



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
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DA 01-77
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COMMON CARRIER BUREAU SEEKS COMMENT ON THE WEST VIRGINIA PUBLIC SERVICE COMMISSION'S PETITION FOR ADDITIONAL DELEGATED AUTHORITY TO IMPLEMENT NUMBER CONSERVATION MEASURES

NSD File No.: L-01-274
CC Docket 96-98
CC Docket 99-200

Pleading Cycle Established

COMMENTS: February 12, 2001

REPLY COMMENTS: February 28, 2001

On September 28, 1998, the Federal Communications Commission (Commission) released the *Pennsylvania Numbering Order*,¹ which delegated authority to state public utility commissions to order number rationing in jeopardy situations and encouraged state commissions to seek further limited delegations of authority to implement number conservation methods.

On March 31, 2000, the Commission released the *Numbering Resource Optimization First Report and Order*.² In the *Numbering Resource Optimization First Report and Order*, the Commission granted state commissions the authority to engage in certain number conservation measures. The Commission also reiterated that previous state delegations of authority to implement number conservation measures were interim in nature and would be superseded by forthcoming decisions in this proceeding. The Commission, however, continued its delegation to the Common Carrier Bureau (Bureau) to rule on state

¹ Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009, 19025 (1998); *see also* *Numbering Resource Optimization*, Second Report and Order in CC Docket No. 99-200, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 (rel. Dec. 29, 2000) (where the Commission addressed petitions for clarification and reconsideration that were filed in response to the *Pennsylvania Numbering Order*).

² *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000).

petitions for additional delegation of numbering authority when no new issues are raised.

In paragraph 170 of the *Numbering Resource Optimization First Report and Order*, the Commission required that 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 Metropolitan Statistical Areas (MSAs), or alternatively, the majority of wireline carriers in the NPA are LNP-capable.

On December 12, 2000, the West Virginia Public Service Commission (West Virginia Commission or Petitioner) filed a petition requesting additional delegated authority to (1) implement thousands-block number pooling; (2) enforce current standards for number allocation or set and enforce new standards; (3) utilize rationing procedures for six months following area code relief; (4) mandate carriers to submit utilization and forecast data and audit such data; (5) reclaim carriers' unused, reserved or under-utilized portions of NXX codes; (6) mandate carriers to assign numbers sequentially; and (7) hear and address claims by individual carriers requesting numbering resources outside the rationing procedures. Petitioner believes that these measures will help to avoid the expense and inconvenience of implementing new area codes.

We hereby seek comment on the West Virginia Commission's request for additional delegated authority to implement the number conservation measures mentioned above. We note that the Bureau is concurrently releasing six similar public notices in CC Docket Nos. 96-98 and 99-200.³ Interested parties may consolidate in one filing their comments and reply comments in response to the instant petition and the other six petitions. A copy of the instant petition will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. Interested parties may file comments concerning this matter on or before **February 12, 2001**, and reply comments on or before **February 28, 2001**. All filings must reference **File No. NSD-L-01-274 and CC Docket Nos. 96-98 and 99-200**. Send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, SW, Suite TW-A325, Washington, D.C. 20554 and two copies to Carmell Weathers, Network Services Division, Portals II, 445 12th Street, S.W., Room 6-B153, Washington, D.C. 20554.

³ See *Common Carrier Bureau Seeks Comment on the Indiana Utility Regulatory Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures*, Public Notice (rel. Jan. 11, 2001); *Common Carrier Bureau Seeks Comment on the Petition of the Minnesota Public Utilities Commission for Additional Delegated Authority to Implement Number Conservation Measures*, Public Notice (rel. Jan. 11, 2001); *Common Carrier Bureau Seeks Comment on the Petition of the Missouri Public Service Commission for Additional Delegated Authority to Implement Number Conservation Measures*, Public Notice (rel. Jan. 11, 2001); *Common Carrier Bureau Seeks Comment on the Oklahoma Corporation Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures*, Public Notice (rel. Jan. 11, 2001); *Common Carrier Bureau Seeks Comment on the Petition of the Tennessee Regulatory Authority for Additional Delegated Authority to Implement Number Conservation Measures*, Public Notice (rel. Jan. 11, 2001); *Common Carrier Bureau Seeks Comment on the State of Vermont Public Service Board's Petition for Additional Delegated Authority to Implement Number Conservation Measures*, Public Notice (rel. Jan. 11, 2001).

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. If using this method, please reference **CC Docket No. 96-98 and CC Docket No. 99-200** in the Proceeding block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Carmell Weathers, cweather@fcc.gov, indicating that comments have been filed.

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.⁴ As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.⁵

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.⁶ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

For further information contact Jennifer Gorny of the Common Carrier Bureau, Network Services Division, at (202) 418-2320 or jgorny@fcc.gov. The TTY number is (202) 418-0484.

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⁴ See generally 47 C.F.R. §§ 1.1200-1.1216.

⁵ 47 C.F.R. § 1.1206.

⁶ 47 C.F.R. § 1.1206(b)(2).