

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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

**REPLY COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES
COMMISSION AND THE PEOPLE OF THE STATE OF CALIFORNIA
IN RESPONSE TO PUBLIC NOTICE DA 13-2367**

The California Public Utilities Commission and the People of the State of California (CPUC or California) submit these reply comments in response to the Public Notice (Notice) released December 12, 2013. In that Notice, the Federal Communications Commission (FCC or Commission) sought comment on two proposals from the North American Numbering Council (NANC) regarding premature activation of ports and area code relief options.¹ The CPUC comments here in response only to the proposal regarding area code relief options.

I. THE NANC’S REQUEST IS UNCLEAR

In comments submitted on January 13, 2014, the Minnesota Department of Commerce (MNDOC) notes that “[t]he current request for comments did not ask whether the FCC should adopt these Best Practices as a rule, so it is unclear if the FCC is proposing

¹ *Comment Sought on North American Numbering Council Proposals regarding Premature Activation of Ports and Area Code relief Options*, DA 13-2367, WC Docket No. 07-244, CC Docket No. 95-116, CC Docket No. 99-200, released December 12, 2013.

a rule change, should it adopt LNP Best Practice 65 and 30”.² California concurs; the information contained in the NANC’s submission to the FCC was unclear insofar as what result was being proposed to the FCC.

If the NANC is recommending that the telecommunications industry henceforth will only propose area code overlays to state commissions operating under delegated authority to implement area code relief, then California does not object to an industry policy favoring *overlays*. *If, however, the NANC is recommending that the FCC adopt a rule prohibiting any state from implementing an area code split if the state considers that to be the best result for its citizens, then the CPUC objects to any such rule being adopted.*

II. CALIFORNIA AGREES WITH MINNESOTA THAT THE CHOICE OF AREA CODE RELIEF OPTION SHOULD BE LEFT TO THE STATES

The CPUC has been engaged in the discussion about area code policy since before the FCC opened CC Docket No. 99-200. California has consistently advocated for state discretion to adopt the form of area code relief that is most appropriate for local circumstances. In delegating to the states authority to implement area code relief, the FCC cited the very reasons California and Minnesota promote here.

In this *Order*, we are authorizing the states to continue the task of overseeing the introduction of new area codes subject to the Commission’s numbering administration guidelines.³

² Comments of Minnesota Department of Commerce, p. 1.

³ *Second Report and Order and Memorandum Opinion and Order*, FCC 96-333, *In the Matters of Implementation of the Local competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98; *Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, CC Docket No. 95-185; *Area Code Relief Plan for Dallas and Houston, Ordered by the Public Utility Commission of Texas*, NSD File No. 96-.,; *Administration of the North American Numbering Plan*, CC Docket No. 92-237; *Proposed 708 relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois*, IAD File No. 94-10, released August 8, 1996, ¶ 281.

As we note above, states are uniquely situated to determine what type of area code relief is best suited to local circumstances. Certain localities may have circumstances that would support the use of area code overlays.... 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.⁴

At the same time, the CPUC recognizes that the telecommunications industry is undergoing constant change, and that states, including California, are adopting area code overlays by an overwhelming margin. Nonetheless, in some states, with large rural areas and number demand concentrated in small urban and suburban areas, an area code split may still be the best option.

Having held a seat on the NANC in the past, California is aware of the long-running discussion of area code splits versus overlay, which began in the late 1990's. California also is aware that the industry regards area code splits as extraordinarily inconvenient. Yet, the transcript of the September 18, 2013 NANC meeting contains no indication of any pressing need for the FCC to adopt a rule. Indeed, the discussion at the NANC indicated no change in the national trend towards consistent implementation of overlays. Accordingly, the NANC has failed to make a case for why it might be necessary for the FCC to adopt a rule now, if that is the NANC's recommendation.

While California itself has implemented only overlays in the recent past, the CPUC nonetheless agrees with the MNDOC that there is "no need for a change in rules that would limit a state's ability to manage area code relief based on a determination by the state of how the public interest is best service."

⁴ *Id.*, ¶ 283.

III. THE PUBLIC NOTICE WAS DEFICIENT

California notes that the Public Notice released on December 12, 2013 did not have attached to it the materials the NANC forwarded to the FCC with the recommendation to adopt Best Practices 65 and 30. Nor did the Notice contain a link to those materials on the FCC website. Further, a search by the undersigned counsel did not locate those materials on the FCC website. Counsel resorted to contacting an FCC staff person who forwarded the materials by e-mail.

It would be very helpful to the universe of potential parties if the FCC made it a little bit easier to locate materials that form the basis of a request for comment.

IV. CONCLUSION

The CPUC urges the FCC to clarify what the NANC has requested in recommending that the FCC adopt Best Practice 30 pertaining to area code relief. More importantly, California asks that the FCC not abandon its long-held view that the states are best positioned to determine the form of area code relief most appropriate to local circumstances.

Respectfully submitted,

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