

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

FEB 14 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Petition for Declaratory Ruling and Request)	CC Docket No. 96-98
For Expedited Action on the July 15, 1997)	
Order of the Pennsylvania Public Utility)	
Commission Regarding Area Codes 412,)	
610, 215 and 717)	

**MICHIGAN PUBLIC SERVICE COMMISSION
FURTHER COMMENTS ON NUMBERING RESOURCE OPTIMIZATION**

The Michigan Public Service Commission (MPSC) submits these Comments in response to the Further Notice of Proposed Rulemaking (FNPRM) issued by the Federal Communications Commission (FCC) in this docket on December 29, 2000.

I. INTRODUCTION

In the FNPRM, the Commission sought comment on eleven (11) issues: service-specific and technology-specific overlays, rate center consolidation, related carrier liability, state commission access to carrier mandatory reporting data, fees for numbering resources reservations, whether numbering resources should be withheld for failure to cooperate with an audit, state commission authority to conduct audits, market-based numbering resources allocation system, recovery of pooling costs (national), pooling for non-LNP-capable carriers, and growth numbering resources waivers. The MPSC's comments address the issues of concern to the State of Michigan.

II. PROHIBITION OF SERVICE-SPECIFIC AND TECHNOLOGY-SPECIFIC OVERLAYS

Several states have requested authority to introduce service-specific and technology-specific overlays. The MPSC also seeks such authority. The MPSC prefers permission for

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The “transitional overlay” proposal offered by the FCC in FNPRM ¶¶ 130-143 may offer numbering relief; however, it is important to recognize that there are negative aspects inherent in transitional overlays, including the necessity of ten-digit dialing, the loss of geographic association within the affected area codes, and that the “transitional overlay” may, over time, be used by wireline carriers. With respect to the latter drawback, a transitional overlay could initially assign new wireless customers to the new code, but when the old area code numbers ran out, then the wireline customers would also be given the new code. This means that the public could not easily tell from the new area code number whether the number they are calling belongs to a cellular telephone or a wired telephone. The MPSC has not yet ruled on any possible anti-competitive effects of a wireless-only overlay plan, so it cannot comment on the FCC’s concern raised in the FNPRM about the potential competitive and efficiency implications of service and technology-specific overlays.

Despite these potential drawbacks to “transitional overlay,” the MPSC would like to have “transitional overlay” added to the options available to the states for area code relief. In Michigan, a transitional overlay expanded over geographic area code boundaries could serve to relieve our smaller, technology-congested NPAs, such as Detroit, without the need to add several new area codes. It would create a larger pool of available numbers than those number pools offered by

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geographic splits or overlays over current geographic areas alone. By making more options available to Michigan and other states, the FCC would ultimately enhance the choice afforded the public because the states would be able to offer the best numbering tool for the specific geographic areas in need of numbering relief.

In sum, the MPSC encourages the FCC to lift its prohibition against, or redefine the issues, on service-specific and technology-specific overlays so that Michigan and similarly situated states might have the opportunity to achieve numbering resource optimization.³

III. RATE CENTER CONSOLIDATION

The MPSC agrees with the FCC that rate center consolidation could be successful in capturing and utilizing inactivated or stranded resources, thereby increasing the numbering resources available. FNPRM at ¶ 144. By consolidating the rate centers, those numbers that have been assigned to carriers but have not been assigned by the carriers to their customers could be pooled together with other “stranded” or “inactivated” resources and could be used to supplement the overall numbering resources. The MPSC has observed the success of other states in their rate center consolidation efforts and has taken steps to research the feasibility of rate center consolidation in Michigan.⁴ The MPSC realizes that rate center consolidation is not a substitute for timely area code relief, but it agrees with the FCC that, when applied concurrently with, or prior to, thousands-block number pooling, future allocation of numbering resources would be increased to a higher level. By increasing the pool of numbers available, rate center consolidation supplements the number resources presently

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available until area code relief can be implemented. For this reason, the MPSC supports the FCC's efforts to encourage states to undergo resource center consolidation.

The MPSC has received information regarding rate center consolidation from its largest ILECs, including SBC-Ameritech, which supports the Commission's conclusion in FNPRM at ¶ 148 that there could be a negative revenue impact on the industry from rate center consolidation. SBC-Ameritech and other members of the industry are concerned with expanding consumers local calling areas, which would result from rate center consolidation, and thereby reducing the toll revenues the industry presently receives. In its Response to the MPSC's November 20, 2000 Order (Exhibit A), SBC-Ameritech requested that the MPSC consider rate center consolidation as long as the rate centers contain only one company and "local calling scopes and rates are not changed." See SBC-Ameritech's Response to Commission Order, pg.8, attached as Exhibit C. Otherwise, if the industry consolidates rate centers without reprogramming the system (which would be very expensive), the result would be a de facto larger calling area, which would reduce the industry's revenue. On the other hand, if the industry incurs significant expense for reprogramming as a result of rate center consolidation or if it loses revenue because the local calling areas are increased, the industry will likely demand that some method, possibly increases passed on to customers, be made available to them. So increased customer bills could be the end result.

In addition to concern over loss of toll revenue, there is industry concern that numbering resource allocation is being based on rate center levels versus switch levels and that rate center consolidation will make processing for Central Office ("CO") codes more difficult. Finally, the intraLATA toll calling in Michigan is projected to cost carriers an additional \$10.62 per month for each telecommunications line.⁵ The MPSC will continue to research the merits of rate center

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consolidation in Michigan and encourages the FCC to develop a nationwide platform that incorporates individual state discretion.

IV. RELATED CARRIERS AND NUMBERING RESOURCES

The MPSC agrees with the FCC's tentative conclusion that numbering resources should be withheld from a carrier when a related carrier (parent or sister company) fails to comply with mandatory reporting requirements. FNPRM at ¶¶ 149-150. However, due to the increasing levels of mergers and acquisitions by companies, it is often difficult for the NANPA to adequately know whether a carrier has failed to adhere to the reporting requirements. The MPSC believes that clarity regarding who is filing should be required at the federal level and that the numbering scheme and licensing process should be strengthened at the federal level. The November/December 2000 issue of the State Scene states that "NANPA had received over 3,700 submissions (i.e., Form 502). Unfortunately, more than 2,400 of these submissions contained errors." Many of these errors were "failure to provide an entry in the Parent Company Name or OCN field".⁶ NANPA has informed the MPSC that the same company can have a different OCN for each state in which it has customers. Allowing the companies to have different OCNs for each state in which it has customers impedes the NANPA's ability to monitor the allocation of numbering resources. Therefore, the MPSC believes that the numbering system to track carriers should be strengthened to determine which carriers are getting the numbering resources. Strengthening the numbering system to track carriers will enable NANPA to better monitor the individual carriers' use of numbering resources and prevent the NANP from being exhausted prematurely.

