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

In the Matter of	)	
	)	
Number Resource Optimization	)	
	)	
Frontier Communications of America, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Numbering Resources	)	CC Docket No. 99-200

COMMENT OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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The Pennsylvania Public Utility Commission (PaPUC) submits this Comment in response to the Federal Communications Commission (FCC or Commission) order regarding Frontier Communications of America, Inc.'s (Frontier) request for waiver from Section 52.15(g)(2) of the Commission's rules. This PaPUC Comment relies on the PaPUC's Reply Comments in the pending IP Service Docket at WC 04-36[1] and could change in response to future developments or as a result of other comments filed in this proceeding. Finally, the views expressed here should not be construed as evidence of any binding conclusion the PaPUC may reach in future contested on-the-record proceedings.

The PaPUC recognizes that Frontier is requesting the granting of its waiver petition on the grounds of public interest and that it agrees to abide by the conditions imposed by the Commission in the *SBCIS Order*.[2] However, the alleged benefits of interconnection efficiencies stemming from the granting of this waiver are minor compared to the

[1] *IP-Enabled Service*, Notice of Proposed Rulemaking, WC Docket No. 04-36, 19 FCC Rcd 4863 (2004).

[2] *In the Matter of Administration of the North American Numbering Plan*, Order, CC Docket No. 99-200, FCC 05-20 (rel. Feb. 1, 2005) (*SBCIS Order*). Those conditions are: SBCIS must comply with the Commission's numbering utilization and optimization requirements and industry guidelines and practices, including numbering authority delegated to state commissions; and SBCIS must submit any requests for numbering resources to the Commission and the relevant state commission at least 30 days prior to requesting resources from the NANPA or the PA. … Also, SBCIS will be able to obtain blocks of 1,000 numbers in areas where there is pooling, as opposed to obtaining a block of 10,000 numbers as a LEC customer. Moreover SBCIS will be responsible for processing port requests directly rather than going through a LEC. *SBCIS Order*, para. 9.

major implications to state authority. Frontier petitions the Commission to waive the rule that requires that "[telecommunications] carriers provide, as part of their applications for initial numbering resources, evidence demonstrating that they are licensed and/or certified to provide service in the area in which they seek numbering resources."[3] This rule gives states the authority to "certify" which carriers are allowed to obtain numbers in their region and the ability to ensure the availability of telephone numbers throughout their region. Absent a certification or registration mechanism, that is required of all other telecommunications carriers that obtain telephone numbers from the NANPA, a state's ability to monitor the usage of telephone numbers and to prevent the unnecessary proliferation of new area codes in their particular territories may be hindered. Should the FCC grant the waiver, it is important that the Commission state that it expressly permits state commissions in Frontier's service territories to impose reasonable registration or certification requirements as part of the state's obligation to promote numbering efficiency. The proposed certification or registration will also facilitate a state commission's interaction and coordination with local numbering administration

[3] 47 C.F.R. § 52.15(g)(2)(i).

representatives thereby enhancing the FCC delegated role to state commission of telephone number conversation.

In addition, granting Frontiers' waiver request would give Frontier's IP division with direct access to numbering resources and thus have the capability to have Type 2 Interconnection arrangements throughout its service territory. Having the capability to obtain direct access to numbering resources, unlike other IP service providers in that territory that do not have that ability or who may have different obligations, would provide Frontier with the opportunity to lock-in IP service customers and not allow the customers to shop.

The Commission should expressly permit state commissions in Frontier service territories to impose reasonable registration or certification requirements and should impose the same conditions as imposed in the SBC IP request and to which Frontier has agreed to abide by in its petition. As requested by the Frontier waiver, this authority should only apply until the Commission comprehensively addresses these matters in the pending IP Services docket.

As noted in the PaPUC's August 14, 2004 Comments to the SBC IP Communications, Inc. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules Regarding Access to Numbering Resources, CC Docket No. 99-200, DA No. 04-2144,

granting that request could trigger similar waiver requests. Frontier's Petition is just such a request. Several have been filed[4] and there are probably more to come. Currently, the same number optimization and conservation measures that apply to traditional telecommunications service providers when they need to access numbering resources do not apply to VoIP and IP-enabled service providers. Thus, the PaPUC encourages the Commission to expeditiously render an order establishing numbering optimization rules for IP-enabled service providers and to delegate to the states the same number optimization and conservation authority for these providers as the states currently have for other service providers. If the states have the same authority for all providers, then numbering resources could be accessed on an equitable basis and it would assist in slowing the depletion of those resources and extending the exhaust date of the resources.

The PaPUC thanks the Commission for providing an opportunity to file this Comment.

Respectfully submitted,
Pennsylvania Public Utility Commission

[4]On March 29, 2005, Qwest Communications also filed a similar waiver Petition of Limited Waiver.
RNK, Inc. d/b/a RNK Telecom, Nuvio Corporation, Unipoint Enhanced Services d/b/a Pointone, Dialpad Communications, Inc., Vonage Holdings Corporation, and Voex, Inc. filed similar petitions from February 7, 2005 through March 4, 2005. To date, the Commission has not acted upon those requests.

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