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

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Petition of the Oklahoma Corporation Commission for Expedited Decision for Authority to Implement Additional Number Conservation Measures	)	NSD File No._____
In the Matter of	)	
Number Resource Optimization	)	CC Docket No. 99-200
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98

PETITION OF THE OKLAHOMA CORPORATION COMMISSION FOR EXPEDITED DECISION FOR DELEGATION OF AUTHORITY TO IMPLEMENT ADDITIONAL NUMBER CONSERVATION MEASURES

I. INTRODUCTION

The Oklahoma Corporation Commission ("OCC") submits to the Federal Communications Commission ("FCC") this Petition for Expedited Decision for Delegation of Authority to Implement Additional Number Conservation Measures. The OCC requests authority to implement number conservation measures to ensure that the public interest is protected against the ordeal of unwarranted area code relief. The OCC is confident that the FCC understands and appreciates the predicament faced by the OCC and other state commissions regarding numbering issues. The OCC is particularly sensitive to the pressing need for additional number conservation measures because of the rapid growth in the demand for numbering resources in recent months.

Congress granted the FCC plenary jurisdiction over numbering administration.[1] Section 251(e)(1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, allows the FCC to delegate to state commissions or other

[1] 47 U.S.C. § 251(e).

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entities all or any portion of its jurisdiction over numbering administration.[2] Oklahoma recognizes and appreciates the FCC's understanding of the states' need for immediate action in order to optimize number conservation measures. In the *Numbering Resource Optimization Notice*, the FCC concluded that thousands-block number pooling is an important numbering resource optimization strategy, essential to extending the life of the NANP.[3] The authority to order mandatory thousands-block number pooling allows a state commission to address inefficiencies on the supply side of the telephone number assignment regime by ordering that local number portability ("LNP")-capable carriers receive blocks of 1000 numbers, rather than blocks of 10,000 numbers.

In the Numbering Resource Optimization First Report and Order, the FCC directed state commissions seeking thousands-block number pooling authority to demonstrate that: 1) an NPA in its state is in jeopardy; 2) the NPA in question has a remaining life span of at least a year; and 3) that the NPA is in one of the largest 100 metropolitan statistical areas ("MSAs"), or alternatively, the majority of wireline carriers in the NPA are LNP-capable. The FCC recognized, however, that there may be "special circumstances" in which pooling would be beneficial in NPAs that do not meet all of the above criteria, and stated that it may authorize pooling in such an NPA upon a satisfactory showing by a state commission of special circumstances.[4] The FCC agreed to consider petitions to opt into the national pooling rollout schedule from states outside the top 100 MSAs, which believed that pooling would be beneficial in an NPA within their state. The FCC concluded that such flexibility was necessary in light of the diverse numbering conditions present in each state.[5]

On September 28, 1998, the FCC released the *Pennsylvania Numbering Order*, in which it delegated authority to state commissions to order NXX code rationing in conjunction with area code relief decisions, in the absence of industry consensus.[6] In that Order, the FCC also encouraged state commissions to seek further limited delegations of authority to implement number conservation measures.[7]

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2 *Id.* at § 251(e)(1).

3 *Numbering Resource Optimization Notice*, 14 FCC Rcd at 10383-84.

4 *Numbering Resource Optimization First Report and Order* at 7652.

5 *Numbering Resource Optimization Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 99-200, (March 31, 2000), ¶164

6 Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009, 19025 (1998) (*Pennsylvania Numbering Order*).

7 *Id.* at 19030.

The geographic scope of availability of LNP has dramatically expanded following the May 24, 2004 LNP mandate for areas outside the top 100 MSAs, while the scope of mandatory number pooling is limited to only the top 100 MSAs.[8] The OCC urges the FCC to continue its focus on number conservation as competition moves beyond the top 100 MSAs. The OCC requests the FCC to expand the scope of the OCC's delegated authority to include mandatory implementation of number pooling for all rate areas in which two or more carriers operate that use numbering resources and have implemented LNP.

II. BACKGROUND

For decades, Oklahoma had two (2) area codes. The 918 NPA, which encompasses the northeast corner of Oklahoma, was formed in 1953 and includes Tulsa. The 405 NPA, which encompasses Oklahoma City, covered the rest of the state. In July of 1997, the portion of the 405 NPA outside the greater Oklahoma City metro area was split off to create the 580 NPA. Only seven (7) years after introduction of the 580 NPA, another area code relief measure (split or an overlay) has become necessary.[9]

