

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554

In the matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996)	CC Docket No. 96-98
)	
Telephone Number Portability)	CC Docket No. 95-116
_____)	

**THIRD ORDER ON RECONSIDERATION IN CC DOCKET NO. 99-200,
THIRD FURTHER NOTICE OF PROPOSED RULEMAKING IN CC DOCKET 99-200,
AND SECOND FURTHER NOTICE OF PROPOSED RULEMAKING IN
CC DOCKET 95-116**

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

I. INTRODUCTION.

The future of the North American Numbering Plan (NANP) is in doubt.¹ With the current estimate of \$50 to \$150 billion² to develop and implement a 12 digit system,³ it is

¹ The NANP was developed in the 1940’s, initiating the NPA-NXX-XXXX dialing pattern, to expand long-distance calling. The NPA represents the area code number, the NXX represents the rate center prefix within the NPA, and the XXXX represents the individual telephone numbers.

² In the Matter of Numbering Resource Optimization, *Notice of Proposed Rulemaking*, CC Docket No. 99-200 (FCC 99-122), ¶ 34 (telecommunications industry and societal costs combined).

³ Industry Numbering Committee (INC), *Recommended Plan for Expanding the Capacity of the North American Numbering Plan*, December 13, 2001.

imperative that there be a thorough examination of the reasons the current NANP system became endangered, the concessions that may lead to its demise, and the difficult choice between the technologies that may rescue the current 10-digit system or the pursuit of expansion.

NANP exhaust dates have been extended with each new method of number conservation and number allocation technique. The use of utilization thresholds and months-to-exhaust criteria prior to receiving additional Central Office (CO) codes, reclamation of CO codes that are not activated within six months, and state Thousands-Block Number Pooling (pooling) trials have slowed the need for area code relief and encouraged carriers to use numbering resources more efficiently. With the national pooling rollout in its first quarter and the expectation that CMRS carriers will begin to participate in pooling November 2002, the need to expand the current 10-digit dialing system may be several decades away.

The development of national policy that excludes specific classes of carriers (i.e. CMRS) from participation in conservation measures is without merit.⁴ Carriers who have been allocated numbering resources, with few activated numbers, is the primary reason for NANP exhaust.⁵ The development of, and participation in, number conservation efforts should be the rule, not the exception. “All carriers that provide numbers to subscribers have contributed to the number exhaust problem, regardless of whether they began using the numbers long ago or recently. All carriers can contribute to resolving the exhaust problem by using numbers more efficiently, in part through number conservation measures such as thousands-block number pooling.”⁶ To

⁴ In the Matter of Telephone Number Portability, *Third Report and Order*, CC Docket No. 95-116 (FCC 98-82) ¶ 19.

⁵ In the Matter of Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rule Making*, CC Docket No. 99-200 (FCC 00-104) ¶ 122.

⁶ In the Matter of Numbering Resource Optimization, *Third Report and Order and Second Order*

excuse any carrier from their duty to conserve this finite resource, while facing an extensive, expensive, and confusing expansion plan, is unjustified.

II. EXTENDING LOCAL NUMBER PORTABILITY TO ALL NPAs.

In 1995, Michigan law was enacted to provide telecommunications customers the option of changing their wireline carrier without changing their telephone number within a rate center.⁷ The technology, commonly known as local number portability (LNP), is the cornerstone of many number conservation initiatives. These initiatives include thousands-block number pooling (pooling), unassigned number porting (UNP), and individual number pooling (INP). Although the Michigan law was instituted to foster customer choice and enhance carrier competition, the current and potential benefits of statewide wireline local number portability provide Michigan carriers the opportunity to participate in number conservation efforts, thus decreasing the need for further area code relief.⁸

Number portability technology should be utilized by all carriers, as advances in technology lead to geographic portability outside of rate center boundaries and potentially nationwide. The North American Numbering Council (NANC) working group, Numbering Expansion and Number Optimization (NENO), is currently analyzing a numbering optimization method entitled “Transparent Numbers via Geographic Portability” based on the concept that telephone numbers could be assigned from underutilized areas to high-growth areas without the

on Reconsideration in CC Docket No. 99-200, (FCC 01-362) ¶ 36.

⁷ Michigan Telecommunications Act 179 of 1991 as amended by Act 295 of 2000, July 17, 2000, Sec. 358.

⁸ Since August 2000, the MPSC has issued orders on 6 area code relief plans under docket nos.: U-12552, U-12588, U-12721, U-12850, U-12743, U-12880.

need for rate center consolidation.⁹ This form of conservation would obtain numbering resources from LNP-capable rural rate centers.

