

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Numbering Resource Optimization

CC Docket No. 99-200

**REPLY COMMENTS OF BELLSOUTH CORPORATION**

BellSouth Corporation, on behalf of itself and its affiliated companies (“BellSouth”), respectfully submits these reply comments in response to the *Further Notice of Proposed Rulemaking* (“FNPRM”) released in the above-captioned proceeding.<sup>1</sup> As demonstrated more fully herein, the Commission should: (1) not grant states blanket authority to order thousands-block number pooling at their discretion (2) not require a phased implementation of pooling on a nationwide basis; and (3) not modify the existing national number conservation rules, for example, by increasing the pooling contamination threshold or changing the “six-month inventory” or Months-to-Exhaust (“MTE”) requirements.

Rather, the Commission should adopt a balanced approach that provides state commissions with additional flexibility, while simultaneously ensuring that number pooling is extended only to those areas that would truly benefit and that unnecessary costs are not imposed upon providers, the Numbering Plan Administrator, or the Pooling Administrator. To achieve these multiple objectives, the Commission could delegate authority to state commissions to order

---

<sup>1</sup> *Numbering Resource Optimization*, CC Docket No. 99-200, *Order and Fifth Further Notice of Proposed Rulemaking*, 21 FCC Rcd 1833 (2006) (“FNPRM”).

number pooling outside of the top 100 MSAs (without filing a petition) if the following criteria are met: (1) an NPA is in jeopardy;<sup>2</sup> (2) the NPA in question has a remaining life span of at least one year; (3) the NPA in question is projected to exhaust within two or three years; and (4) numbering resources have been allocated to more than one provider in the associated rate center.<sup>3</sup> Those states that are unable to meet the established criteria may still seek relief from the Commission by filing a petition demonstrating special circumstances that warrant a grant of delegated authority.

**I. A NUMBER OF PARTIES SUPPORT GRANTING STATES A NARROW DELEGATION OF AUTHORITY TO REQUIRE POOLING IF CERTAIN CRITERIA ARE MET.**

A number of providers and state commissions propose a “streamlined”<sup>4</sup> process that would enable state commissions to mandate thousands-block number pooling in NPAs outside the top 100 MSAs (without having to file a petition) if certain criteria are met.<sup>5</sup> The Commission

---

<sup>2</sup> A jeopardy condition exists when the forecasted and/or actual demand for Central Office (“CO”) Code resources will exceed the known supply during the planning/implementation interval for relief. Accordingly, pending exhaust of CO Code resources within an NPA does not represent a jeopardy condition if NPA relief has been or can be planned and the additional CO Codes associated with the NPA will be implemented in time to satisfy the need for new CO Codes. Alliance for Telecommunications Industry Solutions (“ATIS”) Industry Numbering Committee’s NPA Code Relief Planning & Notification Guidelines, Section 15, Glossary at 22 (Jan. 13, 2006).

<sup>3</sup> This fourth criterion merely reiterates the Commission’s existing rule, which exempts from pooling those carriers “that are the only service provider receiving numbering resources in a given rate center.” *Numbering Resource Optimization, et al.*, CC Docket Nos. 99-200, *et al.*, *Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, 18 FCC Rcd 12472, 12473, 12480, ¶¶ 1, 19 (2003) (“*Fourth Report and Order*”).

<sup>4</sup> Verizon Comments at 1-2.

<sup>5</sup> *See, e.g.*, BellSouth Comments at 2, 5; California Public Utilities Commission and the People of the State of California (“CPUC”) Comments at 4-5; Indiana Utility Regulatory Commission (“IURC”) Comments at 7; Pennsylvania Public Utility Commission (PAPUC”) Comments at 9; Verizon Comments at 1, 4.

could establish a set of criteria that builds upon the existing test for delegation and incorporates related numbering rules. Under the current framework, a state seeking pooling authority must petition the Commission and demonstrate that: (1) an NPA in its state is in jeopardy; (2) the NPA in question has a remaining life span of at least a 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.<sup>6</sup>