We believe that broad federal enforcement authority is necessary, especially with companies

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reorganizing and merging on a day-to-day basis. State commissions must rely on the accuracy and completeness of NANPA databases if numbering resources are to be properly allocated.

V. DENIAL OF NUMBERING RESOURCES

The MPSC agrees with the tentative conclusion reached by the FCC that denying numbering resources is the only deterrent available for carriers who violate or falsify numbering requirements (NRUF, MTE), or who fail to cooperate with numbering resources auditing procedures. FNPRM at ¶150. Penalties should apply to both state and federally conducted audits.

VI. THOUSANDS-BLOCK NUMBER POOLING

The MPSC agrees with the FCC that the “implementation of thousands-block number pooling is essential to extending the life of the NANP by making the assignment and the use of NXX codes more efficient.” First Report and Order, 15 FCC Rcd at 7625, para. 122. On January 26, 2001, the MPSC petitioned the FCC for delegated authority to implement thousands-block number pooling, based on national guidelines, in the Detroit MSA and the Grand Rapids MSA. See MPSC Petition for Delegation of Additional Authority Pertaining to NXX Code, Conservation Measures, FCC Docket No. 99-200, January 26, 2001, attached as Exhibit F. The MPSC realizes that number conservation, in any form, is not a substitute for timely area code relief, and it is working toward completion of the implementation of area code relief plans in Michigan. In the interim, however, large metropolitan areas such as the Detroit and Grand Rapids MSAs would benefit from further numbering resource optimization measures such as thousands-block number pooling.

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largest ILECs, was to have submitted a cost analysis on thousands-block number pooling to the FCC by February 12, 2001.⁷

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VII. CONCLUSION

To summarize, the Michigan Public Service Commission has a strong interest in several issues set forth in the FNPRM. The MPSC encourages the FCC to adopt technology-specific or transitional overlays as an option for area code relief. This flexibility would enable Michigan and other states to provide the best tools for the specific geographic areas in the states. Such flexibility would only enhance the service and choice available to consumers.

The MPSC also encourages the FCC to develop a nationwide standard for rate center consolidation with room for individual state discretion. The MPSC has watched the successful efforts of other states in implementing rate center consolidation. Presently, the MPSC is studying the feasibility of rate center consolidation in the State of Michigan. However, it is also aware that rate center consolidation is not a substitute for timely area code relief. For this reason, it seeks the

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flexibility for states to implement rate center consolidation as they see fit for the specific MSAs in the state.

The MPSC agrees that numbering resources should be withheld from related carriers due to delinquent or incomplete NRUF and MTE reports. Only when such strong actions are taken against related carriers by virtue of their affiliation with the reporting carrier, will the severity of the issue be addressed and the conviction with which the states approach the issue be understood. The denial of numbering resources is a strong deterrent for carriers who fail to cooperate with mandatory reporting and audit standards.

Finally, the MPSC encourages a nationwide, competitively neutral cost-recovery system, nationwide sequential distribution of numbering resources, and advancement of all carriers toward LNP-capability.

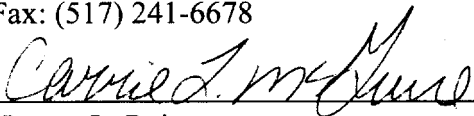
Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

By Its Attorneys,

JENNIFER M. GRANHOLM
Attorney General

David A. Voges
Assistant Attorney General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911
Telephone: (517) 241-6680
Fax: (517) 241-6678

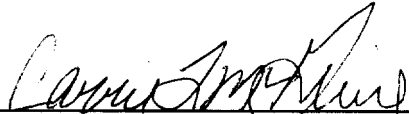


Harvey L. Reiter
David D'Alessandro
Carrie L. McGuire
Morrison & Hecker L.L.P.
Special Assistant Attorneys General
18th Street, NW, Suite 800
Washington, DC 20036-3816
Telephone: (202) 785-9100

Dated: February 14, 2001

CERTIFICATE OF SERVICE

I hereby certify that I have this 14th day of February 2001, served the foregoing document upon each person identified below:


Carrie L. McGuire

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Michael Powell, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Susan Ness, Commissioner
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445 12th Street, SW – 8th Floor
Washington, DC 20554

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445 12th Street, SW – 8th Floor
Washington, DC 20554

Lawrence E. Strickling, Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW - Room 5-C450
Washington, DC 20554

Yog R. Varma, Deputy Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 5-C352
Washington, DC 20554

Jeannie Grimes
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 6-A401
Washington, DC 20554

Al McCloud
Network Services Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 6-A423
Washington, DC 20554

Johanna Mikes
Common Carrier Bureau
445 12th Street, SW – Room 5-C163
Washington, DC 20554

Jared Carlson
Network Services Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 6-A331
Washington, DC 20554

International Transcription Service
445 12th Street, SW – Room CY-B402
Washington, DC 20554

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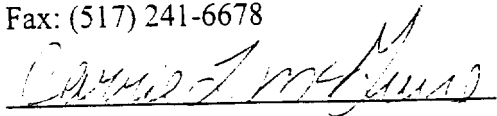
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MICHIGAN PUBLIC SERVICE COMMISSION

By Its Attorneys,

JENNIFER M. GRANHOLM
Attorney General

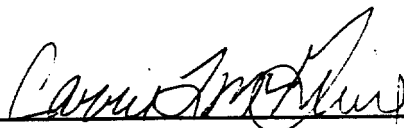
David A. Voges
Assistant Attorney General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911
Telephone: (517) 241-6680
Fax: (517) 241-6678


Harvey L. Reiter
David D'Alessandro
Carrie L. McGuire
Morrison & Hecker L.L.P.
Special Assistant Attorneys General
18th Street, NW, Suite 800
Washington, DC 20036-3816
Telephone: (202) 785-9100

Dated: February 14, 2001

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Washington, DC 20554

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Washington, DC 20554

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445 12th Street, SW – 8th Floor
Washington, DC 20554

Lawrence E. Strickling, Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW - Room 5-C450
Washington, DC 20554

Yog R. Varma, Deputy Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 5-C352
Washington, DC 20554

Jeannie Grimes
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 6-A401
Washington, DC 20554

Al McCloud
Network Services Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 6-A423
Washington, DC 20554

Johanna Mikes
Common Carrier Bureau
445 12th Street, SW – Room 5-C163
Washington, DC 20554

Jared Carlson
Network Services Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 6-A331
Washington, DC 20554

International Transcription Service
445 12th Street, SW – Room CY-B402
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EXHIBIT A

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion,)
to consider implementation of an 810 area code)
relief plan.)
_____)

Case No. U-12588

At the December 11, 2000 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

OPINION AND ORDER

The 1999 Central Office Code Utilization Survey's projected demand for new central office codes (frequently referred to as NXX codes) indicated that the still-available NXX codes in the 810 area code could be exhausted by the second quarter of 2000. Based upon the projected exhaustion date and an unanticipated increase in the demand for NXX codes within the 810 area code, the North American Numbering Plan (NANP) Administrator, which is currently NeuStar, Inc.,¹ formally declared the 810 area code's numbering plan to be in jeopardy and, on April 2, 1999, notified the Commission and the telecommunications industry of that fact. Following discussions both among its members and with NeuStar, the industry adopted procedures intended to delay the exhaustion of NXX codes within the 810 area code until the second quarter of 2001.

