

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

In the Matter of	)	
	)	CC Docket No. 99-200
Numbering Resource Optimization	)	
	)	CC Docket No. 96-98
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	WC Docket No. 07-118
	)	

**NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION  
INITIAL COMMENTS**

The National Telecommunications Cooperative Association (NTCA)<sup>1</sup> responds to the Federal Communications Commission (FCC or Commission)'s May 31, 2007 Notice<sup>2</sup> seeking comment on the Alabama Public Service Commission's May 1, 2007 Petition (Alabama Petition) and on the Idaho Public Utilities Commission's March 29, 2007 Petition (Idaho Petition), and to the FCC's June 8, 2007 Notice<sup>3</sup> seeking comment on the Public Service Commission of

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<sup>1</sup> NTCA is the premier industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents 575 rural rate-of-return regulated incumbent local exchange carriers (ILECs). All of its members are full service local exchange carriers, and many members provide wireless, cable, Internet, satellite and long distance services to their communities. Each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended (Act). NTCA members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities.

<sup>2</sup> *Wireline Competition Bureau Seeks Comment on the Idaho Public Utilities Commission and the Alabama Public Service Commission Petitions for Delegation of Authority to Implement Number Conservation Measures*, Public Notice, CC Docket Nos. 99-200, 96-98, DA 07-2281 (rel. May 31, 2007).

<sup>3</sup> *Wireline Competition Bureau Seeks Comment on the Public Service Commission of Wisconsin Petition for Delegation of Authority to Implement Number Conservation Measures*, Public Notice, CC Docket Nos. 99-200, 96-98, WC Docket No. 07-118 (rel. June 8, 2007).

Wisconsin's June 1, 2007 Petition (Wisconsin Petition), all to extend thousands block number pooling (number pooling) within the 256, 208, 715 and 920 Numbering Plan Areas (NPAs).<sup>4</sup>

The Commission should continue to require NPA-specific petitions that focus on NPAs in jeopardy as it has in the past.<sup>5</sup> This is the only way the Commission can ensure that states seeking number pooling authority in rural areas have met the Commission's criteria for pooling and that imposing pooling costs on rural ILECs and their customers is just and reasonable. NTCA also affirms its position<sup>6</sup> that the Commission should condition any grant of number pooling authority such that the Alabama, Idaho and Wisconsin state public service commissions will not jeopardize rural ILECs' local number portability (LNP) exemption in those jurisdictions.

**I. Number Pooling Authority Petitions Should Continue To Reflect NPA-Specific Issues.**

The Commission will delegate number pooling authority to state commissions who demonstrate in their petitions that they meet three primary criteria: 1) the target NPA is in jeopardy, 2) the NPA has an expected lifespan of at least one 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-

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<sup>4</sup> *Alabama Public Service Commission Petition to the Federal communications Commission for Delegated Authority to Implement Number Conservation Measures*, filed May 1, 2007 (Alabama Petition); *Idaho Public Utilities Commission Petition for Delegated Authority to Implement Number Conservation Measures*, filed March 29, 2007 (Idaho Petition); and *Petition of the Public Service Commission of Wisconsin for Further Delegated Authority to Implement Number Conservation Measures*, filed June 1, 2007 (Wisconsin Petition).

<sup>5</sup> *In the Matter of Numbering Resource Optimization, Petition for Delegated Authority by the Public Utilities Commission of Ohio, Petition of the New York State Department of Public Service for Mandatory Pooling, Petition of the Washington Utilities and Transportation Commission for Mandatory Number Pooling, The New Mexico Public Regulation Commission's Petition for Delegated Authority to Implement Additional Number Conservation Measures*, CC Docket No. 99-200, Order (filed Nov. 15, 2006) (Ohio Pooling Order) (granting petitions in whole or in part by Ohio, New York, Washington, and New Mexico); *Numbering Resource Optimization*, Order and Fifth Notice of Public Rulemaking, CC Docket No. 99-200 (rel. Feb. 24, 2006) (granting petitions by West Virginia, Nebraska, Oklahoma, Michigan, and Missouri) (5<sup>th</sup> NPRM).

<sup>6</sup> NTCA Comment, pp. 1-2.

capable.<sup>7</sup> The Commission has used a “special circumstances” exception<sup>8</sup> to negate the third pooling criterion in some circumstances, but so far has held firm on the first two criteria.

NPA-specific number pooling petitions should not ignore NPA-specific issues such as those captured by the Commission’s number pooling criteria. The Alabama, Idaho and Wisconsin Petitions all reflect this considerate NPA-specific approach to examining the need for number pooling in the 256 NPA (Alabama), the 208 NPA (Idaho), and the 715 and 920 NPAs (Wisconsin). According these three Petitions, the Alabama 256 NPA will reach exhaust status in 4Q 2010, the Idaho 208 NPA will reach exhaust status in 2Q 2010, the 715 NPA will be reach exhaust status in 4Q 2009, and the 920 NPA will reach exhaust status in 2Q 2010.<sup>9</sup> The North American Numbering Plan Administration (NANPA), however, has not listed any of these NPAs as being officially in jeopardy.<sup>10</sup> NANPA defines “jeopardy” status as follows: “When demand for central office codes exceeds projections and there is insufficient time to implement a relief plan before exhaust, NANPA Code Administration may declare jeopardy to conserve the numbering resource until relief can be fully implemented.”<sup>11</sup>

In response to the Commission’s Order and Fifth Further Notice of Proposed Rulemaking (5<sup>th</sup> NPRM),<sup>12</sup> NTCA has repeatedly urged the Commission to retain the first two criteria (*i.e.*, the target NPA is in jeopardy and the NPA has an expected lifespan of at least one year) in

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<sup>7</sup> 5<sup>th</sup> NPRM, ¶ 4.

