Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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

REPLY COMMENTS OF T-MOBILE USA, INC.

T-Mobile USA, Inc. ("T-Mobile") submits these reply comments in response to the Federal Communications Commission's ("FCC" or "Commission") October 24, 2002 public notice requesting comment on the California Public Utilities Commission's ("CPUC") petition seeking delegated authority to implement two expanded transitional specialized overlays ("SOs") to provide relief for the 310/323/213/562 area codes and the 909/714/949 area codes.[1]

In its initial comments, T-Mobile explained that the benefits of the proposed SOs could only outweigh the costs if the following conditions were met: (1) no number take-backs or mandatory area code changes; (2) expiration of the waiver of mandatory ten-digit dialing requirement on November 24, 2003 or upon exhaust of any of the underlying NPAs, whichever is sooner; (3) transition of the SO to an all-services overlay on November 24, 2003 or upon exhaust of any of the underlying NPAs, whichever is sooner; and (4) no rationing of numbering resources.[2] Under these conditions, the implementation of critically necessary area code relief in the form of an all-services overlay could be expedited. Under the conditions that the CPUC

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1 Petition of the California Public Utilities Commission and of the People of the State of California for Authority to Implement Technology-Specific Overlay Area Codes and Request for Expedited Treatment at 4-6 (filed September 27, 2002) ("*CPUC Petition*").

2 *See, e.g.*, Comments of T-Mobile, CC Docket No. 99-200, 5 (Nov. 25, 2002). T-Mobile also urged the FCC to reemphasize that SOs are no substitute for timely implementation of area code relief in the form of an all services overlay or geographic split if it granted the CPUC petition subject to the conditions T-Mobile proposed. *Id.*

proposed, however, the costs of the SOs would far outweigh any potential benefits that could be achieved from the SOs.[3]

The initial comments of other parties reflect nearly universal agreement with T-Mobile that the FCC should deny the CPUC's request for authority to implement the SOs it proposes.[4] These comments demonstrate that implementation of the SOs proposed by the CPUC would not serve the public interest, or even achieve the CPUC's stated goals.[5] In any event, there is not sufficient time to implement the SOs that the CPUC proposes, as many of the commenting parties explain.[6] The nearly universal consensus of the commenting parties is that

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3 *See id.* at 8-12.

4 *See* Comments of AT&T Wireless Services, Inc., CC Docket No. 99-200 (Nov. 25, 2002); Comments of Cellular Telecommunications & Internet Association ("CTIA"), CC Docket No. 99-200 (Nov. 25, 2002); Comments of Cingular Wireless, LLC, CC Docket No. 99-200 (Nov. 25, 2002); Comments of Nextel Communications, Inc., CC Docket No. 99-200 (Nov. 25, 2002); Comments of Onstar Corporation, CC Docket No. 99-200 (Nov. 25, 2002); Comments of SBC Communications, Inc., CC Docket No. 99-200 (Nov. 25, 2002); Comments of United States Cellular Corporation, CC Docket No. 99-200 (Nov. 25, 2002); Comments of Weblink Wireless, Inc., CC Docket No. 99-200 (Nov. 25, 2002); Opposition of j2 Global Communications, Inc., CC Docket No. 99-200 (Nov. 25, 2002); Opposition of Verizon, CC Docket No. 99-200 (Nov. 25, 2002); Opposition of Verizon Wireless, CC Docket No. 99-200 (Nov. 25, 2002); Opposition of Sprint to the California Specialized Overlay Petition, CC Docket No. 99-200 (Nov. 25, 2002). The only comments that expressed any support for the CPUC Petition were those of the New York Public Service Commission ("NYPSC") and the Utility Reform Network. The NYPSC failed to address the specifics of the CPUC proposal. Instead, the NYPSC merely expressed general support for state flexibility and seven-digit dialing. T-Mobile notes that the difficulties associated with area code relief, which the NYPSC describes in detail at 2, are exactly the same as the difficulties associated with TSOs. Thus, the NYPSC is incorrect when it claims that a TSO "can be done with little interruption and will not impede the grown of wireless services." NYPSC Comments at 2. Moreover, although the NYPSC is correct when it claims at 2-3 that a TSO would not cause discrimination between wireless carriers, it fails to mention the discrimination that a TSO would cause between wireless and wireline carriers, which is equally unacceptable.

5 *See, e.g.,* ATTWS Comments at 3-11; CTIA Comments at 8-10; Cingular Comments at 4-11; Nextel Comments at 1-10; Onstar Comments at 1-4; SBC Comments at 1-6; USCC Comments at 1-7; Weblink Comments at 1-8; j2 Opposition at 1-7; Verizon Opposition at 1-7; VZW Opposition at 2-13; Sprint Opposition at 4-17.

6 *See, e.g.,* ATTWS Comments at 11-12; CTIA Comments at 7; Cingular Comments at 2-4, 11-13; Nextel Comments at 1-10; Onstar Comments at 1-4; SBC Comments at 1-6;

immediate implementation of an all-services overlay is the only way to address the numbering crisis in California.[7]

The need for immediate implementation of all-service overlays in 310 and 909 cannot be overemphasized. In order to speed implementation of all-service overlays in 310 and 909, T-Mobile proposes a temporary waiver of the mandatory ten-digit dialing requirement.[8] As T-Mobile explained in its comments, a temporary waiver of the ten-digit dialing requirement would allow numbers to be made available and rationing to end during the permissive dialing period and before completion of the consumer education process. However, mandatory ten-digit dialing should resume immediately upon completion of the consumer education process or implementation of wireless portability on November 24, 2003, whichever is sooner.

Weblink Comments at 1-8; Verizon Opposition at 3-5; VZW Opposition at 13-14; Sprint Opposition at 12-13.

7 *See, e.g.,* ATTWS Comments at 15-16; CTIA Comments at 10-12; Cingular Comments at 14-15; Nextel Comments at 1-10; Onstar Comments at 1-4; SBC Comments at 1-2; USCC Comments at 1-7; Weblink Comments at 1-8; j2 Opposition at 1-7; Verizon Opposition at 7; VZW Opposition at 14-19; Sprint Opposition at 2-6.

8 Comments of T-Mobile at 7.

CONCLUSION

For the foregoing reasons, the FCC should not authorize implementation of SOs as proposed by the CPUC. Nonetheless, if the FCC does consider granting the CPUC Petition, the FCC should impose the following conditions: (1) no number take-backs or mandatory area code changes; (2) expiration of the waiver of the ten-digit dialing requirement on November 24, 2003 or upon exhaust of any of the underlying NPAs, whichever is sooner; (3) transition of the SO to an all-services overlay on November 24, 2003 or upon exhaust of any of the underlying NPAs, whichever is sooner; and (4) no rationing of numbering resources.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Iva Tate, a legal secretary at Kelley Drye & Warren LLP, do hereby certify that on this 10th day of December, 2002, a copy of the foregoing "REPLY COMMENTS," was sent by first class, United States mail, postage prepaid, unless otherwise indicated, to each of the following:

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