KELLEY DRYE & WARREN LLP
A LIMITED LIABILITY PARTNERSHIP
1200 19TH STREET, N.W.
SUITE 500
WASHINGTON, D.C. 20036
(202) 955-9600

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FACSIMILE
(202) 955-9792
www.kelleydrye.com

DIRECT LINE (202) 955-9788
E-MAIL: tdaubert@kelleydrye.com

April 9, 2003

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation by T-Mobile USA, Inc. in CC Docket No. 99-200

Dear Ms. Dortch:

On Tuesday, April 8, 2003, Michele Thomas and I, on behalf of T-Mobile USA, Inc., met with Christopher Libertelli, Legal Advisor to Chairman Powell, to discuss the above-referenced proceeding and to distribute the attached written presentation. During this meeting, T-Mobile complimented the California Public Utilities Commission ("CPUC") for seeking to improve the efficiency with which carriers utilize numbering resources in California, and noted the progress that has been made in most of California's area codes since 1999 when the FCC delegated authority to the CPUC to implement certain numbering optimization measures. T-Mobile explained that, despite the efforts of the CPUC, the 310 and 909 area codes are very close to exhaust, and thus new numbers soon will not be available to consumers or the carriers who serve them unless area code relief in the form of an all-services overlay is implemented immediately.

The CPUC's petition for authority to increase the contamination threshold for pooling from 10 to 25 percent is currently pending in the above-referenced docket. T-Mobile explained that raising the threshold would, at most, delay exhaust by only two months in area codes 310 and 909. In any event, the costly modifications required to support the requested exception could not be implemented before area codes 310 and 909 exhaust. Accordingly, there is no justification for raising the contamination threshold in California or delaying the implementation of area code relief in the form of an all-services overlay, which can be

implemented more quickly than a geographic split. Therefore, T-Mobile urged the FCC quickly to adopt an order that denies the CPUC's Contamination Threshold Petition and directs the CPUC immediately to implement an all-services overlay in area codes 310 and 909.

As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceeding, and a copy is being submitted to Mr. Libertelli.

Please direct any questions regarding this matter to the undersigned.

Sincerely,

Todd D. Daubert
Counsel to T-Mobile USA, Inc.

Attachments

cc: Christopher Libertelli

T · ·Mobile· · ·

No Numbers? No Competition.

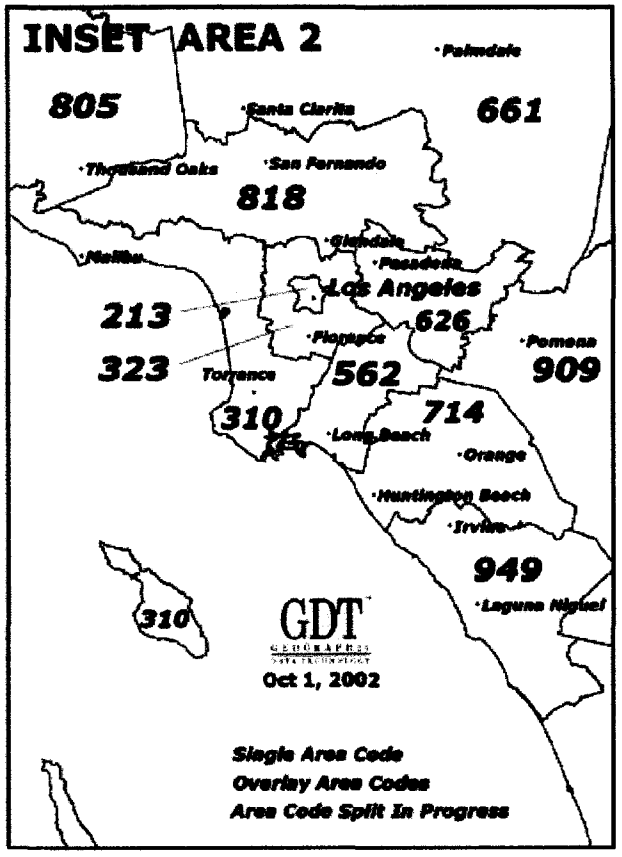
The Numbering Crises in California Area Codes 310 & 909

Ex Parte Presentation in CC Docket No. 99-200
April 8, 2003

Michele Thomas, Corporate Counsel - Federal Regulatory Affairs
T-Mobile USA, Inc.

Todd D. Daubert
Kelley Drye & Warren LLP

The Numbering Crises in Area Codes 310 and 909 Harm Millions of Consumers and the Carriers Who Serve Them



- Area Code 310 serves Los Angeles, Torrance, Inglewood, Compton, Carson, Santa Monica, Hawthorne, Lynwood, Redondo Beach, Beverly Hills, Malibu and Gardenia
- Area Code 909 serves Riverside, San Bernardino, Arrowhead, Hemet, Pomona, Moreno Valley, Ontario, Rancho Cucamonga, Fontana, Corona, Rialto and Chino

The 310 and 909 Area Codes Face Imminent Exhaust

- The North American Numbering Plan Administration ("NANPA") projects that both the 310 and 909 area codes will exhaust during the second quarter of 2003.