¹In late 1999, all NANP and other numbering functions were transferred from Lockheed Martin IMS, Inc., to NeuStar.

On May 18, 1999, members of the industry met again with NeuStar, this time to discuss long-term relief alternatives for the 810 area code. In the course of that meeting, the relative benefits and pitfalls of several alternative relief plans were discussed. Those alternatives included proposals to implement various geographic splits or overlays.² As a result of that meeting, an all-services distributed overlay was recommended as the preferred means of relief. According to NeuStar and the industry, they reached this conclusion because customers located within the 810 area code have already been subject to a geographic split, and implementing the all-services distributed overlay would allow them to retain their existing 810 area code and not require them to change their seven-digit phone numbers. Because the statutes then in effect did not allow the Commission to assert jurisdiction over the proposed area code relief plan when it was initially presented, NeuStar and the industry submitted a petition to the Federal Communications Commission (FCC) for review and approval of their proposal.

On July 17, 2000, Governor John Engler signed into law Public Act 295 of 2000, which amended the Michigan Telecommunications Act, 1991 PA 179, as previously amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq. (the Act). Among other things, the Act's recent amendments grant the Commission authority to address proposed area code changes in Michigan. Specifically, Section 303(4) of the Act, which was added by Public Act 295, states that:

The commission has the authority to approve or deny a proposed addition, elimination, or modification of an area code in this state. The commission shall give public notice and shall conduct a public hearing in the affected geographic area before an addition, elimination, or modification of an area code is made in this state.

²A geographic split refers to situations in which the geographic area served by an area code in which there are few or no NXX codes left for assignment is split into two or more geographic parts, each with a separate area code. In contrast, an overlay provides relief by opening up another area code within the same geographic area as the area code requiring relief.

MCL 484.2303(4); MSA 22.1469(303)(4). In light of this recent extension of the Commission's authority, the FCC returned the issue of the 810 area code relief plan to the Commission for its consideration by letter dated July 28, 2000. On August 31, 2000, the Commission issued an order setting public hearings on the 810 area code relief plan for November 9, 2000 in Flint and November 20, 2000 in Mount Clemens. The Commission also provided an opportunity for interested persons to file written comments on or before November 21, 2000 and replies on or before December 5, 2000.

At the hearings, Frank Colaco, a representative of NeuStar, explained that the industry examined six alternatives for area code relief. The first alternative involved a geographic split of the existing 810 area code that would be accomplished by dividing it into eastern and western segments with a boundary line running from north to south that bisected Lapeer County down its center.

The second and third alternatives also involved geographic splits. In each case, Macomb County would be divided from the remainder of the 810 area code. Under the second alternative, Macomb County would retain the 810 area code designation and the remainder would be assigned the 586 area code designation. Under the third alternative, Macomb County would be assigned 586 area code designation, with the remainder retaining the 810 area code designation.

The fourth alternative involves an all-systems overlay. Existing customers would retain their current ten digit telephone numbers. Upon implementation of the overlay, new numbers would be assigned an 810 or 586 area code until all 810 numbers are exhausted. Following exhaustion of numbers associated with the 810 area code, all code assignments would involve the 586 area code. Implementation of the overlay approach would necessitate all customers dialing an area code in order to complete a local call.

The fifth alternative involved a proposal to simultaneously overlay four existing area codes in Michigan with the 586 area code. Finally, the sixth alternative proposes that a new area code apply only to wireless customers.

At the conclusion of his remarks, Mr. Colaco recommended that the Commission adopt the fourth alternative—the area-wide overlay proposal. In so doing, he stated that his recommendation was based upon a consensus of the industry representatives that was reached after much debate and consideration of the six alternatives.

The two public hearings were attended by over 30 persons. In addition, almost 100 written comments were submitted for the Commission's consideration. The overwhelming majority of the comments indicated substantial opposition to the area-wide overlay proposal. For the most part, the overlay alternative was viewed as having the potential for mass confusion. Many people expressed the belief that the general public would be greatly inconvenienced by any system that abandons the traditional link between area codes and geographic territories.

Support for the proposal came from a handful of citizens and the four telecommunications providers that submitted written comments, Ameritech Michigan, Verizon North Inc. and Verizon North Systems (collectively, Verizon), Verizon Wireless, and AT&T Wireless PCS, LLC (AT&T Wireless). The opinion of the citizens who supported the overlay proposal was that such an approach was inevitable and would prove to be the best long-term solution. The providers argued that adoption of the overlay proposal would be in the public interest because it would encourage flexibility in the assignment of resources, standardize dialing patterns, and facilitate future area code relief. They also contended that the overlay approach would be fairer to wireless customers and would take less time to implement.

Although supportive of the overlay alternative, the providers were well aware of the substantial opposition to that proposal by the general public. Accordingly, their comments reflect various concerns that could arise if the Commission were to order implementation of a geographic split. In their comments, Ameritech Michigan and Verizon argue that Section 303(5) of the Act, MCL 484.2303(5); MSA 22.1469(303)(5), does not require that the new area code boundaries conform to county lines because it is not “technically and economically feasible” to split the area code in that matter. Verizon Wireless and AT&T Wireless contend that adoption of a geographic split should be accompanied with wireless grandfathering, which would permit wireless customers throughout the existing 810 area code to retain the 810 area code designation. According to Verizon Wireless and AT&T Wireless, wireless grandfathering will spare them from the necessity of reprogramming the wireless telephones of many of their customers.

Finally, it was generally agreed that the Commission should provide a minimum of seven months between the Commission’s order and the implementation of permissive dialing, with an additional four months between the start of permissive dialing and the start of mandatory dialing if the overlay option is approved. For a geographic split, it was agreed that there should be a minimum of nine months between the Commission’s order and implementation of permissive dialing, with an additional six months between the start of permissive and mandatory dialing.

The Commission finds that the 810 area code relief plan recommended by NeuStar and the telecommunications providers should not be approved. The Commission is persuaded that implementation of an overlay remedy is not in the public interest. Given the overwhelming opposition to implementation of an overlay plan, coupled with the fact that the proposed overlay plan would not significantly delay the necessity of further area code relief in the affected region, the Commission concludes that implementation of a geographic split of the 810 area code constitutes a more

reasonable approach. Moreover, the Commission is persuaded that the third alternative, which calls for Macomb County to be assigned the new 586 area code designation and the remainder of the existing area code to retain the 810 area code designation, is preferable to the other two geographic split proposals.³ The Commission recognizes that not all customers will be satisfied with approval of this alternative, but any other option will dissatisfy as many or more customers. The first alternative, which involves an east/west split of the existing 810 area code would be inequitable because the new area code to be formed out of the eastern portion of the existing area code is projected to require further area code relief in less than two years, whereas the western portion would not require further area code relief for more than seven years. The second alternative involves a split of the area code into the same geographical areas as called for under the third alternative. The only difference between the second and third alternatives is which customers will retain the 810 area code designation. Because the geographic split proposed in the second and third alternatives essentially separates Macomb County from the remainder of the 810 area code, the Commission finds that assigning Macomb County the new 586 area code designation constitutes the most reasonable solution.

