Comments at 2 (requesting that the Commission rollout pooling in the portions of the 618 and 815 NPAs that are not part of a top 100 MSA).

¹² See BellSouth Reply Comments at 4.

¹³ *First Report and Order*, 15 FCC Rcd at 7645, para. 158.

¹⁴ See SBC Comments at 9; Illinois Comments at 2.

¹⁵ See e.g., Bell South Comments at 2-5; SBC Comments at 3-7; USTA Comments at 2-4.

would be difficult for carriers to marshal their resources to pool more than three NPAs per NPAC region per quarter.¹⁶ We believe that the benefits of pooling 21 NPAs per quarter, even if there are more than three in some NPAC regions, outweigh any burdens carriers may experience. We decline to extend the time needed to implement pooling in the top 100 MSAs by limiting the pooling rollout to a maximum of three NPAs per NPAC region per quarter. All of the NPAs in the Northeast region have implemented pooling.¹⁷ Thus, if we strictly adhered to three NPAs per NPAC region per quarter, each quarter would have less than 21 NPAs being pooled, and the pooling rollout schedule would be lengthened by approximately two years. Extending pooling rollout for two years would unnecessarily result in continued inefficient use of numbers and thus undermine our goal of extending the life of the NANP. Although we intend to roll out pooling as quickly as is practical, we are sensitive to the difficulties some carriers may encounter by implementing pooling in more than three NPAs per NPAC region.¹⁸ We note that we have been responsive to specific concerns raised by states by adjusting the rollout schedule accordingly. For example, the initial rollout schedule contained four NPAs in California; and the California PUC suggested that, to reduce the burden on carriers in California, only three NPAs should be rolled out in the quarter.¹⁹ We implemented California's suggestion and removed one California NPA from the first quarter schedule.

6. *CMRS Pooling Implementation Milestones.* VoiceStream asserts that the Commission should establish a pooling catch-up process that will allow CMRS carriers to commence pooling by November 24, 2002 in all of the NPAs subject to pooling at that time.²⁰ We decline to adopt specific milestones and find that such a process is unnecessary. CMRS carriers have known of the pooling deadline for several years now and have had ample opportunity to take the steps necessary to meet this deadline. In fact, the North American Numbering Council (NANC) subcommittees have been developing milestones and guidelines to assist wireless carriers.²¹ Moreover, the Pooling Administrator has been working with a NANC subcommittee to establish procedures that would allow wireless carriers to test the pooling process by participating in a process called Native Block Pooling.²² The process is designed to help ease CMRS providers' transition to national thousands-block number pooling, by allowing them to simulate pooling. Thus, we find that we need not adopt guidelines and procedures to facilitate the timely

¹⁶ See *First Report and Order* at 7645-46, para. 159.

¹⁷ The 401 NPA in Rhode Island and the 802 NPA in Vermont, the final two NPAs to be pooled in the Northeast Region, were part of the first quarter rollout.

¹⁸ We note that in the initial quarters of the rollout schedule there are a few NPAs that do not contain top 100 MSAs. These NPAs have been placed in the initial quarters for a variety of reasons (e.g., balancing the need to rollout pooling initially in areas that would have the greatest benefit with the goal of limiting the number of NPAs in the initial rollout schedule to three NPAs per quarter in each NPAC region), to facilitate the most efficient rollout schedule.

¹⁹ California Public Utilities Commission Comments at 2-3.

²⁰ See VoiceStream Wireless Corporation Comments at 1. See also Rural Cellular Association Comments at 2-5.

²¹ See Native Block Pooling Procedures, submitted by NANC Wireless Number Portability Subcommittee, Wireless Pooling Task Force, V1.3 (Feb. 2002); Wireless Number Portability Operations Risk Assessment Report: Launching Wireless Pooling or Porting Without Ubiquitous Separation of the MIN & MDN (Feb. 5, 2002); Wireless Number Portability Operations Status Report to NANC (Feb. 11, 2002).