A number of parties agree that an NPA's projected time to exhaust and remaining life span should serve as triggers for delegated authority. For example, BellSouth and several state commissions propose that an NPA outside of the top 100 MSAs should be eligible for pooling, if that NPA is scheduled to exhaust within two or three years.<sup>7</sup> In addition, BellSouth and Verizon suggest that the Commission retain the existing criterion that the NPA in question have a life expectancy of at least one year.<sup>8</sup> Although the Nebraska Public Service Commission ("NPSC") does not specify a particular timeframe, it does agree that "the remaining life span of an NPA [] is still a viable test for determining when pooling should be implemented."<sup>9</sup>

To ensure that pooling is implemented only in those areas likely to receive the greatest benefit, the Commission could establish a narrow delegation of authority that would enable (but not require) state commissions to order pooling without having to file a petition if the following

---

<sup>6</sup> *Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574, 7652, ¶ 170 (2000) ("*NRO Order*"). As the Commission notes, the third criterion is no longer relevant given that mandatory pooling in the top 100 MSAs is complete and the Commission's conclusion that pooling can be implemented without full LNP capability. *FNPRM*, 21 FCC Rcd at 1838, ¶ 11.

<sup>7</sup> *See, e.g.*, BellSouth Comments at 2, 5 (two years); CPUC Comments at 4 (three years); IURC Comments at 7 (three years); PAPUC Comments at 9 (three years). Although BellSouth's initial proposal included a two-year NPA exhaust trigger, BellSouth does not oppose a three-year NPA exhaust trigger as one of the criteria for an automatic grant of delegated authority.

<sup>8</sup> BellSouth Comments at 2, 5; Verizon Comments at 1, 4.

<sup>9</sup> NPSC Comments at 3.

criteria are met: (1) an NPA is in jeopardy; (2) the NPA in question has a remaining life span of at least one year; (3) the NPA in question is projected to exhaust within two or three years; and (4) numbering resources have been allocated to more than one provider in the associated rate center. If the Commission adopts BellSouth's proposal, it should require state commissions that satisfy the test above to: (1) notify the relevant Commission Bureau, the North American Numbering Plan Administrator, and the Pooling Administrator prior to extending the thousands-block number pooling requirements<sup>10</sup> and (2) give affected providers a reasonable amount of time to deploy the necessary architecture and software to participate in pooling outside the top 100 MSAs.

A separate process would continue to exist for those state commissions unable to satisfy the above criteria. States would retain the ability to petition the Commission for delegated authority to mandate pooling upon a demonstration of "special circumstances." BellSouth agrees with Verizon that "[t]his approach strikes a balance between streamlining the process for states to obtain delegated authority and ensuring that mandatory thousands block pooling is implemented only where pooling can provide meaningful gains in number conservation."<sup>11</sup>

---

<sup>10</sup> BellSouth proposed this notification procedure in its initial comments. BellSouth Comments at 5. The Nebraska Public Service Commission proposed a similar notification process. NPSC Comments at 5.

<sup>11</sup> Verizon Comments at 1.

## **II. THERE IS NO JUSTIFICATION FOR ADOPTING MANDATORY NATIONWIDE POOLING.**

The Commission should not mandate nationwide pooling outside the top 100 MSAs as recommended by some commenters.<sup>12</sup> As BellSouth demonstrated in its initial comments, NPA exhaust data shows that there is no demonstrated need for additional pooling on a nationwide basis.<sup>13</sup> While pooling outside the top 100 MSAs might achieve number optimization benefits in certain states or certain NPAs, mandated pooling across all rate centers throughout the nation is simply unwarranted and would impose costs that exceed the intended benefits.

The data clearly show that nationwide area code exhaust is far less prevalent than it was several years ago. For example, of the 276 total NPAs in the United States and its territories, less than 18% (49 out of 276) are scheduled to exhaust prior to 2011, while approximately 82% show exhaust dates in 2011 or thereafter. Of the total 276 NPAs: (1) only nine show exhaust dates earlier than in the October 2005 report; (2) 34 show no change from the October 2005 report; and (3) 233 show exhaust dates later than in the October 2005 report. As the above data demonstrate, number exhaust is not a pressing issue everywhere. Therefore, it would be premature to delegate unlimited pooling authority to the states or to adopt a nationwide implementation schedule for pooling outside the top 100 MSAs in the absence of a clearly demonstrated need or benefit. Where that need exists, the Commission could establish a narrow delegation of authority as proposed above by BellSouth.

