Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Administration of the	)	CC Docket No. 92-237
North American Numbering Plan	)	
Carrier Identification Codes (CICs)	)	

REPLY COMMENTS OF COX COMMUNICATIONS, INC.

Cox Communications, Inc. ("Cox"), by its attorneys, hereby submits these reply comments in response to the Commission's recent *Public Notice* in the above-captioned proceeding and to the comments filed by other parties.[1] Cox supports increasing the number of carrier identification codes ("CICs") that each carrier may request from two to six and allowing carriers to keep a modest number of additional CICs when those codes are acquired through mergers. At the same time, to maintain a level competitive playing field and to ensure that CIC exhaust does not become an issue in the foreseeable future, the Commission should establish a reasonable CIC ceiling of eighteen codes per carrier and require carriers to return CICs in excess of that limit over a reasonable transition period.

I. Introduction

With its affiliates, Cox is one of the largest facilities-based competitive local exchange carriers ("LECs") in the United States, delivering customer choice and competitive rates for phone, video, and high speed Internet access services to residential and commercial customers throughout its service areas. Cox has invested more than $12 billion to upgrade its cable

[1] Comment Sought to Refresh Record on Carrier Identification Code (CIC) Conservation and Definition of "Entity" for Purposes of CIC Assignment, *Public Notice*, CC Docket No. 92–237, DA 05–1154, 70 FR 31405 (2005) (the "*Public Notice*").

networks to offer new and advanced services, including circuit switched and voice over IP telephone services. The result of these investments has been explosive growth – approximately 1.5 million residential customers and 140,000 business locations now purchase Cox Digital Telephone Service – and award-winning service to customers.[2] Given the technical and competitive importance of CICs, Cox has a strong interest in encouraging the Commission to develop rules and policies that lead to an equitable distribution of these codes.

Some of the comments in this proceeding have attempted to minimize the importance of the Commission's oversight of the assignment of CICs, citing the surplus of codes that has been produced by the migration from three-digit to four-digit codes.[3] To the contrary, the Commission's role in CIC administration continues to be very important. As the Commission and commenters in this proceeding have recognized, CICs are a useful tool for a variety of purposes, including routing traffic, internal network configuration, and trunk-group management.[4] In short, the larger the number of CICs a carrier controls, the greater the

[2] For two consecutive years, Cox has received highest honors in J.D. Power and Associates' Local Residential Telephone Customer Satisfaction Study in the Western Region (2003 and 2004) – beating SBC and Qwest, among others. J.D. Power and Associates 2003 Local Residential Telephone Customer Satisfaction Study℠ and 2004 Local Residential Telephone Customer Satisfaction Study.℠ (The 2003 Study was conducted among 8,560 residential users of local telephone services and the 2004 Study was conducted among 10,500 residential users of local telephone services in the 16-state Western Region.) Nationwide, customers ranked Cox first in Customer Satisfaction in J.D. Power and Associates' 2004 Residential Long Distance Service study for bundled services. J.D. Power and Associates 2004 Residential Long Distance Customer Satisfaction Study.℠ (The study was conducted among 10,500 residential long-distance users. The bundled segment includes residential long-distance customers who are billed for other telecom services on the same statement.) http:// www.jdpower.com.

[3] Verizon Comments at 5-6; SBC Comments at 1.

[4] Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), *Further Notice of Proposed Rulemaking*, 13 FCC Rcd 3201, 3205-6 ¶¶ 4-7 (1997) (the "*FNPRM*").

flexibility of its network. CICs are a limited resource, however, even after the Commission required the transition from three to four-digit codes. Allowing carriers to control an unlimited number of CICs therefore is not an option because eliminating limits would quickly exhaust even the expanded pool of four-digit CICs available today. Thus, the Commission's view, expressed in the *FNPRM*, that conservation would remain necessary even after the transition to four-digit CICs remains correct, and the Commission must maintain oversight over the number of CIC codes any single carrier can control.[5]

Eliminating limits on CIC assignments in light of the current surplus also would ignore the important competitive reasons for the Commission to maintain and restore balance between carriers in CIC assignments. Allowing large imbalances between carriers in the number of CICs they are permitted to control could lead to competitive disparities. Carriers with few CICs must make rationing decisions about how they will be used, whereas carriers with comparably more CICs have much greater flexibility in how they can configure their networks. Over time, the necessary differences in network design are likely to create competitive imbalance. It is therefore incumbent on the Commission to guard against permitting wide disparities in the number of CICs any one carrier can control.

