

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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

**OPPOSITION OF
j2 GLOBAL COMMUNICATIONS, INC.**

j2 Global Communications, Inc., (“j2 Global”), hereby submits its comments in opposition to the Petition of the Connecticut Department of Public Utility Control for Authority to Conduct a Transitional Service Technology-Specific Service Overlay.¹ j2 Global is one of the largest independent non-carrier unified-messaging (“UM”) service providers in the nation.

On March 14, 2002, j2 Global filed a Petition for Reconsideration of the *Third Report and Order* in the above-captioned docket, which it incorporates by reference herein.² The

¹ See Wireline Competition Bureau Seeks Comment On The Supplemental Information To The Supplemental Petition Of The Connecticut Department Of Public Utility Control For Authority To Conduct A Transitional Service Technology-Specific Service Overlay, CC Docket No. 99-200, *Public Notice*, DA 02-1292 (rel. May 31, 2002).

² Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability, CC Docket Nos. 99-200; 96-98; 95-116, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, 17 FCC Rcd 252 (2001) (“*Third Report and Order*”). Public Notice of j2’s Petition for Reconsideration was released on June 7, 2002.

Third Report and Order mistakenly concludes that UM services are not geographically sensitive, and thus consumers of such services would not be adversely affected if UM were included in a state's technology-specific overlay ("SO"). Seizing upon this conclusion, the Connecticut Department of Public Utility Control ("CTDPUC") has supplemented its original request to adopt a SO that includes not only wireless consumers, but UM consumers as well.³ Importantly, the CTDPUC makes no effort to define which services it may wish to include. As j2 Global explained in its Petition, UM is not a distinct class of service; rather it is an integration of varied communications services that defy precise definition or easy segregation.⁴

Primarily for the reasons provided for in j2 Global's Petition, the Commission should not permit the CTDPUC to adopt a SO that would include UM. UM services are indeed geographically sensitive, thus the harm that consumers would realize both directly as a result of being segregated into separate SOs and indirectly as a result of unreasonable discrimination between similarly situated competitors outweighs the imperceptible benefits that might be

³ Connecticut Supplemental Information, CC Docket No. 99-200, at 3 (filed May 9, 2002) ("While CTDPUC initially sought authority to implement a wireless, service-specific overlay, the Commission's decision to permit the inclusion of non-geographic services within the SO in CTDPUC's opinion, would further optimize the use of numbering resources within the existing and new NPAs . . . CTDPUC anticipates including those non-geographic sensitive services mentioned in the TRO such as high speed transport (i.e. data lines) that are typically subscribed to for use by automatic teller machines or credit card approval in the Connecticut SO. Additionally, CTDPUC believes that services such as unified messaging could also be suitable candidates for the Connecticut SO.").

⁴ Some UM service providers offer integration of voice-mail and e-mail into one computer interface, others combine voice-mail, e-mail and facsimiles. Still other UM service providers integrate voice-mail, e-mail, pages, facsimiles, personal contact lists and personal calendars into one service or a combination of services.

realized by including UM in a SO. UM service providers are currently an alternative to LECs for the provision of UM. They obtain from carriers telephone numbers that are then assigned to subscribers specifically for UM services. LECs, on the other hand, typically use a subscriber's existing telephone number to provide UM, or they offer subscribers the option of obtaining a new local telephone number if they prefer. Because many subscribers prefer numbers that are associated with particular geographic areas, forcing UM service providers in Connecticut to use telephone numbers from a SO will effectively leave many subscribers with only the LEC as a source of supply. In other words, if the CTDPUC is permitted to implement a SO that includes UM, subscribers who once had the option to choose among competitive UM service providers and a LEC will be forced to opt for the LEC-provided service to obtain a local number.

Notwithstanding the effect that a SO will have on the competitive offering of UM, the CTDPUC concludes that UM consumers could be "suitable candidates" for the SO.⁵ The *Third Report and Order*, however, holds states to a much higher standard of analysis. The state commissions must show at least a minimum contribution to exhaust relief from including a specific technology in a SO.⁶ The state commission's proposal must "demonstrate that the benefits will outweigh the costs of implementing the SO."⁷ The CTDPUC fails to make any demonstration that shows that including UM will extend the life of Connecticut's area codes. Nor has the CTDPUC considered the competitive effects of including independently provided

⁵ Connecticut Supplemental Information at 3.

⁶ *Third Report and Order* ¶ 80.

⁷ *Id.*

UM in a SO or the costs that such providers would incur. In the absence of a showing upon which a cost benefit analysis could reasonably rest, it would be highly capricious for the Commission to grant the CTDPUc blanket authority to include UM in a SO.

Furthermore, the CTDPUc request fails to comply with one of the fundamental requirements established in the *Third Report and Order*. The Commission explained that

any delegated authority granted to state commissions to implement SOs will be limited to areas in which a state has properly determined that area code relief is needed. The effect of allowing SOs to be implemented in areas that are not nearing exhaust could be staggering, because of the potential for multiple requests for area codes over a short period of time.⁸

Recent data released by the North American Numbering Plan Administrator reveal that the projected exhaust date for both of Connecticut's area codes has been extended into 2004 from 2001.⁹ The change in projections is largely attributable to improved numbering administration through number pooling and decreased demand for new codes.¹⁰ While the most recent projections extend the life of Connecticut's area codes into 2004, it is likely that demand for numbering codes will continue to decline and actual exhaust will be further delayed. Thus, while the CTDPUc may have reasonably believed that its codes were nearing exhaust when it first filed its petition (as the *Third Report and Order* requires), it is now clear that Connecticut does not face the numbering crisis it once projected.

⁸ *Id.*

⁹ See 2002 NRUF and NPA Exhaust Analysis (rel. June 5, 2002), available at, <http://docs.nanpa.com/pdf/NRUF/nruf061501results.pdf>.

¹⁰ *Id.*

Because SOs which include UM services are inherently discriminatory and because the CTDPUc has failed to make the necessary *prima facie* showing that including UM would significantly delay exhaust which is imminent, or that delaying exhaust through a UM SO would outweigh the costs associated with the SO, the Commission cannot conclude that the request for a SO in Connecticut meets the requirements of the *Third Report and Order*. For the foregoing reasons, j2 Global respectfully requests the Commission deny the CTDPUc's petition to adopt a SO.

Respectfully Submitted,

/s/

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