

**Before the
FEDERAL COMMUNICATIONS COMMISSION**

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

**PETITION FOR DELEGATED AUTHORITY
BY THE PUBLIC UTILITIES COMMISSION OF OHIO**

I. INTRODUCTION

The Public Utilities Commission of Ohio (PUCO) hereby requests an additional delegation of authority from the Federal Communications Commission (FCC) in order to implement additional number conservation measures in the state of Ohio. Specifically, the PUCO seeks to implement mandatory thousands-block number pooling in those portions of the state in which such pooling is not currently present, including portions of the 330/234, 419/567, 740, and 937 NPAs. Mandatory pooling would then apply to all rate centers in these NPAs, including those outside of the top 100 metropolitan statistical areas (MSA) in which two or more carriers operate that have implemented local number portability.

Previously the FCC, pursuant to its Order of November 30, 1999, in CC Docket No. 96-98, *In the Matter of the Petition of the Ohio Public Utilities Commission for Delegation of Additional Authority to Implement Number Conservation Measures*, granted the PUCO the authority to set NXX code allocation standards; reclaim unused and reserved NXX codes, and thousand number blocks within those codes; investigate and order the return of reserved and

protected central office (NXX) codes; require sequential number assignment; and institute thousands-block pooling trials.

Pursuant to this petition, the PUCO requests that the FCC expand the scope of the PUCO's delegated authority to include mandatory implementation of number pooling for all rate areas in Ohio outside the top 100 Metropolitan Statistical Areas (MSAs) in which two or more carriers operate that use numbering resources and have implemented local number portability (LNP). In support of this petition, the PUCO relies on Section 251(e)(1) of the Telecommunications Act of 1996, which allows the FCC to delegate some or all of its numbering authority. Additionally, the PUCO recognizes that the FCC granted states the authority to implement thousands-block number pooling on an individual basis. This delegation of authority was applicable to either NPAs in the top 100 Metropolitan Statistical Areas (MSAs) or an NPA in which the majority of the wireline carriers in the NPA are LNP capable and the state can demonstrate special circumstances where pooling would be of benefit.¹

Further, although the FCC previously rejected a request to delegate authority to the states to determine on a case-by-case basis whether to extend pooling requirements, it acknowledged that it would entertain requests from state commissions to opt into the rollout schedule for MSAs outside the top 100.²

1 *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rule Making (rel. March 31, 2000), ¶170.

2 *Numbering Resource Optimization*, Third Report and Second Order on Reconsideration (rel. December 28, 2001), ¶21.

As a result of the FCC's required provisioning of local number portability (LNP) outside of the top 100 MSAs³, almost the entire state of Ohio currently has the availability of LNP. By allowing Ohio to extend the benefits of LNP as a result of the deployment of local number pooling beyond the top 100 MSAs, the FCC will be proactively addressing the concern of NPA and NXX exhaust as competition extends beyond the top 100 MSAs.

II. DISCUSSION

Ohio currently has 10 active NPAs (216, 234, 330, 419, 440, 513, 567, 614, 740, and 937), 2 of which are overlays (234 and 567). Ohio also has 7 MSAs in the top 100 MSAs (Columbus, Cincinnati, Cleveland, Akron, Youngstown-Warren, Toledo, Dayton-Springfield). Ohio has mandatory pooling in at least some portion of all of its NPAs due to portions of these top 100 MSAs falling within each of Ohio's NPAs. For the vast majority of the Ohio rate centers located outside of the top 100 MSAs, "optional" or "excluded-from" pooling exists. While recognizing that it has seen the benefits of pooling in all of its NPAs, the PUCO believes that the opportunity for even more benefits lies in having mandatory pooling in all rate centers throughout all of its NPAs.

Four of Ohio's NPAs (216, 440, 513, and 614) have mandatory pooling in the entire NPA. All four are largely urban with at least one top 100 MSA in each NPA. The overall percentage of utilization of numbers is higher in these four NPAs than in the other six NPAs partly due to mandatory pooling. Prior to the implementation of pooling, two of these NPAs (513 and

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

614) were ready to exhaust and overlay NPAs were already assigned by the North American Numbering Plan Administrator (NANPA). Specifically, in May 2000, the 513 NPA was forecasted to exhaust by the third quarter of 2001 and the 614 NPA was forecasted to exhaust by the third quarter 2002.

