

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

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Petition of Nebraska Public Service Commission	)	
for Additional Authority to Implement Numbering	)	
Resource Optimization Measures	)	
_____	)	

**SPRINT REPLY COMMENTS**

Sprint Corporation, on behalf of its wireless and local division, submits these reply comments in support of the petitions filed by the Nebraska Public Service Commission (“NPSC”) and the West Virginia Public Service Commission (“WVPSC”) that seek authority to implement mandatory number pooling throughout the 402 and 304 area codes (“NPAs”) respectively, including in areas that are outside the 100 most populous Metropolitan Statistical Areas (“MSAs”).<sup>1</sup> Sprint urges the Commission to act expeditiously on these petitions because prompt action could ensure that residents of these area codes will be spared the costs and burdens of undergoing area code relief while ensuring that carriers will have continuing access to the telephone numbers they need when they need them. However, Sprint further agrees with Cingular that the Commission should reaffirm that it will not permit states to implement non-standard pooling methods.

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<sup>1</sup> See Public Notice, *Wireline Competition Bureau Seeks Comment on Petition of West Virginia Public Service Commission and Nebraska Public Service Commission for Additional Delegated Authority to Implement Numbering Resource Optimization Measures*, CC Docket No. 99-200, DA 04-3796 (Nov. 30, 2004).

**I. THE PUBLIC INTEREST WOULD BE SERVED BY EXPEDITIOUS GRANT OF THE NEBRASKA AND WEST VIRGINIA PETITIONS**

Thousands-block number pooling has been extraordinarily effective in improving number utilization and, as a result, extending the life of the North American Numbering Plan (“NANP”). Numbering pooling in the 100 most populous Metropolitan Statistical Areas (“MSAs”) was implemented over a 20-month period between March 15, 2002 and December 31, 2003. According to the most recent data publicly available (year end 2003), pooling has already saved over 92 million telephone numbers.<sup>2</sup> Largely as a result, the NANP administrator has estimated that the life of the NANP has been extended by 23 years, from 2012 to 2035<sup>3</sup> – action that has saved American consumers over \$50 billion.<sup>4</sup>

The focus of pooling implementation has been on metropolitan areas, which is understandable because this is where most customers are located and, as a result, where most telephone numbers have been allocated. The introduction of number pooling has, however, resulted in wide disparities in telephone number utilization rates between carriers serving metropolitan areas and carriers serving rural areas:

**PERCENT OF TELEPHONE NUMBERS ASSIGNED TO CUSTOMERS<sup>5</sup>**

	Metropolitan Areas ( <u>Pooling Utilized</u> )	Rural Areas ( <u>Pooling Generally Not Used</u> )
Incumbent LECs	58.9%	16.5%
Competitive LECs	10.7%	8.4%
Wireless Carriers	51.5%	27.3%

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<sup>2</sup> See Industry Analysis and Technology Division, *Numbering Resource Utilization in the United States as of December 31, 2003*, Table 9 (May 14, 2004).

<sup>3</sup> See NANP 2003 Annual report at 55-56.

<sup>4</sup> See *First NRO Report*, 15 FCC Rcd 7574, 7580 n.12 (2000).

<sup>5</sup> See Industry Analysis and Technology Division, *Numbering Resource Utilization in the United States as of December 31, 2003*, Tables 2 and 3 (May 14, 2004).

Data demonstrates that there are numerous rural incumbent LECs whose utilization rate is far below that 16.5 percent average. For example, in the 402 NPA, Great Plains Communications' utilization rate is 9.9 percent and it has been assigned over 290,000 telephone numbers that it is not using and that cannot be used by other carriers so long as Great Plains does not participate in number pooling.<sup>6</sup> The utilization rate of Hamilton Telephone is 6.6 percent, and it is not using over 90,000 numbers assigned to it. The utilization rate of Eastern Nebraska Telephone is 4.2 percent, and it is not using over 75,000 numbers assigned to it. Three River Telco has acquired 60,000 numbers to serve fewer than 1,500 customers, while Diller Telephone has acquired 40,000 numbers to serve fewer than 1,000 customers.

