



## NOTICE OF WRITTEN & ORAL *EX PARTE* CONTACTS

October 24, 2007

FCC Secretary Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W., TW-A325  
Washington, D.C. 20554

**RE: Notice of Oral and Written Ex Parte - Two Copies filed in the Proceedings Captioned:**

*In the Matter of Number Resource Optimization Docket, CC Docket 99-200, RM 9258*

*In the Matter of Consumer Protection in the Broadband Era, WC Docket No. 05-271*

*In the Matter of Telephone Number Portability, T-Mobile USA, Inc, and Sprint Corporation Petition for Declaratory Ruling, CC Docket No. 95-116*

Dear Ms. Salas:

Today, I called Ian Dillner, Chris Moore, Scott Bergmann, Scott Deutchman, John Hunter, and Dana Shaffer and either left voice mail or spoke with them directly about NARUC's positions in the above-captioned proceeding. I also e-mailed copies of this letter and the attached resolutions to each of the persons listed above. These e-mails and phone calls were made today. This letter is being filed to comply with the FCC's rules on *ex parte* contacts.

NARUC appreciates how closely the FCC and its staff have continued to work closely with the States - particularly on numbering issues. Over the years we have passed a number of resolutions and filed comments that have frequently explicitly extended the association's "appreciation to the FCC and its staff for working closely with the States" on these issues. As with every issue before the FCC, more work remains.

### **CORE STATE MESSAGES RE: NUMBERING POLICY**

NARUC's most recent comments and resolutions in the listed proceedings focus in four areas:

**[1] FCC POLICY SHOULD LEVERAGE STATE STRENGTHS:** In the CC Docket 05-271, NARUC presents an outline for effective leveraged federal and State action, outlining the benefits of a FCC that takes "an effective, pragmatic approach to federalism . . . in the IP world or otherwise [that] recognizes and take advantage of . . . State strengths."<sup>1</sup>

<sup>1</sup> See NARUC's January 17, 2006 comments at 4-6, NARUC suggested: "Although the framework outlined in the NARUC's July 2005 "Federalism and Telecom" White Paper was explicitly premised upon a [new Congressional legislation]...key elements of the "functional approach" are transferable to FCC action under the existing regime. An examination of that paper...as well as NARUC's long time advocacy on slamming, truth-in-billing, operator service

**[2] ENFORCEMENT AND OVERSIGHT ARE CRUCIAL:** In the area of numbering and enforcement, as early as 1999, NARUC passed a resolution pointing out that (1) unnecessary area code relief must be stopped through adoption of enforceable number conservation measures; (2) Industry must be made accountable for use of public resources through mandatory compliance with specific rules and reporting requirements; and (3) States and NANPA need enforcement authority and states need the ability to participate in policy decisions relating to the implementation of conservation measures. These core principles were reaffirmed in a 2004 compilation of NARUC policy principles approved by the both the Telecommunications Committee and the NARUC Board of Directors. From this base, the association has taken more specific positions in two additional resolutions passed earlier this year that build upon these base principles and are relevant to these proceedings – one focused on porting and the other two focused on “non-certificated” carrier access to numbers.

**[3] PORTING - FCC SHOULD ESTABLISH A UNIFORM NATIONAL RULE FOR PORTING:** On January 9, 2007, the FCC noticed for comment a December 20, 2006, T-Mobile USA, Inc., and Sprint Nextel Corporation asked the FCC to end an ongoing controversy regarding the Commission’s requirement that only “necessary” validation procedures be utilized in the porting process. The Petitioners seek a ruling “...that all carriers obligated to provide number portability may not obstruct or delay the porting process by demanding from the porting-in carrier information in excess of the minimum information needed to validate the requesting customer.” Based on a February 21, 2007 resolution, NARUC filed comments joining generally the initial comments filed by its members in California, Nebraska, and Iowa insofar as they encourage the FCC to establish “...a simple and uniform industry porting process.”