²² In March 2002, NeuStar implemented Native Block Pooling for wireless carriers. Native Block Pooling is a process which allows wireless carriers to participate in the initial milestones of traditional thousands-block pooling, prior to actually pooling their thousands-blocks with blocks donated by other carriers. The thousands-blocks donated by carriers in Native Block Pooling are reserved and assigned to the carrier that donated the block in accordance with the number assignment requirements. Native Block Pooling will allow carriers to prepare for transition to traditional pooling beginning November 24, 2002.

implementation of pooling by CMRS carriers on November 24, 2002.²³

7. *Geographic Split.* The Public Utility Commission of Texas proposes that we order pooling for NPAs created by a geographic split if the original NPA is pooled, thus treating them in the same way as overlay NPAs.²⁴ We decline to universally require pooling in area codes created by a geographic split. As the Commission stated in the *First Report and Order*, NPAs created as a result of a geographic split are essentially new NPAs with a geographic identity different from that of the original NPA. In fact, NPAs created by a geographic split of an NPA that encompasses a top 100 MSA may not necessarily include a top 100 MSA, as would those same areas subject to an overlay. Based on the criteria we have established for pooling, NPAs created by a geographic split will be subject to pooling only in those portions of the new area code that are in a top 100 MSA, subject to the rule we have set forth above.²⁵

8. *Other Issues.* Some commenters suggest the Commission should not set specific planning schedules for pooling rollout, such as the date of the first implementation meeting for pooling in an NPA.²⁶ We agree. We have established the national pooling rollout schedule, and we have delegated authority to the Pooling Administrator to manage the tasks, including implementation meetings, necessary to complete the rollout schedule we establish herein.

9. The Minnesota Public Utilities Commission and BellSouth assert that the Pooling Administrator identified some of the NPAs in the rollout schedule with the incorrect MSA.²⁷ We concur, and the Pooling Administrator has made the appropriate changes in the rollout schedule.²⁸ Finally, commenters raised other issues: the implementation of a cost recovery mechanism, pooling requirements for non-LNP capable carriers, and a request to add voluntary trials to the rollout schedule. These issues were addressed in the *Third Report and Order* and the *Third Order on Reconsideration*.²⁹ We, therefore,

²³ In seeking forbearance from the local number portability requirements, Verizon asserted that it would implement pooling by November 24, 2002. *Verizon Wireless' Petition for Partial Forbearance From the Commercial Mobile Radio Services Number Portability Obligation*, WT Docket No. 01-184 (filed July 26, 2001) (*Verizon Petition*) at 1-2. Other carriers made similar assurances. See Sprint PCS Comments at 1 in WT Docket No. 01-184 and AT&T Wireless Services, Inc. Comments at 2 in WT Docket No. 01-184.

²⁴ Public Utility Commission of Texas Comments at 3-4.

²⁵ See *supra* at para. 4

²⁶ See Cincinnati Bell Comments at 6; USTA Comments at 4-5.

²⁷ Minnesota Comments at 4-5 (requesting that the 320 NPA be classified as the St. Cloud MSA instead of the Minneapolis/St. Paul MSA; BellSouth Comments at 15-19 (stating that the 423, 601, 931 & 606 NPAs are identified with the incorrect MSAs).

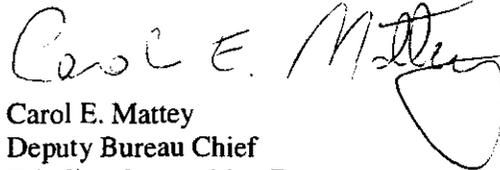
²⁸ A copy of the guidelines used by the Pooling Administrator to determine which NPAs are to be associated with which MSAs, and the MSA/NPA association changes to the pooling rollout schedule are available on the Pooling Administrator's web site at www.nationalpooling.com.