The Nebraska and West Virginia petitions document that competition is now moving to rural areas and that, unless pooling is implemented in rural areas, the problem of area code exhaust will soon resurface.<sup>7</sup> For example, NANPA has advised the NPSC that the 402 NPA will likely exhaust during the second quarter of next year (2Q 2006).<sup>8</sup> However, NANPA has further estimated that the life of the 402 NPA could be extended by over four years – *if* mandatory number pooling was extended to rural areas.<sup>9</sup>

Sprint agrees with NPSC and WVPSC that the public should be protected from the costs and confusion related to area code relief when numbering resources and mechanisms exist to prevent such relief –that is, if all carriers, rather than only a select few, engage in number pool-

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<sup>6</sup> RLEC customer data is as of the end of 2002. *See Universal Service Monitoring Report*, CC Docket No. 98-202, Table 3.33, at 3-236, 3-237 (Oct. 12, 2004).

<sup>7</sup> *See* Nebraska Petition at 5 (“Of particular concern to the PSC are the increasing requests for full ten thousand block codes in rural areas.”); West Virginia Petition at 5 (“[D]emand for numbering resources is increasing, especially in the rural areas.”).

<sup>8</sup> *See* NPSC Petition at 4.

<sup>9</sup> *See id.* at 7.

ing. Sprint therefore urges the Commission to grant expeditiously the pooling relief sought by the Nebraska and West Virginia Commissions.

## **II. SPRINT SHARES CINGULAR'S CONCERN ABOUT NEBRASKA'S INVESTIGATION INTO UNCONVENTIONAL POOLING METHODS**

Cingular supports the NPSC petition but only so long as pooling is implemented in a manner "consistent with the Commission's rules and existing industry number pooling guidelines."<sup>10</sup> As Cingular notes, the NPSC commenced an industry workshop to investigate an unconventional form of number pooling, a method that would not require Location Routing Number ("LRN") capabilities.<sup>11</sup> This form of number pooling is incompatible with the national pooling framework.

Specifically, the Commission has ordered states to implement number pooling based upon uniform national standards, which requires the use of the LRN network architecture,<sup>12</sup> and carriers have deployed pooling nationwide based upon these national standards. Nevertheless, the NPSC directed industry to evaluate non-LRN-based pooling methods in the proposed workshop, reflecting the then pending applications by 31 rural LECs to suspend their statutory local number portability ("LNP") obligations (which also requires LRN capability). On July 20, 2004, the NPSC granted these suspension petitions on the ground that LNP is "technically infeasible at

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<sup>10</sup> Cingular Comments at 1.

<sup>11</sup> *See Investigation into Possible Solutions for Extending the Life of Area Codes 308 and 402*, Application No. C-3049, 2004 Neb. PUC LEXIS 27 (May 11, 2004).

<sup>12</sup> *See, e.g., Fourth NRO Order*, 18 FCC Rcd 12472, 12476 ¶ 11 (2003)(LRN "is necessary for such [pooling] participation."); *id.* at 12477 ¶ 14 ("[C]arriers can participate in pooling once they deploy the LRN architecture."). With LRN, database queries (to obtain the LRN of the carrier serving the called party) must be made "to route calls to customers who have been assigned telephone numbers from a pool because . . . the NPA-NXX of the pooled number no longer necessarily identifies the switch or service provider associated with the service." *First NRO Order*, 15 FCC Rcd 7574, 7622 ¶ 117 (2000).

this time.”<sup>13</sup> (The NPSC made this ruling even though many of the rural LECs use the same DS-10 switch that Sprint’s local telephone division uses in Nebraska to support LNP and pooling today.)

