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

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CG Docket No. 99-200
	)	
Petitions of West Virginia Public Service Commission and Nebraska Public Service Commission for Additional Delegated Authority to Implement Numbering Resource Optimization	)	

REPLY COMMENTS OF THE
CTIA – THE WIRELESS ASSOCIATION™

CTIA – The Wireless Association™ ("CTIA")[1] hereby submits its reply comments in the above captioned proceeding.[2] CTIA has no objection to the petitions of the Nebraska Public Service Commission ("NPSC") and West Virginia Public Service Commission ("WVPSC") for authority to implement additional numbering resource optimization measures, provided that any such pooling is in accord with FCC regulations and existing industry number pooling guidelines.

In its Comments, Cingular Wireless LLC ("Cingular") recommends that if the Commission should grant additional authority to the NPSC to implement mandatory pooling outside the top 100 MSAs, the Commission must ensure that such authority

[1] CTIA – The Wireless Association™ (formally known as the Cellular Telecommunications & Internet Association) is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

[2] CTIA submits these Comments pursuant to the Public Notice released November 30, 2004. See *Wireline Competition Bureau Seeks Comment on Petitions 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 (rel. Nov. 30, 2004).

excludes authority to compel participation in pooling plans outside the national pooling framework.[3] CTIA agrees with Cingular, who warns that authority should not extend to requiring carriers that already have incurred the costs of deploying Local Number Portability ("LNP") and pooling on a uniform national basis to incur additional costs to accommodate the donation of blocks by carriers excused from LNP participation.[4]

DISCUSSION

Thousands-block number pooling has proven to be an efficient and effective means to optimize numbering resources and extend the life of the North American Numbering Plan ("NANP").[5] CTIA finds that numbers are efficiently allotted when exchanged or assigned to carriers in blocks of 1,000 instead of 10,000, thereby reducing the amount of stranded numbers and relieving the burden of area code relief on consumers, carriers and state commissions. With LNP already implemented by CMRS providers who have received requests from other carriers, CTIA supports the grant of delegated authority to NPSC and WVPSC to implement mandatory pooling outside the nation's top 100 MSAs, but only if the grant is consistent with national pooling guidelines.

Both the NPSC[6] and WVPSC[7] petitions illustrate the rapid demands for numbering resources, especially in rural areas, due to the introduction of new

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[3] See *Comments of Cingular Wireless LLC* at 1-2.

[4] *Id.*at 4.

[5] As evidenced by statistics illustrated by the North American Numbering Plan Administrator (NANPA) and the National Pooling Administrator (PA) during the FCC Numbering Symposium held November 4, 2004.

[6] *See* Nebraska Public Service Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket Nos. 99-200, 96-98 (Nov. 23, 2004) filed by the Nebraska Public Service Commission ("*Nebraska Petition"*).

technologies and increased competition. The NPSC and WVPSC are concerned that many carriers in LNP-capable rate centers outside the top 100 MSAs, have chosen not to participate in optional pooling and continue to request full ten thousand block codes, thus contributing to the early area code exhaust.[8] Where an NPA is in "jeopardy" or under "special circumstances" the Commission may delegate to the state commissions its jurisdiction over numbering administration.[9] Since the *Local Competition Second Report and Order*, the Commission has recognized implementation of numbering relief "is a critical component of encouraging a robustly competitive telecommunications market in the United States."[10] The FCC and state commissions must work together to promote competition while minimizing the cost and complication of area code relief measures to carriers and consumers.

The Commission established a national pooling framework in the *First NRO* asserting, "uniform standards for thousands-block numbering pooling are necessary to minimize the confusion and additional expense related to compliance with inconsistent regulatory requirements."[11] The *First NRO* also confirmed the existing delegation of

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[7] *See* Petition for an Expedited Decision for Delegated Authority to Implement Additional Number Conservation Measures, CC Docket Nos. 99-200, 96-98 (Nov. 1, 2004) filed by the West Virginia Public Service Commission (*"West Virginia Petition"*).

[8] *See Nebraska Petition* at 5; *West Virginia Petition* at 4-5.

