

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

In the Matter of:)	
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The Michigan Public Service Commission)	File No. _____
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Petition for Delegation of Additional Authority Pertaining to NXX Code Conservation Measures,)	
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)	
and)	
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)	
Number Resource Optimization)	CC Docket No. 99-200

**MICHIGAN PUBLIC SERVICE COMMISSION
PETITION FOR ADDITIONAL DELEGATED AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES**

Pursuant to the Federal Communication Commission’s (“Commission”) March 31, 2000 *Numbering Resource Optimization First Report and Order* (“Order”),¹ the Michigan Public Service Commission (“MPSC”) hereby seeks additional delegated authority to implement mandatory thousands-block pooling in the state of Michigan. More specifically, MPSC requests Thousand Blocks Number Pooling for the Detroit and Grand Rapids Metropolitan Statistical Area (MSA). Additionally, the MPSC requests authority to order sequential number assignment to minimize thousand block contamination as well as authority to maintain NXX code rationing

¹ Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000).

procedures following area code relief to prevent a surge in demand for codes. In lieu of pooling authority, in whole or in part, or due to the selection of a national Pooling Administrator, the MPSC requests that the Detroit and Grand Rapids MSAs be placed in the initial round of national pooling.

In its March 31 Order, the Commission directed that those state commissions seeking thousands block number pooling authority demonstrate that “1) a numbering plan area (NPA) in its state is in jeopardy; 2) the NPA in question has a remaining life span of at least a 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-capable.” *Id.* at ¶ 170. In addition, the Commission recognized that “special circumstances” may exist in which pooling would be authorized “upon a satisfactory showing by the state commission of such circumstances.” *Id.* Finally, in the case of pooling in more than one MSA, the Commission has stated that pooling in a second MSA is to be implemented “only after having implemented pooling in the initial MSA and after allowing carriers sufficient time to undertake necessary steps to accommodate thousands-block number pooling, such as modifying databases and upgrading switch software.” *Id.* As described below, the MPSC meets the three criteria of paragraph 170 of the Order for this additional authority or, alternatively, qualifies based on special circumstances.

I. BACKGROUND

On July 17, 2000, Governor John Engler signed legislation that granted authority to the MPSC to exercise authority delegated by the Commission to implement area code relief in Michigan. MCL 484.2303; MSA 22.1469(303). Under this legislation, on August 1, 2000, the MPSC accepted authority from the Commission relative to the approval of area code relief plans.

Public hearings have been held for NPA 517, 810, 248, and 734, with area code relief, in the form of geographic splits, ordered for NPA 517 and 810. Implementation dates, however,

remain 18 months apart,² with NPA 517 mandatory dialing planned to begin October 6, 2001 and mandatory dialing for NPA 810 planned to begin March 23, 2002. A January 16, 2001 industry conference regarding jeopardy procedures in NPAs 517, 810, 248, and 616, reiterated the need for further numbering conservation efforts due to the exhaust periods, particularly in light of actual area code relief dates. NPA 517 and 810 both exhaust in July 2001, leaving the industry with no available NXX codes in 517 for five months and nearly 10 months in 810. Currently, the MPSC is anticipating further information from Michigan's largest incumbent local exchange carriers regarding implementation dates for NPA 248 and 734, rate center consolidation, and Thousand Blocks Number Pooling. Two additional area codes, NPA 313 and 616, have yet to be addressed. These facts notwithstanding, it is reasonable to state that the Detroit MSA has more than a year left since the 313 projected exhaust date is in the first quarter of 2002 and the 734 exhaust date has just been extended to 2002.

II. MICHIGAN MEETS THE REQUIRED CRITERIA FOR ADDITIONAL AUTHORITY

1. The MPAs in Michigan are in Jeopardy.

The NPAs in the Detroit and Grand Rapids MSAs are in jeopardy. Area code relief for the NPA 616, a geographic split with the current NPA 231, was completed in October 1999 by the industry. However, extraordinary jeopardy was declared for NPA 616 on November 29, 1999, less than two months after mandatory dialing commenced. The numbering plan for the Detroit MSA is also in jeopardy, *i.e.*, is in a situation "where central office codes may become exhausted before an area code relief plan can be implemented." 47 CFR § 52.7(b).

2. The NPAs in Question Have a Remaining Life Span of At Least One Year

The NPAs in the referenced MSAs have a remaining life span of at least one year. For example, with regard to the NPAs in the Detroit MSA there is more than one year left because

² Case No. U-12721, 1 Tr. 39.

the NPA 313 project exhaust date is the first quarter of 2002 and the NPA 734 exhaust date has just been extended until 2002.

Even if the Commission determined that MPSC did not meet the third criterion, the MPSC meets the special circumstances the Commission recognized might exist when it discussed waiving some of the requirements of paragraph 170. This point is discussed in Section III below.

3. The Detroit and Grand Rapids MSAs are Among the Nation's 100 Largest MSAs.

The last criterion for obtaining pooling authority is that the MSAs in question be among the 100 largest in the United States. Both the Detroit and Grand Rapids MSAs are among the nation's 100 largest MSAs.