---

<sup>12</sup> See, e.g., Staff of the State Corporation Commission of the State of Kansas (“KCC Staff”) Comments at 2; National Association of State Utility Consumer Advocates (“NASUCA”) Comments at 4; Nebraska Rural Independent (“Nebraska Companies”) Comments at 3-4; New York State Department of Public Service (“NYDPS”) Comments at 5; Sprint Nextel Corporation (“Sprint”) Comments at 2, 6.

<sup>13</sup> BellSouth Comments at 4.

**III. THE CPUC'S PROPOSED CHANGES TO THE COMMISSION'S EXISTING RULES REGARDING BLOCK DONATIONS, USAGE REPORTING, AND INVENTORY LEVELS ARE BEYOND THE SCOPE OF THIS PROCEEDING.**

The Commission should not adopt the rule changes proposed by the CPUC. The CPUC asks the Commission to adopt a host of new requirements<sup>14</sup> (including increasing the contamination threshold for pooling donations from 10% to 25%).<sup>15</sup> As an initial matter, the CPUC's suggested modifications to the requirements for usage reporting, block donation, and inventory levels are beyond the scope of this proceeding. The Commission expressly stated that it was "limiting this FNPRM to the issue of extending mandatory thousands-block number pooling to NPAs outside the top 100 MSAs."<sup>16</sup> Thus, the issue before the Commission is a very narrow one and does not extend to the various rule changes proposed by the CPUC. If the Commission finds it necessary to review or modify its existing number usage and reporting requirements, it may issue a notice of inquiry or a notice of proposed rulemaking to seek comment from the public in accordance with the Administrative Procedure Act.

Notwithstanding the fact that modifying the contamination threshold is outside the scope of the instant rulemaking, the Commission should not consider increasing the threshold. It is well-documented that the costs and burdens associated with increasing the contamination threshold far outweigh any intended benefits. The North American Numbering Council ("NANC") reviewed the effects of raising the contamination threshold to 25% in California and identified a number of disadvantages, including: (1) increased costs to implement software and system modifications to accommodate a higher threshold and to ensure sufficient storage

---

<sup>14</sup> CPUC Comments at 8-15.

<sup>15</sup> *Id.* at 10-13.

<sup>16</sup> *FNPRM*, 21 FCC Rcd at 1840, ¶ 18.

capacity; (2) adverse effects on the efficiency and cost-effectiveness of Efficient Data Representation software; and (3) administrative difficulties, increased workload, and increased costs associated with manually porting contaminated numbers back to the original provider.<sup>17</sup>

Raising the contamination threshold on a national basis in all pooling rate centers as proposed by the CPUC would be an even more complicated and expensive endeavor for the industry. The costs are too great, and the expected benefits too speculative to justify such a change. Moreover, there are far less radical and less costly alternatives for increasing the availability of numbers, including, but not limited to, decreasing the intervals by which numbers are aged or implementing mandatory ten-digit dialing. In light of the above, the Commission should not increase the existing 10% contamination threshold.

In addition, the Commission should not consider the CPUC's other proposed changes, such as adopting "six-month inventory rules"<sup>18</sup> and limiting forecast demands in MTE calculations.<sup>19</sup> As an initial matter, it is not altogether clear what particular rules the CPUC is seeking to modify or what amendments the CPUC is proposing. Moreover, despite concerns about providers "fudging" their numbers to obtain growth numbering resources or to avoid donating numbers to the pool,<sup>20</sup> the CPUC does not identify any specific incidents of carrier non-compliance or abuse of the existing rules.

---

<sup>17</sup> See *Report on the Technical Viability of Increasing the Pooling Contamination Threshold*, Prepared for the NANC by the Contamination Levels Issue Management Group, at 16-17 (dated Dec. 6, 2002).

<sup>18</sup> CPUC Comments at 13-14.

<sup>19</sup> *Id.* at 14.

