

BEFORE THE  
Federal Communications Commission  
WASHINGTON, D.C.

In the Matter of )  
)  
Numbering Resource Optimization ) CC Docket No. 99-200  
)  
California PUC Petition for Authority to ) DA 03-3262  
Implement Specialized Overlay Area Codes )

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

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j2 Global Communications, Inc. (“j2 Global”)<sup>1</sup> hereby submits its comments in opposition to the petition of the California Public Utility Commission (“CPUC”) for authority to implement Specialized Overlays (“SOs”).<sup>2</sup> j2 Global urges the Commission to deny this petition, as the CPUC has failed to present a detailed implementation plan that accurately identifies non-geographically sensitive services designated for the SOs, and has not provided a proposal that will result in number resource conservation.

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<sup>1</sup> j2 Global is one of the largest independent, non-carrier unified communications or “unified messaging” (“UM”) providers in the nation. j2 Global has over 50,000 customers in California.

<sup>2</sup> See Wireline Competition Bureau Seeks Comment On The Petition Of The California Public Utilities Commission For Authority To Implement Specialized Overlay Area Codes, CC Docket No. 99-200, *Public Notice*, 18 FCC Rcd 21331 (2003); see also Petition Of The California Public Utilities Commission For Authority To Implement Specialized Overlay Area Codes, CC Docket No. 99-200, DA 03-3262 (filed Oct. 6, 2003) (“Petition”).

In earlier proceedings involving the implementation of SOs, j2 Global repeatedly made clear that UM services are geographically sensitive, and that including UM in SOs would not be in the public interest.<sup>3</sup> j2 Global incorporates these comments by reference.

## I. INTRODUCTION AND SUMMARY

The Commission, in lifting its ban on SOs, sought to preserve existing area codes and the geographic identity that existing area codes possess.<sup>4</sup> The FCC made clear, however, that SOs will be allowed only in specific circumstances where a SO's benefit to number resource preservation outweighs the discriminatory impact inherent in SOs.<sup>5</sup> A state commission seeking authority to implement a SO must detail why the numbering resource optimization benefits of the proposed SO would be superior to implementation of an all-services overlay.<sup>6</sup> Further, state commissions must detail:

- (1) the technologies or services to be included in the SO;
- (2) the geographic area to be covered;
- (3) whether the SO will be transitional;
- (4) when the SO will be implemented and, if a transitional SO is proposed, when the SO will become an all-services overlay;
- (5) whether the SO will include take-backs;
- (6)

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<sup>3</sup> See j2 Global Petition for Reconsideration of 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 (filed Mar. 14, 2002) (“j2 Global Petition for Reconsideration”); Petition Of The California Public Utilities Commission For Authority To Implement Technology-Specific Overlays, Comments of j2 Global Communications, Inc, CC Docket No. 99-200, DA 02-2845 (filed Nov. 25, 2002) (“2002 j2 Global Comments”).

<sup>4</sup> See 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, ¶ 72 (2001) (“Third Report and Order”).

<sup>5</sup> See id. ¶ 80.

<sup>6</sup> See id.

whether there will be 10-digit dialing in the SO and the underlying area code(s); (7) whether the SO and underlying area code(s) will be subject to rationing; and (8) whether the SO will cover an area in which pooling is taking place.<sup>7</sup>

Accordingly, a state must provide a plan that specifically describes how a proposed SO will be implemented.<sup>8</sup>

In the *Connecticut SO Conditional Grant*, the Commission withheld approval of a SO petition based upon the fact that the petition lacked specific details regarding the implementation of the SO, and required the submission of a complete implementation plan.<sup>9</sup> Among other things, the Commission required that the state describe in detail the non-geographically sensitive services it proposes to include in a SO and how it intends to separate them into a SO.<sup>10</sup>

In March 2002, j2 Global filed a Petition for Reconsideration of the *Third Report and Order* in the above-captioned docket. The *Third Report and Order* mistakenly concludes that UM services are not geographically sensitive, and thus consumers of such services would not be

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<sup>7</sup> Id. ¶ 81.

<sup>8</sup> See Petition of the Connecticut Department of Public Utility Control for Delegated Authority to Implement Specialized Transitional Overlays, CC Docket No. 99-200, *Memorandum Opinion and Order*, 18 FCC Rcd 10946, ¶ 17 (2003) (“Connecticut SO Conditional Grant”).