The determination that number portability should be limited to the largest 100 Metropolitan Statistical Areas (MSA) is a discriminatory policy for both the customer and the carrier. Advances in telecommunications technology should not, and are not, restricted to metropolitan areas. Over 25% of the telephone numbers available in the Upper Peninsula of Michigan are allocated to cellular or paging carriers and, with two major universities, the 906 NPA is also used for significant internet traffic and non-geographic services.¹⁰ By limiting number portability to only the largest metropolitan areas, rural customers will be unable to move their service between wireline carriers or, in the near future, from wireline to wireless carriers, and keep their telephone number. This is not only discriminatory, but inconsistent with prior FCC policies aimed at promoting competition.

III. THOUSANDS BLOCK NUMBER POOLING.

The MPSC supports the use of Combined Metropolitan Statistical Areas (CMSAs) in determining the regions to be pooled in the first quarters of the national rollout schedule as the FCC appears to suggest.¹¹ The combining of Metropolitan Statistical Areas (MSAs) recognizes the future of these areas toward geographic expansion, increases in population, and, therefore, additional telecommunications services. The telecommunications industry willingly provides

⁹ <http://www.fcc.gov/wcb/tapd/Nanc/>.

¹⁰ On April 25, 2002, Michigan's Governor John Engler announced an expansion of educational technology in the Upper Peninsula complementing the use of the Michigan Virtual High School and the Michigan Virtual University.

¹¹ In the Matter of Numbering Resource Optimization, *Third Report and Order and Second Order on Reconsideration*, CC Docket No. 99-200 (FCC 01-362) ¶ 127.

services to these new growth areas and, therefore, should accept the need for number conservation efforts, such as pooling, in these areas.

Initially, the national pooling rollout should concentrate on the largest metropolitan areas, NPAs that are in most need of number conservation, and incorporate wireless companies' numbering holdings into the national pooling process. Native block pooling among wireless carriers is showing significant participation nationwide¹² – confirming that wireless carriers are readying themselves technically, and administratively, to become part of the national pooling rollout. However, with the expected technological advances, using numbering resources from unconventional geographic areas, it would be imprudent to reduce number conservation efforts by limiting pooling to only CMSAs and the largest MSAs.

Due to statewide pooling trials, Maine, New Hampshire, and New York have the ability, even in rural areas, to use numbering resources more efficiently and defer additional area code relief. Pennsylvania, on the other hand, never expected to need number conservation in its rural 814 NPA. In December 1999, the exhaust timeframe for the 814 NPA was the 4th Quarter of 2010; however, by June of 2001, the exhaust timeframe was reduced to the 1st Quarter of 2005. The 814 NPA is currently being reviewed for area code relief planning.¹³ The reasons for this advancing exhaust has been determined to be the newest technologies, such as e-faxing and j-faxing, with the ability to use telephone numbers from rural rate centers.

Number conservation efforts facilitate the state's analysis of the need for area code relief, the viability of rate center consolidation, and individual carrier needs for additional number

¹² www.nationalpooling.com/nbp/index.htm for procedures.

¹³ www.nanpa.com Document Distribution Service, April 18, 2002.

resources. Pooling provides the identification of and, interaction with, carriers with numbering resources in individual NPAs, ensures that carriers have the technology of number portability for competitive reasons, and promotes carrier account-ability of current usage and future need for numbering resources. It is imperative that the momentum of mandatory pooling continue until every NPA is protected from exhaust due to the outdated practice of allocating telephone numbers in blocks of 10,000. To relieve carriers of responsibility, by allowing “volunteer” pooling, may place the most vulnerable NPAs at risk.¹⁴

III. CONCLUSION.

LNP-capability is pro-consumer, pro-competition technology. Limiting the accountability of carriers, while new services are being created and numbering resources utilized, encourages the dissolution of the current NANP system. The MPSC requests that all carriers¹⁵ be LNP-capable within the CMSAs and the largest 100 MSAs,¹⁶ with expansion to additional areas by 2003.¹⁷ The capabilities of the carriers must keep in step with the emerging technologies and the needs of customers.

The U.S. Census of 2000 is a valuable insight to population growth trends and, therefore, the expectations of increased utility needs. The MPSC requests the use of the 100 largest MSAs as determined by the U.S. Census of 2000, that incorporates the use of CMSAs, in determining

¹⁴ In the Matter of Numbering Resource Optimization, *Order*, CC Docket No. 99-200 (DA 02-948), ¶ 4.

¹⁵ In the Matter of Numbering Resource Optimization, *Notice of Proposed Rulemaking*, CC Docket 99-200 (FCC 99-122), ¶ 160(3).

¹⁶ In the Matter of Numbering Resource Optimization, *Third Report and Order and Second Order on Reconsideration*, CC Docket No. 99-200 (FCC 01-362), Appendix D.

¹⁷ In the Matter of Numbering Resource Optimization, *Order*, CC Docket No. 99-200 (DA 02-948), includes the national pooling rollout schedule by quarters ending December 14, 2003.

the national pooling rollout schedule. Expanding involvement in number conservation, both by carrier and geographic location, has been proven to extend the life of the current NANP.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

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99-200 et al/Third Order