- Area code 310 has been in jeopardy status since 1997.

- Area code 909 has been in jeopardy status since 1998.

- T-Mobile has already experienced the negative effects of exhaust in some of its best selling 310 and 909 markets due to lack of numbering resources.

Adequate Numbering Resources Will Not Be Available For Months or Even Years in Area Codes 310 and 909

- Once an area code relief plan has been adopted, it typically takes 9-18 months to implement the new area code.

- Even under the best case scenario, ***no new numbers will be available for assignment to consumers in area codes 310 and 909 for a minimum of six months***.

- The best case scenario is not realistic and will not happen.
  - Area codes 310 and 909 are effectively exhausted today.
  - California has not adopted an area code relief plan for 310 or 909.
  - California traditionally prefers area code relief in the form of a geographic split, which takes at least 12 to 18 months to implement.

- ***New numbers may not be available for assignment to consumers in area codes 310 or 909 for months or even years***.

Lack of Access to Adequate Numbering Resources Harms Consumers and the Carriers who Serve Them

- Carriers cannot provide service without telephone numbers.

- When carriers do not have access to adequate telephone numbers, consumers are denied their choice of services and service providers.
  - consumers cannot subscribe to new and innovative telecommunications or information services;
  - new carriers do not enter the market
  - existing carriers do not introduce new services or market existing services.

- Carriers suffer financial harm without telephone numbers.
  - As a result of lack of numbering resources, T-Mobile has already suffered substantial revenue losses in some 310 and 909 markets.

The FCC Should Act Immediately to Provide Relief in Area Codes 310 and 909

- The CCAC, including T-Mobile, have met with California numerous times to emphasize the need for immediate area code relief in 310 and 909.

- California has not adopted an area code relief plan for 310 or 909.

- California has not moved forward with the implementation of area code relief in 310 or 909 .

- Relief normally takes 9-18 months, yet T-Mobile demand alone could exceed the current supply of available numbering resources.

- ***Inaction means that total exhaust will occur, and no new numbers will be available for assignment to consumers for months or even years.***

The Unavailability of Adequate Numbering Resources in Area Codes 310 and 909 is Fundamentally Inconsistent With Numerous FCC Orders

- The FCC explained in 1999 when delegating additional authority to California to implement code optimization measures that "The grants of authority herein are not intended to allow the California Commission to engage in number conservation measures to the exclusion of, or as a substitute for, unavoidable and timely area code relief. While we are giving the California Commission tools that may prolong the lives of existing area codes, the California Commission continues to bear the obligation of implementing area code relief when necessary, and we expect the California Commission to fulfill this obligation in a timely manner. ***Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources.*** For consumers to benefit from the competition envisioned by the Telecommunications Act of 1996, it is imperative that competitors in the telecommunications marketplace face as few barriers to entry as possible." *California PUC Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, 14 FCC 17486 (1999).
- Since 1999, California has not implemented timely area code relief despite the fact that area code relief is unavoidable in 310 and 909.
- Instead, California recently requested additional authority from the FCC to implement even more number conservation measures – 25% Thresholds for Donating to Number Pools and Technology Specific Overlays ("TSOs")

The FCC Should Quickly Deny California's Petition for Authority to Implement 25% Contamination Thresholds

- The CPUC recently withdrew its TSO petition and urged the FCC to act on its 25% Contamination Threshold Petition.
  - The CPUC acknowledged that the "310 and 909 area codes have too few NXXs to sustain the NPAs for the amount of time necessary to create the specialized overlays."
  - The FCC granted the CPUC's petition to withdraw its TSO Petition on April 4, 2003.

- Raising the contamination threshold from 10 to 25 percent will not provide relief for the numbering crises in area codes 310 and 909.
  - The costly modifications required to support this exception could not be implemented prior to exhaust
  - Based upon the NANC IMG Report, using either analysis, the maximum relief provided to 310 or 909 would be ***two months***.
  - Increasing the contamination level will increase the trouble reports affecting customer service. Pooling Administrator March NANC report states; "55% of trouble cases were directly caused by intra-Service Provider ports (of contaminated numbers) not being completed".

- ***The FCC should quickly deny the 25% Contamination Threshold Petition so that it does not become an excuse for failure to implement timely area code relief.***

The FCC Should Order the Immediate Implementation of Area Code Relief in 310 and 909

- When denying the CPUC's 25% Contamination Threshold Petition, the FCC should direct California to implement area code relief immediately in 310 and 909 in the form of an all-services overlay.
  - The CPUC itself had proposed TSOs that would "convert to all-services overlays" within two years.

- The FCC's Order delegating authority to California, among other things, provides the necessary legal authority for ordering California immediately to implement all-services overlays in 310 and 909.

- The record in CC Docket Number 99-200 provides more than sufficient factual basis for ordering California immediately to implement all services overlays in 310 and 909.

- ***The FCC should promote competition by ensuring that adequate numbering resources are available to consumers and the carriers who serve them. Inaction is a decision to harm consumers, carriers and competition.***