**[4] NON-CERTIFICATED CARRIER ACCESS TO NUMBERS – FCC SHOULD ESTABLISH A NATIONAL POLICY EXPEDITIOUSLY TO AVOID PREMATURE AREA CODE EXHAUST AND INEFFICIENT NUMBER UTILIZATION:** A July 2007 NARUC resolution, builds on a February 2006 NARUC policy by specifically recognizing the need for a national policy regarding the assignment of numbering resources by the NANPA and the NPA to certificated carriers who obtain numbering resources on behalf of non-certificated service providers. To ensure such numbers are used in the most efficient manner possible, without limiting competition or the development of new technologies and services that benefit consumers, the NARUC urges the FCC to:

- Act expeditiously to address numbering issues attributed to non-certificated service providers to stem the tide of inefficient number assignment such that area codes are not prematurely exhausted;
- Promote efficient number conservation and utilization by requiring that *all providers using numbering resources* comply with all requirements of Part 52 of the FCC’s regulations; and
- Require that numbers provided to non-certificated service providers be treated as intermediate numbers until such time as they are actually assigned to end user customers and that such providers be treated as “reporting carriers” for NRUF purposes.

Finally, the resolution notes, that should the FCC decide to permit non-certificated service providers direct access to phone numbers, it not do so unless it also requires them to directly report number utilization and comply with the FCC’s Part 52 numbering rules.

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requirements, telemarketing, customer privacy/Caller ID issues, and related consumer protection issues, reveal those same key elements: FCC has a statutory basis for specific rules; FCC sets minimum standards; and States retain flexibility to address novel/variations of a particular abuse....State involvement leverages enforcement efforts and provide, in many instances, faster resolution...States are almost always better positioned to respond...unlike the FCC which must respond to consumers from fifty States, each State is only responsible for responding within its jurisdiction.

## II. DISCUSSION

### A. FCC SHOULD ESTABLISH A UNIFORM NATIONAL RULE FOR PORTING:

In 1996, Congress added section 251(b)(2) to the Communications Act. That section requires all local exchange carriers (“LECs”) to offer number portability as per FCC rules.<sup>2</sup> In 1996, the Commission determined that the public interest would be served by extending the portability requirement to wireless carriers as well as LECs.<sup>3</sup> NARUC strongly supported this FCC initiative. We filed numerous pleadings agreeing with the FCC’s assessment that the competition resulting from portability “should foster lower local telephone prices and, consequently, stimulate demand for telecommunications services and increase economic growth.”<sup>4</sup> As noted earlier, NARUC agrees the process should be uniform throughout the industry and relatively simple to implement. If Sprint’s and T-Mobile’s factual allegations, the petition referenced earlier, are accurate, some immediate FCC action is warranted.

The ability of any carrier to effectively “port in” a customer is directly tied to the practices of the carrier that will be “porting out” the customer. Petitioners allege that some carriers have adopted practices which complicate and prolong the “porting out” process, thus hindering the effectiveness of competition. They point out that these practices, in fact, delay a competitor’s ability to activate the number often for weeks or months “...resulting in a frustrating customer experience, an unnecessarily high port cancellation rate, and ultimately, a barrier to competition.” *Id* at 4.

Two undisputed facts from the T-Mobile-Sprint petition suggest some action is warranted with respect to LEC porting procedures.

The first is pointed out by petitioners on page 3 of their petition:

The inefficiency of the incumbent LEC validation process is starkly highlighted when it is compared to the intramodal wireless porting mechanism in use today. For simple wireless-to-wireless ports, numbers are usually ported in a matter of hours with a nominal amount of information exchanged by the carriers. In such ports, wireless consumers are generally unable to detect any difference between changing providers with porting and changing carriers without porting.

The second, pointed out later in the petition, is the fact that wireless carriers initially required nine data fields to port a customer, then – basically because that made the process less efficient and the additional fields were not needed to protect customers’ choices, cut it to four, then three, data fields. This is clear evidence that a less burdensome and uniform process can work quickly to protect consumers and competition in a commercial environment.

