

COMMONWEALTH OF PENNSYLVANIA



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Consumer Advocate

Ms. Marlene Dortch  
Office of Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: In the Matter of Numbering Resource Optimization, CC Docket No. 99-200;  
**Pennsylvania Public Utility Commission's Petition for Delegated Authority to  
Implement Number Conservation Measures (dated July 13, 2009)**

Dear Ms. Dortch:

In accordance with Section 1.1206 of the Federal Communications Commission's (Commission) rules, 47 C.F.R. § 1.1206, the Pennsylvania Office of Consumer Advocate (Pa OCA) hereby files this ex parte letter in the above-captioned proceeding.<sup>1</sup>

On July 13, 2009, the Pennsylvania Public Utility Commission (Pa PUC) filed a Petition for Delegated Authority to Implement Number Conservation Measures (Petition). In that Petition, the Pa PUC requested "delegated authority from the Commission in order to direct Neustar Number Pooling Services ("Neustar"), the numbering administrator, to mark all rate centers in the Commonwealth of Pennsylvania mandatory for 1K number pooling purposes." Petition at 1.<sup>2</sup> The Pa OCA files this ex parte letter in support of the Pa PUC's Petition and requests that the Commission expeditiously approve the Petition so that the Pa PUC can require thousands-block pooling in every rate center in Pennsylvania. This issue has become critical because Pennsylvania is facing the exhaustion of telephone numbers in three area codes.

As the Commission noted in its Petition, "to date, all area codes within Pennsylvania are under a pooling regime." *Id.* at 5. However:

It has come to the Pa PUC's attention that some of the rate centers within these pooling areas are marked "optional" for 1K number pooling purposes because those rate centers do not reside within

<sup>1</sup> The Pa OCA is authorized by statute to represent the interests of Pennsylvania's consumers of utility service, including telephone, electric, gas, water and sewer, before state and federal courts and agencies. *See*, 71 P.S. § 309-2.

<sup>2</sup> "1K," or "thousands block" number pooling, is the distribution of telephone numbers in blocks of 1,000 (NXX-X), instead of in blocks of 10,000 (NXX).

one of the top 100 MSAs. Consequently, the Pa PUC is seeking authority from the Commission so that it can direct Neustar to mark all rate centers in Pennsylvania mandatory for 1K block number pooling purposes.

Id. at 5-6.<sup>3</sup> In support of its Petition, the Pa PUC notes that one of the major drivers of the rapid implementation of new area codes is the distribution of telephone numbers to carriers in blocks of 10,000 and that 1K number pooling addresses this problem as it allows the allocation of blocks of one thousand sequential numbers within the same NXX code to different providers. Id. at 6.<sup>4</sup> As the Commission notes, however, some of the rate centers in pooling area codes, or numbering plan areas (NPAs), are “optional,” so that any carrier providing service in these rate centers can still request a full NXX code that consists of 10,000 telephone numbers. Id. at 6-7. The PUC added that “this is of particular concern to the Pa PUC because there have been an increasing number of requests for full NXX codes (10,000 telephone numbers) in the rural areas of Pennsylvania.” Id. at 7.

The Pa PUC further states in its Petition how the lack of mandatory 1K pooling in rural rate centers has accelerated the exhaust of certain area codes, id. at 8-9, and that “it is now an appropriate time to expand the benefits of mandatory 1K pooling to those areas outside of the top 100 MSAs.” Id. at 10. Area code relief proceedings have now been initiated for the 570, 717 and 814 area codes in Pennsylvania.<sup>5</sup>

The Pa OCA respectfully submits that the Commission should grant the Pa PUC’s Petition without further delay. The Pa OCA has been active on area code issues at both the state and federal levels for more than a decade. In addition to its involvement in area code issues before the Pa PUC, the OCA has long advocated consumer interests regarding area code issues on behalf of the National Association of State Utility Consumer Advocates (NASUCA) before the Commission and the North American Numbering Council (NANC). NANC advises the FCC on numbering issues. In particular, the Pa OCA has advocated that area code relief should only be approved after it is determined that a new area code is in fact truly needed. This includes ensuring that current numbering resources are being used efficiently and reclaiming those numbers that are not.

In this instance, allowing the Pa PUC the additional authority to mandate 1K pooling in all rate centers in Pennsylvania will help ensure that current numbering resources are being used efficiently. The Pa PUC Petition details, in particular, how 1K pooling has delayed the need for area code relief in the 814 NPA. Id. at 7-8. This is so even though the Commission is able to require pooling in only a small portion of rate centers in the 814 NPA that are located within a top 100 MSA. The same is true for the 570 and 717 NPAs. Yet, the 570, 717 and 814 NPAs are

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<sup>3</sup> An “MSA” is a metropolitan statistical area.

<sup>4</sup> An “NXX code” is the first three digits of a seven-digit telephone number, sometimes referred to as the exchange.