The Commission also finds, as Ameritech Michigan and Verizon argue, that it is neither technically nor economically feasible to split the area code precisely along county lines and, therefore, the plan approved herein complies with Section 303(5) of the Act. To conform to county lines, providers along the boundary would have to reconstruct their networks and reconfigure their exchange boundaries. The required changes would likely be expensive and time-

³The Commission's approval of the third alternative includes approval of "wireless grandfathering," as proposed by AT&T Wireless and Verizon Wireless.

consuming, as well as disruptive to customers. However, the new 586 area code adopted today by the Commission does follow Macomb County lines as nearly as practicable.

The Commission is aware of the arguments presented by some, most notably the Oakland County Executive, that it should reject all the alternatives until all avenues for reclaiming and conserving numbers have been exhausted. The Commission has already opened a docket⁴ on these issues and agrees that these measures may be helpful in the long-run. The Commission will actively pursue these options. However, the Commission believes that the projected exhaustion date necessitates immediate Commission action on the area code split.

Some persons urged the Commission to order a technology-specific overlay. In most cases, such suggestions called for assignment of the new 586 area code exclusively to cellular telephones and other wireless devices. At the public hearings, the Commission indicated that the FCC's current policies do not allow technology-specific overlays. However, on December 7, 2000, the FCC approved its Second Report and Order and Further Notice on numbering issues (FCC No. 00-429). The FCC, at the urging of Michigan and other states, has opened a comment period on modifying the current prohibition on service-specific and technology-specific overlays, which could result in permitting states to implement service-specific and technology-specific overlays subject to certain conditions. The Commission intends to file comments in that proceeding and encourages those persons who raised this issue at the hearings to do likewise.

The Commission directs that the industry implement permissive dialing by September 22, 2001 and mandatory dialing by March 23, 2002. This schedule allows the time recommended for

⁴Case No. U-12703 is dedicated to the reclaiming of NXX codes.

the implementation process. The industry should file monthly progress reports with the Commission, beginning January 1, 2001, until the area code relief plan is fully implemented.

Finally, to facilitate implementation of the plan, the Commission directs the industry to file, within 30 days, a plan for customer education. The plan should include training for company personnel in dealing with customer inquiries related to the area code relief plan as well as examples of training materials that will be used to educate company personnel involved in customer relations. The plan should address such items as billing insert schedules, press kits, public service announcements, and other resources that will be used to respond to customer education needs and inquiries. The plan should also identify primary contacts within each company to address area code questions.

The Commission FINDS that:

- a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACRS, R 460.17101 et seq.
- b. The third alternative 810 area code relief plan filed by NeuStar on behalf of the telecommunications industry, which is depicted on the map attached to this order as Exhibit A, should be approved.
- c. Permissive dialing should commence by September 22, 2001 and mandatory dialing should commence by March 23, 2002.
- d. The industry should file monthly progress reports until the area code relief plan is fully implemented.

e. The industry should file, within 30 days, a plan for customer education.

THEREFORE, IT IS ORDERED that:

A. The third alternative 810 area code relief plan filed by NeuStar, Inc., on behalf of the industry as shown on Exhibit A attached to this order should be approved.

B. Permissive dialing shall commence by September 22, 2001 and mandatory dialing shall commence by March 23, 2002.

C. Beginning January 1, 2001, the industry shall file monthly progress reports until the area code relief plan is fully implemented.

D. The industry shall file, within 30 days, a plan for customer education consistent with this order.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

(S E A L)

/s/ John G. Strand
Chairman

By its action of December 11, 2000.

/s/ David A. Svanda
Commissioner

/s/ Dorothy Wideman
Its Executive Secretary

/s/ Robert B. Nelson
Commissioner

e. The industry should file, within 30 days, a plan for customer education.

THEREFORE, IT IS ORDERED that:

A. The third alternative 810 area code relief plan filed by NeuStar, Inc., on behalf of the industry as shown on Exhibit A attached to this order should be approved.

B. Permissive dialing shall commence by September 22, 2001 and mandatory dialing shall commence by March 23, 2002.

C. Beginning January 1, 2001, the industry shall file monthly progress reports until the area code relief plan is fully implemented.

D. The industry shall file, within 30 days, a plan for customer education consistent with this order.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

By its action of December 11, 2000.

Commissioner

Its Executive Secretary

Commissioner

In the matter, on the Commission's own motion,)
to consider implementation of an 810 area code)
relief plan.)
_____)

Case No. U-12588

Suggested Minute:

“Adopt and issue order dated December 11, 2000 approving one alternative of the 810 area code relief plan filed by NeuStar, Inc., on behalf of the telecommunications industry and requiring that permissive dialing for the new area code commence by September 22, 2001, as set forth in the order.”

EXHIBIT B

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

In the matter, on the Commission's own motion,)
to consider implementation of a 248 area code)
relief plan.)
_____)

Case No. U-12721

At the November 20, 2000 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER AND NOTICE OF HEARING

The 1999 Central Office Code Utilization Survey's projected demand for new central office codes (frequently referred to as NXX codes) indicated that the still-available NXX codes in the 248 area code could be exhausted by the first quarter of 2000. Based upon the projected exhaustion date and an unanticipated increase in the demand for NXX codes within the 248 area code, the North American Numbering Plan (NANP) Administrator, which is currently NeuStar, Inc.,¹ formally declared the 248 area code's numbering plan to be in jeopardy and, on May 17, 1999, notified the Commission and the telecommunications industry of that fact. Following discussions both among its members and with NeuStar, the industry adopted procedures intended to delay the exhaustion of NXX codes within the 248 area code until the second quarter of 2001.

¹In late 1999, all NANP and other numbering functions were transferred from Lockheed Martin IMS, Inc., to NeuStar.

On July 14, 1999, members of the industry met again with NeuStar, this time to discuss long-term relief alternatives for the 248 area code. In the course of that meeting, the relative benefits and pitfalls of several alternative relief plans were discussed. Those alternatives included proposals to implement various geographic splits or overlays.² As a result of that meeting, an all-services distributed overlay was recommended as the preferred means of relief. According to NeuStar and the industry, they reached this conclusion because (1) the 248 area code currently is divided into the smallest practical area without dividing communities of interest, and (2) implementing the all-services distributed overlay would allow customers to retain their existing 248 area code and not require them to change their seven-digit phone numbers. Because the statutes then in effect did not allow the Commission to assert jurisdiction over the proposed area code relief plan when it was initially presented, NeuStar and the industry submitted the proposal to the Federal Communications Commission (FCC) for review and approval.

