

August 20, 2003

*Via electronic filing*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RE: Comments of the Pennsylvania Public Utility Commission In the Matter of  
Numbering Resource Optimization, Fourth Report and Order and Fourth Further Notice  
of Proposed Rulemaking, CC Docket No. 99-200, CC Docket No. 96-98, and CC  
Docket No. 95-116

Dear Ms. Dortch:

Please find attached for filing one copy of the Pennsylvania Public Utility Commission's  
Comments concerning In the Matter of Numbering Resource Optimization, Fourth Report and  
Order and Fourth Further Notice of Proposed Rulemaking at CC Docket No. 99-200, CC Docket  
No. 96-98, and CC Docket No. 95-116.

If you have any questions concerning this filing, please contact me at 717-772-0694 or  
loburns@state.pa.us.

Sincerely,

Lois A. Burns  
Assistant Counsel

Enclosure

cc: per certificate of service

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In The Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Telephone Number Portability	)	CC Docket No. 95-116

**CERTIFICATE OF SERVICE**

I, Lois A. Burns, hereby certify that I have on this 20<sup>th</sup> day of August 2003, served the Pennsylvania Public Utility Commission's Comments upon the Secretary of the Federal Communications Commission electronically as prescribed by the FCC's July 21, 2003 Public Notice. I also have served a true and correct copy of the Pennsylvania Public Utility Commission's Comments upon the other persons listed below by first class mail.

Via First Class Mail:

William Maher, Chief  
Wireline Competition Bureau  
Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Pam Slipakoff  
Telecommunications Access Policy Federal  
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\_\_\_\_\_/s/\_\_\_\_\_  
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P.O. Box 3265  
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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION**

**WASHINGTON, D.C. 20554**

In The Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provisions of the Telecommunications	)	
Act of 1996	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116

**COMMENTS OF THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**INTRODUCTION**

The Pennsylvania Public Utility Commission (PAPUC) hereby files the following comments concerning the Further Notice of Proposed Rulemaking (FNOPR) in the Federal Communications Commission’s (FCC) above-captioned proceeding.<sup>1</sup> In its FNOPR, the FCC is seeking comment on whether to extend an exemption from pooling to telecommunications carriers operating in rate centers with two service providers. The FCC, recognizing that pooling provides the greatest benefit when participation is maximized, requests that commenters provide the number of carriers to be affected by the possible extension. Also, the FNOPR asks that commenters provide specific, per carrier, pooling cost information to enable the FCC to properly balance the benefits of pooling against the costs to carriers and their customers.<sup>2</sup>

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<sup>1</sup> *In the Matter of Numbering Resource Optimization, Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, CC Docket No. 99-200 (Released June 18, 2003).

<sup>2</sup> *Id.* at ¶ 30.

For the reasons set forth below, the PAPUC urges the FCC to continue to require pooling in rate centers with two service providers. To extend the pooling exemption to rate centers with two competing service providers will cause the unnecessary depletion of numbering resources resulting in premature exhaust of area codes and the North American Numbering Plan (NANP).

## COMMENTS

The PAPUC submits that the FCC should continue to limit the number of rate centers exempt from pooling to those with only one service provider as set forth in the FCC's *Fourth Report and Order*<sup>3</sup> released in June 2003. To do otherwise would negatively impact the finite resource of telephone numbers and area codes in Pennsylvania and nationally. In support of this position, the PAPUC explains the numbering environment in the Commonwealth.

Presently, Pennsylvania has nine area codes – 215, 267, 610, 484, 717, 570, 412, 724, and 814. Mandatory pooling has been implemented in eight out of the nine area codes, six through state pooling trials and two in accordance with the FCC's national thousands-block (1K) pooling schedule of April 2002.<sup>4</sup> Pennsylvania's 814 NPA is a voluntary pool in accordance with the FCC's national thousands-block (1K) pooling schedule.<sup>5</sup> At the present time, both wireline and wireless telecommunications carriers receive numbering resources in Pennsylvania's area codes through Neustar Pooling Administration and the North American Numbering Plan Administration (NANPA) Central Office Code Administration regardless of the number of carriers operating within a particular rate center.