Once mandatory pooling was implemented in first quarter 2003 for both the 513 and 614 NPAs in their entirety, the lives of these two NPAs have been increased by 11 and 12 years respectively (based on the latest forecast in April 2005). The two overlays assigned to these NPAs have not been implemented largely due to the benefits of the mandatory pooling. With respect to the 440 and 216 NPAs, mandatory pooling was implemented throughout the entire NPAs in 2002 and 2003 respectfully. When compared to the exhaust forecasts in May 2000, the life expectancies for the 440 and 216 NPAs increased by 9 and 12 years respectively. The following chart illustrates the benefits experienced in Ohio with mandatory pooling in these NPAs:

Area code	May, 2000		April, 2005	
216	2 nd	2004	4 th	2016
440	2 nd	2004	3 rd	2013
513/283*	3 rd	2001	2 nd	2013
614/380*	3 rd	2002	2 nd	2013

* - overlay not yet implemented

Of the remaining 6 NPAs (330/234, 419/567, 740, 937), two of which are overlays, all are more rural with a large amount of optional pooling and rate centers labeled as excluded from pooling. The chart below depicts the May 2000 and April 2005 forecasted exhaust dates for

these NPAs. Specific to the 740 and 937 NPAs, the forecasted exhaust dates have gained less than 2 years and less than 6 years respectively.

Area code	May, 2000		April, 2005	
330/234	3 rd	2009	3 rd	2026
419/567	1 st	2002*	4 th	2017
740	4 th	2006	1 st	2008
937	4 th	2003	2 nd	2009

* - 567 overlay not yet implemented thus not included in this forecast

The PUCO believes that one of the factors for these early exhaust dates in the 740 and 937 NPAs is that numbers are not being utilized in these more rural NPAs as efficiently as they could be if mandatory pooling was required in all the rate centers. The 740 NPA is Ohio's largest and most rural NPA, encompassing almost half of Ohio's 88 counties. Although the 740 NPA is the nearest to exhaust, NANPA reported only a 27 percent utilization of numbers at the end of 2004. The 419 NPA, which has now been labeled as "exhausted" by NANPA, had only a 33 percent utilization of numbers. The 937 NPA was slightly better with 37 percent utilization. The 330 NPA had a 40 percent utilization reported. The PUCO believes that requiring mandatory pooling in all rate centers may be extremely beneficial in resulting in an increased utilization percentage of numbers. Currently, the 740 NPA, for example, has only 28 percent of its rate centers with mandatory pooling. The 419/567 NPA has only 25 percent with mandatory pooling.

The 937 NPA paints a slightly different picture since it includes basically 14 counties, two of which are in the top 100 MSAs of Dayton and Cincinnati. The 937 NPA, consequently, has approximately 68 percent of its rate centers required to have mandatory pooling. The

remaining 32 percent have either optional pooling or are labeled as excluded from pooling. These remaining rate centers are also near the Columbus urban area, another top 100 MSA. By capturing the remaining 32 percent in mandatory pooling and using the remaining available numbers more efficiently, the PUCO believes that we may be able to extend the life of the 937 NPA, thus delaying the need for relief efforts. The 330/234 NPAs are similarly situated to the 937 NPA, although with the 234 overlay in place its exhaust date is several years from now. The 330/234 NPAs cover 11 counties in Ohio and include three, top 100 MSAs (a portion of the Cleveland MSA, Akron/Canton, and Youngstown. Consequently, 67 percent of the rate centers in the 330/234 NPAs have mandatory pooling.