II. The Commission Should Raise the Number of CICs that Can Be Assigned from Two to Six and Should Establish an Absolute Ceiling on the Number of CICs any Single Carrier May Control.

When the Commission last examined these issues in 1997, it noted that the North American Numbering Council's ("NANC") CIC Assignment Guidelines recommend that the number of CICs that any one provider can request should be expanded from two to six.[6] Cox

[5] *FNPRM*, 18 FCC Rcd at 3217.

[6] *See id.*

supports this increase, as did each commenter that addressed the issue in response to the *Public Notice*.[7] This measured expansion is reasonable given the enlargement of the pool of available CICs following the transition from three to four-digit codes. Moreover, allowing each carrier to request up to six codes properly balances the interests of conserving CICs while allowing carriers to take full advantage of the network options that multiple CICs create. Allowing a carrier to request up to six CICs should maximize carrier flexibility while guarding against exhaust for the foreseeable future.

Some carriers, however, already control more than six CICs as a result of mergers. Indeed, in at least one case, a carrier may control 100 or more CICs.[8] This is entirely unreasonable, creates a significant potential for unwarranted competitive advantage and wastes a limited numbering resource. To ensure balance in CIC assignments between carriers that have and have not acquired additional CICs through mergers, the Commission must require some carriers to return a number of their codes.

Cox recognizes that there are costs associated with returning CICs. For instance, commenters have pointed out that requiring carriers to return excess CICs to NANC would force those carriers to reprogram their networks to ensure that calls are properly routed and billed.[9]

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[7] This limitation should be established by Commission rule. Cox disagrees with Verizon, which suggests that the Commission should allow NANC to establish the CIC limitation on a going-forward basis. NANC lacks the enforcement authority necessary to ensure that carriers comply with the CIC limitations. Verizon Comments at 6

[8] Reply Comments of Bell Atlantic, filed April 3, 1998, at 2 (describing CICs controlled by WorldCom and MCI before their merger and suggesting that WorldCom alone controlled 80 CICs and that the merged entity might control over 100) ("Bell Atlantic Reply Comments").

[9] Reply Comments of MCI Telecommunications Corporation, filed April 4, 1998, at 9 ("MCI Reply Comments"); Verizon Comments at 6-7.

Consequently, Cox agrees that the Commission should build some flexibility into its rules to accommodate the potential hardships that the commenters have identified.

The Commission should not, however, adopt a rule that allows carriers to retain all of the CICs they have come to control through mergers or otherwise.[10] Instead, the Commission should establish a CIC ceiling and require carriers to return any CICs that they come to control above that ceiling. The ceiling should be reasonably close to the six codes that carriers can obtain individually, but probably no lower than eighteen. Such a ceiling above the assignment limit of six would minimize the amount of network reconfiguration that merging carriers must perform without giving those carriers an unreasonable advantage over carriers that are not and have not been involved in mergers and are not increasing the number of CICs they control.

To further accommodate merging carriers, the Commission should adopt a reasonable transition period that would allow carriers to control a number of CICs above the ceiling for a period of time after the carrier acquires control of them.[11] A reasonable transition period would enable carriers to perform the adjustments to their networks necessary to begin using the number of CICs they are permitted under the Commission's rules and to return the excess.

To ensure that non-merging parties are not competitively harmed by the 6-CIC limit, the Commission should permit all carriers to acquire additional CICs up to the ceiling through a

[10] Bell Atlantic Reply Comments at 2-3. Verizon has abandoned the position that its predecessor took on this issue. Verizon Comments at n.10.

[11] The Commission also should consider adopting additional transitional measures to help minimize the cost to all carriers of the network changes that would be required when excess CICs are returned. For example, the pre-merger MCI and WorldCom cited the expense associated with PIC changes for customers associated with excess CICs. MCI Reply Comments at 9; Comments of WorldCom, Inc. at 11. Such problems could be addressed in a variety of ways, such as temporarily grandfathering use of some codes for existing carrier lines until the number of lines associated with the CICs dropped to a level where the expense of returning the code would be minimal.

waiver process upon a showing of good cause. This standard should be satisfied by a showing that the supplementary CICs would enable the requesting carrier to optimize the performance of its network. The combination of CIC-return from merging carriers and a reasonable waiver process should eventually bring carriers to CIC parity, eliminating competitive concerns.

III. CONCLUSION

For the foregoing reasons, Cox respectfully requests that the Commission expand the number of CICs that NANC can assign to a single requesting carrier from two to six. Cox further requests that the Commission establish a CIC ceiling of eighteen, above which carriers will be required to return excess CICs to NANC.

Respectfully submitted,

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