The 580 NPA encompasses 42 rural counties with an approximate population of 795,500. SBC Oklahoma and 18 Independent Telephone Companies provide local service in the 256 rate centers within the 580 NPA. The majority of the 580 NPA is not in one the nation's top 100 MSAs and therefore not subject to mandatory pooling. Number pooling began in the 580 NPA on November 21, 2003. Only 8 of the 256 rate centers have mandatory pooling (3 of the 8 have only one service provider), 76 rate centers have optional pooling and 172 rate centers are excluded from pooling. In the period from April 2003 - April 2004, 6 NXX codes were assigned in mandatory pooling rate centers, 74 NXX codes were assigned in optional pooling rate centers, and 17 NXX codes were assigned in rate centers excluded from pooling. Over 76% of new code assignments in the 580 NPA were for LNP-capable rate centers where pooling is voluntary. Although the 580 NPA is not currently in jeopardy, the 2004 Number Resource Utilization Forecast ("NRUF") and NPA exhaust Analysis indicated that the 580 NPA would exhaust during the second quarter of 2007.[10]

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[8] In the Matter Telephone Number Portability, CC Docket No. 95-116, (November 10, 2003), Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, ¶29

[9] Application of the North American Numbering Plan Administrator of Behalf of the Oklahoma Telecommunications Industry In the Matter of a General Investigation Into the Exhaust of the 580 NPA, Cause No. PUD 200400212, filed May 12, 2004.

[10] 2004 NRUF and NPA Exhaust Analysis April 30, 2004

III. DISCUSSION OF SPECIFIC DELEGATED AUTHORITY REQUESTED

On March 14, 2001, the FCC granted the OCC's petition to implement thousands-block number pooling trials in Oklahoma.[11] In order to more efficiently assign existing resources, maintain competitive equity, minimize increases in costs and rates to consumers, and avoid the premature introduction of new area codes, the OCC seeks additional delegated authority to implement mandatory thousands-block number pooling in the 580 NPA in LNP-capable rate centers, located outside the nation's top 100 MSAs, where two or more carriers have numbering resources.

The OCC has looked at several factors in an attempt to understand why numbers in Oklahoma are being consumed so rapidly. U.S. Census Bureau data indicate that the population of Oklahoma is increasing at less than 1% per year, so population pressure is not a determinate factor in Oklahoma. The OCC realizes that the rapid exhaustion of telephone numbers is due in part to the introduction of new technologies such as wireless phones, the Internet, the demand for additional lines for fax machines, and residential customers requesting additional voice lines, however, the biggest problem in Oklahoma is the management of the numbering resources.

As in many other states, it appears that carriers in Oklahoma are reluctant to participate in voluntary number pooling in LNP-capable rate centers outside the top 100 MSAs. For this reason, the OCC requests additional delegated authority to implement mandatory number pooling in the 580 NPA. The OCC believes that "special circumstances" exist which warrant FCC authorization to implement mandatory thousands-block number pooling in the 580 NPA. The OCC believes that implementation of mandatory thousands-block number pooling will likely postpone the need for area code relief in the 580 NPA.

Recent carrier requests for numbering resources in Oklahoma show that the demand for numbering resources is increasing, especially in the rural areas. Bona fide requests filed by wireless and other competitive carriers in recent months have accelerated the implementation of LNP in many Oklahoma rate centers outside the top 100 MSAs, making optional pooling available. Unfortunately, many carriers have chosen not to participate in optional pooling and continue to request full NXX codes. This practice contributes to the

[11] *Numbering Resource Optimization*, Order in CC Docket No. 99-200, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Order in CC Docket No. 96-98, (rel. March 13, 2001), (DA 01-656); FCC addressed several state petitions (including Oklahoma, NSD No. L-01-276), requesting authority to implement additional number conversation measures.

early exhaust of area codes, which affects both service providers and consumers.[12] Carriers are also faced with dwindling supplies of available telephone numbers and the public is faced with frequently changing area codes. Inefficient allocation and assignment of numbers can be addressed in Oklahoma by ordering mandatory thousands-block pooling in LNP-capable rate centers, located outside the nation's top 100 MSAs, where two or more carriers have numbering resources. This authority would allow the OCC to request that companies assign numbers sequentially in thousand-number blocks instead of blocks of ten thousand. The companies would also return any unused or sparsely used blocks for reassignment to other locations. The OCC requests additional authority to order mandatory thousands-block number pooling in LNP-capable rate centers outside the nation's top 100 MSAs in order to ensure the longevity of the 580 NPA.

The OCC respectfully submits that 580 NPA meets the "special circumstances" test so as to warrant granting the OCC's request for additional delegated authority to order mandatory thousands-block number pooling in the 580 NPA.

IV. CONCLUSION

The Oklahoma Corporation Commission respectfully requests that the FCC delegate to the OCC additional authority to order mandatory thousands-block number pooling in the 580 NPA in LNP-capable rate centers in which two or more carriers operate and are using numbering resources. Since time is of the essence to ensure that its number conservation measures have the maximum affect on reducing the demand for numbering resources, and to avoid premature area code relief, the OCC requests that the FCC grant this authority on an expedited basis.

[12] Report and Order and Further Notice of Proposed Rule Making, In the Matter of Number Resource Optimization, CC Docket No. 99-200, (March 31, 2000), ("Report and Order"), ¶116.

RESPECTFULLY submitted this 14th day of October, 2004.

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