

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

In the Matter of	)	CC Docket No. 99-200
Numbering Resource Optimization	)	
Petition of the West Virginia Public Service Commission for Expedited Decision for Authority to Implement Additional Number Conservation Measures	)	
Petition of the Nebraska Public Service Commission for Expedited Decision for Authority to Implement Additional Number Conservation Measures	)	
Petition of the Oklahoma Corporation Commission for Expedited Decision for Authority to Implement Additional Number Conservation Measures	)	
Petition of the Michigan Public Service Commission for Additional Delegated Authority over Numbering Resource Conservation Measures	)	
Petition of the Missouri Public Service Commission for Additional Delegated Authority to Implement Number Conservation Measures.	)	
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**COMMENTS OF THE  
NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**

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## I. INTRODUCTION

The National Association of State Utility Consumer Advocates (“NASUCA”)<sup>1</sup> offers these comments in response to the *Order and Fifth Further Notice of Proposed Rulemaking*.<sup>2</sup> In these comments, NASUCA responds to the questions raised in the *FNPRM*. NASUCA expects to reply in response to the comments of other parties pursuant to the schedule established in the *FNPRM*. As a preliminary matter, NASUCA applauds the Federal Communications Commission (“Commission”) for having granted the Petitions at issue here. This relief will allow the consumers in Petitioners’ respective states to avoid the expense and inconvenience of premature implementation of area code relief caused by inefficient allocation and numbering assignment practices.

## II. THE COMMISSION SHOULD GRANT AN ADDITIONAL DELEGATION OF AUTHORITY TO ALL OF THE STATES

The *FNPRM* explains the current three-prong test which the Commission employs to evaluate state petitions for authority to impose mandatory thousands-block number pooling in rate centers which do not fall within the top 100 metropolitan statistical areas (“MSAs”). *FNPRM* at 4. It then asks whether the Commission should continue its current practice of entertaining case-by-case petitions, or extend deployment of mandatory thousands-block number

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<sup>1</sup> NASUCA is a voluntary, national association of 45 consumer advocates in 42 states and the District of Columbia, organized in 1979. NASUCA’s members are designated by the laws of their respective states to represent the interests of utility consumers before state and federal regulators and in the courts. *See, e.g.*, Ohio Rev. Code Chapter 4911; 71 Pa. Cons. Stat. Ann. § 309-4(a); Md. Pub. Util. Code Ann. § 2-205(b); Minn. Stat. Ann. Subdiv. 6; D.C. Code Ann. § 34-804(d). Members operate independently from state utility commissions, as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (*e.g.*, the state Attorney General’s office). Associate and affiliate NASUCA members also serve utility consumers, but have not been created by state law or do not have statewide authority.

<sup>2</sup> *In the Matter of Numbering Resource Optimization, Petition of the West Virginia Public Service Commission for Expedited Decision for Authority to Implement Additional Number Conservation Measures et. al.*, CC Docket No. 99-200, *Order and Fifth Further Notice of Proposed Rulemaking*, FCC 06-14 (rel. February 24, 2006) (“*FNPRM*”).

pooling by granting delegated authority to the states to implement mandatory thousands-block number pooling (“pooling”) at their discretion. *FNPRM* at 16.

NASUCA urges the Commission to grant delegated authority to the states for this purpose. As the Commission has recognized, pooling provides for a more efficient allocation of numbering resources. However, as the Commission noted, voluntary pooling has not proven as beneficial as had been hoped. *FMPRN* at 7. Accordingly, in order to further the Commission’s goal of efficient use of numbering resources in the context of using current pooling practices, the most expedient path is to grant additional delegated authority to the states to implement mandatory pooling in rate centers other than those which fall into the top 100 MSAs. The sooner pooling is implemented in a numbering plan area (“NPA”),<sup>3</sup> the longer it will be before relief must be implemented. Requiring pooling earlier rather than later is thus an efficient management practice for this scarce resource.

Pooling provides NANP-wide<sup>4</sup> benefits by slowing the rate at which new NPAs must be opened. Just as there is a limited quantity of numbers available to assign to customers within an area code, there is similarly a limited number of NPAs within the entire NANP. Maximizing the efficient use of this resource benefits all, inasmuch as expanding the NANP to increase the number of NPAs will be staggeringly expensive. Further, consumers benefit from maximizing efficient use of this public resource when they are spared from prematurely enduring the inconvenience and expense associated with implementation of a new area code, such as changing signage, stationery, reprogramming private branch exchanges (“PBXs”) and alarm systems (which must be done regardless of the type of relief selected), etc.

