

**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)	CC Docket No. 96-98
Provisions of the Telecommunications Act)	
Of 1996)	
)	
Telephone Number Portability)	CC Docket No. 95-116

**COMMENTS OF THE
MICHIGAN PUBLIC SERVICE COMMISSION
ON THE
NUMBERING AUDIT PROGRAM**

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

On December 7, 2000, the FCC established audit requirements to ensure the proper use of numbering resources.¹ On December 12, 2001, the FCC clarified the roles of the North American Numbering Plan Administrator (“NANPA”) and State Commissions in the auditing process.² The FCC, on January 15, 2002, requested comments regarding the Numbering Audit Program developed in compliance with the Numbering Resource Optimization (“NRO”) dockets.³

¹ CC Docket No. 99-200, CC Docket No. 96-98 (FCC 00-429), December 7, 2000.

² CC Docket No. 99-200, CC Docket No. 96-98, CC Docket No. 95-116 (FCC 01-362), December 12, 2001.

³ CC Docket No. 96-98, CC Docket No. 99-200 (DA 02-108), January 15, 2002.

The MPSC previously commented on the need and structure of an auditing program to ensure the appropriate use of numbering resources.⁴ The MPSC supports the FCC's commitment to ensure State Commission involvement and the denial of numbering resources for non-compliant carriers since it is consistent with previous FCC NRO orders, that have stressed the importance of accurate and timely Numbering Resource Utilization and Forecast (NRUF) reporting.

II. STATE COMMISSION INVOLVEMENT

In the framework established by the FCC, State Commissions are relied upon to report active or potential violations of the NRO regulations. The MPSC believes that this role would be facilitated and strengthened if the Audit Report, the Carrier Rebuttal Contribution, and the FCC Determination generated by numbering resource audits were to be placed on a password-protected website for access by all State Commissions. Because many telecommunications carriers serve several states, it is imperative that all State Commissions have access to information on numbering violations by all carriers, whether the carrier serves customers nationally or just in an adjacent state. As with other features of auditing, increased State Commission scrutiny will deter carriers from committing numbering violations in addition to assisting state and federal agencies in their long range planning for number optimization.

III. PENALTIES

Aggressive enforcement of the numbering resource regulations is commendable; however, without meaningful penalties, carriers may disregard standards and view enforcement sanctions as nothing more than a cost of doing business. Accordingly, proven infractions must

⁴ MPSC Comments to the FCC, CC Docket No. 96-98, CC Docket No. 99-200, February 21, 2001 and March 7, 2001.

be subject to significant penalties. Identifying and listing violations with their attendant penalties, prior to the start of numbering audits, should deter non-compliance with audit procedures and encourage carriers to correct those violations prior to an audit.

Non-compliance with industry guidelines or FCC regulations should result in more than just a monetary fine. As previously noted, some carriers may consider minor fines as a “cost of doing business”⁵ and may view the payment of a fine as being easier than complying with numbering requirements. The threat of reclaiming numbering resources from carriers having violations, although seemingly the most appropriate of penalties, may cause the failure of a company and customer inconvenience. Therefore, to ensure that carriers realize that numbering violations are unacceptable, meaningful penalties must be investigated and determined prior to the beginning of the audit program.

IV. CONCLUSION

Auditing for possible violations in the number resources system is an important step in deterring the misuse of the current numbering system. The MPSC requests that State Commissions be given password-protected access to documents related to the audit including the FCC Determination, to ensure that State Commissions are informed of carriers with numbering

⁵ “Voices for Choices takes Aim at SBC”, TR Daily, January 10, 2002.

violations. In addition, the MPSC requests that meaningful penalties for number resource violations be determined prior to initiating the audit program.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

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