<sup>9</sup> See id. ¶16 (concluding that, “...we share commenters’ concerns about the lack of specificity in the Connecticut Department’s discussion of the technologies and services to be included in the SO...”); see also id. ¶ 18-19.

<sup>10</sup> See id. ¶ 1. The Commission accordingly withheld approval of any aspect of the petition pending consideration of additional material and, if warranted, a favorable determination by the Wireline Bureau: “Once the Connecticut Department files its implementation plan and the Bureau reviews and approves the technologies or services to be included in the SO, the Connecticut Department may implement a single transitional SO as herein described.” Id. ¶ 19; see also id. ¶ 21 (noting that the SO is conditionally granted “upon the submission of additional information by the Connecticut Department and the approval of such information by the Wireline Competition Bureau...”).

adversely affected if UM were included in a SO.<sup>11</sup> Seizing upon this erroneous conclusion, in 2002 the CPUC proposed to adopt a SO for “transparent” or “non-geographic” services.<sup>12</sup> j2 Global made clear in that proceeding that it is a mistake to characterize UM as non-geographically sensitive, and that UM is not a clearly defined service able to be segregated into a SO.<sup>13</sup>

Against this backdrop, the CPUC again requests authority to implement SOs. While it is clear that the Commission will only consider SO petitions that are motivated by a need for number resource preservation in a given area,<sup>14</sup> the CPUC largely rests the justification of its petition on a California statute that requires the CPUC to petition the Commission for authority to adopt a SO by March 31, 2001.<sup>15</sup> The legislation was signed by Governor Gray Davis in

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<sup>11</sup> See Third Report and Order ¶ 69.

<sup>12</sup> See Petition Of The California Public Utilities Commission For Authority To Implement Technology-Specific Overlays, CC Docket No. 99-200, DA 02-2845 (filed Sept. 25, 2002) (“2002 Petition”).

<sup>13</sup> See 2002 j2 Global Comments.

<sup>14</sup> See Third Report and Order ¶ 80 (“As an initial matter, we emphasize that SOs are another form of area code relief available to state commissions in addition to all-services overlays, area code splits, and area code boundary realignments. As such, 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. In direct contravention of our numbering resource optimization goals, this would lead to an acceleration of NANP exhaust. We also emphasize that SOs are numbering resource optimization measures; thus, states seeking to implement a SO must also demonstrate that the benefits will outweigh the costs of implementing the SO.”).

<sup>15</sup> See Petition at 8; Cal. Pub. Util. Code § 7943(b) (“On or before March 31, 2001, the [CPUC] shall request that the Federal Communications Commission grant authority for the commission to order telephone corporations to assign telephone numbers dedicated to wireless and data usage to a separate area code and to permit seven digit dialing within that technology--specific area code and the underlying preexisting area code or codes.”).

response to growing pressure to place “technology-based” numbers in separate area codes.<sup>16</sup>

Although the CPUC first responded to this political mandate with the 2002 Petition, the CPUC withdrew this petition,<sup>17</sup> and now requests consideration of a similar but expanded SO proposal that is more flawed than the original. In other words, the Petition is not the result of exhaustive analysis of the numbering situation in California, but rather is imposed by the California legislature.

FCC precedent makes clear that, in order to justify the creation of a SO, the Commission must receive from a state a full and complete description of all non-geographically sensitive services to be included in the SO, a thorough and detailed implementation plan, and a clear demonstration that a SO is the best possible method of number resource conservation. Given these considerable responsibilities, the CPUC’s second attempt to justify the creation of SOs falls far short. As it did in its previous petition, the CPUC requests a blank check from the Commission. It fails to itemize the exact types of non-geographically sensitive services it proposes to include in the SO. The CPUC also asks the Commission to grant it unlimited