<sup>8</sup> *Ibid.*

<sup>9</sup> Alabama Petition, p. 3; Idaho Petition, p. 3; Wisconsin Petition, p. 4.

<sup>10</sup> See [http://www.nanpa.com/news/jeopardy\\_declaration\\_table.html](http://www.nanpa.com/news/jeopardy_declaration_table.html).

<sup>11</sup> *Ibid.*

<sup>12</sup> 5<sup>th</sup> NPRM.

making its decisions on all state number pooling petitions.<sup>13</sup> There still is no need to remove or alter these two criteria as jeopardy status demonstrates the timeliness of number pooling, and life expectancy gives usefulness to the number pooling process. These two criteria should be preserved in the Commission's standard of review for number pooling petitions. The merit of using these criteria for rural areas has not diminished now that number pooling has been rolled out in NPAs in the top 100 MSAs. Rural areas outside the top 100 MSAs, such as those contained in Alabama, Idaho and Wisconsin, require the Commission's focused attention to number resource management as the costs of pooling (and any local number porting costs that may result) will be borne by a small customer base, and each individual rural customer will feel the financial burden of pooling. Pooling should not be done unless the state commissions demonstrate need, not merely convenience.

The Commission has not yet released its order to the 5<sup>th</sup> NPRM, and the Alabama, Idaho and Wisconsin Petitions are the latest pending number pooling requests. NTCA maintains its position<sup>14</sup> for the 5<sup>th</sup> NPRM and for the Alabama, Idaho and Wisconsin Petitions that the Commission should consider number pooling on a case-by-case basis, should not grant number pooling unless the state commissions satisfy the number pooling jeopardy criteria, and should not risk waiving rural carriers' local number portability (LNP) exemption by mandating blanket number pooling.

Using NPA-specific petitions permits the Commission to examine closely the requests by state commissions to determine whether the state has met the criteria to merit pooling authority. For example, the Commission denied numbering relief sought by the New York Department of

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<sup>13</sup> NTCA Reply Comment, 5<sup>th</sup> NPRM, p. 6 (filed June 13, 2006).

<sup>14</sup> NTCA Initial Comment, 5<sup>th</sup> NPRM, p. 1 (filed May 14, 2006); NTCA Reply Comment, 5<sup>th</sup> NPRM, p. 7 (filed June 13, 2006).

Public Service for the 516, 585, 607, 761, 718/347, 914, and 917 NPAs.<sup>15</sup> Presumably, relief was not granted because the New York Petition did not meet the Commission's criteria for pooling authority.<sup>16</sup> Likewise, the Commission did not grant the request of the Public Utilities Commission of Ohio for the pooling in the 330/234 and 419/567 NPAs, or the Washington Utilities and Transportation Commission's request for the 206 NPA.<sup>17</sup>

The Commission should examine the Alabama, Idaho and Wisconsin Petitions carefully to ensure that these state commission have demonstrated that each rate center in each NPA satisfy the Commission's pooling criteria. Critical examination will force the commissions in Alabama, Idaho and Wisconsin to carefully scrutinize the needs and impacts of pooling in conformity with the Commission's pooling criteria. If a petition is deficient, then the Commission should not delegate the authority.

## **II. Number Pooling Should Not Preempt Local Number Portability Exemptions.**

The Commission should continue to require that state commissions who implement a delegation of number pooling authority must do so consistent with the federal exemption for rural carriers who are not LNP-capable. While the Alabama Petition does specifically state that its number pooling authority will not be used to jeopardize non-LNP-capable status for rural carriers,<sup>18</sup> the Idaho Petition and the Wisconsin Petition do not. The Commission should include this prohibition in any order on the Alabama, Idaho and Wisconsin Petitions.

The Commission, in the 5<sup>th</sup> NPRM and in its November 15, 2006 Ohio/New York/Washington/New Mexico pooling order, recognized that some rural carriers should be

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<sup>15</sup> Ohio Pooling Order, ¶ 6, n. 19.

<sup>16</sup> The Commission did not state its reasons for not granting relief for these NPAs.

<sup>17</sup> Ohio Pooling Order, ¶ 6, n. 19.

<sup>18</sup> Alabama Petition, p. 3.

exempt from LNP<sup>19</sup> and asserted that “rural carriers who are not LNP capable will not be required to implement full LNP capability solely as a result of the delegation of authority set forth herein.”<sup>20</sup> The Commission should continue to require all state commissions, including the Alabama, Idaho and Wisconsin public service commissions, to respect that mandate. Number pooling creates a financial burden on carriers and their customers and LNP creates an even greater burden. These burdens should not be imposed on rural ILECs and their customers.

### **III. Conclusion.**

For the reasons stated above, the Commission should continue its NPA-specific analysis approach to number pooling, should not delegate number pooling to the Alabama, Idaho, and Wisconsin public service commissions for the 256, 208, 715 and 920 NPAs unless their Petitions satisfy the Commission’s number pooling criteria, and should remind these commissions to respect rural ILECs’ LNP exemptions.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS  
COOPERATIVE ASSOCIATION

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June 15, 2007

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<sup>19</sup> 5<sup>th</sup> NPRM, ¶ 5.

<sup>20</sup> *Id.*, ¶ 11.

## CERTIFICATE OF SERVICE

I, Adrienne L. Rolls, certify that a copy of the foregoing Initial Comments of the National Telecommunications Cooperative Association in CC Docket No. 99-200 and CC Docket No. 96-98, DA 07-2281, DA 07-2402, was served on this 15th day of June 2007 by first-class, United States mail, postage prepaid, or via electronic mail to the following persons:

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