



PUBLIC NOTICE

Federal Communications Commission
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November 30, 2004

**Wireline Competition Bureau Seeks Comment on Petitions of West
Virginia Public Service Commission and Nebraska Public Service
Commission for Additional Delegated Authority to Implement
Numbering Resource Optimization Measures**

Pleading Cycle Established

CC Docket No. 99-200

Comment Date: December 30, 2004

Reply Comment Date: January 14, 2005

The Nebraska and West Virginia Public Service Commissions have each filed petitions for authority to implement additional number resource optimization measures. We seek comment on these petitions.

Background

In the *Numbering Resource Optimization First Report and Order*,¹ the Commission determined that implementation of thousands-block number pooling is essential to extending the life of the North American Numbering Plan (NANP) by making the assignment and use of NXX codes more efficient. The Commission granted state commissions the authority to engage in certain numbering resource optimization measures. The Commission delegated authority to the Common Carrier Bureau, now the Wireline Competition Bureau (Bureau), to rule on state petitions for additional delegation of numbering authority when no new issues are raised. The Commission required state commissions seeking thousands-block number pooling authority to 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. The Commission also determined that a state commission may expand pooling to another MSA only after pooling had been implemented in the initial MSA and after providing carriers sufficient time to adjust their networks for thousands-block number pooling.

¹ *Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000).

In the *Numbering Resource Optimization Second Report and Order*,² the Commission explained that the national uniform framework for thousands-block number pooling supersedes state authority. On April 24, 2002, the Bureau adopted a national thousands-block number pooling rollout schedule, for the largest 100 MSAs.³ The Bureau stated that it would consider extending pooling to NPAs outside of the top 100 MSAs once pooling is implemented in the top 100 MSAs.

Nebraska and West Virginia Petitions

On November 1, 2004, the Public Service Commission of West Virginia filed a petition for an expedited decision for delegated authority to implement additional numbering resource optimization measures.⁴ In the *West Virginia Petition*, the West Virginia Public Service Commission seeks delegated authority to implement mandatory thousands-block number pooling in the 304 NPA in LNP-capable rate centers, located outside the top 100 MSAs, where two or more carriers have numbering resources.⁵ The West Virginia Public Service Commission contends that the 304 NPA has been in jeopardy for years and its current exhaust date will occur within the first quarter of 2006.⁶

On November 23, 2004, the Nebraska Public Service Commission also filed a petition for additional delegated authority to implement numbering resource optimization measures.⁷ In the *Nebraska Petition*, the Nebraska Public Service Commission contends that in the 402 area code, which serves portions of the Omaha and Lincoln LATAs, 704 central office codes (*i.e.*, 7,040,000 numbers) have been issued although the population base is only 1,378,424.⁸ The Nebraska Public Service Commission seeks the authority to order mandatory thousands-block pooling in LNP-capable rate centers in the 402 area code.⁹ The Nebraska Public Service Commission explains that the 402 area code includes one of the top 100 MSAs and also includes areas where the majority of access lines are LNP-capable.¹⁰

² *Numbering Resource Optimization*, CC Docket No. 99-200, Second Report and Order, 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, 16 FCC Rcd 306 (2000) (“*Numbering Resource Optimization Second Report and Order*”).

³ *See Numbering Resource Optimization*, CC Docket No. 99-200, Order, 17 FCC Rcd 7347 (WCB 2002).

⁴ *See* Petition for an Expedited Decision for Delegated Authority to Implement Additional Number Conservation Measures, CC Docket Nos. 99-200, 96-98 (Nov. 1, 2004) filed by the West Virginia Public Service Commission (“*West Virginia Petition*”).

⁵ *West Virginia Petition* at 4.

⁶ *Id.*

⁷ *See* Nebraska Public Service Commission’s Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket Nos. 99-200, 96-98 (Nov. 23, 2004) filed by the Nebraska Public Service Commission (“*Nebraska Petition*”).

⁸ *Nebraska Petition* at 5.

⁹ *Id.* at 5-6. The Nebraska Public Service Commission observes that the 402 area code is scheduled to exhaust on or before the second quarter of 2006. *Id.* at 6.

¹⁰ *Id.*

Filing Procedures

We hereby seek comment on the West Virginia Public Service Commission's request for delegated authority to implement mandatory thousands-block number pooling in the 304 NPA and the Nebraska Public Service Commission's request for delegated authority to implement mandatory thousands-block number pooling in the 402 NPA. Interested parties may file comments on the petition on or before **December 30, 2004**. 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).

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.¹¹ 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.¹² 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.¹³ 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.

Parties who choose to file by paper must file an original and four copies of each filing. All filings must contain the docket or rulemaking number that appears in the caption of this proceeding. 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 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. The filing hours at this location are 8 am to 5:30 p.m. First-class U.S. Postal Service mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must contain the Docket Number, and must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

¹¹ *See generally* 47 C.F.R. §§ 1.1200-1.1216.

¹² 47 C.F.R. § 1.1206.

¹³ 47 C.F.R. § 1.1206(b)(2).

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), 445 12th Street, S.W., Room CY-B402, Washington, D.C., 20554. Customers may contact BCPI through its website: www.bcpweb.com, by e-mail at fcc@bcpweb.com, by telephone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563.
- (2) Mika Savir, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B448, Washington, D.C. 20554; e-mail: mika.savir@fcc.gov.
- (3) Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B448, Washington, D.C. 20554; e-mail: sheryl.todd@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C., 20554. They may also be purchased from the Commission's duplicating contractor, BCPI, 445 12th Street, S.W., Room CY-B402, Washington, D.C., 20554. Customers may contact BCPI through its website: www.bcpweb.com, by e-mail at fcc@bcpweb.com, by telephone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563.

Electronic versions of the West Virginia Public Service Commission's petition and the Nebraska Public Service Commission's petition are also available on the FCC's Internet Home Page (<http://www.fcc.gov>) and through the Commission's Electronic Comment Filing System. To the extent that parties file electronic versions of comments, such filings also will be available on the FCC's Internet Home Page and through the Commission's Electronic Comment Filing System.

For further information, contact Mika Savir at (202) 418-0384.

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