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<sup>16</sup> See Press Release, Governor Gray Davis, Governor Davis Signs Bill to Slow Area Code Splits in LA, SF, Other Cities, available at [http://www.governor.ca.gov/state/govsite/gov\\_htmldisplay.jsp?BV\\_SessionID=@@@@0446720048.1068145304@@@@&BV\\_EngineID=cadcijklhelmbemgcfkmchcog.0&sCa tTitle=Press+Release&sFilePath=/govsite/press\\_release/2000\\_09/100186929.html&sTitle =GOVERNOR+DAVIS+SIGNS+BILL+TO+SLOW+AREA+CODE+SPLITS+IN+LA,+ SF,+OTHER+CITIES&iOID=10303](http://www.governor.ca.gov/state/govsite/gov_htmldisplay.jsp?BV_SessionID=@@@@0446720048.1068145304@@@@&BV_EngineID=cadcijklhelmbemgcfkmchcog.0&sCa tTitle=Press+Release&sFilePath=/govsite/press_release/2000_09/100186929.html&sTitle =GOVERNOR+DAVIS+SIGNS+BILL+TO+SLOW+AREA+CODE+SPLITS+IN+LA,+ SF,+OTHER+CITIES&iOID=10303) (Sept. 29, 2003) (“‘Californians have seen their area codes double in just three years – from 13 in 1997 to 25 today,’ said Governor Davis, noting that the number of area codes is projected to grow to 41 by 2003. ‘California should employ all possible conservation efforts before burdening businesses and consumers with additional area code changes. This bill provides additional tools to slow the unnecessary proliferation of area codes by providing options for technology-based phone numbers that need not be tied to geography.’”).

<sup>17</sup> See Motion By The California Public Utilities Commission To Withdraw Petition For Authority To Implement Technology-Specific Overlay Area Codes, CC Docket No. 99-200, DA 02-2845 (filed Mar. 14, 2003) (“CPUC Withdrawal Motion”).

authority without providing any significant details on how the CPUC proposes to address vital planning and implementation issues. Finally, the CPUC's SO plan will do nothing to extend the life of existing area codes in the State of California. For these reasons, the CPUC's most recent SO petition should be denied.

**II. LIKE ITS EARLIER PETITION, THE CPUC'S LATEST SO PETITION FAILS TO PROPERLY IDENTIFY THE SERVICES TO BE RELEGATED TO THE SOs.**

In 2002, the CPUC requested that it be granted broad authority to create a technology-specific overlay in the 310 and 909 area codes. The CPUC limited its proposed transitional SO to two southern California areas, and proposed to include wireless services and what it considers to be non-geographically sensitive numbers that would otherwise be assigned to the underlying NPAs.<sup>18</sup> Concluding that the creation of a SO would not effectively preserve existing area codes or be a useful tool in number resource conservation in the 310 and 909 area codes, the CPUC withdrew the 2002 Petition in March 2003.<sup>19</sup>

The CPUC has now submitted a new and more expansive SO petition. The CPUC requests that two SOs be created to cover the entire State of California; one for northern California and another for southern California.<sup>20</sup> This new plan would permanently relegate non-geographically sensitive services to SOs, but would exclude wireless services.<sup>21</sup> While

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<sup>18</sup> See 2002 Petition at 2-3.

<sup>19</sup> See CPUC Withdrawal Motion 1-2. The CPUC noted that its perceived immediate need for a SO could not be met, as the Commission had not acted within six months. Further, the CPUC stated that the implementation of the SO would take several months of planning and action. Due to these delays, the CPUC found the effort to implement its proposed SO to be futile. See id.

<sup>20</sup> See Petition at 4-5.

<sup>21</sup> See id.

expanding the scope of its proposed SO, the CPUC’s new SO petition contains many of the weaknesses of its 2002 Petition. For example, the latest petition misidentifies those services that can be considered non-geographically sensitive, and fails to provide sufficient detail as to the exact services planned for inclusion in the SOs. The Petition neglects to even consider j2 Global’s call for exclusion of UM in SOs. Further, the Petition uses language identical to the 2002 Petition in an attempt to define “transparent” or “non-geographic” services by naming certain branded services, such as j2 Global’s “eFax” service, or GM’s On-Star service.<sup>22</sup>

The Commission has made clear that a state petition for a SO must detail and justify the types of services it considers non-geographically sensitive that would be included in the SO.<sup>23</sup> Merely identifying a few brands of service will not meet the high standard the Commission has set; the *Connecticut SO Conditional Grant* rejected descriptions of UM and non-geographic services that were less vague than those included in the CPUC’s latest SO petition.<sup>24</sup> Additionally, there is no explanation of the selection criteria for the category of users and telephone numbers to which the SO would apply except to say that it would apply to eFax and On-Star. Finally, as j2 Global has repeatedly explained, UM services cannot be included in a non-geographically-sensitive category of services, as UM relies upon the geographic identification of a familiar area code to market its services.