Petitioners claim that some LECs are insisting on “outdated and unnecessarily arduous procedures, such as completion of port request forms with more than 100 data fields.” *Id*. Petitioners attached to their filing a sample form with more than 100 data fields, including fields requiring input of “additional engineering,” “additional forms,” “additional labor,” and “account regrade.”

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<sup>2</sup> See 47 U.S.C. § 251(b)(2).

<sup>3</sup> See *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352 ¶ 153 (1996) (“*First Porting Order*”).

<sup>4</sup> *First Porting Order* ¶ 30.

It is difficult to understand how this much information could be required to port a customer from one carrier to another. If the petitioner allegations are true, it gives credence to the Petitioners' argument that some LECs are imposing onerous and burdensome porting requirements simply to slow their churn rates by rendering the porting process complicated and time-consuming. The churn statistics cited by Petitioners seems to bear this out. Petitioners state that while the consumer cancellation rate for intramodal (*i.e.*, wireless-to-wireless) ports is about five percent, the cancellation rate for intermodal ports is approximately 30 percent. They argue that onerous non-standard ILEC validation procedures are the root cause for the disparity in rates. At a minimum, the FCC must investigate to see if a more streamlined process, like the one that works in the wireless-to-wireless environment can work in intermodel ports.

Petitioners present a simple solution for the Commission's consideration, noting no new rules are needed. According to the Petition, a page 2, the FCC ". . . need only further clarify that porting-out carriers may not demand information from requesting providers beyond that required to validate the customer request and accomplish the port." The Petition suggests, based on the practices of the wireless industry, that LECs, should validate ports using no more than four customer validation fields, limiting the validation to those fields "necessary" to the process.

The FCC should immediately act to prohibit onerous and non-standard porting practices as anti-competitive and anti-consumer. The statistics on porting cited by Petitioners suggest both the Commission's and Congress's primary purpose in establishing portability obligations is being frustrated. Something must be causing almost a third of customers to cancel their wireline-to-wireless ports. The Commission should clarify its 2003 ruling that carriers may not impose "restrictions on porting beyond necessary validation procedures."<sup>5</sup> It should establish a uniform industry porting process and assure that ALL service providers comply with uniform industry porting guidelines and work cooperatively with other carriers in resolving disputes.

**B. NON-CERTIFICATED CARRIER ACCESS TO NUMBERS – FCC SHOULD ESTABLISH A NATIONAL POLICY EXPEDITIOUSLY TO AVOID PREMATURE AREA CODE EXHAUST AND INEFFICIENT NUMBER UTILIZATION:**

In a resolution adopted in February 2006, NARUC pointed out concerns raised in several States regarding the exportation of large quantities of North American Numbering Plan (NANP) numbers to customers in other States and countries and urged the FCC to provide leadership on numbering for IP-enabled service providers by developing a national policy for the assignment of numbers to IP-enabled service providers that balanced the impact on consumers burdened with additional area code relief with the needs of IP-service providers to bring new innovations to the marketplace. The resolution also urged the FCC to address and act on State petitions to expand Thousand-Block Number Pooling beyond the top 100 MSAs; and to act expeditiously in completing the Regulatory Flexibility Act (RFA) in CC Docket No. 95-116 to allow the implementation of a nationwide local number portability.

Since 2006, the use of telephone numbering resources has increased. During 2006, National Pooling Administrator (NPA) thousand block assignments increased by 12% over 2005 totals and 70% since 2004. Also during 2006, there were 4,079 North American Numbering Plan Administrator (NANPA) prefix assignments (up from 3,312 in 2005 and 3,128 in 2004), which has directly contributed to an increase in the rate of area code exhaust. During this same time period, assignment of competitive local exchange carrier (CLEC) telephone numbers and utilization rates<sup>6</sup> have increased while the number of CLEC access lines in service has decreased.

