

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

Ex Parte Presentation

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

Dear Ms. Dortch:

The California Cable and Telecommunications Association (CCTA) submits this notice of an *ex parte* meeting on February 5, 2004. Jose M. Jimenez of Cox Communications, Julie Patterson of Time Warner Cable, and I attended the meeting with Scott Mackoul, Pam Slipakoff, and Cheryl Callahan of the Wireline Competition Bureau.

The purpose of this meeting was to discuss the Petition of the California Public Utilities Commission for authority to implement technology-specific overlays as filed in the above-noted docket. The attached information sheets served as the basis of our discussion.

One electronic copy of this Notice and accompanying attachments is being submitted to the Secretary of the FCC in accordance with Section 1.1206 of the Commission's Rules.

Any questions or concerns regarding this matter should be directed to the undersigned.

Respectfully,

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February 6, 2004

***California's Proposed Specialized Overlays Are
Unworkable And Unwarranted***

1. The relief plan as presented in California's Petition For Authority To Implement Specialized Overlay Area Codes (CC Docket No. 99-200) fails to meet the FCC baseline criteria for SO implementation as set forth in the Commission's Third Report and Order and Second Order On Reconsideration. Moreover, the CPUC does not even claim that its plan will address numbering demand or area code exhaustion.

2. "Internet Protocol ("IP") technologies and services" would be segregated into the SOs thereby severely hampering competition. The proposal could restrict how cable can market and provide VoIP-based services that could potentially compete with traditional telephone service since customers of the former services (1) could not have the local area code of their choice; (2) would be unable to port their existing telephone numbers to a competing VoIP-based service; and (3) would be required to dial ten digits for most local calls while neighbors with traditional telephone service would continue to dial seven digits for most local calls.

3. The proposal dramatically devalues number portability by effectively blocking porting among providers using different technologies and thereby denying customers this valuable competitive choice. Moreover, the plan would undermine the Commission's number optimization efforts by denying customers the ability to port existing numbers to a VoIP based service provider. Rather, the customer would be forced to take a new number from the new SO.

4. The proposal populates the SO with "transparent" or "non-geographic based" numbers including those associated with traditional business fax lines, data lines, ATM lines, and paging services. The job of identifying which lines must be moved to an SO would fall on the provisioning carrier and would be problematic. Cable companies offering circuit-switched or VoIP based services would face the challenge of attempting to identify (and perhaps even police) how an end-user customer chooses to use the number.

5. Cellular phone service is inexplicably excluded from the "non-geographic" category while "VoIP" is inexplicably included.

6. California cable operators have long pursued effective and competitively neutral numbering rules and policies (CCTA petitioned the FCC for state delegated authority to implement number conservation measures the year before California made its delegation request). CCTA believes this new California scheme would undermine that pursuit.

Third Report and Order *Criteria For Specialized Overlays (SO) And California Petitioner's Dramatic Departure From Those Criteria.*

The FCC limits any grant of authority to implement SOs to areas where area code relief is needed. (§ 80)

Petitioners plan to cover the entire state of California (twenty-five area codes) with two SOs. According to Industry NPA Code Relief Planning Guidelines only three of those area codes are in need of relief.

SOs should not be implemented where area code exhaust will occur in less than a year. (§ 85)

CPUC Decision 03-10-060, an Order that again postponed action to relieve the depleted 310 area code is, in part, based on the conclusion that California's SO Petition may be a means of prolonging the life of the 310 area code.

The FCC explains that for an SO to provide any meaningful benefits it should divert significant demand from the underlying area code to extend the life of that area code. Moreover, the FCC will favor SOs that would retain non-geographic based services. (§ 82)

Petitioners provide little or no information about how the SOs will divert demand from the underlying area code. The Petition does populate the SOs with "non-geographic based" services but inexplicably includes VoIP as such a service. Moreover, the Petition excludes from the SO the most obvious of non-geographic services –cellular telephone service – an omission that is particularly puzzling in light of what the CPUC calls "tremendous public support for the concept of a separate area code for wireless service."¹

The FCC finds that SOs that cover more than one area code are superior from a numbering resource optimization perspective because they would reduce the demand for numbers in multiple area codes. Also, FCC requires that petitions for SOs specify how rating and routing of calls placed between underlying area codes in the SO NPA will be addressed. (§ 83)

The proposed SOs would cover all of California's twenty-five area codes including areas where relief is not required. However, Petition does not address the rating and routing consequences of the plan except to state that all rate centers will be "matched,." The CPUC does not explain whether or how the proposed two new area codes will furnish enough numbers to provide myriad providers with sufficient resources to match the underlying 738 rate centers in California.

The FCC favors SOs that transition into all service overlays. The FCC only favors permanent SOs for non-geographic based services. (§ 84)

Petitioners seek a *permanent* SO that excludes the most common form of non-geographic based services, i.e., cellular telephone services.

¹ *Further Comments of the California Public Utilities Commission and of the People of the State of California dated February 14, 2000 in response the Further Notice of Proposed Rulemaking issues by the FCC, FCC 00-249 (Dec. 29, 2000).*

The FCC acknowledges that telephone number "take-backs" have significant drawbacks and costs. (§ 88)

The CPUC seeks to "take back" numbers from carriers/customers that are used for devices or services intended for the new area code. Petitioners further seek the authority to take back numbers on a retroactive basis

The FCC favors transitional SO proposals that include ten-digit dialing. (§ 91)

Petitioners request permanent SOs and seek to retain seven-digit dialing in the underlying NPAs. That proposal dramatically restricts number portability for VoIP service customers and forces those customers to disparate dialing.

The FCC says SOs should not be subject to rationing. (§ 93)

California proposes that the rules for existing NPAs in California, including lottery rules, apply to the SOs. Whether the lottery will continue is unclear.

The FCC states that it will look favorably upon petitions that pursue other numbering optimization measures such as rate center consolidation and unassigned number porting. (§ 94)

Petitioners propose to establish number pools in the SOs immediately upon implementation. No other number optimization measures are pursued in the petition.

California Cable & Telecommunications Association
February 5, 2004