It is important to note that the CPUC’s failure to explain the justification for including specific services in a category of non-geographically sensitive services does not stop with UM.

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<sup>22</sup> See id. 2.

<sup>23</sup> See Connecticut SO Conditional Grant ¶ 18 (“The Connecticut Department must provide greater specificity regarding the nongeographic sensitive services, not merely examples of services that may be included.”).

<sup>24</sup> See id.

Seemingly in an effort to include more numbers in the SO, the CPUC has proposed that all Internet telephony/voice over Internet protocol (“VoIP”) be included in the SO.<sup>25</sup> Once again, the CPUC did not offer any justification for why such services should be included in the non-geographically sensitive category, and how directing such services to the SOs will conserve numbering resources.

By relegating both UM and VoIP services to the SOs, the CPUC not only fails to justify its actions, but also threatens to severely impede competition. Both UM and VoIP service providers are currently nascent alternatives to local exchange carrier (“LEC”) services.<sup>26</sup> UM service providers obtain numbers from carriers that they then assign to subscribers specifically for UM services; however, LECs typically use a subscriber’s existing telephone number for UM services. Because many subscribers prefer numbers that are associated with particular geographic areas, forcing UM service providers to use SO telephone numbers may effectively leave many subscribers who desire a geographic identity provided by an area code with the LECs as the only source of supply. A similar discriminatory impact will result if VoIP service providers using unfamiliar area codes are forced to compete against LECs that have access to familiar existing area codes. Thus, if the CPUC assigns UM and VoIP to its SO, it would have the effect of lessening competition in the UM and telephony markets. The CPUC has not

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<sup>25</sup> See Petition at 3.

<sup>26</sup> See Yankee Group, *Consumer Demand for Unified Messaging: Redefining the Service Provider Opportunity*, The Yankee Report, vol. 2, No. 15 (Nov. 15, 2001) (noting that traditional residential communications providers and cable operators “have been slow to deploy UM . . . . The residential service providers cannot afford to ignore unified messaging or other enhanced voice applications with fierce competition from the historical peer set and non-traditional companies.”); Ted Hearn, *FCC to Study How to Treat VoIP Services*, Multichannel News, Oct. 16, 2003 (noting that the FCC sees VoIP services as a potential competitor in the telephone services market).

attempted to identify how the discriminatory and competitive harms to UM or VoIP are outweighed by the benefits of the SO.

### **III. THE CPUC’S EXPANDED SO PETITION FAILS TO PROVIDE ANY FORM OF IMPLEMENTATION PLAN.**

As in its 2002 Petition, the CPUC provides very few details on how the implementation of the SOs would be achieved. More confounding is the fact that the lack of specificity of the proposal is accompanied by a request for broad authority to deal with specific issues as it sees fit and as the CPUC encounters them. The Petition accurately notes that, “a number of questions pertaining to the technical details of implementing the SOs will arise,” should the FCC grant the SO petition.<sup>27</sup> The CPUC states that, likely due in large part to the fact that the it has not sufficiently detailed those services that will be subject to the SO, it envisions that carriers will raise numerous concerns regarding assignment of “transparent numbers” in the new SOs.<sup>28</sup> While the Petition does not go much further into what some of these concerns could be, the few details it has provided highlights key issues.

The CPUC has stated -- as it did in its 2002 Petition -- that numbers for automatic teller machines (ATMs), point-of-sales terminals, modems, and fax machines will be covered by the SOs.<sup>29</sup> However, it notes that for modems or faxes only businesses with fifty or more access lines would be included.<sup>30</sup> Further, the SOs will not include numbers assigned to modems or

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<sup>27</sup> Petition at 3.

<sup>28</sup> Id.

<sup>29</sup> See id. at 2.

<sup>30</sup> See id. at 2-3.

faxes “used by residential customers.”<sup>31</sup> These parameters leave much to be determined by both service providers and the CPUC. For example, the method of identification of those services being relegated to the SO is not detailed, and the Petition readily concedes that carriers cannot identify those services that would be relegated to the SOs.<sup>32</sup> The inability of the carrier to identify those services designated for SOs currently renders the SO proposal relatively useless, as neither carriers nor the CPUC can currently relegate any existing service into the SOs proposed. Further, while the CPUC suggests that carriers will need to track consumers’ use of numbers,<sup>33</sup> this may be more difficult than the CPUC suggests. Given the discriminatory nature of a SO, and the potential privacy concerns associated with carrier investigation into the use of numbers,<sup>34</sup> many consumers will be reluctant to identify services that may be given an unfamiliar area code.<sup>35</sup>

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<sup>31</sup> Id. at 3.

