



PUBLIC NOTICE

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THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE NORTH AMERICAN NUMBERING PLAN BILLING AND COLLECTION AGENT'S TECHNICAL REQUIREMENTS

CC Docket No. 92-237

CC Docket No. 99-200

COMMENTS DUE: June 23, 2003

REPLY COMMENTS DUE: June 30, 2003

The Wireline Competition Bureau (Bureau) seeks comment on the technical requirements that will be used in preparing the solicitation for the North American Numbering Plan Billing and Collection Agent's next term of administration. The billing and collection agent is responsible for the collection from the United States telecommunications industry and North America Numbering Plan (NANP) member countries and disbursement of funds to support numbering administration functions for telecommunications services.¹

The entity selected to serve as the billing and collection agent will be expected to perform its duties in accordance with the terms and conditions of a Federal Acquisition Regulation (FAR) based contract.² The North American Numbering Council (NANC), the Commission's federal advisory committee on numbering matters, developed and forwarded proposed technical requirements to the Chief of the Bureau for consideration in the numbering administration billing and collection solicitation.³ The Bureau has reviewed and made modifications to the NANC proposal. It is anticipated that the technical requirements will provide a Statement of Work in the solicitation for the billing and collection agent.

¹ 47 U.S.C. §251(e). *See also* 47 C.F.R. §§ 52.9, 52.16.

² The FAR is Chapter 48 of the C.F.R. The FAR governs the acquisition by contract of supplies and services for the use of the Federal Government.

³ *See* letter from John R. Hoffman, NANC Chair to Dorothy Attwood, Chief, Common Carrier Bureau (dated April 10, 2001). The Common Carrier Bureau is now the Wireline Competition Bureau (Bureau).

We seek comment on the attached technical requirements. The NANC's technical requirements document, as modified, does not reflect the Commission's position as to what the final technical requirements or contract terms for the anticipated solicitation will be. The final contract terms and conditions will be based on the requirements of the Federal Acquisition Regulation.

The Technical Requirements Document is attached and can also be accessed through the Commission's Electronic Document Management System (EDOCS) search via the Internet at http://hraunfoss.fcc.gov/edocs_public/SilverStream/Pages/edocs.html. When using EDOCS, insert the DA number from the top of this item in the appropriate field and hit the query button. We ask that comments specifically address whether the technical requirements are sufficiently detailed, comprehensive, and clear, and whether they adequately describe the duties and scope of the North American Numbering Plan Billing and Collection Agent's responsibilities.

This is a "permit but disclose" proceeding pursuant to § 1.1206 of the Commission's Rules.⁴ Ex parte presentation that are made with respect to the issues involved in this proceeding will be allowed but must be disclosed in accordance with the requirement of § 1.1206(b) of the Commission's Rules.⁵ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). All comments must reference **CC Docket No. 92-237 and CC Docket No. 99-200**.

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.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. 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, and should include the following words in the body of the message, "get form <your e-mail address> ." A sample form and directions will be sent in reply. After filing your comments electronically, please notify Sheryl Todd at stodd@fcc.gov that comments have been filed.

Parties who choose to file by paper must file an original and four copies of each filing. Each filing should include the applicable docket numbers. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal

⁴ 47 C.F.R. § 1.1206.

⁵ 47 C.F.R. § 1.1206(b).

⁶ 47 C.F.R. § 1.1206(b)(2).

Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.

Comments in this proceeding will be available electronically on the Commission's ECFS under CC Docket Nos. 92-237 and 99-200. In addition, copies of these documents will also be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. Documents may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com. Alternative formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin, of the Consumer and Governmental Affairs Bureau, at (202) 418-7426 (voice) or (202) 418-7365 (TTY), or at bmillin@fcc.gov. This Public Notice can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cib/dro>.

For further information, contact Pam Slipakoff of the Wireline Competition Bureau, Telecommunications Access Policy Division, at (202) 418-7400 or pslipako@fcc.gov. The TTY number is (202) 418-0484.

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PROPOSED
BILLING AND COLLECTION AGENT
FUNCTIONAL REQUIREMENTS

Introduction

The following sections describe the responsibilities and functions of the Billing and Collection Agent (B&C Agent). The B&C agent's primary functions are to calculate, assess, bill and collect payments from carriers for the funds necessary to compensate the North American Numbering Plan Administrator (NANPA) for numbering plan area and central office code administration functions, as well as to distribute funds to the NANPA on a monthly basis. The B&C agent also functions in the same manner for the National Pooling Administrator (PA). Additionally, the B&C agent shall function in the same manner for other agents as designated by the Wireline Competition Bureau.

General Responsibilities

The following describes general responsibilities of the B&C Agent.