On July 17, 2000, Governor John Engler signed into law Public Act 295 of 2000, which amended the Michigan Telecommunications Act, 1991 PA 179, as previously amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq. (the Act). Among other things, the Act's recent amendments grant the Commission authority to address proposed area code changes in Michigan. Specifically, Section 303(4) of the Act, which was added by Public Act 295, states that:

The commission has the authority to approve or deny a proposed addition, elimination, or modification of an area code in this state. The commission shall give public notice and shall conduct a public hearing in the affected geographic area before an addition, elimination, or modification of an area code is made in this state.

²A geographic split refers to situations in which the geographic area served by an area code in which there are few or no NXX codes left for assignment is split into two or more geographic parts, each with a separate area code. In contrast, an overlay provides relief by opening up another area code within the same geographic area as the area code requiring relief.

MCL 484.2303(4); MSA 22.1469(303)(4). In light of this recent extension of the Commission's authority, the FCC returned the issue of the 248 area code relief plan to the Commission for its consideration by letter dated July 28, 2000.

Pursuant to the authority and responsibility extended to it under Section 303(4) of the Act, the Commission finds that it should conduct a public hearing at 1:30 p.m. on December 11, 2000, at the Pontiac City Council Chambers, 47450 Woodward, Pontiac, Michigan, concerning the 248 area code relief plan proposed by NeuStar and the industry. At that time, representatives of NeuStar, members of the industry, the Commission Staff, and any interested persons may present their positions regarding the proposed relief plan.³ In addition, any person may submit written comments regarding the proposed plan.⁴ Written comments, which should reference the case number of this proceeding, must be received no later than December 12, 2000 in order to be considered. NeuStar and members of the industry that helped develop the plan will then be given 14 days to file responses regarding any substantive comments received by that date.

³Copies of the petition filed by NeuStar and the industry in support of their proposed 248 area code relief plan may be obtained from the Commission by calling either 1-800-292-9555 or 1-517-241-6170, or by writing to the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909.

⁴Section 303(5) of the Act provides that the Commission should consider modifying area code boundaries to conform to county lines "to the extent that it is technically and economically feasible." MCL 484.2303(5); MSA 22.1469(303)(5). It has come to the Commission's attention that at least two local exchange carriers, namely Ameritech Michigan and Verizon North Inc., f/k/a GTE North Incorporated, (Verizon) have expressed concern about the potential effect that Section 303(5) may have on cases like this. The Commission therefore recommends that these two providers submit in this docket (on or before December 12, 2000) written comments specifically addressing the implications of Section 303(5). Moreover, the Commission recommends that these providers include in those comments their respective positions regarding the advisability of implementing an overlay versus a geographic split, as well as an estimate of the time that it would take to implement either of those options.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACRS, R 460.17101 et seq.

b. A public hearing should be held concerning the 248 area code relief plan proposed by NeuStar (serving in its capacity as the North American Numbering Plan Administrator) and members of the industry.

THEREFORE, IT IS ORDERED that:

A. A public hearing concerning the 248 area code relief plan proposed by NeuStar, Inc., and members of the telecommunications industry shall be held at 1:30 p.m. on December 11, 2000, at the Pontiac City Council Chambers, 47450 Woodward, Pontiac, Michigan.

B. The Commission shall provide notice of that public hearing in accordance with the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.506(101) et seq., and 1991 PA 179, as amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq.

C. The public hearing will be legislative in nature and any person may present data, views, questions, and arguments regarding the proposed 248 area code relief plan. Statements may be limited in duration in order to ensure that all interested parties have an opportunity to participate in the proceedings.

D. Any person may submit written comments, suggestions, data, views, questions, and arguments concerning the proposed 248 area code relief plan. Written comments must be submitted to

both the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909 and Mr. Frank Colaco, NeuStar, Inc., 1120 Vermont Ave. N.W., Suite 550, Washington, D.C. 20005.

All written comments must be received no later than December 12, 2000.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand

Chairman

(S E A L)

/s/ David A. Svanda

Commissioner

/s/ Robert B. Nelson

Commissioner

By its action of November 20, 2000.

/s/ Dorothy Wideman

Its Executive Secretary

both the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909 and Mr. Frank Colaco, NeuStar, Inc., 1120 Vermont Ave. N.W., Suite 550, Washington, D.C. 20005. All written comments must be received no later than December 12, 2000.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of November 20, 2000.

Its Executive Secretary

In the matter, on the Commission's own motion,)
to consider implementation of a 248 area code)
relief plan.)
_____)

Case No. U-12721

Suggested Minute:

“Adopt and issue order dated November 20, 2000 commencing a public hearing regarding implementation of a 248 area code relief plan, as set forth in the order.”

EXHIBIT C

DICKINSON
WRIGHT PLLC

215 S. WASHINGTON SQUARE, SUITE 200
LANSING, MICHIGAN 48933-1816
TELEPHONE: (517) 371-1730
FACSIMILE: (517) 487-4700
http://www.dickinson-wright.com

December 12, 2000

JOHN M. DEMPSEY
jdempsey@dickinson-wright.com
(517) 487-4763

18

Via Hand-Delivery

Ms. Dorothy Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
Lansing, MI 48911

MICHIGAN PUBLIC SERVICE
COMMISSION

DEC 12 2000

FILED

Re: In the matter, on the Commission's own motion, to consider
implementation of an 248 area code relief plan
MPSC Case No. U-12721

Dear Ms. Wideman:

Enclosed for filing in the above-referenced matter, please find the original and fifteen copies of
Ameritech Michigan's Comments. Also enclosed please find the original *Proof of Service*.

If you should have any questions, please contact me.

Very truly yours,

John M. Dempsey

JMD/mds
Enclosure

LANSING J4060-2 273126

Post-it® Fax Note	7671	Date	5-14	# of pages	25
To	Carrie	From			
Co./Dept.	M ^r Leure	Co.	Dan Kearney		
Phone #		Phone #	517 241 6206		
Fax #		Fax #			

C O U N S E L L O R S A T L A W

DETROIT BLOOMFIELD HILLS LANSING GRAND RAPIDS ANN ARBOR
WASHINGTON, D.C.

MICHIGAN PUBLIC SERVICE
COMMISSION
DEC 12 2000

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

FILED

In the matter, on the Commission's own motion,)
to consider implementation of an 248 area code)
relief plan.)
_____)

Case No. U-12721

18

AMERITECH MICHIGAN'S COMMENTS

Ameritech Michigan,¹ pursuant to the Commission's November 20, 2000 Order and Notice of Hearing in this matter (the "Order"), hereby submits its written comments regarding the area-code relief plan referenced in the Order.