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<sup>5</sup> See *Wireless Porting Order* ¶ 14.

<sup>6</sup> Utilization rates are calculated by dividing all assigned numbers by the total numbering resources in the carrier's inventory. The FCC instituted a utilization requirement to keep carriers from expanding their inventory of

Currently, only carriers with FCC licenses, waivers or State certification may apply directly to the NANPA or the NPA for access to telephone numbers subject to Part 52 numbering rules. The Part 52 Rules require these carriers in part to participate in number pooling, port telephone numbers from carrier to carrier, file number resources utilization and forecast information and meet other number conservation requirements.

In contrast, many of the Voice over the Internet Protocol-based (VoIP) and other IP-enabled service providers using telephone numbering resources do not receive their numbers directly from the NANPA or the NPA. Instead, they are allocated to those providers as customers of FCC-licensed or State-certificated carriers. For example, when a block of one-thousand numbers is transferred from the CLEC to a VoIP or IP-enabled provider customer, the CLEC considers this block of assigned numbers as being 100% utilized even though it does not regard it as a block of subscribers or access lines in service.<sup>7</sup> Thus, the total assigned telephone numbers and utilization rates increase while CLEC subscribership decreases.

There is no official record of some VoIP number assignments. Consequently, these VoIP and IP-enabled providers lack the incentive to utilize their numbering resources efficiently. Therefore, these VoIP and IP-enabled providers can continually expand their number inventories unchecked because the rate at which they actually assign numbers is not reported. In addition, these providers are not subject to the FCC's 75% utilization rate before requesting additional resources from their CLEC partner.

This is a problem. The FCC and the States rely on Number Resources Utilization and Forecast data to project area code exhaust. The lack of this data undermines the utility and reliability of these forecasts.

Moreover, neither the NANPA nor the NPA have a reliable mechanism for directly monitoring the actual number utilization of service providers obtaining numbering resources from certificated carriers. Absent that data, the FCC and the States have no means of verifying VoIP or IP-enabled providers' telephone number utilization.

Similarly, the FCC and States are unable to determine whether these providers are using their numbering resources in an efficient manner or whether they have violated the Federal numbering rules by stockpiling number resources.

This issue is similar to that which occurred before the FCC mandated carrier utilization reporting in March 2000. When the FCC first mandated the filing of utilization and forecasting data, it did so to address premature area code exhaust. Carriers were causing area codes to exhaust by expanding their number inventories beyond their true need. The FCC ordered the reporting of this data because it determined that the absence of this information was one of the major reasons leading to premature area code exhaust. Currently, the only control over non-certificated service provider number requests is through the CLECs themselves, which is all but nonexistent.

This resolution differs from the February 2006 resolution because it specifically urges the FCC to continue promoting efficient number conservation and utilization by requiring non-certificated service providers using numbering resources to comply with the requirements of the Part 52 numbering rules.

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telephone numbers faster than they could assign them to end users. Currently, if a carrier applies for a prefix in an area, it must show that any other prefixes it has been assigned in that area are 75% utilized and assigned to end users.

<sup>7</sup> Assigned numbers are defined as numbers working in the Public Switched Telephone Network pursuant to an agreement such as a contract or tariff at the request of specific end users or customers for use, or numbers not yet working but associated with a pending customer service order.

It specifically recognizes that there is a need for a national policy regarding the assignment of numbering resources by the NANPA and the NPA to certificated carriers who obtain numbering resources on behalf of non-certificated service providers to ensure that they are used in the most efficient manner possible, and, as noted earlier, specifically asks the FCC to:

- Act expeditiously to address numbering issues attributed to non-certificated service providers to stem the tide of inefficient number assignment such that area codes are not prematurely exhausted;
- Promote efficient number conservation and utilization by requiring that *all providers using numbering resources* comply with all requirements of Part 52 of the FCC's regulations; and
- Require that numbers provided to non-certificated service providers be treated as intermediate numbers until such time as they are actually assigned to end user customers and that such providers be treated as "reporting carriers" for NRUF purposes.

