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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:

The Michigan Public Service Commission

Petition for Delegation of Additional Authority  
Pertaining to NXX Code Conservation Measures,

and

Number Resource Optimization

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File No. \_\_\_\_\_

CC Docket No. 99-200

**MICHIGAN PUBLIC SERVICE COMMISSION'S REPLY COMMENTS**  
**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")<sup>1</sup>, the Michigan Public Service Commission ("MPSC") hereby submits these Reply Comments in support of its Petition for Additional Delegated Authority to Implement Number Conservation Measures ("Petition") filed on January 26, 2001. In the Petition, the MPSC requested the following (1) additional delegated authority to implement mandatory thousands-block pooling, particularly, for the Detroit and Grand Rapids Metropolitan Statistical Area ("MSAs"); (2) authority to order sequential number assignment to minimize thousand block contamination; and (3) authority to maintain NXX code rationing procedures following area code relief to prevent a surge in demand for codes. These Reply Comments address thousands-block pooling and NXX code rationing procedures. The

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

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MPSC withdraws its request for authority to order sequential numbering assignment because recent Commission actions render this issue moot.

**I. THOUSANDS-BLOCK NUMBER POOLING PRESENTS THE MOST EFFICIENT AND READILY AVAILABLE COURSE OF ACTION TO PURSUE.**

Parties filed comments both for and against the Petition. The opponents, which included the United States Telecom Association (“USTA”), SBC Communications (“SBC”), and Cellular Telecommunications & Internet Association (“CTIA”), generally argue that granting the MPSC the requested authority would hamper the Commission’s national pooling initiatives and that the implementation of number pooling would invariably frustrate the efforts of a national number pooling system. USTA states that “to the extent that the petitioning states seek additional authority that would frustrate the national number conservation plan, USTA opposes those requests.” USTA Comments at 4. It adds further that “granting additional authority to states to deploy pooling structures that are not consistent with the national pooling standard makes no sense.” *Id.* at 5. SBC is concerned with “the impact such delegated authority might have on preparations for nation-wide number pooling.” SBC Comments at 2. In addition, SBC “is still concerned about the haste in granting delegated authority for numbering resource optimization trials and the delay in making nationwide number pooling a reality.” *Id.* at 2. Finally, CTIA favors the development of nationally based conservation measures and objects to what it says would be “a ‘patchwork’ of individualized local measures that would subject carriers to inconsistent state numbering administration regimes and impermissibly compromise the Commission’s exclusive jurisdiction over the North American Numbering Plan for the United States.” “The lack of uniformity,” it adds, “also could hamper industry efforts to forecast and plan properly for exhaust of the North American Numbering Plan.” CTIA Comments at 2. As

discussed below, these concerns are unfounded because the MPSC's petition does not pose additional impediments to a national block numbering pooling program.

The MPSC's request only seeks the same authority to implement thousand-block number pooling that the Commission has already granted to approximately thirty other state commissions. This authority would help address the numbering exhaust crisis in Michigan while the uncertainties associated with creating a national system and hiring a national pooling administrator are being resolved.

Further, the state pooling programs have to conform to nationally based regulations and guidelines. State programs are obligated to comply with Commission regulations. Specifically, each state pooling administrator must coordinate its databases with NeuStar, Inc. ("Neustar") and Telecordia, who have contractual relationships with the Commission for numbering resource management. Each state pooling administrator will determine the most effective way and choose the software that best facilitates its duties to coordinate its efforts with the national database. In fact, many states have selected NeuStar as their state pooling administrator, thereby facilitating the compatibility of the state and national programs. Even if NeuStar does not serve as a particular state's pooling administrator, that state's pooling administrator must coordinate the state's pooling program with that of the national pooling administrator.

Moreover, all states, including those that are participating or will participate in number pooling, already have adopted and adhere to a uniform set of guidelines set by the Industry Numbering Council ("INC"). The state commissions recently revised these guidelines. The guidelines and the pooling trials implemented by the state commissions will serve as models that the FCC will incorporate when developing the national numbering plan. Indeed, the Commission has already incorporated many of the states' prior efforts in the implementation of a

national plan. In light of these circumstances, concern about any adverse impact of granting the MPSC the requested authority on a national pooling structure is unwarranted.

Opponents also raise the concern that there will be a scarcity of technicians and resources to implement relief because they will “be diverted to implement new pooling trials, potentially delaying relief even further.” Verizon Wireless (“VZW”) Comments at 8. In support of this claim, VZW cites Ameritech’s position that it “lacks resources to accomplish a faster implementation schedule.” *Id.* Thus, VZW claims that the best use of resources is to “implement relief, not pooling...in the Grand Rapids and Detroit MSAs.” *Id.*

VZW does not oppose the concept of granting the MPSC additional delegated authority to implement mandatory thousands-block pooling. Instead, it argues that “any delegation of authority to the MPSC to implement pooling must be contingent on *prior* implementation of new area codes.” VZW Comments at 3 (emphasis in original). The MPSC recognizes the importance of timely area code relief for several NPAs in the State of Michigan; however, it also understands that to maintain sufficient numbering resources for all service providers after implementing area code relief, the delegated authority to institute numbering conservation measures must be requested well in advance of industry’s actual need. Aside from the technical constraints that SBC (Ameritech) has cited as associated with delaying the implementation of area code relief plans, Michigan Comp. Law § 484.2303 (4) requires the MPSC to hold public hearings in each of the area codes before a relief plan can be approved. Public hearings require proper planning, a notification time period, and a comment period. Thus, given the requirements of state law and technical constraints cited by the industry, the MPSC must, in the best interests of the public, pursue the acquisition of all available resources such as delegated number pooling authority in order to address the immediate and severe number shortage problems that now exist.