<sup>20</sup> *Id.* at 13-14.

The Commission's numbering optimization rules have been in place for more than five years, and there is no evidence of a widespread or national problem that warrants modifying the inventory or MTE rules. Moreover, the Commission's complete suite of usage and reporting rules provides adequate safeguards to minimize the potential for abuse. For example, providers seeking growth codes must satisfy not only the 75% utilization threshold requirement,<sup>21</sup> but also the MTE rule, which precludes carriers from maintaining more than a six-month inventory of numbers.<sup>22</sup> In addition, providers must categorize their current inventory of numbering resources and submit Number Resource Utilization/Forecast ("NRUF") reports to the North American Numbering Plan Administrator ("NANPA") on a semi-annual basis.<sup>23</sup> There are a number of other rules designed to ensure carrier compliance and provide states an active role in number optimization (*e.g.*, state access to numbering reports;<sup>24</sup> reclamation<sup>25</sup>). The Commission's entire framework of numbering rules with its checks and balances is more than sufficient to promote number optimization and minimize abuse. Accordingly, there is no need for the Commission to consider modifying its "six month inventory" and MTE requirements as proposed by the CPUC.

The Commission also should not grant states delegated authority to adopt their own "six-month inventory" rules as an alternative.<sup>26</sup> The CPUC appropriately recognizes the

---

<sup>21</sup> See 47 C.F.R. § 52.15(h).

<sup>22</sup> *Numbering Resource Optimization, et al.*, CC Docket No. 99-200, *et al.*, *Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, 16 FCC Rcd 306, 319-320, ¶ 29 (2000); 47 C.F.R. § 52.15(g)(3)(A) (MTE requirement).

<sup>23</sup> 47 C.F.R. § 52.15(f)(5).

<sup>24</sup> *Id.* § 52.15(f)(7).

<sup>25</sup> *Id.* § 52.15(i).

<sup>26</sup> See CPUC Comments at 14.

Commission's desire to maintain a national framework that minimizes subjecting providers to multiple sets of rules.<sup>27</sup> The Commission has already concluded that a national framework is the most efficient and effective approach to number conservation.<sup>28</sup> According to the Commission, "uniform standards for thousands-block number pooling are necessary to minimize the confusion and additional expense related to compliance with inconsistent regulatory requirements."<sup>29</sup> Accordingly, consistent with its actions in the past, the Commission should reiterate that those states granted delegated authority to order pooling must act in accordance "with the national pooling framework set forth in the Commission's rules and industry pooling guidelines."<sup>30</sup>

Respectfully submitted,

**BELLSOUTH CORPORATION**

Its Attorney

By: /s/ Angela N. Brown  
Angela N. Brown  
675 West Peachtree Street  
Suite 4300  
Atlanta, GA 30375  
(404) 335-0724

June 13, 2006

---

<sup>27</sup> *Id.*

<sup>28</sup> *See, e.g., NRO Order*, 15 FCC Rcd at 7580-81, 7589, 7606-07, 7651, ¶¶ 7, 27, 76, 169.

<sup>29</sup> *Id.* at 7651, ¶ 169.

<sup>30</sup> *FNPRM*, 21 FCC Rcd at 1839, ¶ 15.

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 13<sup>th</sup> of June 2006 served the following parties to this action with a copy of the foregoing **REPLY COMMENTS OF BELLSOUTH** by electronic filing and/or by placing a copy of the same in the United States Mail, addressed to the parties on the attached service list.

/s/ Juanita H. Lee

Juanita H. Lee

**Service List CC Docket No. 99-200**

Lionel B. Wilson  
Laura E. Gasser  
California Public Utilities Commission  
The People of the State of California  
505 Van Ness Avenue  
San Francisco, CA 94102

Cecelia A. Gassner  
Deputy Attorney General  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

Cindy B. Miller  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

John Ridgway  
Michael Balch  
Iowa Utilities Board  
350 Maple Street  
Des Moines, Iowa 50319

Susan B. Cunningham  
Colleen R. Harrell  
Commission  
1500 S.W. Arrowhead Drive  
Topeka, KS 66604

David S. Samford  
Amy E. Dougherty  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602

