

II. The Commission's Historical Jurisdiction Regarding the North American Numbering Plan and Telephone Numbering Issues.

In the *Number Resource Optimization First Report and Order*, the Commission identified two goals related to its plenary jurisdiction over the North American Numbering Plan ("NANP") and related telephone numbering issues.³ The first goal identified was to ensure that the limited numbering resources of the NANP are used efficiently, to protect consumers from the expense and inconvenience that result from the implementation of new area codes. The second goal that was identified was to ensure that all carriers have the numbering resources they need to compete in the telecommunications marketplace.

In addition to identifying its goals related to its jurisdiction, the Commission also established that the rapid depletion of numbering resources nationwide and the potential it creates for NANP exhaust are national problems that must be dealt with at the federal level. However, the Commission recognized that states play an important role in the management of numbering resources, and therefore the Commission would continue to work with the states to implement a national numbering resource optimization framework.⁴

In the *Number Resource Optimization First Report and Order*, the Commission adopted national thousands-block number pooling as the mechanism to remedy inefficient allocation and use of numbering resources, and determined to implement thousands-block pooling in the 100 largest MSAs. The Commission also allowed state

³ See *In the Matter of Numbering Resource Optimization*, CC Docket 99-200, FCC 00-104, Report and Order and Further Notice of Proposed Rulemaking, (*Number Resource Optimization First Report and Order*) (rel. March 31, 2000) at p.4.

⁴ *Id.* at p. 5.

commissions to continue to implement thousands-block pooling pursuant to delegated authority, and agreed to consider state petitions for delegated authority on a case-by-case basis.

III. Current Requirements Which States Must Demonstrate for Delegated Authority to Mandate Thousands-Block Pooling

State commissions which petition the Commission for delegated authority must demonstrate that: (1) An NPA in its state is in jeopardy; (2) the NPA in question has a remaining life span of at least one year; and (3) the NPA is in one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable. The Commission may also authorize mandatory pooling in such an NPA upon satisfactory showing by a state commission of special circumstances.

The Nebraska Companies believe that there should be a more efficient and predictable mechanism by which the Commission extends mandatory thousands-block number pooling to the states other than by its current process in which each state is delegated authority on a case-by-case basis.

IV. The Nebraska Companies' Proposed Method of Extending Mandatory Thousands-Block Pooling.

The Nebraska Companies believe that to ensure pooling is implemented in areas where it has the potential to be most beneficial, the Commission should extend mandatory thousands-block pooling to a state well in advance of the NPA in question being declared to be in jeopardy and, if possible, prior to the NPA in question having a remaining life of one year. The Nebraska Companies also believe that the Commission should establish a more predictable mechanism by extending pooling to all rate centers within specified NPAs using a phased implementation schedule. Under such an

approach, the Commission could initially expand pooling to NPAs that are within the Commission's suggested three years of exhaust, and continue to expand pooling to other NPAs as they reach three years to exhaust.⁵

For example, based upon the NANPA 2005 Annual Report and its 2005 NRUF and NPA Exhaust Analysis, an estimated 22 NPAs in 16 states are projected to exhaust during a three-year period of time beginning in the 2nd quarter of 2006 and ending in the 2nd quarter of 2009. Based upon the same analysis, an additional 14 NPAs in 12 states are projected to exhaust beginning in the 3rd quarter of 2009 and ending the 2nd quarter of 2010.⁶

Expanding pooling to NPAs that are within three years of exhaust, and continuing to expand pooling to other NPAs as they reach three years to exhaust, would expand pooling from the 2nd quarter of 2006 to the end of the 2nd quarter of 2010 for approximately 36 NPAs, without the costs associated with separate case-by-case petitions before the Commission for each of the NPAs nearing exhaust. In addition, expanding pooling to NPAs based upon a time to exhaust would establish a more predictable mechanism whereby all interested parties would have knowledge of the pending and eventual requirement to implement mandatory thousands-block number pooling within the affected NPA.

V. Conclusion

Based upon the efficiency and predictability of implementing thousands-block number pooling in NPAs where it has the most potential to be most beneficial, the

⁵ See *In the Matter of Numbering Resource Optimization*, CC Docket 99-200, FCC 06-14, Order and Fifth Further Notice of Proposed Rulemaking, (“*Number Resource Optimization First Report and Order*”), (rel. February 24, 2006) at para. 17.

⁶ See *NANP 2005 Annual Report*, Attachment 6- 2005 NRUF and NPA Exhaust Analysis.

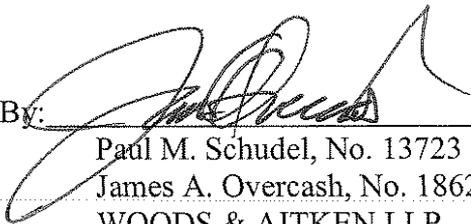
Nebraska Companies recommend that the Commission adopt the approach whereby it expands pooling to NPAs that are within three years of exhaust and to continue to expand pooling to other NPAs as they reach three years to exhaust.

Dated: May 12, 2006.

Respectfully submitted,

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