



# PUBLIC NOTICE

Federal Communications Commission  
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DA 04-3678

**Parties Asked To Refresh Record Regarding a Petition by the New York State Public Service Commission Seeking Broad Delegated Authority to Make Area Code Changes Outside the Context of Area Code Relief Planning**

CC Docket No. 96-98

Release Date: November 23, 2004

**Comments Due: 14 days after Federal Register publication of this Notice**  
**Reply Comments Due: 21 days after Federal Register publication of this Notice**

Pursuant to section 1.1 of the Commission's rules, the Commission invites interested parties to update the record pertaining to the petition filed by the New York State Public Service Commission (NYPSC) seeking delegated authority to make area code changes outside the context of area code relief planning.<sup>1</sup>

In the *Local Competition Second Report and Order*, the Commission delegated authority to implement new area codes to state commissions in the context of area code relief planning.<sup>2</sup> The Commission noted that state commissions are uniquely positioned to understand local conditions and what effect new area codes will have on those conditions.<sup>3</sup> Each state's implementation method is, however, subject to the Commission's guidelines for numbering administration.<sup>4</sup> Existing Commission guidelines, which were originally enumerated in the *Ameritech Order*, state that numbering administration should: (1) seek to facilitate entry into the communications marketplace by making numbering resources available on an efficient and timely basis; (2) not unduly favor or disadvantage any particular industry segment or group of consumers; and (3) not unduly favor one technology over another.<sup>5</sup>

<sup>1</sup>47 C.F.R § 1.1; *see also* 47 U.S.C. § 251(e)(1).

<sup>2</sup>*Local Competition Provisions of the Telecommunications Act of 1996, et al.*, Second Report and Order, CC Docket No. 96-98, 11 FCC Rcd 19392 (1996) (*Second Local Competition Report and Order*).

<sup>3</sup>*Id.* at 19512-13, para. 269.

<sup>4</sup>*Id.*; *see also Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech – Illinois*, Declaratory Ruling and Order, IAD File No. 94-102, 10 FCC Rcd 4596, 4604, para. 18 (1995) (*Ameritech Order*).

<sup>5</sup>*See Ameritech Order*, 10 FCC Rcd 4604, para. 18.

NYPSC petitioned the Commission for delegated authority to make area codes changes outside the context of area code relief planning.<sup>6</sup> Because the passage of time and intervening developments may have rendered the records developed for this petition stale, the Wireline Competition Bureau requests that the NYPSC identify whether the pursuit of area code relief outside the context of area code relief planning remains an issue. Also, some issues raised in the petition may have become moot or irrelevant in light of intervening events.

To the extent that intervening events may have materially altered the circumstances surrounding the petition or the relief sought by the NYPSC, the NYPSC may refresh the record with new information or arguments related to its original filing that it believes to be relevant to the issues. The previously filed petition will be deemed withdrawn and will be dismissed if the NYPSC does not indicate in writing an intent to pursue its petition.

The NYPSC may update its previously filed petition no later than **14 days after this Public Notice appears in the Federal Register**. Oppositions or responses may be filed no later than **21 days after this Public Notice appears in the Federal Register**. All pleadings are to reference **CC Docket No. 92-105**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. 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." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Parties who choose to file by paper must file an original and four copies of each filing. One (1) courtesy copy should also be sent to Sheryl Todd, Wireline Competition Bureau, FCC, Room 5-B540, 445 12<sup>th</sup> Street, SW, Washington, DC 20554. 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, Natek, 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.

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<sup>6</sup>*Petition of the New York Public Service Commission's Request for Delegated Authority for Jurisdiction Over Area Code Changes Pursuant to 47 U.S.C. § 251(e)(1)*, CC Docket No. 96-98 (filed October 15, 2001) (Petition).

-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.

The original petition for reconsideration that NYPSC filed in 2001 is available for inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12<sup>th</sup> St. SW, Room CY-A257, Washington, DC 20554. The document may also be purchased from Best Copy and Printing, Inc., Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail [www.bcpiweb.com](http://www.bcpiweb.com).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. *See* 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations 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. *See* 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

For further information, contact Karen Franklin, Telecommunications Access Policy Division, Wireline Competition Bureau, (202) 418-7400.

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