Natelle Dietrich  
William K. Haas  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

James Bradford Ramsay  
Grace Soderberg  
National Association of  
Regulatory Utility Commissioners  
1101 Vermont Avenue  
Suite 200  
Washington, DC 20005

David C. Bergmann  
NASUCA  
Office of the Ohio Consumers' Counsel  
10 West Broad Street, Suite 1800  
Columbus, Ohio 43215-3485

Daniel Mitchell, Karlen J. Reed  
National Telecommunication  
Cooperative Association  
4121 Wilson Boulevard, 10<sup>th</sup> Floor  
Arlington, VA 22203

Nichole Underhill  
Nebraska Public Service Commission  
300 The Atrium Building  
1200 N Street  
Lincoln, Nebraska 68508

Paul M. Schudel  
James A. Overcash  
The Nebraska Rural Independent  
Companies  
Woods & Aitken LLP  
301 South 13<sup>th</sup> Street, Suite 500  
Lincoln, Nebraska 68508

Carol Smith Rising  
New Mexico Public Regulation  
Commission  
P. O. Box 1269  
Santa Fe, New Mexico 87504-1269

Dawn Jablonski Ryman  
Dakin D. Lecakes  
Public Service Commission of the  
State of New York  
Three Empire State Plaza  
Albany, New York 12223-1350

Jim Petro  
Anne L. Hammerstein  
Public Utilities Section  
180 East Broad Street, 9th Floor  
Columbus, Ohio 43215-3793

Stuart Polikoff  
Brian Ford  
OPASTCO  
21 Dupont Circle, NW  
Suite 700  
Washington, D.C. 20036

Lois A. Burns  
Frank B. Wilmarth  
Bohdan R. Pankiw  
Pennsylvania Public Utility  
Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Thomas G. Fisher Jr.  
Rural Iowa Independent Telephone  
Association  
1000 Walnut Street, Suite 324  
Des Moines, Iowa 50309

Rolayne Ailts Wiest  
SDPUC Attorney  
South Dakota Public Utilities  
Commission  
500 East Capitol  
Pierre, SD 57501

Luisa L. Lancetti, Charles W. McKee  
Scott R. Freiermuth  
Sprint Nextel Corporation  
401 9<sup>th</sup> Street, N.W.  
Suite 400  
Washington, D.C. 20004

Paul Hudson, Julie Parsley  
Barry T. Smitherman  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P. O. Box 13326  
Austin, Texas 78711-3326

Karen Zacharia  
Amy P. Rosenthal  
Verizon  
1515 North Court House Road  
Suite 500  
Arlington, VA 22201-2909

Michael S. Slomin  
Telcordia Technologies, Inc.  
One Telcordia Drive, 5J108  
Piscataway, NJ 088854

Katherine R. Blanchette  
Lino S. Lipinsky de Orlove  
Jacqueline A. Henson  
Country Code 1 Enum LLC  
McKenna Long & Aldridge LLP  
1875 Lawrence Street, Suite 200  
Denver, CO 80202

Jeanne Fox, Frederick F. Butler,  
Connie Hughes, Joseph L. Fiordaliso  
Christine V. Bator  
New Jersey Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102

+Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S. W.  
Room TW-A325  
Washington, D. C. 20554

+Best Copy and Printing, Inc.  
The Portals, 445 12<sup>th</sup> Street, S.W.  
Room CY-B402  
Washington, D.C. 20554

Sheryl Todd  
Telecommunications Access  
Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S. W.  
Room 5-B540  
Washington, D.C. 20554

The National Association of State  
Utility Consumer Advocates  
8380 Colesville Road, Suite 101  
Silver Spring, MD 20910

Dakin D. Lecakes  
New York State Department of  
Public Service  
Three Empire State Plaza  
Albany, NY 12223-1350

Robert G. Mork  
Indiana Office of Utility  
Consumer Counselor  
100 N. Senate Avenue, Room N-501  
Indianapolis, INN 46204-2215

Indiana Utility Regulatory Commission  
302 W. Washington Street  
Suite E-306  
Indianapolis, IN 46204-2764

+ **VIA ELECTRONIC FILING**