[9] *See Numbering Resource Optimization*, CC Docket No. 99-200, FCC 00-104, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd. 7574, 7652 (Mar. 31, 2000) ("First NRO Order") (establishing that state commissions seeking thousands block number pooling authority first 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; also recognizing that "special circumstances" may exist in which pooling would be beneficial in NPAs that do not meet all of the above criteria).

[10] *Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order*, 11 FCC Rcd 19392, 19508 (1996).

[11] First NRO Order, 15 FCC at 7651.

pooling authority to state commissions, but required those commissions to conform their pooling trials to the national pooling framework. Despite the mandate for a uniform numbering plan, the *Nebraska Petition* articulates alternative pooling methods suggested by Nebraska Rural ILECs.[12] CTIA shares Cingular's concern whether the pooling procedures Nebraska PSC contemplates, is consistent with the national pooling framework.[13] The Commission has repeatedly recognized that a uniform, nondiscriminatory national approach to number optimization is critical to achieving its goal of efficient numbering utilization. Thus, the Commission should ensure that any authority delegated to the NPSC excludes the ability to require participation in pooling plans that are inconsistent with the national pooling guidelines.

As Cingular articulates, the Nebraska Rural ILECs' proposal imposes significant additional costs on LNP-capable carriers and is contrary to the Commission's number pooling framework and the Industry Numbering Committee number pooling guidelines.[14] The NPSC's working group report, which evaluated the proposal, reveals technical feasibility but disagreement as to its practicality.[15] The proposal would require modifications to the operating systems of not only LNP-capable carriers, but also the National Thousands-Block Pooling Administrator ("PA") and the Number Portability Administration Center ("NPAC"). As a consequence, LNP-capable carriers would be forced to bear the costs of modifying their own pooling, porting and billing systems as well as share the industry costs to upgrade the NPAC and PA systems – inevitably these

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[12] *See Nebraska Petition* at 7.

[13] *See Cingular Comments* at 3.

[14] *See Cingular Comments* at 4-5.

[15] *See Nebraska Petition* at 7; C-3049 Industry Working Group, Report on Non-LNP Capable Carriers Donating Thousands Blocks (Nov. 18, 2004).

costs would be passed on to consumers.[16] LNP suspension already has placed LNP-capable carriers at a disadvantage to compete with rural ILECs, because these carriers have avoided LNP implementation costs and customers cannot switch from these carriers without changing their numbers. Whether executed by the Commission itself or delegated to a state, FCC regulations require that number administration not unduly favor or disfavor any particular industry segment or group of telecommunications customers and not favor one telecommunications technology over another.[17] It would be inequitable and bad public policy to ask the customers of LNP-capable carriers, to absorb the costs associated with assisting rural ILECs participation in pooling.

The Commission's Number Resource Optimization efforts, such as implementation of thousands-block number pooling, have been extraordinarily successful in extending the projected life of the North American Numbering Plan.[18] The Commission's Numbering Resource Optimization Order adopted a nationwide system for thousands-block number pooling, and while state commissions may identify special circumstances and local conditions which jeopardize specific NPAs, number resource optimization must continue to be administered in conformity with the nationwide plan. If the Commission should find grant of additional delegated authority is warranted, the Commission should not reverse direction and allow a state to adopt solutions that are inconsistent with the FCC's numbering guidelines.

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[16] *See Cingular Comments* at 4.

[17] *See* 47 U.S.C. 251(e)(1); 47 C.F.R. 52.9.

[18] *See* North American Numbering Plan Expansion/Number Optimization, November 7, 2002, Final Report at 11-12 (stating that, depending on the degree of Rate Center Consolidation, the NANP exhaust date is now projected to occur between 2031 and 2040).

CONCLUSION

CTIA supports numbering resource optimization through thousands-block number pooling, and does not oppose Nebraska PSC and West Virginia PSC requests for additional delegated authority to require LNP-capable carriers to participate in pooling outside the top 100 MSAs, consistent with the national pooling framework. CTIA asks the Commission to affirm that grant of additional authority excludes the authority to require carriers to participate in number pooling trials that are contrary to Commission's rules or to the national pooling guidelines.

Respectfully submitted,

/s/ Marlo Go

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