INTRODUCTION

With these comments, Ameritech Michigan provides the Commission information to assist it in setting the proper implementation schedule for the upcoming relief plan for the 248 area code. Ameritech Michigan does not, however, take a position with respect to the most appropriate form of relief plan. Also, Ameritech Michigan seeks to avoid in this proceeding the difficulties associated with Case No. U-12552, regarding the implementation schedule for the 517-area-code relief plan. Accordingly, Ameritech Michigan will present in these comments specific information regarding appropriate implementation timelines for certain of the relief plans under consideration.

These comments are divided into four sections. First, Ameritech Michigan describes some the key implementation issues that should inform the Commission's analysis.

¹ Michigan Bell Telephone Company d/b/a Ameritech Michigan, a Michigan corporation, is a wholly owned subsidiary of Ameritech Corporation, which owns the former Bell operating companies in the states of Michigan, Illinois, Wisconsin, Indiana, and Ohio. Ameritech Corporation is a wholly owned subsidiary of SBC

B. Ameritech Michigan's Proposed Implementation Schedules

While the Commission has the discretion to order a number of different relief plans, Ameritech Michigan herein sets forth proposed implementation schedules for what appear to be the main relief plans under consideration. These proposals take into account the many factors outlined in Section A, *supra*, as well as the implementation schedule ordered in connection with the 810-area-code relief plan, as set forth in the Commission's December 11, 2000 Opinion and Order in Case No. U-12588. In general, Ameritech recommends that there be a minimum of three (3) months between the mandatory date of 810-area-code split and the permissive date for 248-area-code relief. For an overlay of the 248 area code, Ameritech recommends a minimum of four (4) months between permissive and mandatory dialing. For a split of the 248 area code, Ameritech recommends a minimum of six (6) months between permissive and mandatory dialing. Should there be a material delay in the Commission's final decision for the 248 area code, these proposed dates would be subject to adjustment.

248 Overlay:

Permissive dialing: June 22, 2002

Mandatory dialing: October 26, 2002

248 Split:

Permissive dialing: June 22, 2002

Mandatory dialing: January 25, 2003

C. Comments on Number Conservation Measures

Ameritech Michigan continues to advocate for the efficient utilization of numbering resources, and indeed supports number pooling in areas where its deployment will considerably extend the life of the particular NPA. Number pooling, however, should only be deployed if it can extend the life of the NPA by three-to-five years.

Ameritech Michigan anticipates that the FCC will order a national rollout of number pooling late next year. If this Commission ordered a state trial of number pooling, FCC approval would be required. Indeed, the FCC has enumerated specific criteria for states requesting additional delegated authority for number pooling trials:

* * * * Furthermore, to ensure that pooling is implemented in areas where it has the potential to be most beneficial, we require that states include a showing of specific criteria in their petitions for pooling authority. Each petition must demonstrate that: 1) that an NPA in its state is in jeopardy, 2) the NPA in question has a remaining life span of at least a year, and 3) that NPA is in one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable. * * * * (Footnotes omitted.)

Report and Order and Further Notice of Proposed Rule Making, CC Docket 99-200 (rel. March 31, 2000), ¶170. In addition, the Commission would have to establish a cost recovery mechanism and technical workshops with the industry before implementing a pooling trial. Once the Commission received approval from the FCC, Ameritech Michigan would require at least six-to-nine months to deploy the initial state trial, and six-to-eight weeks between additional trials.

Ameritech Michigan also is not, in principle, opposed to rate-center consolidation as long as local calling scopes and rate plans are not changed and such consolidation would not result in any adverse revenue impact to Ameritech Michigan. However, in Michigan, rate-center consolidation currently would not reduce LEC demand for NXXs. Ameritech Michigan has multiple switches within a rate center, and these switches currently are configured based on each switch having its own unique set of NXXs. As a result, Ameritech Michigan currently does not share NXXs among its switches. Moreover, the FCC's guidelines require that growth-NXXs be assigned to incumbent LECs based on overall utilization levels of all of the incumbent LEC's NXXs within a rate center. Because of this restriction, an incumbent LEC may be denied a NXX to serve growth in one switch in a rate center based on the fact that other NXXs assigned to other

switches in the same rate center may be underutilized. Thus, Ameritech Michigan opposes the consolidation of any of its rate centers in Michigan at this time.

D. Impact of Section 303(5) of the MTA

Section 303(5) of the MTA, recently added to the MTA by amendments signed into law on July 17, 2000, reads as follows:

To the extent that it is technically and economically feasible, the commission shall issue orders requiring the modification of all area code boundaries in this state to insure that they conform to county lines.

The question is whether the Commission should require that area code boundaries conform to county lines in connection with the 248 area-code relief plan. The answer is that it would be neither technically or economically feasible to do so.

In the context of an overlay plan for the 248 area code, Section 303(5) is not, in truth, even implicated because there would be no new area code boundary to establish. The existing boundary of 248 would also be the boundary of the new overlay area code. Therefore, in this particular overlay situation the area code boundary could not conform to county lines unless the entire 248 area code were to be redrawn. To do so, however, would be an utterly wasteful and terribly disruptive exercise, and certainly would not advance the completion or attributes of an area-code overlay.

In the context of a split, the analysis is somewhat more complex, but nonetheless just as forcefully compels a finding that area-code boundaries not conform to county lines. In this circumstance, providers with exchanges adjacent to the new boundary will be required to physically reconstruct their cable and wire networks. This would involve, among other things, obtaining new rights-of-way, building new underground structures and laying new cables. Conservative estimates are that this type of physical reconfiguration would take at least eighteen

