

Second, this would require two separate customer notification efforts associated with each dialing change — one for the initial SO and another for the later implementation of the all-services overlay.

Third, the SO proposal would encompass selected services and technologies, but not all; thus creating two separate thousands-block numbering pools — one for wireless carriers and a second for LNP-capable carriers. This would decrease the efficient use of numbering resources, because the pools cannot be shared until the SO converts to an all-services overlay. In contrast, SBC recommends immediate implementation of an all-services overlay. An all-services overlay would allow all customers in NPAs 310 and 909 to keep their current telephone numbers and would provide a much more efficient usage of numbering resources.

B. Criteria of Implementing SOs.

To grant the Petition, the Commission must find that the CPUC demonstrated that “the benefits of the proposed SO would be *superior* to implementation of an all-services overlay.”³ SBC contends that the CPUC has not met its burden of proof. SBC will address some of the eight factors set out in NRO III.

1. Technologies and Services

In its Petition, the CPUC states that services with “transparent” or “non-geographic” numbers will be assigned on a prospective basis in the new SO. These numbers are used in connection with services such as OnStar and eFax, as well as modems and fax machines. Yet, the CPUC does not state how these numbers will be identified for assignment in the SO. In an April 2002 meeting with the CPUC, SBC Pacific Bell expressed concerns about the ability to identify these numbers. Because SBC’s records do not enable it to identify lines used for OnStar, eFax, modems, or faxes, these services would require self-identification from

³ *Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*, 17 FCC Rcd 252, 288 (para. 81) (2001)(NRO III).

consumers. Consequently, the success of the CPUC’s plan depends on the cooperation of consumers — cooperation which cannot be verified.

The CPUC summarizes its comments by saying that, excluding paging carriers, all existing wireless NXX codes in NPAs 310 and 909 would be assigned to the SO, and all new wireless NXX codes, including paging carriers, would be assigned codes from the new SO until it sunsets in two years.⁴ SBC fails to see how this SO plan is superior to an immediate all-services overlay. The CPUC proposal would impose on carriers and customers alike two separate dialing changes — one for the area code change and the second for the later mandatory 10-digit dialing. An immediate all-services overlay, however, would allow customers to avoid the inconvenience of changing their telephone numbers, would allow for a more efficient use of numbering resources, and would avoid the one-two punch of changes required by the CPUC’s plan.

2. Geographic Area

SBC agrees that “Area Code relief is greatly needed in the 310 and 909 NPA because they are forecasted to exhaust within one year.”⁵ Consequently, SBC recommends that the CPUC focus its efforts on providing immediate area code relief through an all-services overlay in both the 310 and 909 area codes. Additionally, as the other area codes require relief, as well, there could be a boundary extension to allow the all-services overlay to cover any areas that required relief.

3. Transitional SOs

In order to gain maximum area code relief, SBC proposes that the CPUC not wait the two-year sunset period but instead convert right away to the all-services overlay. The CPUC accurately captures the benefits of the all-services overlay when it states that all carriers, wireline and wireless, would be able to draw numbers from both the new overlay area codes and the existing underlying area codes. Additionally, the Commission commented in NRO III: “We

⁴ *Petition*, pp. 3-4.

⁵ *Petition*, p. 4.

believe that, to optimize their value, SOs should not be implemented when the underlying NPA has a projected life span of less than one year.”⁶ Both NPAs 310 and 909 have a projected life span of less than one year. Consequently, these NPAs are not appropriate for implementing a SO plan.