²⁹ *Numbering Resource Optimization*, CC Docket No. 99-200, Third Report and Order and Second Order on Reconsideration, 17 FCC Rcd 252, 264-275, paras. 24-46 (2001) (*Third Report and Order*) (establishing the cost recovery mechanism for pooling); at 258-262, paras. 14-21 (addressing pooling requirements for non-LNP capable carriers). See *Numbering Resource Optimization*, CC Docket Nos. 99-200 and 95-116, Third Order on Reconsideration and Third Further Notice of Proposed Rulemaking in CC Docket 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 95-116, 17 FCC Rcd 4784, 4785-88, paras. 4-10 (2002) (*Third Order on Reconsideration*) (addressing pooling and LNP requirements and seeking further comment on these requirements). See also *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting that Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures; Petition of the Louisiana Public Service Commission for Expedited Decision for Additional Delegated Authority to Implement Number Conservation* (continued....)

do not address them here.

III. ORDERING CLAUSE

10. Accordingly, pursuant to sections 1, 4(i), and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251, and pursuant to sections 0.91, 0.291, 1.1 and 52.9(b) of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, 1.1 and 52.9(b), IT IS ORDERED that National Thousands-Block Number Pooling Schedule is established to the extent described herein.



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Deputy Bureau Chief
Wireline Competition Bureau

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Measures Regarding 318; CC Docket Nos. 99-200, 96-98, Order, 17 FCC Rcd 134 (2001) (granting Pennsylvania's request to add the voluntary trials in the 570 and 717 NPAs to the national pooling program).

Appendix A

National Thousands-Block Number Pooling Rollout Schedule - Quarters 2-7

2nd Quarter - June 15, 2002 - September 14, 2002					
NPA	Region	State	MSA	TOP 100	Jeopardy
215/267/445	MA	PENNSYLVANIA	Philadelphia, PA	Y	
856	MA	NEW JERSEY	Philadelphia, PA	Y	
609	MA	NEW JERSEY	Philadelphia, PA	Y	
251	SE	ALABAMA	Mobile, AL	Y	
305/786	SE	FLORIDA	Miami, FL	Y	Y
865	SE	TENNESSEE	Knoxville, TN	Y	
205	SE	ALABAMA	Birmingham, AL	Y	
618	MW	ILLINOIS	St. Louis, MO	Y	Y1
248/947	MW	MICHIGAN	Detroit, MI	Y	Y1
616 & 269	MW	MICHIGAN	Grand Rapids-Muskegon-Holland, MI	Y	Y1
262	MW	WISCONSIN	Milwaukee-Waukeeshs, WI	Y	
810	MW	MICHIGAN	Detroit, MI	Y	Y
409	SW	TEXAS	Houston, TX	Y	
660	SW	MISSOURI	Kansas City, MO	Y	
316	SW	KANSAS	Wichita, KS	Y	
712	WE	IOWA	Omaha, NE	Y	
208	WE	IDAHO	Boise, ID	Y	
612	WE	MINNESOTA	Minneapolis-St. Paul, MN	Y	
760	WC	CALIFORNIA	Riverside-San Bernadino, CA	Y	Y
559	WC	CALIFORNIA	Fresno, CA	Y	Y
530	WC	CALIFORNIA	Sacramento, CA	Y	Y

3rd Quarter - September 15, 2002 - December 14, 2002					
NPA	Region	State	MSA	TOP 100	Jeopardy
908	MA	NEW JERSEY	Newark, NJ	Y	
304	MA	WEST VIRGINIA	Washington, DC	Y	Y1
814	MA	PENNSYLVANIA	Erie, PA	N	
423	SE	TENNESSEE	Chattanooga, TN	Y	
985	SE	LOUISIANA	New Orleans, LA	Y	
727	SE	FLORIDA	Tampa-St. Petersburg-Clearwater, FL	Y	
318	SE	LOUISIANA	Shreveport-Bossier City, LA	N	
517	MW	MICHIGAN	Ann Arbor, MI	Y	Y
586	MW	MICHIGAN	Detroit, MI	Y	
937	MW	OHIO	Dayton-Springfield, OH	Y	
765	MW	INDIANA	Indianapolis, IN	Y	
636	SW	MISSOURI	St. Louis, MO	Y	
936	SW	TEXAS	Houston, TX	Y	
940	SW	TEXAS	Dallas, TX	Y	
617/682	SW	TEXAS	Fort Worth, TX	Y	
651	WE	MINNESOTA	Minneapolis-St. Paul, MN	Y	
520	WE	ARIZONA	Tucson, AZ	Y	Y
206/564	WE	WASHINGTON	Seattle-Bellevue-Everett, WA	Y	
213	WC	CALIFORNIA	Los Angeles-Long Beach, CA	Y	
891	WC	CALIFORNIA	Fresno, CA	Y	
775	WC	NEVADA	Las Vegas, NV	Y	