Finally, the resolution notes, that should the FCC decide to permit non-certificated service providers direct access to phone numbers, it not do so unless it also requires them to directly report number utilization and comply with the FCC's Part 52 numbering rules.

If you have any questions or comments concerning this correspondence, please do not hesitate to contact me at 202.898.2207 or [jramsay@naruc.org](mailto:jramsay@naruc.org).

Sincerely

James Bradford Ramsay  
NARUC General Counsel

Enclosures

### ***Resolution Concerning Local Number Portability***

**WHEREAS**, The National Association of Regulatory Utility Commissioners (“NARUC”) has strongly supported the implementation of Local Number Portability (LNP) as an important vehicle for consumer choice; *and*

**WHEREAS**, LNP provides the opportunity for consumers to easily move service between LNP-capable providers while retaining their telephone number; *and*

**WHEREAS**, Competition in all voice services has increased the need for LNP to realize customer choice between service providers; and therefore porting of telephone numbers used by all carriers, including LECs, CLECs, wireless carriers and VoIP service providers should comply with uniform industry porting guidelines; *and*

**WHEREAS**, NARUC supports policies which encourage the continued advancement of competition in telecommunications markets and the ability of consumers to take their telephone number with them when they opt for a new or different provider’s products and services regardless of the type of service; *and*

**WHEREAS**, A simpler and more convenient process of porting numbers should be considered for adoption as the uniform industry porting process in order to accommodate further consumer ease, increase the rate of successful port completions and facilitate the further advancement of competition; *and*

**WHEREAS**, Various technical industry groups and bodies responsible for the setting of industry standards, such as the Alliance for Telecommunications Industry Solutions (ATIS), have been unable to resolve diverse order processing formats between providers for number porting; *and*

**WHEREAS**, The North American Numbering Council (NANC) has examined the wireless number portability issues on several occasions over the past eight years, most recently, in response to a request from the FCC, including forming an Intermodal Porting Issue Management Group (IMG) that produced a report and recommendation in May 2004 setting forth a streamlined confirmation and activation process; however, its effective implementation has been hindered by the requirement to submit an “error-free” port request; *and*

**WHEREAS**, The ATIS Ordering and Billing Forum (OBF) has been unable to develop a more efficient and uniform process for porting between wireline and wireless providers through their approval process since assignment of the issue in July of 2005; *and*

**WHEREAS**, The challenges regarding number portability for VoIP service providers have become increasingly common recently and have been raised before a number of bodies including State commissions, both for the porting in of a number to a VoIP provider and the porting out of a number from a VoIP provider; *and*

**WHEREAS**, The adoption of a simple and uniform industry porting process will facilitate consumer choice by improving customers’ ability to switch carriers when desired, as well as creating a uniform understanding, by all parties, of the steps required to port numbers; *and*

**WHEREAS**, There is pending before the Federal Communications Commission (“FCC”), in Docket CC 95-116, a Petition for Declaratory Ruling regarding LNP seeking clarification that carriers obligated to provide number portability may not obstruct or delay the porting process by demanding information from requesting carriers beyond that required to validate the customer request and accomplish the port (“Portability Petition”); *now, therefore, be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners convened in its 2007 Winter Meetings in Washington, D.C. expresses its support for the adoption of a simple and uniform industry porting process; *and be it further*

**RESOLVED**, That NARUC staff shall file comments with the FCC in CC 95-116, consistent with this resolution, encouraging the FCC to establish a uniform industry porting process; *and be it further*

**RESOLVED,** That NARUC also conveys its concerns to the FCC in the Number Portability Docket regarding the challenges created by having different types of service providers porting numbers to each other, and the need for all service providers to comply with uniform industry porting guidelines and to work cooperatively with other carriers in resolving disputes.