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<sup>3</sup> *Id.* at ¶ 19.

<sup>4</sup> *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (Order adopted April 24, 2002). The 215/267 area codes are mandatory pools implemented in August 2002 while the 814 NPA is a voluntary pool implemented in November 2002.

<sup>5</sup> *Id.*

The PAPUC submits that presently there are 118 mandatory and voluntary pooling rate centers in Pennsylvania's NPAs where two carriers are receiving numbering resources. If these rate centers are not required to pool, then potentially 236 carriers (118 rate centers x 2 carriers) would be exempt from pooling and permitted to receive their growth numbering resources in blocks of 10,000 telephone numbers.<sup>6</sup> Thus, a possible 2.36 million telephone numbers (236 x 10,000) could be assigned to carriers without verified customer demand if the FCC allows a pooling exemption in rate centers with two service providers.

Also, an additional 35 pooling rate centers<sup>7</sup> in Pennsylvania's 814 area code currently have been exempted from pooling based on the FCC's recent ruling in its *Fourth Report and Order* since these rate centers have only one carrier receiving numbering resources. This recent FCC ruling now permits the assignment of full NXXs to the sole carriers operating in the 35 exempted rate centers. Thus, it is possible that an additional 350,000 telephone numbers (or 35 full NXXs) can be assigned to carriers who need growth numbering resources based on this recent FCC ruling. This number would only be mitigated if some of the currently exempted 35 rate centers are required to pool numbering resources again if a second carrier begins to operate in a particular rate center and the FCC does not extend the pooling exemption to rate centers where there are two carriers.<sup>8</sup>

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<sup>6</sup> NXX codes are the three digits following the area code in a 10-digit telephone number. Under the current infrastructure, telephone numbers are assigned to carriers by NXX code (each NXX code contains 10,000 numbers). However, in an area code which has a 1,000 block pool, NXX codes are divided into 10 separate 1,000 blocks that can be assigned to different telecommunications carriers.

<sup>7</sup> This number is based on Neustar's July 24, 2003 email to state commissions clarifying that rate centers subject to state pooling trials are not impacted by the provisions of the *Fourth Report and Order*. However, this same clarification is absent from the FCC's *Fourth Report and Order* and the PAPUC is uncertain what is the implication of this clarification on the FNOPR.

<sup>8</sup> The possibility of having additional rate centers where there are two service providers is greatly increased since the Pennsylvania Commission has lifted the suspension from interconnection requirements for rural carriers in January 2003 and local number portability is to begin for wireless carriers in November 2003. In fact, presently pending before the PAPUC is a petition by a wireless carrier to interconnect with 21 rural carriers throughout the Commonwealth.

If the FCC extends the pooling exemption to rate centers where there are two carriers operating, the potential impact is up to 153 rate centers (118 + 35) in Pennsylvania's area codes would be exempt from pooling. In terms of NXX codes being assigned to carriers under an extended pooling exemption to rate centers where there are two carriers operating, minimally, 271 full NXX codes (236 NXX codes + 35 NXX codes = 271) or possibly 2.71 million telephone numbers (271 NXX codes x 10,000) could be assigned to carriers. The potential assignment of 271 NXX codes in Pennsylvania's area codes would undo all of the benefits that numbering optimization strategies, such as pooling, have achieved over the last several years. The PAPUC submits that this expanded exemption could prompt area code relief in several NPAs in Pennsylvania in the near future causing unnecessary inconvenience and expense for the consumers of this Commonwealth.