<sup>32</sup> See id.

<sup>33</sup> See id.

<sup>34</sup> Inquiring about a customer’s use of a particular telephone number is something carriers have never done. To require this additional inquiry would significantly increase the complexity of the carrier-customer relationship.

<sup>35</sup> In considering the CPUC’s 2002 Petition, SBC stated that, “[b]ecause SBC’s records do not enable it to identify lines used for [non-geographically sensitive services], these services would require self-identification from consumers. Consequently, the success of the CPUC’s plan depends on the cooperation of consumers -- cooperation which cannot be verified.” See Petition Of The California Public Utilities Commission For Authority To Implement Specialized Overlay Area Codes, Comments of SBC, Inc. at 3, CC Docket No. 99-200, DA 03-3262 (filed Nov. 25, 2002) (“SBC Comments”). As the CPUC’s current proposal on services to be relegated to SOs has changed only by the exclusion of wireless services, this problem persists.

Additionally, the CPUC's petition ignores the need for a consumer education plan that will inform Californians of the impact that the SOs will have.<sup>36</sup> In recent state proceedings concerning the *Connecticut SO Conditional Grant*, parties have made clear that a state must develop several costly and comprehensive consumer education plans in order to effectively utilize a SO while protecting consumers.<sup>37</sup> It seems evident that, as in Connecticut, the CPUC's SO plan will generate considerable consumer confusion as all SOs do. Further, given the fact that the CPUC's proposal is radically different from the norm (*i.e.*, each code will cover half the state), consumer confusion will be even greater. Among other things, the SOs will create unexpected toll charges for consumers, as the SOs will spread across several area codes. The Petition does not discuss any of these issues; it fails to detail any plan to notify consumers of the change or work through the concerns and problems consumers will face once the SOs are implemented.

The CPUC's solution to these concerns strains all credulity; it expects the Commission to allow it to sort out the details in any manner it chooses once the SOs are approved. The CPUC "requests that the FCC grant us some leeway in resolving these questions as we cannot today anticipate every issue nor propose a solution to unknown problems."<sup>38</sup> Further, it maintains that resolving these issues will be non-contentious: "We note that CPUC staff presented the broad

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<sup>36</sup> Unlike traditional area code splits and overlays, which themselves require significant education campaigns, SOs require an even more extensive campaign to explain the unique nature of the code. This explanation becomes even more difficult to grasp when considering SOs that span across several area codes, let alone half the state of California.

<sup>37</sup> See CT DPUC Implementation of a Technology Specific Overlay in Connecticut, CTDPU Docket No. 03-05-15, *Comments of Verizon New York, Inc.* at 5 (filed Sept. 22, 2003).

<sup>38</sup> Petition at 3-4.

proposal contained here to the industry including the largest incumbent local exchange carriers (ILECs), competitive local exchange carriers (CLECs), wireless carriers and VoIP service providers in California. Based on their responses, we believe that we can work with the carriers to resolve implementation issues as they develop.”<sup>39</sup>

The CPUC’s hope of easy resolution to problems that it has not addressed or even considered may be overly optimistic. Although it made the same exact claim in its 2002 Petition, the SO proposal fueled considerable opposition; both SBC and Verizon, the two largest LECs in California, filed comments opposing the same proposal last year.<sup>40</sup> They noted that the petition fails to meet the standards established in the *Third Report and Order*, fails to undertake a cost-benefit analysis, and, with respect to non-geographic services, is completely unworkable.<sup>41</sup> Verizon expressed strong opposition to a plan almost identical in impact to LECs as that proposed in the current petition, noting that no details, save for the implied intent to force carriers to bear the costs of implementation, were given.<sup>42</sup>

Additionally, Commission precedent shows that the CPUC’s approach of addressing problems as they arise is unacceptable. In the *Connecticut SO Conditional Grant*, the Commission made clear that approval of a SO would not be granted until details such as those relating to vital implementation activities are submitted to and reviewed by the Commission.<sup>43</sup>

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<sup>39</sup> Id. at 4.

<sup>40</sup> See, e.g., Petition Of The California Public Utilities Commission For Authority To Implement Specialized Overlay Area Codes, Comments of Verizon, Inc. at 3, CC Docket No. 99-200, DA 03-3262 (filed Nov. 25, 2002) (“Verizon Comments”); SBC Comments.