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*Sponsored by the Committees on Telecommunications and Consumer Affairs.  
Adopted by the NARUC Board of Directors, February 21, 2007*

***Resolution Concerning Adherence to Numbering Rules by Voice over Internet Protocol and IP-enabled Services Providers***

**WHEREAS**, Telephone numbering resources are a limited resource that must be utilized in the most efficient way possible while maintaining the flexibility to accommodate the needs of new entrants and new technologies free from unnecessary regulation or interference; *and*

**WHEREAS**, The North American Numbering Plan (NANP) is currently administered by the North American Numbering Plan Administrator (NANPA) and thousand block number pooling is administered by the National Pooling Administrator (NPA); *and*

**WHEREAS**, Pursuant to Section 251(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, the ultimate responsibility for the NANP and NANPA rests with the Federal Communications Commission (FCC); *and*

**WHEREAS**, Only carriers with FCC licenses, waivers, or State certifications may apply directly to NANPA or the NPA for access to telephone numbers; *and*

**WHEREAS**, All eligible parties seeking numbering resources directly from the NANPA or the NPA are subject to the Part 52 numbering rules, including the filing of Number Resources Utilization and Forecast (NRUF) information, as well as meeting the requisite number utilization requirements; *and*

**WHEREAS**, The number of consumers using new emerging technologies including Voice over Internet Protocol (VoIP) and other IP-enabled services has increased substantially causing greater demand for numbers; *and*

**WHEREAS**, Many of the VoIP and other IP-enabled service providers have not obtained FCC licenses, waivers or become State certificated; *and*

**WHEREAS**, Non-certificated service providers are being allocated numbering resources by eligible FCC-licensed or State-certificated telecommunications carriers; *and*

**WHEREAS**, Neither the NANPA nor the NPA have a mechanism for directly monitoring actual utilization of numbers by non-certificated voice service providers, and those providers lack the incentive to efficiently utilize numbering resources under the current regime; *and*

**WHEREAS**, Without the data provided via the NANPA or the NPA, the FCC and the States have no current means to accurately monitor the number utilization of service providers obtaining numbering resources from certificated carriers; *and*

**WHEREAS**, The manner in which the underlying carriers report on number utilization by non-certificated service providers may allow for inefficient usage of numbers; *and*

**WHEREAS**, There is currently no consistent or stated policy regarding the assignment of numbers to non-certificated service providers; *and*

**WHEREAS**, Inefficient use of numbering resources is one factor contributing to costly area code relief proceedings; *now, therefore, be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its July 2007 Summer Meetings in New York, New York, recognizes that there is a need for a national policy regarding the assignment of numbering resources by the NANPA and the NPA to certificated carriers who obtain numbering resources on behalf of non-certificated service providers to ensure that they are used in the most efficient manner possible, without limiting competition or the development of new technologies and services that benefit consumers; *and be it further*

**RESOLVED**, That NARUC urges the FCC to act expeditiously to address numbering issues attributed to non-certificated service providers to stem the tide of inefficient number assignment such that area codes are not prematurely exhausted; *and be it further*

**RESOLVED**, That NARUC urges the FCC to promote efficient number conservation and utilization by requiring that all providers using numbering resources comply with all requirements of Part 52 of the FCC's regulations; *and be it further*

**RESOLVED**, That NARUC urges the FCC to require that numbers provided to non-certificated service providers be treated as intermediate numbers until such time as they are actually assigned to end user customers and that such providers be treated as "reporting carriers" for NRUF purposes; *and be it further*

**RESOLVED**, That should the FCC decide to permit non-certificated service providers direct access to phone numbers, it not do so unless it also requires them to directly report number utilization and comply with the FCC's Part 52 numbering rules; *and be it further*

**RESOLVED**, That NARUC directs its General Counsel to communicate this resolution to all relevant policymakers, including federal and State agencies and Congress.