In the meantime, the telecommunications industry must also recognize and encourage carriers to relinquish blocks of codes that they currently do not need to enhance the competitive situation in Michigan.

Those opposed to granting the MPSC's request for limited authority fail to recognize the beneficial effects of limited delegated authority as well as the need for delegated authority and other number conservation measures. The benefits of granting the MPSC such authority are clear. Proponents, including the Public Service Commission of Wisconsin ("PSCW") and Sprint, clearly recognize that Michigan is in urgent need of numbering conservation policies and procedures. "In the proposed national pooling schedule that it recently submitted to the Commission, Sprint specifically recommended that these Michigan MSAs [Detroit and Grand Rapids] be placed in the initial round of national pooling."<sup>2</sup> Such authority to implement numbering conservation measures is imperative. The MPSC needs as much flexibility and as many tools as possible to address numbering exhaust as expeditiously and efficiently as possible. As Oakland County stated in its comments, "it is readily apparent that the MPSC needs additional tools to address this problem." Oakland County Comments at 2. It concludes that "[e]very effort should be made to optimize utilization of existing numbering resources, and regulators at the state level are often in the best position to evaluate and address these issues." Id. at 3. Oakland County's support of the MPSC is further evidence that the MPSC is actively

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<sup>2</sup> Sprint Comments at 1. Sprint placed two conditions on its support: "(1) no more than one NPA be converted in each quarter...based on the national number pooling schedule, and (2) the MPSC adopts a cost recovery schedule." Id. at 2. With respect to the first condition, the MPSC recognizes that it is within the Commission's jurisdiction to determine how many NPAs would be converted in each quarter, thus this is not an issue that the MPSC can decide. Nonetheless, the MPSC requests the flexibility to increase (or decrease) the number of NPAs to be converted per quarter as the situation warrants. The second condition, a cost recovery plan, puts the cart before the horse. The MPSC must first be delegated the authority to implement numbering pooling. It must then select a pooling administrator and identify the duties of the administrator. It will be the responsibility of the pooling administrator to get feedback from the carriers about the costs of implementing numbering pooling. However, as pointed out by other states in their petitions, including New York, "the costs of pooling are unlikely to be large enough to require

pursuing all reasonable efforts to address the numbering resource problems facing Michigan residents. It is also evidence that the local governments in Michigan recognize the needs of their residents in resolving this crisis. However, the MPSC can only pursue those remedies it is authorized to pursue. It therefore strongly requests that the Commission grant it the authority to institute thousand blocks number pooling in the Detroit and Grand Rapids MSAs.

## **II. RATIONING WILL CONTROL THE DEMAND FOR CODES.**

The opponents argue that rationing (1) threatens competition and (2) is an improper tool to use in fighting numbering exhaust. Both arguments lack merit. In support of the first argument, VZW states that rationing “discriminates against non-pooling capable carriers and has no place in the new optimization regime.” VZW Comments at 4. According to Sprint, “as the Commission has already recognized, rationing ‘poses an insidious threat to competition’ because it can ‘rob consumers of competitive choices.’” Sprint Comments at 3 (internal citations omitted).

The claim regarding the differences in rationing between LNP-capable and non-LNP-capable carriers should be dismissed. The Commission has set November 24, 2002 as the deadline for LNP-capability in the 100 largest MSAs (CMRS LNP Forbearance Order, 14 FCC Rcd at 3092, ¶ 129). Moreover, wireless carriers have the option to become LNP-capable prior to that date. Thus, the argument that carriers will be treated differently depending upon whether they are LNP-capable is more of an argument of temporary convenience rather than one of substantial concern.

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advance creation of a recovery mechanism.” New York Reply Comments at 4, CC Docket No. 99-200, NSD File No. L-99-17, NSD File No. L-99-36.

The MPSC also disagrees with VZW's argument that "[r]ationing has been overused to delay necessary area code relief and is not an appropriate method of allocating numbers." VZW Comments at 9. The MPSC has no intention of using post-relief rationing as a form of numbering conservation or to delay area code relief. The concern is that area code relief will create an influx of CO (NXX) Code requests so great that relief is short-lived. For example, within two months of mandatory dialing, the 616 NPA went back into jeopardy.<sup>3</sup> To place customers and carriers back into needing area code relief and rationing within two months is inexcusable, and the MPSC wants to prevent that from recurring. A second example involves the 810 NPA. Mandatory dialing in the 810 NPA is one year away. However, it has already been well documented that there exists a pent-up demand for numbers in the 810 NPA. The MPSC is concerned with this scenario because it questions whether enough numbers will be available to satisfy the demand when mandatory dialing is finally implemented. The MPSC needs to have the flexibility to work with the North American Numbering Plan Administrator ("NANPA") and the industry to ensure that post-relief requests do not create situations where carriers are without necessary codes and customers must endure yet another area code change.

### **III. CONCLUSION**

The Detroit and Grand Rapids MSAs are in urgent need of area code relief and number conservation efforts. The MPSC has analyzed the emerging numbering exhaust crisis and determined that the residents of the State of Michigan will be best served if the MPSC has maximum flexibility to implement numbering conservation plans according to the unique

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<sup>3</sup> Mandatory dialing was implemented October 2, 1999, and jeopardy began November 29, 1999.

circumstances of each locality. For these reasons, the MPSC requests that the FCC grant the additional delegated authority to implement thousands-block number pooling and rationing as requested in its petition.

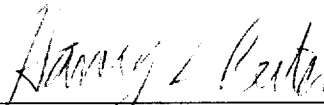
Respectfully submitted,

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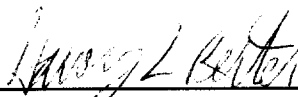
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**CERTIFICATE OF SERVICE**

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