Voluntary number pooling in LNP-capable rate centers outside the top 100 MSAs in Ohio has not worked as efficiently as anticipated. Problems exist in rate centers with optional pooling. Due to their “optional” status, some carriers may not be prepared to donate to the number pools in a timely manner and may not take their forecasting obligations seriously. In addition, service providers in optional areas may not have conducted the research necessary to immediately donate clean or slightly contaminated blocks to the pool when requested by the Pooling Administrator (PA). This situation causes a delay in providing numbering resources to a requesting carrier and may force that carrier to have to request a full central office code, thus, eliminating the benefits of pooling and the efficient use of numbering resources. If mandatory pooling existed in the currently optional rate centers, service providers would be required to assess their needs in a timely manner. As a result, blocks of numbers would be donated efficiently and would be available to be assigned when needed. Mandatory pooling should be

required rather than optional. Optional pooling leaves the decisions to pool to the discretion of competing service providers which have no incentive to aid their own competitors. Mandatory pooling would also allow the PA, as well as the state and federal regulators, to ensure compliance with the FCC pooling mandates and perform audits where appropriate.

The PUCO maintains that the requested additional delegation of authority from the FCC to implement number conservation measures, such as mandatory thousands-block pooling, in the 234/330, 419/567, 740 and 937 NPAs is absolutely necessary given the recent increase in numbering activity in Ohio. Ohio is experiencing an increase in the demand for numbering resources in our more rural areas outside of the top 100 MSAs. The PUCO firmly believes that exhaust dates for a number of its NPAs will move up in NANPA's next forecast. The FCC should allow Ohio to fully utilize all tools available to optimize its numbering resources and to delay any relief efforts.

The 740 NPA, currently projected to exhaust in the 1st quarter of 2008, had 216 blocks assigned in all of 2004. Already in the first half of 2005, 152 blocks have been assigned, 70 percent of the number assigned in 2004. The 937 NPA, projected to exhaust in the 2nd quarter of 2009, has already surpassed the number assigned in 2004 (108) with 114 assigned in the first half of 2005. Also in the first half of 2005, the 937 NPA has more than doubled the number of NXX codes assigned in 2004, with 6 in 2004 and 14 in 2005.

The other two more rural NPAs have also seen a huge increase in numbering activity. The 330/234 NPA combined had 159 blocks assigned in 2004. Already in the first half of 2005, 173 blocks have been assigned. The same is true for the 419/567 NPA. 137 blocks were

assigned in the entire year of 2004 and 169 have already been assigned in 2005 through the end of June. The following chart helps to illustrate the growth in numbering assignment in the Ohio NPAs with optional and excluded pooling rate centers:

Growth Chart

NPA	Codes Assigned in 2004	Codes assigned in 2005 - through June	Blocks Assigned in 2004	Blocks assigned in 2005 - through June
330/234	16	7	159	173
419/567	45	6	137	169
740	49	6	216	152
937	6	14	108	114

Although the 330/234 and 419/567 NPAs have much later exhaust dates, the PUCO believes that now is the time to deal with their optional pooling problems rather than wait until these NPAs are near exhaust and are still experiencing low utilization of the actual numbers available.

III. CONCLUSION

The FCC concluded in the *Second Report and Order* that the “state commissions are uniquely positioned to evaluate the best relief plan on a case-by-case basis and, therefore, the determinations of appropriate relief should be left to state commissions.”⁴ By delegating the PUCO the requested additional numbering authority in the 330/234, 419/567, 740, and 937 NPAs, the FCC will place the PUCO in the position to be better prepared to deal with the num-

⁴ *Numbering Resource Optimization, Second Report and Order*, CC Docket No. 99-200, FCC 00-429, December 29, 2000, at paragraph 68.

bering demands from new technologies, services, and players on the horizon. To do otherwise would be similar to having the most sophisticated airport tower technology available, but not giving the air traffic controllers in the local towers the authority to handle the resulting increased air traffic. The FCC will be allowing the PUCO to be able to more fully utilize all of the numbering resource tools available to the maximum extent possible. The PUCO further requests FCC action on this request as soon as possible due to the approaching need to begin area code relief measures, especially in the 740 and 937 rate centers.

Respectfully submitted,

Public Utilities Commission of Ohio

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