

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

In the Matter of)
)
Numbering Resource Optimization) CC Docket No. 99-200

**COMMENTS
OF THE
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT
OF SMALL TELECOMMUNICATIONS COMPANIES**

I. INTRODUCTION

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO)¹ hereby submits these comments in response to the Fifth Further Notice of Proposed Rulemaking (FNPRM) in the above-captioned proceeding.² The FNPRM seeks comment on whether the Commission should delegate to the states the authority to implement mandatory thousands-block number pooling in areas outside the top 100 metropolitan statistical areas (MSAs) at their discretion.³

The Commission should delegate to the states the authority to implement mandatory thousands-block number pooling, but with a directive that they must exempt rural ILECs that have not received a request to provide local number portability (LNP).

¹ OPASTCO is a national trade association representing over 550 small incumbent local exchange carriers (ILECs) serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve more than 3.5 million customers. All OPASTCO members are rural telephone companies as defined in 47 U.S.C. §153(37).

² *Numbering Resource Optimization, Petition of the West Virginia Public Service Commission, et al. for Expedited Decision for Authority to Implement Additional Number Conservation Measures*, CC Docket No. 99-200, Order and Fifth Further Notice of Proposed Rulemaking, 21 FCC Rcd 1833 (2006) (FNPRM).

³ FNPRM, 21 FCC Rcd 1839-1840, ¶¶16-18.

Such a directive would be consistent with prior Commission rulings in CC Docket No. 99-200, which recognize that the benefits of requiring rural carriers that have not received a request for LNP to participate in thousands-block number pooling do not outweigh the cost burdens it would impose on them and their customers.

II. THE COMMISSION SHOULD GIVE THE STATES DELEGATED AUTHORITY TO IMPLEMENT MANDATORY THOUSANDS-BLOCK NUMBER POOLING, BUT WITH A DIRECTIVE TO EXEMPT RURAL ILECS THAT HAVE NOT RECEIVED A REQUEST FOR LOCAL NUMBER PORTABILITY

OPASTCO is supportive of measures to extend the life of numbering plan areas (NPA) that balance the need to allocate numbering resources more efficiently with the need to avoid imposing unnecessary burdens on rural ILECs and their customers. The implementation of thousands-block number pooling is a valid measure to postpone the need for area code relief and is preferable to area code splits and overlays. In addition, granting the states delegated authority to implement mandatory thousands-block number pooling with certain conditions is more efficient than the FCC having to review multiple state petitions for such authority.

However, OPASTCO is opposed to mandatory thousands-block number pooling in circumstances where it is not justified, such as in areas served by rural telephone companies that lack competition. In these circumstances, the costs imposed by the implementation of thousands-block number pooling would far outweigh the minimal benefits it would have on the conservation of numbering resources, and would divert rural carriers' limited financial resources from investments that would actually benefit customers.

Therefore, the FCC should give state commissions delegated authority to implement mandatory thousands-block number pooling at their discretion, but at the same time direct them to exempt from participation rural ILECs that have not received a request for LNP. Such a directive would be entirely consistent with previous Commission decisions in this docket.⁴

In the Fourth Report and Order issued in CC Docket No. 99-200, the FCC acknowledged that the costs of implementing thousands-block number pooling without having first implemented LNP would be particularly burdensome for rural ILECs.⁵ The Commission also recognized that these costs may ultimately be passed on to customers.⁶ In addition, the Commission also stated that:

Where there is less competition, and therefore fewer carriers requiring numbering resources, pooling may have less impact on numbering resource exhaust. Because many rural and other small carriers operate in areas where they are the only or one of a few service providers, they are less likely to require multiple NXX codes or blocks of numbers in a manner that will drive premature area code exhaust.⁷

Considering both the costs of implementing thousands-block number pooling and the effect of competition on numbering resource exhaust, the Commission ultimately determined that "... the added benefits to be gained by requiring carriers that have not received a request for LNP to participate in [thousands-block number] pooling do not

⁴ In the FNPRM, the Commission stated that any expansion of number pooling would be subject to its current numbering rules and number pooling guidelines. *Id.*, 21 FCC Rcd 1840, ¶18.

⁵ *Numbering Resource Optimization*, CC Docket No. 99-200, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, *Telephone Number Portability*, CC Docket No. 95-116, Fourth Report and Order and Fourth Further Notice of Proposed Rulemaking, 18 FCC Rcd 12472, 12478, ¶16 (2003) (Fourth Report and Order).

⁶ Fourth Report and Order, 18 FCC Rcd 12478-12479, ¶18.

⁷ *Id.*, 18 FCC Rcd 12478, ¶17.

outweigh the potential burden, specifically the costs associated with pooling, on such carriers.”⁸

The February 24, 2006 Order issued in conjunction with the FNPRM, which granted five states the authority to implement mandatory thousands-block number pooling in certain NPAs outside the top 100 MSAs, was consistent with the Fourth Report and Order.⁹ The Commission required the states to exercise their authority in accordance with the exemption for carriers that have not received a request for LNP.¹⁰

Therefore, should the Commission decide to give the states the authority to mandate thousands-block number pooling at their discretion, it is imperative that it maintain consistency with both the Fourth Report and Order and the February 24, 2006 Order by directing the states to exempt rural ILECs that have not received a request for LNP. Such a policy would balance the need to optimize numbering resources with the need to minimize unnecessary costs and burdens imposed on rural ILECs and their customers.

III. CONCLUSION

The FCC should grant states the authority to implement mandatory thousands-block pooling outside the top 100 MSAs at their discretion, but with a directive to exempt rural ILECs that have not received a request for LNP. This approach is consistent with two prior Commission Orders in CC Docket No. 99-200. Moreover, it balances the duties of the FCC and state commissions to promote efficient and effective numbering resource optimization with the need to avoid imposing unnecessary costs on rural carriers and their customers.

⁸ *Id.*, 18 FCC Rcd 12478-12479, ¶18.

⁹ FNPRM, 21 FCC Rcd 1838, ¶11.

¹⁰ *Id.*, 21 FCC Rcd 1838, ¶11 (Citing the Fourth Report and Order, 18 FCC Rcd 12472-12473, ¶1).

Respectfully submitted,

**ORGANIZATION FOR THE PROMOTION
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Certificate of Service

I, Brian Ford, hereby certify that copies of OPASTCO's comments were sent on this, the 15th day of May, 2006, via electronic mail to those listed on the attached sheet.

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