

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

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

---

**REPLY COMMENTS OF THE  
NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**

---

## I. INTRODUCTION

The National Association of State Utility Consumer Advocates (“NASUCA”)<sup>1</sup> offers these reply comments in response to parties’ opening comments regarding the *Order and Fifth Further Notice of Proposed Rulemaking*.<sup>2</sup> NASUCA will not address all issues raised in the opening comments. Silence on a particular issue should not be construed as agreement with the position of any party.

## II. THE COMMISSION SHOULD GRANT A BROAD ADDITIONAL DELEGATION OF NUMBER-POOLING AUTHORITY TO ALL OF THE STATES.

NASUCA urges the Commission to grant delegated authority to the states to mandate number pooling in rate centers outside of the top 100 Metropolitan Statistical Areas (“MSAs”). The majority of commenting parties agree.<sup>3</sup> As the Commission itself has recognized, pooling provides for a more efficient allocation of numbering resources.

---

<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*”).

<sup>3</sup> *See* Comments of the New York Public Service Commission (“NYPSC”) at 4-5; Comments of Verizon, Inc. at 1; Comments of the National Association of Regulatory Utility Commissioners (“NARUC”) at 3; Comments of the California Public Utilities Commission and the People of the State of California (“CPUC”) at 3-4; Sprint Nextel Corporation Comments (“Sprint/Nextel”) at 2; Comments of the Indiana Utilities Regulatory Commission at 3; Comments of the Idaho Public Utilities Commission (“IPUC”) at 3; Comments of the South Dakota Public Utilities Commission (“SDPUC”) at 3; Comments of the Texas Public Service Commission at 2; Comments of the Ohio Public Utilities Commission (“OPUC”) at 6; Comments of OPASTCO at 2; Comments of the Kentucky Public Service Commission at 3; Comments of the Iowa Utilities Board at 2.

*FNPRM* at 7. Virtually every commenting party mentioned the substantial benefits to be gained from mandatory implementation of number pooling. Several states noted that voluntary pooling has not proven as beneficial as had been hoped.<sup>4</sup>

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. This authority should also explicitly encompass authority to mandate pooling in rate centers outside of the top 100 MSAs that are part of a numbering plan area ("NPA") that has other pooled rate centers.<sup>5</sup>

The sooner pooling is implemented in a given NPA, the longer it will be before numbering relief must be implemented, with the attendant costs imposed upon consumers. Requiring pooling earlier rather than later is an efficient management practice for this scarce resource. NASUCA notes that pooling has successfully extended the life of NPAs which were in imminent danger of exhaust based upon industry projections. NASUCA does not oppose, however, the proposal that an NPA should have a projected life of no less than one year when pooling is implemented.<sup>6</sup>

---

<sup>4</sup> Comments of NARUC at 4-5; Comments of OPUC at 8.

<sup>5</sup> Comments of CPUC at 3-4; IURC Comments at 7-8.

<sup>6</sup> Comments of NYPSC at 5; Comments of CPUC at 6; Comments of Sprint/Nextel at 3; Comments of Nebraska Rural Independent Telecommunications Companies ("Nebraska Rural") at 3.

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

As explained above, the Commission should grant an additional delegation of authority to states, and could do so on a relatively expedited basis. Given the scarcity of this resource and the cost of reform if the resource is exhausted, however, the Commission should also consider a longer-term comprehensive solution, such as extending mandatory pooling to all rate centers, subject to the current exemption for those rate centers where only one carrier holds numbering resources or those rate centers for which no bona fide request for local number portability (“LNP”) has been received. This could be accomplished in a phased fashion similar to the way in which mandatory pooling was rolled out for the top 100 MSAs. Several commenting parties pointed out the value of a mandatory phased national pooling rollout.<sup>7</sup>

As the Commission is aware, forecasting NPA exhaust, while much improved with the advent of mandatory North American Numbering Plan (“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. 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

---

<sup>7</sup> Comments of NYPSC at 5; Comments of CPUC at 6; Comments of Sprint/Nextel at 3; Comments of Nebraska Rural at 3.

implementation schedule for a roll out of mandatory national pooling.<sup>8</sup> 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. This approach would render moot the concerns about rolling pooling implementation and the need to coordinate unpredictable *ad hoc* pooling rollout expressed by some of the commenting parties.<sup>9</sup>

The Commission should also tighten its reporting requirements, as several commenting parties have explained.<sup>10</sup> Upon conclusion of the national pooling rollout, the Commission should consider moving to a mandatory 25% contamination rate.<sup>11</sup>

#### **IV. RURAL LECS**

OPASTCO and the National Telephone Cooperative Association (“NTCA”) both raise concerns about potential financial impacts of pooling upon rural service providers.<sup>12</sup> NASUCA is sympathetic to these concerns, since a spike in costs for these service providers could lead to a spike in rates charged to their customers. However, the substantial benefits to the entire NANP of maximizing the efficiency of numbering resource allocation practices is also important. NASUCA has proposed a simple solution to this problem which it believes balances the needs of rural local exchange carriers (“LECs”) and the benefits to all customers of increasing number assignment efficiency and consequent reduction in stranded numbering resources.

---

<sup>8</sup> Subject to the discretion discussed in the next section.

<sup>9</sup> Comments of BellSouth Corp. at 12.

<sup>10</sup> Comments of CPUC at 13-15; Comments of IPUC at 3-4.

<sup>11</sup> Comments of CPUC at 10-13.

<sup>12</sup> See, e.g., Comments of NTCA at 7.

Providing the states with the authority to grant exemptions to mandatory nationwide pooling on a rate center-specific basis will allow state commissions to utilize their more granular level of familiarity with the situation in individual rate centers within their borders, and allow rural LECs who face no competition from other service providers or technologies requiring the use of numbering resources to avoid incurring the expenses required to make themselves pooling capable. This approach would also lessen any burden on Commission staff who might otherwise be required to process a number of exemption requests.

Customers of rural LECs should not be forced to undergo the expense and inconvenience of unnecessary area code relief, which could well occur if a blanket rural exemption from number pooling were granted. Under NASUCA's proposal, the blanket exemptions that currently exist would be rendered moot as the phased national pooling rollout is implemented. These rural LECs could petition their respective state commissions for continuation of the exemption, demonstrating that no other service provider holds numbering resources in a given rate center, and attesting that they have not received a bona fide request for LNP. Under the Commission's current rules, if these rural LECs do receive a request, they then have six months to become LNP capable; they should notify the state commission and the NANPA and Pooling Administrator upon receipt of such requests.

## **V. 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 continuation of the current exemption for rate centers where only one service provider holds numbering resources, and for rate centers where no bona fide request for LNP has been received.

Respectfully submitted,

/s/ David C. Bergmann  
NASUCA  
8380 Colesville Road, Suite 101  
Silver Spring, MD 20910  
Phone (301) 589-6313  
Fax (301) 589-6380

David C. Bergmann  
Chair, NASUCA Telecommunications  
Committee  
Assistant Consumers' Counsel  
**Office of the Ohio Consumers' Counsel**  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485  
614-466-8574 Telephone  
614-466-9475 Facsimile  
[bergmann@occ.state.oh.us](mailto:bergmann@occ.state.oh.us)

June 13, 2006