

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

<i>In the Matter of</i>	)	
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<i>The New Mexico Public Regulation Commission's Petition For Delegated Authority To Implement Additional Number Conservation Measures</i>	)	<b>CC Docket No. 99-200</b>
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**REPLY COMMENTS OF  
THE NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS**

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On July 28, 2006, the Federal Communications Commission (FCC) released a Public Notice in the CC Docket No. 99-200 requesting comments on the New Mexico Public Regulation Commission's (NMPRC) petition for delegated authority to implement additional number conservation measures. The National Association of Regulatory Utility Commissioners (NARUC) respectfully files these reply comments supporting the NMPRC's request and the initial comments filed that also endorse the May 4, 2006, petition of the NMPRC.

### NARUC'S INTEREST

NARUC is a nonprofit organization founded in 1889. Congress and the courts have consistently recognized NARUC as a proper entity to represents the generic interests of the State public utility commissions.

In the Federal Telecommunications Act,<sup>1</sup> Congress references NARUC as “the national organization of the State commissions” responsible for economic and safety regulation of the intrastate operation of carriers and utilities.<sup>2</sup>

### BACKGROUND

On February 24, 2006, FCC released an order, *In the Matter of Numbering Resource Optimization, Order and Fifth Further Notice of Proposed Rulemaking*, approving the petitions of the Public Service Commission of West Virginia, the Nebraska Public Service Commission, the Oklahoma Corporation Commission, the Michigan Public Service Commission, and the Missouri Public Service Commission for delegated authority to implement mandatory thousands-block pooling. On May 4, 2006, NMPPRC followed suit in filing a petition with the FCC to obtain a similar degree of delegated authority in order to mandate thousands-block number pooling in all New Mexico local number portability (LNP)-capable rate centers, with the intention of extending the life of the 505 area code.

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1 *Communications Act of 1934, as amended by the Telecommunications Act of 1996*, 47 U.S.C. §151 et seq., Pub.L.No. 101-104, 110 Stat. 56 (1996) (West Supp. 1998) (“Act” or “1996 Act”).

2 See 47 U.S.C. § 410(c) (1971) (NARUC nominates members to FCC Joint Federal-State Boards which consider universal service, separations, and related concerns and provide formal recommendations that the FCC must act upon); Cf. 47 U.S.C. § 254 (1996) (describing functions of the Joint Federal-State Board on Universal Service). Cf. *NARUC, et al. v. ICC*, 41 F.3d 721 (D.C. Cir 1994) (where the Court explains “...Carriers, to get the cards, applied to...(NARUC), an interstate umbrella organization that, as envisioned by Congress, played a role in drafting the regulations that the ICC issued to create the "bingo card" system.)

The NMPRC, in conjunction with the North American Numbering Plan Administration (NANPA), is vigorously involved in attempting to salvage the 505 area code which is predicted to be fully depleted by the first quarter of 2009. Despite this alarming forecast, according to the NMPRC, only 15 out of the 163 rate centers in New Mexico have mandatory pooling. The consequence of this situation may be contributing to the early exhaust of the 505 area code, requiring extensive funding and staff to formulate additional relief planning measures, on the part of the NMPRC. The analysis presented in the petition of the NMPRC clearly displays that this problem can be averted by extending the scope of New Mexico's delegated authority to act in the best interest of its community.

**NARUC Supports the Delegation of Authority to New Mexico to Implement Mandatory Thousands-Block Pooling at Its Discretion**

At the NARUC's July 2004 summer meetings, NARUC adopted a Telecommunications Policy Document. Among the principles specified in that policy document are the following:

*11.1. State Authority: States and NANPA need enforcement authority, and states need the ability to participate in policy decisions relating to the implementation of conservation measures.*

*11.2. Industry Obligations: Industry should be accountable for use of public numbering resources through specific rules and reporting requirements. Carrier choice of conservation measures should not be allowed.*

*11.3. Unnecessary Splits: Unnecessary area code splits should be avoided, in part through adoption of enforceable number conservation measures.*

Based on these principles, NARUC supports New Mexico's request for additional delegated authority to order mandatory thousands-block number pooling in the "505" Numbering Plan Area (NPA). Statistics provided by the North American Numbering Plan Administrator (NANPA) and the National Pooling Administrator during the FCC's November 4, 2004 Numbering Symposium, clearly demonstrate that optimization efforts, including LNP and

number pooling, significantly and successfully delay both NPA and NANP (North American Numbering Plan) exhaust. Where technically feasible, the demand for full central office codes of 10,000 numbers (NXX) has now shifted to a demand for numbers in blocks of a thousand (NXX-X). This helped eliminate stranded numbers that would likely be unavailable for assignment if full NXX codes were issued. As a result of the implementation of number pooling, the number of NXXs opened to replenish pools nationally is 2,890, while the number of NXX prefixes saved as a result of thousand-block number pooling is 12,617. Indeed, the use of number portability and pooling has allowed the NANPA to extend the forecasted national exhaust date from 2012 to 2035.<sup>3</sup>

The NMPRC is concerned about the potential exhaust of 505. The solution proposed by NMPRC and other states has been to order mandatory thousands-block number pooling of all 163 LNP-capable rural rate centers in New Mexico. NMPRC's mandatory number pooling order focuses on encouraging an economical approach to preserving these numbering resources. NARUC agrees that these measures are necessary to conserve the scarce resource of telephone numbers, thus favoring the NMPRC's response to this development in the communications sector. The NMPRC presents a compelling argument for the need for additional authority. The demand for numbering resources is significantly increasing in the rural areas as local competition begins to move into rate centers outside of the top 100 Metropolitan Statistical Areas (MSA). NMPRS statistics which highlight the lack of participation in these areas demonstrates the difficulty of convincing carriers to voluntarily engage in these conservation measures. The FCC should provide the commission with the authority needed to forestall the threatened exhaust.

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<sup>3</sup> Statistics reported by NeuStar during the FCC webcast of its Numbering Symposium on November 4, 2004.

**CONCLUSION**

By granting authority to mandate pooling in all LNP-capable rate centers, the FCC will be positioning this commission to respond to future numbering demands from new technologies, services, and players. NARUC respectfully urges FCC to grant NMPRC's petition for authority to implement additional number conservation measures.

*Respectfully submitted,*

*National Association of Regulatory  
Utility Commissioners*

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