1. The B&C Agent shall be responsible for collecting payments for all functions associated with numbering administration and pooling administration described in this document for a period of five years. Payments for numbering administration will be provided by telecommunications carriers in nations participating in the North American Numbering Plan (NANP). As described in more detail below, Bermuda, Canada and Caribbean nations participating in the NANP will not be required to contribute to certain categories of costs as certain numbering activities are not performed on their behalf. Cost collection activity will begin 90 days after the selection of a B&C Agent.
2. In the United States, payments for numbering and pooling administration will be assessed on all telecommunications carriers providing telecommunications services using their own facilities or the facilities and services of other telecommunications carriers. Such payments will be based upon each telecommunications carrier's proportionate share of end-user telecommunications revenues, as mandated by the Commission in CC Docket No. 98-171, FCC 99-175 (Consolidated Forms Order, released Jul. 14, 1999). The term telecommunications carrier is defined in Section 3 (44) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.
3. Non-U.S. payments shall be based on each nation's share of the total population of the NANP area. A single aggregate payment will be collected from a representative identified by each country's government or

telecommunication carriers. The representative shall be responsible for collecting from the telecommunications carriers in that country. Population estimates must be obtained from a public source that is acceptable to the affected governments. Non-U.S. entities that perform their own central office code administration function will not be responsible for costs associated with the administration of U.S. central office codes and associated billing and collection activities. Other adjustments to the share of non-U.S. carriers may be required.

4. The B&C Agent shall have responsibility for maintaining and updating a comprehensive list of U.S. telecommunication carriers. The B&C Agent shall obtain from the prior B&C agent its list of telecommunications carriers. Carriers shall be responsible for self-reporting. However, the B&C Agent is charged with monitoring carrier reporting and taking reasonable steps to identify non-complying carriers.
5. All U.S. telecommunications carriers shall contribute to cost recovery. The amount of each carrier's payment will differ depending on its proportionate share of total end-user telecommunications revenues. The minimum payment will be \$25.00 per year, per the Commission's Consolidated Forms Order, (CC Docket No. 98-171, released July 14, 1999). Any carrier that contributes \$1,200 or more shall be permitted to make 12 equal monthly installment payments.

Qualities and Attributes

Respondents shall describe how they possess or how they will acquire the following attributes:

1. Knowledge of all relevant FCC rules regarding cost allocation and recovery mechanisms, number administration, pooling administration, fund collection, and reporting requirements. The B&C Agent should also be familiar with any Office of Management and Budget rules and regulations that may impact the collection process.
2. Knowledge of relevant legislation that bears on number and pooling administration and collecting funds and/or proprietary information from individual firms and foreign entities.
3. Knowledge of generally accepted accounting standards and laws regarding fiduciary responsibility, privacy requirements, as well as other activities that directly affect the responsibility of the B&C Agent.

Billing and Collection Agent Functional Requirements

The following describes the B&C Agent functional requirements:

The B&C Agent shall be responsible for obtaining the appropriate reports from the designated Data Collection Agent which contains the contribution base (total U.S. carrier intra-, interstate, and international end-user revenues). The B&C agent is further responsible for obtaining from the Data Collection Agent any other carrier financial information as necessary for the computation of the NANP and PA bills.

1. The B&C Agent shall be responsible for computing the payment for each contributing entity based on an approved formula which allocate costs to countries based on population and costs to U.S. telecommunications carriers in accordance with the Commission's regulations and applicable law.
2. The B&C Agent shall develop any necessary corporate and international contacts required facilitating cost recovery.
3. The B&C Agent shall propose specific procedures for addressing failures in making timely payments.
4. The B&C Agent shall develop a procedure for computing, billing, and collecting each contributing entity's payment to the fund. This procedure should provide reasonable time for each entity to pay its obligation as well as include a means for resolving questions with respect to the cost collection process.
5. The B&C Agent shall establish a procedure for collecting and verifying installment payments. Costs allocated to nations other than the United States should be collected and submitted directly to the B& C Agent subject to the cost recovery mechanism established by each nation.
6. The B&C Agent shall develop a procedure for collecting, disbursing, and accounting for variances in fund availability.
7. The successful bidder must implement the B&C Agent function within 90 days of being selected.
8. The B&C Agent shall collect funds and disburse payment to the NANPA, PA, other numbering administration vendors designated by the Wireline Competition Bureau and to itself for respective functions performed.
9. The B&C Agent shall disburse funds on a monthly basis or as otherwise directed by the FCC.
10. The B&C Agent shall file an annual report with the FCC and other national government authorities as appropriate which includes payments received and

administrative and operating expenses associated with numbering administration paid out during the period covered by the annual report.