4. Ten-Digit Dialing

SBC is concerned with the CPUC request for a permanent seven-digit dialing requirement within area codes in the geographic areas covered by the overlays. The Commission has made its preference for ten-digit dialing well known:

Because we continue to believe that ubiquitous ten-digit dialing when an overlay is implemented would maximize numbering resource optimization, we favor SO proposals that include ten-digit dialing in the SO NPA as well as the underlying area code, in the same manner that ten-digit dialing is required when all-services overlays are implemented.⁷

The CPUC has not made a convincing case that its request for seven-digit dialing would increase the use and effectiveness of SOs.⁸

SBC does not understand why the CPUC would oppose ten-digit dialing when they clearly state that they will follow the guidelines established by the FCC and move to the all-services overlay once the two-year sunset period is over. Additionally, SBC does not understand why the CPUC would ask for seven-digit dialing since the CPUC petition confirms there is a continued need for ten-digit dialing: “Calls between any of these area codes, that is, across any area code boundary including for calls between the underlying area codes and the SOs, would require 1+ten-digit dialing, as is true today throughout California.”⁹

Uniform ten-digit dialing would simplify the customer dialing plan. If the CPUC’s intent is to delay ten-digit dialing with its proposed transitional SO, then it should implement an all-services overlay in the 310 and 909 area codes only, instead of the two proposed SOs over all seven of the existing area codes identified by the CPUC. If the other area codes were to require

⁶ *NRO III*, 17 FCC Rcd at 290 (para. 85).

⁷ *Id.*, 17 FCC Rcd at 293 (para. 92).

⁸ *Id.*

⁹ *Petition*, p. 11.

relief in the future and are adjacent to the 310 and 909 areas, then there could be a boundary extension to allow the all-services overlay to cover any areas that required relief.

5. Rationing

Rationing by definition limits the amount of numbering resources made available for allocation to carriers in a given area, in accordance with an industry-implemented or state-implemented rationing plan. In general SBC does not support rationing, particularly when it artificially extends the life of the NPA with no area code relief in sight. SBC agrees with the Commission when it states in NRO III “that any SO that achieves the purpose for which implemented (that is, the availability of numbering resources is increased for all carriers), should not need to be subject to rationing.”¹⁰ The CPUC’s vague references to future rationing¹¹ further undermines its case that its SO plan is superior to an all-services overlay.

6. Thousands-Block Number Pooling

The CPUC states in its petition the need to establish a pool strictly for wireless and paging companies, while excluding all others. Nevertheless, the CPUC then states that “[o]nce the SO sunsets after two years, all carriers can seek numbers in the SO and/or the underlying NPAs.”¹² SBC again questions the need to include some numbers in the SO while excluding others, which is what the CPUC petition would do. This creates the need for two separate pools, because the CPUC is in effect segregating wireline and wireless codes. There is no practical reason to temporarily create two separate assignment pools before the conversion of the SOs to an all-services overlay. SBC recommends that the CPUC pursue immediate implementation of an all-services overlay instead. An all-services overlay would prolong the lives of the NPAs that truly need area code relief without the customer confusion and additional expense to consumers that the CPUC proposal would create.

¹⁰ *NRO III*, 17 FCC Rcd at 294 (para. 93).

¹¹ *See Petition*, p. 13 (“After wireless carriers begin to pool, the CPUC does not envision a need for rationing to continue as it presently does, though we have not made the decision to eliminate all rationing in all NPAs in California.”)

¹² *Petition*, p. 13.

Conclusion

SBC recommends that the CPUC reconsider its SO petition in favor of an all-services overlay that would bring real area code relief to California. An all-services overlay would include both wireline and wireless carriers, and would not exclude any carrier. An all-services overlay would allow both wireless and wireline customers to keep their existing telephone numbers, in contrast to the CPUC petition for two SOs, which would require telephone number changes and customer costs and confusion. An all-services overlay would efficiently utilize numbering resources from one pool instead of creating two pools as described in the CPUC proposal. Based on the CPUC's sunset proposal, if the SO were adopted, both carriers and customers would move to an all-services overlay in two years anyway. It is less expensive and less disruptive for customers and more efficient for carriers to proceed with the immediate implementation of an all-services overlay now.

Based on the above comments, SBC recommends that the Commission decline to grant the CPUC Petition in favor of an all-services overlay for the 310 and 909 NPA.

Respectfully submitted,

SBC COMMUNICATIONS INC.

November 25, 2002

By: /s/ William A. Brown

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

SBC Telecommunications, Inc.
1401 I Street, N.W., Suite 1100
Washington, DC 20005
(202) 326-8904 – Voice
(202) 408-8745 – Fax

Its Attorneys