<sup>5</sup> See e.g., Relief Plan for the 717 NPA, Pa PUC Docket No. P-2009-2136951, Order (entered December 24, 2009).

in jeopardy again and now is the time to allow the Commission to mandate 1K pooling in every rate center in Pennsylvania, not just those rate centers in the top 100 MSAs.

In particular, the Pa OCA has discovered that in March, 2009, under the 10,000 number block distribution, a single carrier received 101 NXX codes – comprising over one million telephone numbers – in the 570, 717 and 814 area codes combined. This was demonstrated in the Neustar petitions to the Pa PUC requesting the implementation of a new area code in each of these three NPAs. For example, in the 570 area code, the Neustar petition provided a summary of NXX code usage in the 570 NPA as of May 27, 2009. In that summary, the number of NXX codes that have been assigned in the 570 NPA each month since January 2006 are identified. For the most part, the number of codes assigned each month since January 2006 is either 0, 1, 2, 3 or 4. There are two months when 5 codes were assigned, two months when 6 codes were assigned and one month where 14 codes were assigned. In March, 2009, however, fifty-five (55) codes were assigned in that month alone.

The Neustar petitions filed with the Pa PUC for the 814 and 717 area codes also revealed a spike in codes for March 2009.

Upon further examination, the Pa OCA learned that a single company was assigned 31 out of the 43 NXX codes assigned in March 2009 in the 814 area code, 53 out of 55 NXX codes assigned that month in the 570 area code and all 17 of the NXX codes assigned that month in the 717 area code. This is the largest amount of code assignments during the more than three years worth of data reported in the Neustar petition. As a result, this one carrier was given more than one million telephone numbers in March, 2009 under the current procedures.<sup>6</sup>

While the Pa OCA supports the competitive provision of telecommunications services, the Pa OCA also seeks to minimize the amount of customer confusion and disruption associated with the implementation of a new area code, particularly when the existing area code may not be used efficiently. Expediently granting the Pa PUC petition will help ensure that existing numbering resources are being used efficiently while avoiding unnecessary customer confusion and disruption associated with the implementation of a new area code. If the Pa PUC is able to distribute telephone numbers in blocks of 1,000 in every rate center in the 570, 717 and 814 area codes, instead of just a select number of rate centers within those area codes, the OCA submits that the lives of these area codes may be able to be extended.

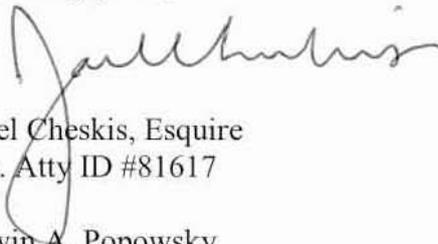
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<sup>6</sup> This is not the first time where one company has received a high number of NXX codes at one time in Pennsylvania. In Comments filed on October 30, 2000 regarding the 570 NPA, the OCA pointed out that there were 47 NXX codes, or 470,000 telephone numbers, assigned to the Wilkes Barre exchange even though Wilkes Barre had a population of only 42,358 at that time. As noted by the OCA, the largest holder of NXX codes in Wilkes Barre at that time had been assigned fifteen 10,000- number NXX codes in Wilkes Barre alone. Thus, this company alone had 150,000 telephone numbers in Wilkes Barre, enough to provide nearly four telephone numbers to every man, woman and child in the Wilkes Barre area, even though, to OCA's knowledge, there was no evidence that this company was providing service to any customers in Wilkes-Barre at that time.

The OCA recognizes that no rules have been broken and no party has acted improperly in the example provided. That is precisely why the Commission should expeditiously grant the Petition filed by the Pa PUC on July 13, 2009 and allow the Pa PUC to mandate thousands-block pooling in every rate center in Pennsylvania, not just those in the top 100 MSAs.

Please indicate your receipt of this filing on the additional copy provided and return it to the undersigned in the enclosed self-addressed, postage prepaid envelope. Please also note that this ex parte filing is also being made electronically in this docket.

Sincerely yours,



Joel Cheskis, Esquire  
Pa. Atty ID #81617

For: Irwin A. Popowsky  
Consumer Advocate

cc: Marilyn Jones, Federal Communications Commission, Competition Policy Division  
James H. Cawley, Chairman, Pennsylvania Public Utility Commission  
Tyrone J. Christy, Vice Chairman, Pennsylvania Public Utility Commission  
Kim Pizzingrilli, Commissioner, Pennsylvania Public Utility Commission  
Wayne E. Gardner, Commissioner, Pennsylvania Public Utility Commission  
Robert F. Powelson, Commissioner, Pennsylvania Public Utility Commission  
David Screven, Pennsylvania Public Utility Commission, Law Bureau  
Wayne Milby, Neustar, Inc.