

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

In the Matter of)	
)	
Local Number Portability Interval and Validation Requirement)	WC Docket No. 07-244
)	
Telephone Number Portability)	WC Docket No. 95-116
)	
Numbering Resource Optimization)	WC Docket No. 99-200

**REPLY COMMENTS OF
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Pennsylvania Public Utility Commission (Pa. PUC) respectfully submits these Reply Comments in the above-captioned dockets in response to Comments filed to the Federal Communications Commission's (FCC or Commission) December 12, 2013 Public Notice (Notice). In that Notice, the FCC sought comment on the North American Number Council's (NANC) report on local number portability (LNP) Best Practice 65, which is intended to stop premature activation of ports by new service providers, and Best Practice 30 on Area Code Relief Options, which is intended to address number porting and implementation of area code splits. The Public Notice set January 13, 2014, and January 28, 2014, respectively, for filing Comments and Reply Comments.

The Pa. PUC appreciates an opportunity to file Reply Comments. The Pa. PUC's Reply Comments will address LNP Best Practice 30. Additionally, as an initial matter,

these Pa. PUC Reply Comments should not be construed as binding on the Pa. PUC in any matter pending before the Pa. PUC. Moreover, these Pa. PUC Comments could change in response to later events, including Ex Parte filings or any legal or regulatory developments at the state or federal level.

Discussion

The NANC concurred with the recommendation of the Local Number Portability Administration (LNPA) Working Group, which recommended the approval of Best Practice 30 on Area Code Relief Options—All Services Overlay. The LNPA Working Group concluded that, due to the implementation of number portability, the landscape has significantly changed and that implementing area code splits is more problematic for end users and the industry. Accordingly, Best Practice 30 outlines the benefits of an all-services distributed overlay and asserts that all-services distributed overlays are now the preferred form of area code relief across the United States and are the best solution for area code relief.

The Minnesota Department of Commerce's (MNDOC) commented that it is unclear whether the Commission is proposing a rule change in adopting LNP Best Practice 30. The MNDOC states that it sees no need for a change in the current rules, noting that such a change would limit a state's ability to manage area code relief based on that state's determination of how the public interest is best served. The Pa. PUC agrees with this supposition.

The Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act), gave the Commission plenary jurisdiction over numbering issues that pertain to the United States.¹ However, in the *Local Competition Second Report and Order*,² the Commission delegated authority to the state commissions to implement new area codes. Specifically, the Commission stated:

We authorize the states to resolve matters involving the implementation of new area codes. State commissions are uniquely positioned to understand local conditions and what effect new area codes will have on those conditions. Each state's implementation method is, of course, subject to our guidelines for numbering administration...³

Furthermore, the Commission acknowledged that “states are uniquely situated to determine what type of area code relief is best suited to local circumstances”⁴ and delegated authority to the states so that they could implement the appropriate forms of area code relief. Under the Commission's current rules, states can introduce new area

¹ See 47 U.S.C. § 251 (e)(1).

² See *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392, 19512 (1996) (Local Competition Second Report and Order), petitions for reconsideration pending, vacated in part, *People of the State of California v. FCC*, 124 F.3d 934 (8th Cir. Aug 22, 1997), *cert. granted, sub nom. AT&T Corp. v. Iowa Util. Bd.*, 118 S. Ct. 879 (Jan. 26, 1998).

³ *Id.* at 19512.

⁴ *Id.* at 19517.

codes through the use of: (1) a geographic split; (2) an area code boundary re-alignment; or (3) an area code overlay.⁵

In the *Pennsylvania Numbering Order*,⁶ this Commission again reiterated the position that state commissions can choose among available area code relief mechanisms (a split, an overlay, or a rearrangement of area code boundaries) based on their knowledge of local circumstances, including consumer preferences and demographics. As mentioned above, this Commission itself has noted that certain localities may have circumstances that would support the use of area code overlays, and that states “may make decisions regarding the relative merits of *area code splits and overlays* so long as they act consistently with the Commission’s guidelines.”⁷

The Pa. PUC submits that the FCC should not adopt any position that portends to take away the ability of a state commission to grant appropriate and timely area code relief, whether that be in the form of an all-services overlay or a geographic split. While we acknowledge that technological advances (like LNP) have occurred since the advent of implementing area code relief, which bolsters the position that overlays are currently a preferred method of area code relief, states, due to their unique familiarity with local

⁵ See 47 C.F.R. § 52.19

⁶ See *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Order Regarding Area Codes 412, 610, 215 and 717, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009, 19015-16 (1998) (*Pennsylvania Numbering Order*).

⁷ *Id.*

circumstances, continue to stand in the best position to determine what is the most appropriate form of area code relief for a locality in its region. This Commission has always acknowledged this important and pertinent fact since it first delegated authority to the states to implement area code relief. To be clear, the Pa. PUC is not advocating that a geographic split is a preferred method over an all-services overlay. We just believe that state commissions should continue to be able to consider the unique circumstances of a particular region, and as the current rules prescribe, order the most appropriate form or area code relief for that particular region.

Conclusion

This Commission has always acknowledged that state commission are better suited to weigh the competing interests among the industry and public and render a decision on numbering relief that is beneficial to both the telecommunications carries and the public. There is nothing that the NANC has presented in its report that should persuade the Commission to think otherwise and take the flexibility from states in ordering the most appropriate form of area code relief in their regions, including implementing geographic splits where appropriate.

The Pa. PUC thanks the FCC for providing an opportunity to file reply comments.

**THE COMMONWEALTH OF PENNSYLVANIA
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