

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

In the Matter of	)	
	)	
Petition of the Connecticut Department of	)	
Public Utility Control for Delegated Authority	)	CC Docket No. 99-200
to Implement Specialized Transitional	)	
Overlays	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: May 16, 2003**

**Released: May 23, 2003**

By the Commission: Commissioners Copps and Martin issuing separate statements.

**I. INTRODUCTION**

1. In this order, we conditionally grant the Connecticut Department of Public Utility Control's (Connecticut Department) petition to implement specialized overlays (SOs) for the 203 and 860 numbering plan areas (NPAs or area codes).<sup>1</sup> Specifically, we delegate authority to the Connecticut Department to implement a single transitional SO for both the 203 and 860 area codes. Prior to implementation of the SO, however, the Connecticut Department must determine the specific non-geographic sensitive services that will be included in the SO and submit its implementation plan for review and approval by the Wireline Competition Bureau (Bureau). Further, we limit the duration of the SO to three years, after which the Connecticut Department shall transition the SO to an all-services overlay (i.e., an area code that will include all service types, regardless of use or technology). We find that implementation of a single SO in Connecticut, subject to the modifications stated herein, is consistent with our numbering resource optimization policies because it avoids the use of an additional area code and extends the lifespans of the existing Connecticut area codes. Moreover, the transitional nature of the SO will minimize the cost and inconvenience of frequent area code changes because, eventually, all carriers will be allowed to receive numbers from the SO area code. Accordingly, we find that the benefits of making more numbering resources available with a single SO outweigh any potential discriminatory effect.

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<sup>1</sup> Service-specific and technology specific overlays are collectively referred to as specialized overlays (SOs). In a service-specific overlay, numbering resources are assigned to carriers that provide a particular type of service or services, such as unified messaging and/or vehicle response (e.g., OnStar) services. In contrast, numbering resources in a technology-specific overlay are assigned to carriers that use a particular type of technology or technologies, such as wireless. See *Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration, CC Docket No. 96-98 and CC Docket No. 99-200, 17 FCC Rcd 252, 282 n.173 (2001) (*Numbering Resource Optimization Third Report and Order*).

## II. BACKGROUND

### A. The 1996 Act and Commission Rules

2. Section 251(e) of the Communications Act of 1934, as amended (the Act), gives the Commission plenary jurisdiction over the North American Numbering Plan (NANP) and related telephone numbering issues in the United States.<sup>2</sup> The Commission initially prohibited the use of SOs after determining that they were unreasonably discriminatory and unjust in violation of sections 201(b) and 202(a) of the Act.<sup>3</sup> In the *Numbering Resource Optimization Third Report and Order*, the Commission lifted the ban on SOs due, among other things, to the urgency presented by the increasing demand for the finite supply of telephone numbers.<sup>4</sup> In that order, the Commission stated that it would consider requests for authority to implement SOs on a case-by-case basis to minimize any adverse impact on customers and service providers. The Commission directed state commissions seeking authority to implement SOs to discuss why implementation of an SO would be superior to the implementation of an all-services overlay. The Commission also set forth eight criteria for state commissions to address in SO petitions: (1) the technologies or services to be included in the SO; (2) the geographic area to be covered; (3) whether the SO will be transitional; (4) when the SO will be implemented, and, if a transitional SO is proposed, when the SO will become an all-services overlay; (5) whether the SO will include take-backs of telephone numbers from existing customers; (6) whether there will be ten-digit dialing in the SO and the underlying area code(s); (7) whether the SO and the underlying area code(s) will be subject to rationing; and (8) whether the SO will cover an area in which pooling takes place.<sup>5</sup>

### B. The Petition

3. The Connecticut Department requests delegated authority to implement two transitional SOs: one over each of the existing geographic area codes in Connecticut (the 203 and

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<sup>2</sup> Pub. L. No. 104-104, 110 Stat. 56 (1996 Act). The 1996 Act amended the Communications Act of 1934, 47 U.S.C. §§ 151-174. Section 251(e)(1) states:

The Commission shall designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis. The Commission shall have exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States. Nothing in this paragraph shall preclude the Commission from delegating to State commissions or other entities all or any portion of such jurisdiction.

<sup>3</sup> See *Numbering Resource Optimization Third Report and Order*, 17 FCC Rcd at 283, citing *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech – Illinois*, Declaratory Ruling and Order, 10 FCC Rcd 4596, 4607-12 (1996) (*Ameritech Order*); see also 47 U.S.C. §§ 201(b), 202(a). Specifically, the Commission initially stated that SOs hinder entry into the telecommunications marketplace by: (1) failing to make numbering resources available on an efficient, timely basis to telecommunications services providers; and (2) providing particular industry segments and groups of consumers an unfair advantage. See *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392, 19527-28 (1996) (*Local Competition Second Report and Order*), vacated in part, *California v. FCC*, 124 F.3d 934 (8<sup>th</sup> Cir. 1997), rev'd *AT&T v. Iowa Utils. Bd.*, 199 S. Ct. 721 (1999).