In addition, the PAPUC submits that a pooling exemption for rate centers that have two carriers receiving numbering resources will unnecessarily strand large amounts of telephone numbers. At the present time, if a carrier receives its growth numbering resources through a pool, that carrier can receive an additional 1,000 block of telephone numbers once it has achieved a 70% utilization level<sup>9</sup> in the rate center where it is seeking growth resources. Thus, in a 1K pooling environment, only 300 individual telephone numbers (1,000 x .30 = 300 telephone numbers) are unused when a carrier receives its growth resources. In a scenario where carriers are permitted to receive growth numbering resources in blocks of 10,000 numbers or a full NXX code because they are no longer required to pool (the carrier is the sole service provider or one of two service providers in a rate center), 3,000 individual telephone numbers per NXX code (10,000 x .30 = 3,000) would be stranded. The PAPUC submits that 3,000 telephone numbers per NXX code versus 300 telephone numbers per 1,000 number block is significant and an

inappropriately large number of telephone numbers to lose from individual area codes. The total result in Pennsylvania's NPAs would be the unnecessary stranding of 813,000 individual telephone numbers (271 NXX codes or 2.71 million telephone numbers x 30% = 813,000 telephone numbers) that cannot be used by other carriers. The PAPUC submits that this same scenario could occur geometrically on a national level where other number pools exist. Thus, the PAPUC submits that granting a pooling exemption for rate centers where there are two competing service providers results in finite numbering resources being wasted unnecessarily which is contrary to established FCC efforts to conserve area codes and the NANP.

The PAPUC also submits that requiring pooling in rate centers where there are two service providers does not result in carriers being without adequate numbering resources, including full NXX codes, when needed. In its *Third Report and Order*<sup>10</sup>, the FCC reaffirmed that carriers must meet a months-to-exhaust requirement before receiving growth numbering resources so as to ensure that telephone numbers are used efficiently and carriers are prevented from maintaining excessive inventories of numbers.<sup>11</sup> In that Order, the FCC established a mechanism, a "safety valve," for carriers to receive growth numbering resources who can not meet the current utilization threshold in a rate center. The FCC granted state commissions the authority to provide relief to telecommunications carriers for additional numbering resources in a given rate center if the company cannot meet the demand for resources through its current inventory. Since the FCC established the "safety valve" mechanism in December 2001, the PAPUC has granted nine carriers' petitions for growth numbering resources for specific

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<sup>9</sup> 47 C.F.R. §52.15(h).

<sup>10</sup> *In the Matter of Numbering Resources Optimization, Third Report and Order and Second Order on Reconsideration*, CC Docket No. 99-200 (Order adopted December 12, 2001).

<sup>11</sup> *Id.* at ¶8.

customer demand where the carrier could not meet the utilization threshold.<sup>12</sup> This has proven to be a very workable approach, and the PAPUC submits that continuing to require pooling in rate centers where two carriers operate does not mean that carriers will be without adequate numbering resources in a timely manner to respond to customer demand.

The PAPUC further submits that the FCC should enforce its long-standing policies concerning numbering optimization strategies, especially thousand-block pooling. The FCC has implemented (or has delegated to the states to implement) numerous strategies to conserve numbering resources, which have proven to curb the need for new area codes and has preserved the NANP. For example, in its *Numbering Resource Optimization First Report and Order*<sup>13</sup>, the FCC established national thousands-block number pooling as an optimization measure designed to help slow the pace of area code and NANP exhaust and to discontinue the inefficiencies of the current number allocation system.<sup>14</sup> The FCC stated that the greatest benefits from pooling are achieved when all, or most, carriers providing service in the pooling area are able to participate