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<sup>3</sup> Numbering Plan Area—the technical term for what are commonly referred to as area codes.

<sup>4</sup> The NANP is the North American Numbering Plan, the basic numbering scheme for the United States, Canada, and many Caribbean countries.

At least initially, mandatory pooling should be extended by giving the states delegated authority to implement pooling at their discretion. Just as the Commission found when it delegated authority to the states to select the type of relief when a new area code needed to be implemented, the states are best positioned to monitor the status of each of the NPAs within their jurisdiction, and are best able to determine where implementation of mandatory pooling would provide a public benefit. This approach would also be administratively efficient for the Commission because the Commission staff would be spared from having to review, under sometimes lengthy procedural requirements, what could well be an increasing amount of petitions filed pursuant to the current case-by-case review process.

### **III. A PHASED-IN NATIONAL POOLING IMPLEMENTATION SCHEDULE SHOULD BE ESTABLISHED**

As explained in Section II *supra*, the Commission should grant an additional delegation of authority to states, and could do so on a relatively expedited basis. However, the Commission should also consider a longer-term comprehensive solution, such as extending mandatory pooling to all rate centers, perhaps subject to the current exemption for those rate centers where only one carrier holds numbering resources. This could be accomplished in a phased fashion similar to the way in which mandatory pooling was rolled out for the top 100 MSAs.

Mandating a phased, scheduled roll out of pooling has a number of advantages over some of the other options upon which the Commission seeks comment. For example, the Commission has already tentatively concluded that the first and third prongs of the current three-part test are either irrelevant or unnecessary to further the Commission's goals relating to efficient numbering administration practices. *FNPRM* at 17. Continued use of the second prong, which requires that

the NPA in question have a remaining life span of at least a year, would readily be rendered moot by adoption of a phased implementation schedule.

As the Commission is aware, forecasting NPA exhaust, while much improved with the advent of mandatory NANP Numbering Resource Utilization Forecast (“NRUF”) reporting, is still an inexact science. Requiring what would essentially be rolling mandatory pooling implementation based on some expected period of exhaust within each NPA, whether it be one year, three years, or some other time frame, raises a host of implementation issues which could cause operational problems. For example, trying to hit a moving target of NPA exhaust would almost certainly require frequent review by Commission staff of NRUF data (which is filed twice a year) and frequent consultation with the NANP Administrator (“NANPA”).<sup>5</sup> NRUF data is a snapshot in time. While it is desirable to grant the states the authority to mandate pooling on an *ad hoc* basis, and the Commission should do so, it would be both prudent, and more administratively feasible, to use NRUF exhaust projections to set a fixed phased implementation schedule for roll out of mandatory national pooling. The Commission could use NRUF data and NANPA exhaust projections as of a certain date as the basis for how a *planned* phased rollout should be structured.

A rolling (rather than a fixed) schedule based upon projected exhaust dates could have significant operational implications which might affect customers. Service providers need to be able to design and implement necessary systems changes, address vendor issues, and do operational testing to ensure systems will function properly. Similarly, they likely would benefit from a planned time frame which would allow them to perform orderly planning and budgeting

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<sup>5</sup> NANPA, under contract with the Commission, is responsible for (among other things) assigning full NXX codes of ten thousand numbers to service providers seeking numbering resources in rate centers which are not pooled. The Pooling Administrator is responsible for assigning thousands blocks in rate centers which are pooled.

for pooling roll out for individual operating companies as well as for the few remaining post-merger parent companies. An orderly and predictable schedule would also facilitate testing, turn-up and other scalability issues for NANPA, and simplify the coordination process with the NANPA to cut-over number assignment responsibilities as each rate center enters into pooling.

NASUCA is not suggesting that any of the operational concerns discussed should be considered a bar to mandating national thousands-block number pooling—quite the opposite. Rather, we raise the concerns as explanations for why an orderly, planned, phased roll-out would minimize potential customer-affecting failures, allow service providers to efficiently manage their networks, and deliver the benefits of increased efficiency in number allocation and assignment practices to consumers throughout the NANP.

#### **IV. CONCLUSION**

The Commission should expeditiously grant a broad additional delegation of authority to the states to allow them to require mandatory thousands-block pooling in rate centers outside of the top 100 MSAs. After doing so, the Commission should establish a planned phased national roll-out schedule to implement pooling in all of the rate centers which are not currently pooled, subject to the possible continuation of the current exemption for rate centers where only one service provider holds numbering resources.

Respectfully submitted,

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