<sup>41</sup> See generally Verizon Comments; SBC Comments.

<sup>42</sup> See Verizon Comments at 3.

<sup>43</sup> See Connecticut SO Conditional Grant ¶ 16.

As a result, this petition falls far short in terms of details regarding the implementation of the SOs the CPUC proposes, and thus cannot be accepted.

#### **IV. THE CPUC’S LATEST PETITION WILL DO NOTHING TO PREVENT NUMBER EXHAUSTION.**

Aside from expanding the scope of its SO plan statewide, the only other significant change in the CPUC’s current petition over its 2002 Petition is that wireless carriers will not be included in the SOs.<sup>44</sup> Under considerable pressure from the wireless industry, the CPUC has abandoned its earlier plan to include wireless services in SOs.<sup>45</sup> By excluding wireless from the SOs, the CPUC has dramatically decreased the ability of the SOs to preserve numbers. The decision to exclude wireless carriers from the SOs leaves the CPUC hard pressed to justify its plan. By relegating non-geographically sensitive services to SOs, and by excluding the one service that uses a significant amount of numbers, very few other numbers will be included in the SOs. More tellingly, the CPUC makes clear that there is no estimation available regarding the current or future need for the services it intends to designate for the SOs: “At this time, the industry can neither estimate the current level nor the future demand of numbers used for these services.”<sup>46</sup> Limiting the users allowed to take numbers from a new code to those offering a subset of services, especially where the extent of demand is completely unknown, would actually

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<sup>44</sup> See Petition at 2 (“We propose to place in the SOs all ‘transparent’ or ‘non-geographic based’ numbers, *except for cellular services*, that would otherwise be assigned to the underlying NPAs [ ].”). (emphasis added).

<sup>45</sup> See PR Newswire, Wireless Carriers Unite With Message: Don't Single Out Our Customers In California For Phone Number Changes!, Nov. 25, 2002 (detailing the wireless industry’s strong opposition to inclusion in the 2002 SO petition, and their efforts to generate support for being excluded from the SO).

<sup>46</sup> See Petition at 3.

strand more numbers than it conserves and only utilize a mere fraction of the total 14 million numbers that would be available in the new codes.

That number resource conservation cannot be most effectively achieved in California through SOs is evidenced by recent CPUC action. On October 13, 2003, the CPUC adopted a plan to create a two-way geographic split of the 909 area code.<sup>47</sup> This shows that the CPUC is capable of and is actively pursuing more immediate means of number resource conservation in those cases where it is needed. It also casts doubt on the need for authorization of SOs: if the CPUC is solving one of its most immediate numbering resource problems with an area code split, it is difficult to understand how the creation of SOs for area codes where there has been no demonstrated numbering resource crisis can be justified, given the resulting competitive harms and consumer confusion.

This petition seems motivated more by politics than by principles of efficient numbering administration. And while area code issues clearly have political consequences, the Commission cannot abandon its numbering administration principles without more. The Commission needs more specificity and more justification from the CPUC -- material issues that are lacking in the Petition.

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<sup>47</sup> See Press Release, California Public Utilities Commission, PUC Approves Plan Splitting 909 Area Code, available at [http://www.cpuc.ca.gov/PUBLISHED/NEWS\\_RELEASE/31553.htm](http://www.cpuc.ca.gov/PUBLISHED/NEWS_RELEASE/31553.htm) (Oct. 13, 2003). Under the adopted plan, a geographic split will create a new 951 area code with a boundary line defined by the rate centers in a west-to-east direction approximately through the center of the 909 area code. See id.

## V. CONCLUSION

In revising its SO petition, the CPUC has again failed to make a case consistent with Commission precedent that justifies the creation of SOs. Its SO petition fails to specify those non-geographically sensitive services that will be included in the SO, and mistakenly characterizes UM services as geographically sensitive. Additionally, the Petition lacks details regarding implementation of the SOs, and asks for blanket authority to implement the SOs without first detailing the concerns that may arise. Finally, with the exclusion of wireless services from the SO plan, the CPUC's proposal will do little to preserve numbering resources.

For the foregoing reasons, j2 Global respectfully requests that the Commission deny the petition to adopt the CPUC's SO petition.

Respectfully Submitted,

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