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<sup>12</sup> Request of Verizon Pennsylvania Inc. for 1,000 Block of Telephone Numbers in the 412 Area Code, Docket Nos. M-00021635 and P-00961027F0002 (Order entered September 27, 2002); Request of the AT&T Communications of Pennsylvania, Inc. and TCG Delaware Valley, Inc. for Additional Blocks of Telephone Numbers in the 215 Area Code, Docket No. M-00021635F0002 and P-00961027F0002 (Order entered October 10, 2002); Request of Penn Telecom, Inc. for Additional Blocks of Telephone Numbers in the 412 Area Code, Docket No. M-00021635F0003 and P-00961061F0002 (Order entered October 24, 2002); Request of AT&T Communications of Pennsylvania, Inc. and TCG Pittsburgh for Additional Two Blocks of 1,000 Telephone Numbers in the 717 Area Code, Docket Nos. M-00021635F0004 and P-00961071F0002 (Order entered November 22, 2002); Request of D&E Systems, Inc. for NXX Code in the 717 Area Code, Docket Nos. M-00021635F0006 and P-00961071F0002 (Order entered January 24, 2003); and Request of Nextel Communications, Inc. for Two 1,000 Number Blocks in the 724 Area Code, Docket Nos. M-00021635F0005 and P-00961027F0002 (Order entered January 24, 2003); Request of Verizon Pennsylvania Inc. for Five 1,000 Blocks of Telephone Numbers in the 215 or 267 Area Codes, Docket Nos. M-00021635F0007 and P-00961061F0002 (Order entered March 6, 2003); and Request of Adelpia Business Solutions Investment LLC for Three 1,000 Number Blocks in the 814 Area Code; Docket No. M-00021635F0008 (Order entered May 23, 2003); Request of Verizon Pennsylvania, Inc. for Seven 1,000 Number Blocks in the 215 or 267 Area Codes, Docket Nos. M-00021635F0009 and P-00961061F0002 (Order adopted July 17, 2003).

<sup>13</sup> *Numbering Resources Optimization, First Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000).

<sup>14</sup> *Id.* at p. 7628 and *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (Order adopted April 24, 2002).

in pooling.<sup>15</sup> Thus, the FCC established national thousands-block number pooling to provide for more efficient allocation of numbers by not giving carriers more numbers than they could use.<sup>16</sup> In addition, the FCC directed that carriers, including covered CMRS providers, must pool their numbers resources in thousands-block by November 24, 2002.<sup>17</sup> The PAPUC submits that, since pooling has been extremely beneficial in conserving numbering resources while permitting carriers to have adequate resources in a timely manner, there is no reason for the FCC to now exempt additional rate centers from pooling. Rather, the PAPUC urges the FCC to continue to maximize the benefits of pooling by requiring the greatest number of rate centers and carriers to pool numbering resources.

Finally, the PAPUC submits that the numbering crisis is not over in Pennsylvania or nationally. In Pennsylvania, the June 2003 Numbering Resource Utilization Forecast (NRUF) and NPA Exhaust Analysis performed by NANPA<sup>18</sup> shows that four area codes are due to exhaust within the next three years. In southeastern Pennsylvania, the 610/484 area codes are predicted to exhaust in third quarter 2005 even though these two NPAs have been pooling since May 2001. In addition, in southwestern Pennsylvania, the PAPUC predicts that the 724 NPA will exhaust by December 2004 under the current NXX code demand average permitting the new overlay code, 878, to be activated. Also in southwestern Pennsylvania, the 412 NPA is predicted to exhaust in less than three years under the current NXX code demand average. The PAPUC suspects that this situation exists on a national level as well. The PAPUC believes that it is imperative for the FCC to use any and all number conservation measures, including pooling in a

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<sup>15</sup> *Id.*

<sup>16</sup> *Numbering Resources Optimization, First Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000).

<sup>17</sup> *In the Matter of Verizon Wireless' Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation and Telephone Number Portability*, WT Docket No. 01-184 and CC Docket No. 95-116 (Order adopted July 16, 2002).

<sup>18</sup> The June 2003 NRUF and NPA Exhaust Analysis Report is located at NANPA's website <http://www.nanpa.com>.

maximum number of rate centers and by as many carriers as possible, to conserve numbering resources so that additional area codes and the NANP are not exhausted prematurely.

## **CONCLUSION**

For the reasons set forth above, the PAPUC urges the FCC to dismiss any comments supporting a pooling exemption in rate center with two service providers proposed in the FNOPR. Concomitantly, the PAPUC respectfully submits that the FCC limit its pooling exemption to rate centers with only one service provider as already set forth in its *Fourth Report and Order*.

Respectfully submitted,

PENNSYLVANIA PUBLIC UTILITY  
COMMISSION

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Dated: August 20, 2003