**National Thousands-Block Number Pooling
Rollout Schedule**

4th Quarter - December 15, 2002 - March 14, 2003					
NPA	Region	State	MSA	TOP 100	Jeopardy
352	SE	FLORIDA	Tampa-St. Petersburg-Clearwater, FL	Y	
864	SE	SOUTH CAROLINA	Greenville-Spartanburg-Anderson, SC	Y	
502	SE	KENTUCKY	Louisville, KY	Y	
843	SE	SOUTH CAROLINA	Charleston-North Charleston, SC	Y	
803	SE	SOUTH CAROLINA	Columbia, SC	Y	
740	MW	OHIO	Columbus, OH	Y	
989	MW	MICHIGAN	Saginaw-Bay City-Midland, MI	N	
330/234	MW	OHIO	Akron, OH	Y	
419/567	MW	OHIO	Toledo, OH	Y	
217	MW	ILLINOIS	Springfield, IL	N	
812	MW	INDIANA	Cincinnati, OH	Y	
913	SW	KANSAS	Kansas City, MO	Y	
830	SW	TEXAS	San Antonio, TX	Y	
979	SW	TEXAS	Houston, TX	Y	
623	WE	ARIZONA	Phoenix-Mesa, AZ	Y	
218	WE	MINNESOTA	Duluth-Superior, MN-WI	N	
928	WE	ARIZONA	Phoenix-Mesa, AZ	Y	
952	WE	MINNESOTA	Minneapolis-St. Paul, MN	Y	
808	WC	HAWAII	Honolulu, HI	Y	
702	WC	NEVADA	Las Vegas, NV	Y	
681	WC	CALIFORNIA	Los Angeles-Long Beach, CA	Y	

5th Quarter - March 15, 2003 - June 14, 2003					
NPA	Region	State	MSA	TOP 100	Jeopardy
606	SE	KENTUCKY	Huntington-Ashland, WV-KY-OH	N	
252	SE	NORTH CAROLINA	Norfolk-Va. Beach-Newsport News, VA	Y	
819 - Mand	SE	FLORIDA	Tampa-St. Petersburg-Clearwater, FL	Y	
225	SE	LOUISIANA	Baton Rouge, LA	Y	
662	SE	MISSISSIPPI	Memphis, TN	Y	
334	SE	ALABAMA	Montgomery, AL	N	Y
706	SE	GEORGIA	Augusta-Aiken, GA	Y	
231	MW	MICHIGAN	Grand Rapids-Muskegon-Holland, MI	Y	
920	MW	WISCONSIN	Milwaukee-Waukesha, WI	Y	
513/283	MW	OHIO	Cincinnati, OH	Y	
614/380	MW	OHIO	Columbus, OH	Y	
216	MW	OHIO	Cleveland-Lorain-Elyria, OH	Y	
414	MW	WISCONSIN	Milwaukee-Waukesha, WI	Y	
915	SW	TEXAS	El Paso, TX	Y	
903/430	SW	TEXAS	Dallas, TX	Y	
501 & 479	SW	ARKANSAS	Little Rock, AR	Y	
956	SW	TEXAS	McAllen-Edinburg-Mission, TX	Y	
253/564	WE	WASHINGTON	Seattle-Bellevue-Everett, WA	Y	
308	WE	NEBRASKA	Nebraska non-MSA	N	
783	WE	MINNESOTA	Minneapolis-St. Paul, MN	Y	
907	WC	ALASKA	Anchorage, AK	N	

