

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

In the Matter of:	)	
	)	
Numbering Resource Optimization	)	CC Docket No. <b>99-200</b>
	)	
Telephone Number Portability	)	CC Docket No. <b>95-116</b>
_____	)	

**COMMENTS OF THE  
MICHIGAN PUBLIC SERVICE COMMISSION**

Pursuant to the Federal Communications Commission’s (“FCC”) procedural schedule established in the above docket, the Michigan Public Service Commission (“MPSC”) hereby submits its comments.

**I. INTRODUCTION.**

On March 24, 2003, the FCC requested comments regarding the petition filed by Western Wireless Corporation (“Western Wireless”) for a limited conditional waiver from thousands-block number pooling requirements.

Western Wireless petitioned the FCC for a limited conditional waiver on November 27, 2002, with a supplemental filing on March 3, 2003 requesting a waiver from all of its pooling and porting obligations. The initial petition requested that Western Wireless not be obligated to participate in thousands-block number pooling (“number pooling”) in the McAllen-Edinburg-Mission Combined Metropolitan Statistical Area (“CMSA”), in Texas, or that an extension of 36 months beyond March 2003 be granted because the company did not anticipate that number pooling would be mandated in the areas they serve.<sup>1</sup>

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<sup>1</sup> Western Wireless’ Limited, Conditional Petition for Waiver of Number Pooling Obligations in McAllen-Edinburg-Mission, Texas, CC Docket Nos. 99-200 and 95-116, November 27, 2002.

In the supplemental petition, Western Wireless requested that the FCC grant Western Wireless a waiver from all of its porting and number pooling obligations citing the geographic inconsistencies between the U.S. Census Bureau definition of Combined Metropolitan Statistical Area and Metropolitan Statistical Area (“CMSA/MSA”) and the FCC’s definition of Rural Service Area (“RSA”) used in determining license areas for wireless carriers.<sup>2</sup>

## **II. DISCUSSION.**

The issues of local number portability, number pooling, and the use of bona fide requests (“BFR”) is currently before the FCC, as acknowledged by Western Wireless. Until additional orders are issued, the *Third Report and Order* remains the directive to be followed.<sup>3</sup>

The inconsistency between the geographic areas of CMSA/MSAs and RSAs is a non-issue. Many wireline and wireless carriers have service areas that are both metropolitan and rural, within a CMSA/MSA and outside of a CMSA/MSA, and participate in number pooling. An alleged “recent discovery” is not reason enough to allow a carrier to ignore its number conservation responsibilities, and open the floodgates to carriers who will also claim “recent discovery”.<sup>4</sup>

The MPSC has long advocated local number portability as a pro-consumer, pro-competition technology which, when limited to metropolitan areas, is discriminatory and inconsistent with FCC policies.<sup>5</sup> Numbering resource optimization and conservation measures

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<sup>2</sup> Western Wireless’ Supplement to Petition for Waiver and Petition for Clarification, CC Docket Nos. 99-200 and 95-116, March 3, 2003.

<sup>3</sup> *Third Report and Order and Second Order on Reconsideration* in CC Docket No. 99-200, December 12, 2001.

<sup>4</sup> Western Wireless’ Supplement to Petition, CC Docket Nos. 99-200 and 95-116, March 3, 2003, pg. 1.

<sup>5</sup> MPSC Comments, CC Docket 99-200, 96-98, 95-116, May 6, 2002 and WC Docket No. 02-361, January 24, 2003.

have proven to extend the life of the North American Number Plan (“NANP”) and, even in rural areas, has had beneficial results. The MPSC also believes that providing rural customers with local number portability and telephone number conservation, encourages competition while protecting vulnerable Number Planning Areas (“NPA”).<sup>6</sup>

### **III. CONCLUSION.**

Number pooling and number optimization measures have extended the life of the NANP more than two decades. The introduction of technologies, able to use numbering resources from rural rate centers through geographic portability, will increase the need for conservation efforts in rural NPAs. Excusing Western Wireless from their responsibility in number conservation, will begin the domino effect of additional carriers petitioning for waivers. To relieve carriers of their responsibility may place the most vulnerable NPAs at risk.

The MPSC, therefore, requests that the FCC deny Western Wireless’ request for a waiver of their thousands-block number pooling responsibilities.

Respectfully submitted,

**MICHIGAN PUBLIC SERVICE COMMISSION**

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<sup>6</sup> MPSC Comments, CC Docket 99-200, November 16, 2001, May 6, 2002 and CC Docket No. 96-45, February 28, 2003.