



# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, D.C. 20554**

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**DA 03-860**  
**March 24, 2003**

## **THE COMMISSION SEEKS COMMENT ON THE PETITION OF WESTERN WIRELESS FOR WAIVER OF THE COMMISSION'S NUMBER POOLING REQUIREMENTS**

**CC Docket No. 99-200**  
**CC Docket No. 95-116**

**Comment Date: April 3, 2003**  
**Reply Comment Date: April 14, 2003**

The Wireline Competition Bureau seeks comment on the petition filed by Western Wireless Corporation (Western Wireless) for a limited conditional waiver of the Commission's thousands-block number pooling requirements.<sup>1</sup> Section 52.20(b) requires service providers capable of providing local number portability to participate in thousands-block number pooling where it is implemented and consistent with the national thousands-block number pooling framework established by the Commission.<sup>2</sup>

Western Wireless initially requested waiver of the thousands-block number pooling requirements in the McAllen-Edinburg-Mission, Texas Metropolitan Statistical Area (MSA).<sup>3</sup> In a supplemental petition, Western Wireless requests clarification that, because it is licensed to serve rural service areas (RSAs) and RSAs by definition are outside of MSAs,<sup>4</sup> it is not subject to

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<sup>1</sup> See *Limited, Conditional Petition of Western Wireless for Waiver of Number Pooling Obligations in McAllen-Edinburg-Mission, Texas*, CC Docket Nos. 99-200 and 95-116 (filed Nov. 27, 2002) (Western Wireless Petition); *Supplement to Petition for Waiver and Petition for Clarification of Western Wireless Corporation*, CC Docket Nos. 99-200, 96-98, and 95-116 (filed March 3, 2003) (Western Wireless Supplemental Petition); see also 47 C.F.R. §§ 1.3, 52.20(b).

<sup>2</sup> See 47 C.F.R. 52.20(b). Thousands block number pooling is a process by which the 10,000 numbers in a central office code (NXX) are separated into ten sequential blocks of 1,000 numbers each (thousands-blocks), and allocated separately within a rate center. See 47 C.F.R. § 52.20(a); see also *Numbering Resource Optimization*, CC Docket No. 99-200, Order, 17 FCC Rcd 7347 (2002) (*Pooling Rollout Schedule*).

<sup>3</sup> Western Wireless Petition at 1.

<sup>4</sup> See 47 C.F.R. § 22.909.

the Commission's pooling requirements, which apply to carriers in the largest 100 MSAs.<sup>5</sup> Specifically, Western Wireless contends that because the Commission deemed RSA areas as outside of defined MSA boundaries, it should not be required to pool in RSAs that overlap the top 100 MSAs as defined for numbering purposes.<sup>6</sup> In its initial petition, Western Wireless requested a three-year extension of its deadline for implementation of pooling, if a waiver is not granted, because it did not anticipate being required to participate in pooling and needs additional time to implement pooling in the McAllen-Edinburg-Mission, Texas MSA.<sup>7</sup>

We seek comment on Western Wireless' contention that good cause exists to waive the Commission's pooling requirements.<sup>8</sup> Specifically, Western Wireless contends that participation in pooling would be costly and burdensome with little or no number conservation benefits.<sup>9</sup> Parties should comment on whether it is in the public interest to waive this requirement. Commenters should also discuss the costs and benefits of a waiver or an extension of the pooling implementation deadline and the impact on the Commission's numbering resource optimization efforts.

Interested parties may file comments on or before **April 3, 2003** and may file reply comments on or before **April 14, 2003**. All comments must reference **CC Docket No. 99-200 and CC Docket No. 95-116**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents*, 63 Fed. Reg. 24121 (1998).

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](mailto: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](mailto:stodd@fcc.gov) that comments have been filed.

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<sup>5</sup> Western Wireless Supplemental Petition at 2.

<sup>6</sup> *Id.*

<sup>7</sup> Western Wireless Petition at 8-9.

<sup>8</sup> Western Wireless Petition at 6-8.

<sup>9</sup> Western Wireless Petition at 6-8; Western Wireless Supplemental Petition at 2.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal 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 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: [qualexint@aol.com](mailto:qualexint@aol.com); facsimile: (202) 863-2898; phone: (202) 863-2893.

Requests for waiver of the Commission's rules are subject to treatment by the Commission as restricted proceedings for *ex parte* purposes under section 1.1208 of the Commission's rules unless otherwise provided.<sup>10</sup> Because of the policy implications and the potential impact of this proceeding on consumers, we believe it would be in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules.<sup>11</sup> Therefore, an *ex parte* presentation subsequent to the release of this Public Notice, that are made with respect to the issues involved in the subject waiver, will be permissible but must be disclosed in accordance with the requirements of section 1.1206 of the Commission's rules.<sup>12</sup>

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.<sup>13</sup> Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

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<sup>10</sup> 47 C.F.R. § 1.1208.

<sup>11</sup> See 47 C.F.R. §§ 1.1200(a), 1.1206.

<sup>12</sup> 47 C.F.R. § 1.1206(b).

<sup>13</sup> 47 C.F.R. § 1.1206(b)(2).

Comments in this proceeding will be available on ECFS. They 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. They 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](mailto:qualexint@aol.com).

For further information, please contact Pam Slipakoff, Wireline Competition Bureau, Telecommunications Access Policy Division, at 202-418-7400, or via e-mail at [pslipako@fcc.gov](mailto:pslipako@fcc.gov). The TTY number is 202-418-0484.

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