Sprint shares the concerns that Cingular has raised with this NPSC investigation. As Cingular observes, the non-standard approach being discussed would impose “significant additional costs” on LRN carriers that are already pooling capable while imposing few, if any costs, on non-LRN-capable carriers.<sup>14</sup> The Nebraska Workshop has estimated that *each* pooling capable carrier would incur, on average, \$550,000 to modify its systems to accommodate the non-standard pooling approach and that the additional costs that would be imposed on the Number Portability Administration Center (“NPAC”) could be “significant.”<sup>15</sup>

The unconventional approach being considered would also contravene the basic precept of competitive neutrality because pooling carriers would pay twice to implement pooling: they would pay their own costs of becoming pooling capable, and they would then pay additional costs so non-LRN-capable carriers could donate thousands blocks in the Nebraska irregular pool. Furthermore, this unconventional approach would also be wasteful. It makes no sense for the pooling-capable members of industry to spend \$5 million or more to accommodate the unconventional approach when even its proponents acknowledge that the approach would be “interim” and used only until non-LRN carriers become LRN capable.<sup>16</sup>

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<sup>13</sup> See *Application of Great Plains Communications, et al.*, Application Nos. C-3096, at 7 (July 20, 2004).

<sup>14</sup> See Cingular Comments at 4-5.

<sup>15</sup> Industry Working Group Report, *Examination of Non-LNP Capable Carriers Donating Thousands Blocks to Pooling Administrator*, C-3049, at 17 (Nov. 18, 2004)(“Nebraska Industry Pooling Report”).

<sup>16</sup> See Nebraska Industry Pooling Report at 14.

The Commission has declared repeatedly that “uniform standards for thousands-block number pooling are necessary to minimize the confusion and additional expense related to compliance with inconsistent regulatory requirements.”<sup>17</sup> The Commission has also declined to permit states to depart from the national standards, concluding that “all states must conform all other aspects of their pooling trials to the national framework”:

[C]ompliance with a national, uniform framework for thousands-block number pooling will permit service providers to avoid having to conform with different requirements for every jurisdiction in which they operate, which would be unwieldy and inefficient for service providers from both a regulatory and a financial perspective. Moreover, a lack of uniformity would harm consumers, who would likely incur the costs imposed on service providers operating under disparate pooling regimes.<sup>18</sup>

Sprint observes that the NPSC has not sought delegated authority to implement a non-standard (or non-LRN-based) pooling method. Indeed, the NPSC appears to recognize some of the major flaws in the unconventional approach that was evaluated: it would be “very costly to implement” and would constitute “only [a] short-term solution.”<sup>19</sup> It further bears noting that the non-standard approach could not possibly provide any relief for the 402 NPA. As industry advised the NPSC, even assuming the NPSC could obtain requisite FCC authority, industry would need to test the unconventional method and, if the test is successful, industry would thereafter need 18-24 months to develop modifications to implement the unconventional approach and additional time to install the modifications. It is simply not possible to complete all this work before the 402 NPA is expected to exhaust during the second quarter of next year.

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<sup>17</sup> *Second NRO Order*, 16 FCC Rcd 306, 325 ¶ 41 (2000). *See also Third NRO Order*, 17 FCC Rcd 252, 262 ¶ 21 (2001); *First NRO Order*, 15 FCC Rcd 7574, 1761 ¶ 169 (2000).

<sup>18</sup> *Second NRO Order*, 16 FCC Rcd at 328 ¶ 46.

<sup>19</sup> NPSC Petition at 5.

### **III. CONCLUSION**

The 304 NPA is expected to exhaust during the first quarter of next year, and the 402 NPA will likely exhaust three months later. Empowering the Nebraska and West Virginia commissions with the authority to order number pooling throughout these areas would delay area code relief, which would benefit residents in both states. Sprint therefore urges the Commission to grant expeditiously the relief that has been sought, and further reaffirm that the Commission will not approve proposals to implement non-standard methods of number pooling.

Respectfully submitted,

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