III. WHETHER OR NOT THE CRITERIA HAVE BEEN MET, SPECIAL CIRCUMSTANCES WARRANT RELIEF.

As noted at the outset of this petition, the Commission has recognized that, even where the conditions for pooling relief have not literally been satisfied, authority to implement pooling measures may be granted upon a showing of special circumstances. Such circumstances are present here.

In rejecting calls for the imposition of rigid time limits for implementation of area code relief, the Commission emphasized just last month it was "sensitive to states' desire to minimize the consumer impact of area code relief by not implementing new area codes any sooner than necessary." *Numbering Resource Optimization, Second Report and Order*, CC Docket No. 99-200 at ¶ 58 (December 29, 2000). The MPSC has previously asserted to the Commission that, until legislation was signed by Governor Engler in July of last year, it had no authority to implement area code relief. Upon receiving authority over area code relief, the MPSC moved quickly to establish public hearings and approve relief plans. The current problem is the inability

of the industry to implement relief plans prior to the exhaust of numbering resources.³ The Michigan Telecommunications Act's general purposes include to "allow and encourage competition" and "encourage the development of a competitive telecommunications industry." MCL 484.2101; MSA 22.1469(101). Currently, Michigan has 155 competitive local exchange carriers that may be trying to institute service in affected areas; however, with a limited number of available NXX codes, or no available codes, increased competition becomes difficult or impossible to implement.

Therefore, the MPSC seeks authority to institute Thousand Blocks Number Pooling in the Detroit MSA, including NPAs 810 (586), 248, 734, and 313. The MPSC understands that number conservation is not a substitute for timely area code relief and that, although the Detroit MSA as a whole is more than one year from exhaust, many of the affected NPAs within the Detroit MSA are within one year of exhaust. The Detroit MSA will continue to be in constant need of numbering resources. In addition to Thousand Blocks Number Pooling, therefore, MPSC requests authority to order sequential number assignment to minimize thousand block contamination and to maintain NXX code rationing procedures following area code relief to prevent a surge in demand for codes. In lieu of pooling authority, in whole or in part, or due to the selection of a national Pooling Administrator, the MPSC requests that the Detroit MSA be placed in the initial round of national pooling.

Similar concerns warrant relief in the Grand Rapids MSA. Area code relief for the NPA 616, a geographic split with the current NPA 231, was completed in October 1999 by the industry; however, extraordinary jeopardy was declared for NPA 616 on November 29, 1999, less than two months after mandatory dialing commenced. An industry conference, on January 16, 2001, provided only ten months of rationing before there will be a complete exhaust of numbering resources in the NPA 616. As is the case with the Detroit MSA, the MPSC

³ The MPSC has also made reclamation efforts. On November 2, 2000, the MPSC ordered its staff to investigate and reclaim NXX codes with delinquent Part 4 forms (Confirmation of Code in Service). Working with the NANPA, approximately 45 codes have been addressed; however, only three have been reclaimed. Although the concept has merit, the actual reclamation of codes has yielded few numbering resources.

understands that number conservation is not a substitute for timely area code relief and intends to move forward to ensure needed relief. The industry, however, indicates that the implementation of area code relief plans will be completed in a sequential manner, with projected completion in several years. The MPSC, therefore, requests authority for a Thousand Blocks Number Pooling trial in the NPA 616 (the Grand Rapids MSA), authority to order sequential number assignment to minimize thousand block contamination, and authority to maintain NXX code rationing procedures following area code relief to prevent a surge in demand for codes. In lieu of pooling authority, in whole or in part, or due to the selection of a National Pooling Administrator, the MPSC requests the Grand Rapids MSA, like the Detroit MSA, be placed in the initial round of national pooling.⁴

CONCLUSION

The MPSC respects and supports the Commission's efforts to address the numbering resources situation at the national level. The MPSC realizes that number conservation, in any form, is not a substitute for timely area code relief, and the MPSC is working toward completion of the implementation of area code relief plans in Michigan. However large metropolitan areas such as the Detroit and Grand Rapids MSAs require further numbering resource optimization measures. Having met the criteria established by the Commission for additional delegated authority, or alternatively having demonstrated special circumstances, the MPSC requests delegated authority to (1) implement Thousand Blocks Number Pooling, based on national guidelines in the Detroit MSA and the Grand Rapids MSA, (2) order sequential number

⁴ The MPSC recognizes the Commission's statement in its March 31 Order that, in the case of pooling in more than one MSA, the Commission has stated that pooling in a second MSA is to be implemented "only after having implemented pooling in the initial MSA and after allowing carriers sufficient time to undertake necessary steps to accommodate thousands-block number pooling, such as modifying databases and upgrading switch software." *First Report and Order, supra* at ¶ 170. MPSC requests waiver of this limitation, but should the Commission conclude that such a condition is necessary in this case, MPSC requests that the Commission permit it to implement pooling in the Detroit MSA first.

assignment to minimize thousand block contamination, and (3) continue rationing procedures for six months following area code relief plan implementation.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

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CERTIFICATE OF SERVICE

I, Harvey L. Reiter, hereby certify that I have, this 26th day of January, 2001, served the foregoing document upon each person identified below:

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