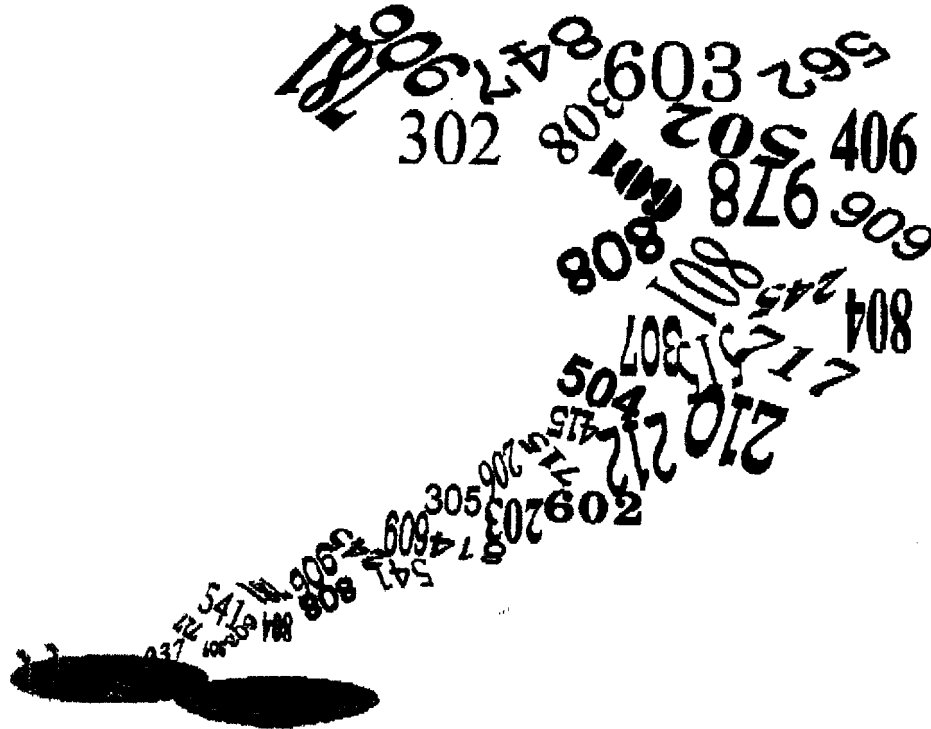
EXHIBIT D

Post-it® Fax Note 7671		Date: 5-14	# of pages: 2
To: Carrie	From:		
Co/Dept: Mr. Heure	Co: Dan Kearney		
Phone #	Phone #		
Fax #	Fax #		517 241 6206

WHERE HAVE ALL THE NUMBERS GONE? (SECOND EDITION)

Rescuing the North American Numbering Plan from Mismanagement and Premature Exhaust

The Ad Hoc Telecommunications Users Committee



June 2000

 **ECONOMICS AND TECHNOLOGY, INC.**

ONE WASHINGTON MALL • BOSTON, MASSACHUSETTS 02108

Rate Center Consolidation

Table 6.1

Average per Line Local Rate Increase that Would Result from the Elimination of all IntraLATA Toll Calling

State	Annual IntraLATA Toll Revenue ¹	Switched Access Lines	Monthly Revenue per Access Line	State	Annual IntraLATA Toll Revenue ¹	Switched Access Lines	Monthly Revenue per Access Line
Arizona	\$36,000,000	2,758,819	\$1.09	Indiana	\$159,000,000	3,400,340	\$3.90
Nevada	\$18,000,000	1,220,341	\$1.09	Oregon	\$94,000,000	1,943,250	\$4.03
Minnesota	\$39,000,000	2,291,580	\$1.42	Iowa	\$72,000,000	1,375,007	\$4.35
Georgia	\$78,000,000	4,386,449	\$1.48	Utah	\$60,000,000	1,105,479	\$4.52
New York	\$230,000,000	12,317,812	\$1.56	Washington	\$198,000,000	3,489,191	\$4.73
Florida	\$206,000,000	10,781,047	\$1.59	Rhode Island	\$38,000,000	658,581	\$4.81
Hawaii	\$14,000,000	724,861	\$1.61	Wisconsin	\$160,000,000	2,831,035	\$5.07
Virginia	\$89,000,000	4,591,784	\$1.62	Missouri	\$201,000,000	3,228,589	\$5.19
Delaware	\$11,000,000	585,706	\$1.62	Mississippi	\$83,000,000	1,266,368	\$5.46
Maryland	\$73,000,000	3,728,369	\$1.83	California	\$1,501,000,000	22,485,133	\$5.56
Louisiana	\$46,000,000	2,315,246	\$1.66	Kansas	\$95,000,000	1,372,899	\$5.77
North Carolina	\$95,000,000	4,380,721	\$1.81	Montana	\$27,000,000	367,290	\$6.13
Illinois	\$219,000,000	7,781,293	\$2.35	Wyoming	\$18,000,000	244,820	\$6.13
Kentucky	\$56,000,000	1,947,289	\$2.40	New Jersey	\$520,000,000	6,853,666	\$6.51
Ohio	\$211,000,000	6,502,066	\$2.70	Connecticut	\$191,000,000	2,366,006	\$6.73
Alabama	\$72,000,000	2,195,439	\$2.73	Massachusetts	\$353,000,000	4,485,040	\$6.74
Texas	\$307,000,000	11,799,583	\$2.73	Oklahoma	\$142,000,000	1,753,063	\$6.75
Tennessee	\$96,000,000	2,899,322	\$2.76	South Dakota	\$24,000,000	278,951	\$7.17
South Carolina	\$71,000,000	1,637,600	\$3.57	Vermont	\$29,000,000	336,610	\$7.18
Colorado	\$117,000,000	2,678,468	\$3.64	New Hampshire	\$71,000,000	781,406	\$7.57
West Virginia	\$37,000,000	826,822	\$3.73	Arkansas	\$100,000,000	1,008,668	\$7.87
Nebraska	\$42,000,000	933,783	\$3.75	North Dakota	\$27,000,000	265,839	\$8.79
Pennsylvania	\$363,000,000	7,913,473	\$3.82	Michigan	\$773,000,000	6,065,172	\$10.02
New Mexico	\$41,000,000	890,722	\$3.84	Maine	\$129,000,000	683,666	\$15.73
Idaho	\$31,000,000	665,698	\$3.88	Total	\$2,676,000,000	80,754,166	\$3.87

Sources: Federal Communications Commission, Common Carrier Bureau, *Statistics of Communications Common Carriers*, December 9, 1999, Table 2.4: Switched Access Lines by Type of Technology for Reporting Local Exchange Carriers as of December 31, 1999; FCC, Industry Analysis Division, *State-by-State Telephone Revenue and Universal Service Data*, January 2000, Table 2.13: Local Exchange Carrier (LEC) Intrastate Toll Revenue: 1998.
¹ Rounded to nearest one-million.

If the industry trend is to remove mileage from the price of a call, and rate center consolidation offers the ability to significantly reduce the quantity of NXX codes assigned to carriers, why is rate center consolidation not wholeheartedly embraced by regulators and carriers alike? As a consequence of decreasing the number of rating areas in a region, the local calling area of all affected exchanges must necessarily be increased. Enlarging the local calling area produces a corresponding reduction in the volume of intraLATA toll calling, thereby eroding ILEC revenues and potentially blocking interexchange carriers from providing intraLATA calling services in competition with the ILEC. Moreover, because intraLATA toll calls are typically priced at large multiples of their underlying cost — making intraLATA toll one of the most profitable of all ILEC offerings — ILECs are extremely resistant to any measure that would require them to forego this profitable source of revenue. It is essential that regulators come to recognize the interrelationship between ILEC efforts to preserve their intraLATA toll revenue stream and the ultimate exhaust of the NANP: clearly, if a direct consequence of preservation of distance-based intraLATA pricing is the \$150-billion hit on the US economy to pay for NANP expansion, any remaining justification for retaining these archaic pricing devices quickly disappears.