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*Sponsored by the Committee on Telecommunications*  
*Adopted by the NARUC Board of Directors July 18, 2007*

***Resolution Numbering Policy for IP-enabled services***

**WHEREAS**, Telephone numbering resources are a limited resource that must be utilized in the most efficient way possible; *and*

**WHEREAS**, Currently the North American Numbering Plan (NANP) is administered by the North American Numbering Plan Administrator (NANPA); *and*

**WHEREAS**, Pursuant to Section 251(e) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, the ultimate responsibility for the NANP and NANPA rests with the FCC; *and*

**WHEREAS**, Numbering resources are assigned to carriers free of charge; *and*

**WHEREAS**, Numbering resources must be assigned in the most efficient way possible while maintaining the flexibility to accommodate the needs of new entrants and new technologies free from unnecessary regulation or interference; *and*

**WHEREAS**, The proliferation of new technologies and services, especially IP-enabled services, has increased opportunities for consumers in the marketplace and has also increased demand for numbering resources; *and*

**WHEREAS**, Providers using IP-enabled services often are not directly assigned numbers, but rather partner with incumbent carriers for the acquisition of numbering resources; *and*

**WHEREAS**, In many cases, the carriers that are partnering with the IP-enabled service providers are not required to participate in Thousand-Block Number Pooling (TBNP); *and*

**WHEREAS**, Providers of IP-enabled services do not report Number Resources and Utilization and Forecast data, which would allow the States and FCC to review their usage.

**WHEREAS**, There is currently no consistent or stated policy regarding the assignment of numbers to VoIP service providers and other providers of IP-enabled services; *and*

**WHEREAS**, Inefficient use of numbering resources can result in more frequent and costly area code relief proceedings; *and*

**WHEREAS**, Some providers of IP-enabled services are requesting, via third-party incumbent carriers large quantities of numbering resources which are often used by customers outside of the State, and possibly outside the United States, in which they are assigned, with little or no benefit to the customers and citizens of that State; *and*

**WHEREAS**, TBNP currently is required only in markets designated in the top 100 Metropolitan Statistical Areas (MSAs); *and*

**WHEREAS**, Various States have petitioned the FCC for authority to implement additional number conservation measures including the expansion of TBNP beyond the top 100 MSAs; *and*

**WHEREAS**, Local number portability, a precursor to TBNP, is on hold in a number of States pending the FCC's completion of the Regulatory Flexibility Analysis (RFA) in CC Docket No. 95-116; *and*

**WHEREAS**, There is a need for a national policy regarding the assignment of numbering resources by NANPA and the Pooling Administrator to IP-enabled service providers to ensure that these valuable, limited resources are used in the most efficient manner possible, without limiting competition or the development of new technologies and services that benefit consumers, with special consideration given to addressing the issue of exporting of large quantities of NANP numbers outside of the States, and possibly the United States; *now therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its February 2006 Winter Meetings in Washington, D.C., urges the FCC to provide leadership on the issue of numbering for IP-enabled service providers; *and be it further*

**RESOLVED,** That NARUC requests the FCC review and consider recommendations made by the North American Numbering Council's Future of Numbering Issue Management Group on IP-enabled service providers accessing North American Numbering Plan resources and develop a national policy for the assignment of numbers to IP-enabled service providers which balances both the impact on consumers burdened with additional area code relief due to inefficient use of numbering resources and the needs of IP-service providers to bring new innovations to the marketplace; *and be it further*

**RESOLVED,** That any policy developed by the FCC address the concerns raised in several States regarding the exportation of large quantities of NANP numbers to customers in other States and countries; *and be it further*

**RESOLVED,** That the FCC address and act on State petitions to expand TBNP beyond the top 100 MSAs; *and be it further*

**RESOLVED,** That NARUC urges the FCC to act expeditiously in completing the RFA in CC Docket No. 95-116 to allow the implementation of local number portability, a precursor to TBNP, throughout the nation.

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*Sponsored by the Committee on Telecommunications*

*Adopted by the NARUC Board of Directors February 15, 2006*