11. The B&C Agent shall also file an annual report with the FCC which includes payments received and payments made for administrative and operating expenses associated with pooling administration during the period covered by the annual report.
12. The B&C Agent shall establish procedures and maintain records to ensure operational integrity. The B&C Agent shall submit a report to the FCC and/or the NANC demonstrating such compliance March 31, June 30, Sept. 30 and Dec. 31. NANC shall approve the format of the report.
13. The B&C Agent shall obtain an audit from an independent auditor after the first year of operations and every two years thereafter, unless notified otherwise by the FCC. The audit will include:
 - a) an evaluation of the validity and reasonableness of the payments calculated and received;
 - b) an explanation of any limitations imposed on the auditor by the B&C Agent in the course of its review which might affect the auditor's opinion; and
 - c) A statement by the auditor that the B&C Agent has complied with applicable FCC rules and Section 8.1.

Allocation Method

The B&C Agent shall use two allocation methods in the performance of this function. These methodologies are described in the following sections. The final international allocation method shall be determined by the nations participating in the NANP and provided to the recommended B&C Agent. Each nation shall establish its own mechanism for paying for its share of the costs.

Cost-Sharing among Nations Participating in the NANP

1. Each nation participating in the NANP shall pay its fair share of the costs of the NANPA functions applicable to it.
2. Each nation's share of the costs of the NANP, which are applicable to all the nations in the NANP, should be based upon each nation's share of the total population of the NANP area, subject to consideration described below. This provides a reasonable basis for assigning those costs to the nations participating in the NANP. (See Webster, U.S. Census, International

Database Summary Demographic Data, www/census/gov, for population figures.)

3. The population-based Canadian and Caribbean countries' share of the cost of the NANPA may be reduced to a lower percent to reflect the minimized numbering administration work performed for Canada and the Caribbean countries, as a result of the work performed by the Canadian Numbering Administration ("CNA") and Caribbean carriers. Further, certain NANP activities may be undertaken exclusively for the U. S. telecommunications industry.
 - a) The CNA performs certain duties regarding NANP and number resource assignment for Canadian entities and which is funded by the Canadian telecommunications industry. Consequently, the population-based method of allocating costs among NANP nations should be modified to reflect the fact that some NANPA functional requirements are already performed, in whole or in part, by the CNA.
 - b) The CNA currently reviews for completeness and regulatory compliance all applications by Canadian entities for the following resources before forwarding them to the new NANPA for assignment: International Inbound NPA 456 NXX Codes, PCS/N00 500 Codes, 900 NXX Codes, 800 855-XXXX line numbers, 555-XXXX line numbers, and Carrier Identification Codes. The CNA also perform administration for Canadian PCS/N00 500 Codes and N11 Service Codes. In addition, the CNA provides to Canadian entities copies of applicable INC assignment guidelines as well as Canadian assignment guidelines, which have been modified by the CSCN to reflect uniquely Canadian requirements. The CNA also provides significant consultation to Canadian carriers with respect to number resource assignment guidelines. These CNA activities significantly reduce the work performed by the NANPA for Canadian entities.
 - c) Similarly, Caribbean region countries and Bermuda perform certain numbering administration functions without the assistance of the NANPA. With the introduction of NPAs per nation, CO code administration within the Caribbean region will be performed by each nation. In addition, certain resources, such as Carrier Identification Codes, International Inbound NPA 456 NXX Codes, etc., are not utilized by the Caribbean region. Consequently, the population-based method of cost allocation should be modified to reflect the lower level of support required of the new NANPA by the Caribbean region.

4. The final allocation method shall be determined by the nations participating in the NANP and the new NANPA. This method shall be provided to the designated B&C Agent.

U. S. Carrier Payments

1. Payments shall be assessed on all U.S. telecommunications carriers providing telecommunications services using their own facilities or the facilities and services of other telecommunications carriers. Such payments shall be based upon each telecommunications carrier's proportionate share of total intra-, inter- and international end-user telecommunications revenues unless otherwise directed by Commission regulation or applicable law.

All U.S. telecommunications carriers, as defined in Section 3(44) of the Communications Act of 1934 as amended by the Telecommunications Act of 1996, shall be assessed payments for the recovery of costs associated with numbering administration (*e.g.*, NANP, Pooling and B&C administration).

2. At a minimum, all services used in determining a payment to the Interstate Telecommunications Relay Service Fund, including their intrastate equivalent, shall be used in determining the payment to fund numbering administration. Examples of such telecommunications services shall include, but not be limited to, intrastate, interstate and international services such as access, toll-free, 900, WATS, PCS, cellular, paging, specialized and commercial mobile radio, satellite, operator services, telex, telegraph and video.
3. U.S. payments for the support of the numbering administration functions shall be based on the following calculation to yield the annual payment requirement for individual telecommunications carriers:
 - End-user (intra-, interstate, and international) telecommunications service revenue divided by the total end-user telecommunications service revenue for all telecommunication carriers in the United States.
 - Multiplied against total payment requirement (less the portion assigned to other NANP nations).
4. Each telecommunications carrier is responsible for self-reporting to the B&C Agent. Failure to do so in a timely manner will subject such carrier to possible FCC penalty and/or sanction.