EXHIBIT E

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State Commissioner Profiles	4

November

December

2000

NARUC HOLDS ANNUAL MEETING, FILES EX-PARTE WITH FCC

From November 10-15, state public service commission staff and commissioners met in San Diego for the annual meeting of the National Association of Regulatory Utility Commissioners (NARUC). While no new numbering resolutions were passed, on November 30, NARUC filed an Ex-Parte with the Federal Communications Commission (FCC) regarding numbering matters. In the Ex-Parte NARUC reiterated the position it took following its July meetings, including its desire for the FCC to:

- Appoint three additional NARUC members to the North American Numbering Council (NANC)
- Set forth parameters on technology specific overlays
- Authorize the establishment of one or more national non-service-specific area codes
- Act on pending State petitions for additional delegated authority
- Ensure carrier data is readily available at no charge to the individual States
- Affirm authorized State commissions' orders regarding telephone numbering decisions and the States' ability to exercise their delegated authority on numbering issues and require carriers to comply with previous State commission decisions and orders
- Not change the November 24, 2002, deadline for all wireless providers to be LNP-capable.

NARUC further expressed its desire for direct access to the North American Numbering Plan Administration (NANPA) Code Administration system in order to obtain specific code assignment information. **NeuStar**

STATE ROUNDUP

CPUC Issues 2001 Pooling Schedule

On November 21, the California Public Utilities Commission (CPUC) issued an order laying out California's pooling implementation schedule for 2001. The Order adopted five criteria on which to base the implementation schedule:

1. The FCC's restriction on number pooling in the top 100 MSA boundaries
2. Whether other NPAs exist within the top 100 MSA boundaries in which number pooling trials have already been initiated or ordered
3. Expected NPA exhaust date

4. Number of rate centers in the NPA
5. The expected conversion date for NPAC software Release 3.0.

The schedule includes 10 area codes, but dates were set for only one NPA. Pooling has been mandated by March 24, 2001, for the 818 NPA, which serves the area just north of downtown Los Angeles. NeuStar, the Pooling Administrator for the 818 NPA, conducted an implementation meeting on December 7.

Virginia Requests PA Proposals

On November 16, the Virginia State Corporation Commission (VSCC) issued a request for

(continued on page 6)

NEU STAR

Trusted to Bring Networks Together

NEU STAR
12211 N. 15th Ave.
Suite 100
Scottsdale, AZ 85259
Phone: 480-344-2200
Fax: 480-344-2201
www.nestars.com

NANPA RECEIVES NRUF SUBMISSIONS, BUT MANY CONTAIN ERRORS

With the NRO Order, the FCC directed new data reporting requirements for service providers. The requirements included the submission of utilization and forecast data to the NANPA by September 15. As of late November, NANPA had received over 3,700 submissions (i.e., Form 502). Unfortunately, more than 2,400 of these submissions contained errors.

More than 1,700 submissions contained the following types of errors:

- Failure to provide an entry in the Parent Company Name or OCN fields
- Unrecognizable NPA codes
- Invalid rate center name
- No recognizable forecast provided

More than 750 submissions contained errors so severe that they could not be processed and had to be rejected. Examples of these errors included:

- No Operating Company Number (OCN) in the service provider OCN field
- Multiple OCNs in the service provider OCN field
- A non-valid OCN format (i.e., OCN must be a four-digit, numeric number; if the OCN is in any other format, submission will be rejected)
- A non-valid OCN; the reported OCN cannot be found in the LERG
- Key information is missing (e.g., service provider name, company address, city, state, zip, contact name and contact telephone number.)
- Utilization or forecast data is missing (i.e., the individual utilization and forecast forms contain no data)
- Service provider modified the spreadsheet (e.g. eliminated workbooks).

Because carriers must have an NRUF on file to obtain central office code assignments, NANPA is focusing first on those carriers whose submissions have been rejected. Service providers will be allowed up to five days from date of notification to address these situations and respond to NANPA. Service providers that fail to correct the problem(s) during that period will be deemed, for purposes of applications for numbering resources, not to have an NRUF on file.

Carriers sometimes find it necessary to update their NRUF submissions, either to correct errors like those described above or to supply additional data. NANPA will accept updates and/or corrections to previously submitted NRUF submissions associated with the current reporting cycle, provided the carrier submits all the previously reported data contained on the 502 Form for the OCN in question, as well as the revision/update. This revised 502 Form will completely replace the existing data for that OCN.

In November, NANPA began sending out lists of codes to states to be reclaimed. In all, 17 states responded to the NANPA saying they would like to take part in the reclamation process. For the remainder of the states, lists of codes to be reclaimed were sent to the FCC. One issue has arisen regarding accuracy of carrier contact information on Part 1s originally sent to the NANPA. Some states have had difficulty contacting carriers whose codes face reclamation. The NANPA is working with the states to address this issue, and it was discussed at the November NANC meeting. **NeuStar**

To be added to *The State Scene* mailing list, please email your name and address to Rebecca Barnhart at rebecca.barnhart@neustar.com

EXHIBIT F

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of:)
)
)
The Michigan Public Service Commission) File No. _____
)
)
Petition for Delegation of Additional Authority)
Pertaining to NXX Code Conservation Measures,)
)
)
and)
)
)
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.

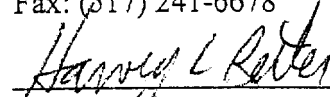
Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

By Its Attorneys,

JENNIFER M. GRANHOLM
Attorney General

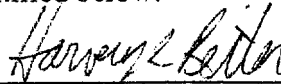
David A. Voges
Assistant Attorney General
Public Service Division
6545 Mercantile Way, Suite 15
Lansing, MI 48911
Telephone: (517) 241-6680
Fax: (517) 241-6678



Harvey L. Reiter
David D'Alessandro
Carrie L. McGuire
Morrison & Hecker L.L.P.
Special Assistant Attorneys General
1150 18th Street, NW, Suite 800
Washington, DC 20036-3816
Telephone: (202) 785-9100

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:



Harvey L. Reiter

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Michael Powell, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Susan Ness, Commissioner
Federal Communications Commission
445 12th Street, SW – 8th Floor
Washington, DC 20554

Harold Furchgott-Roth, Commissioner
Federal Communications Commission
445 12th Street, SW – 8th Floor
Washington, DC 20554

Gloria Tristani, Commissioner
Federal Communications Commission
445 12th Street, SW – 8th Floor
Washington, DC 20554

Lawrence E. Strickling, Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW - Room 5-C450
Washington, DC 20554

Yog R. Varma, Deputy Chief
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 5-C352
Washington, DC 20554

Jeannie Grimes
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 6-A401
Washington, DC 20554

Al McCloud
Network Services Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 6-A423
Washington, DC 20554

Johanna Mikes
Common Carrier Bureau
445 12th Street, SW – Room 5-C163
Washington, DC 20554

Jared Carlson
Network Services Division
Common Carrier Bureau
Federal Communications Commission
445 12th Street, SW – Room 6-A331
Washington, DC 20554

International Transcription Service
445 12th Street, SW – Room CY-B402
Washington, DC 20036