<sup>4</sup> See *Numbering Resource Optimization Third Report and Order*, 17 FCC Rcd at 285.

<sup>5</sup> *Id.* at 288.

860 NPAs).<sup>6</sup> The 203 NPA is projected to exhaust in the third quarter of 2004, and the 860 NPA is projected to exhaust in the second quarter of 2005.<sup>7</sup> The Connecticut Department seeks to implement an SO in each NPA that will transition into an all-services overlay once the underlying NPAs exhaust.<sup>8</sup> It asserts that an SO is superior to an all-services overlay in Connecticut because exhaust of the underlying area codes will be delayed as telephone numbers for wireless and non-geographic sensitive services are assigned from the SO area code rather than the 203 or 860 area codes.<sup>9</sup> In response to the criteria established by the Commission, the Connecticut Department proposes to: (1) prospectively include wireless and non-geographic sensitive services in the SO; (2) implement an SO over each of the existing geographic area codes separately; (3) have transitional SOs; (4) transition the SOs to all-services overlays when the underlying NPAs exhaust; (5) take back unopened blocks of numbers from wireless providers, but not numbers that have been assigned to wireless customers; (6) require ten-digit-dialing six months after implementation; (7) not impose rationing; and (8) require carriers in the SO to participate in pooling.<sup>10</sup>

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<sup>6</sup> On March 12, 2001, the Connecticut Department filed a petition for authority to conduct a transitional SO trial. *See Petition of the Connecticut Department of Public Utility Control for Authority to Conduct a Transitional Service/Technology-Specific Overlay Trial* (filed Mar. 12, 2001) (Connecticut Department Initial Petition). On January 18, 2002, the Connecticut Department supplemented its earlier filing. *See Petition of the Connecticut Department of Public Utility Control for Authority to Implement a Transitional Service/Technology-Specific Overlay in Connecticut* (filed Jan. 18, 2002) (Connecticut Department Supplemental Petition). *See also Common Carrier Bureau Seeks Comment on the Petition of the Connecticut Department of Public Utility Control for Delegated Authority to Implement Transitional Service-Specific and Technology-Specific Overlays*, Public Notice, 17 FCC Rcd 2168 (2002). Comments and reply comments in response to this public notice will be referred to as Supplemental Petition Comments and Supplemental Petition Reply Comments, respectively. On May 9, 2002, the Connecticut Department filed information further supplementing its petition. *See Petition of the Connecticut Department of Public Utility Control for Authority to Conduct a Transitional Service Technology Specific Service Overlay Trail – Supplemental Information* (filed May 9, 2002) (Connecticut Department Supplemental Information Filing). *See also Wireline Competition Bureau Seeks Comment on the Supplemental Information to the Supplemental Petition of the Connecticut Department of Public Utility Control for Authority to Conduct A Transitional Service Technology-Specific Overlay*, Public Notice, 17 FCC Rcd 10513 (2002). Comments and reply comments filed in response to this public notice will be referred to as Supplemental Information Comments and Supplemental Information Reply Comments, respectively. Collectively, the Connecticut Department's filings will be referred to as the Connecticut Department Petition.

<sup>7</sup> North American Numbering Plan Administrator 2002 NRUF and NPA Exhaust Analysis, June 5, 2002 available at <http://www.nanpa.com/pdf/NRUF/nruf061501results.pdf> (NANPA June 2002 Exhaust Data). *See also* Changes as of May 9, 2003, available at [http://www.nanpa.com/pdf/NRUF/05\\_09\\_03\\_delta\\_nruf.pdf](http://www.nanpa.com/pdf/NRUF/05_09_03_delta_nruf.pdf) (NANPA May 2003 Updated Exhaust Data). Jeopardy was declared for both the 203 and 860 NPAs in 1998. *See* North American Numbering Plan Administrator Jeopardy Declaration Table, available at [http://www.nanpa.com/news/jeopardy\\_declaration\\_table.html](http://www.nanpa.com/news/jeopardy_declaration_table.html). Jeopardy is defined as a situation where the forecasted and/or actual demand for NXX resources will exceed the known supply during the planning/implementation interval for relief. *See Numbering Resource Optimization*, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, 15 FCC Rcd 7574, 7511 n.164 (2000), *citing* CO Code Assignment Guidelines at §§ 9.3, 13.0.

<sup>8</sup> Connecticut Department Supplemental Petition at 6-7.

<sup>9</sup> *See* Connecticut Department Supplemental Information Filing at 1-2.

<sup>10</sup> Connecticut Department Supplemental Petition at 4-8; Connecticut Department Supplemental Information Filing at 3-6; Connecticut Department Supplemental Information Reply Comments at 2-6.

### III. DISCUSSION

#### A. Introduction

4. We conditionally grant the Connecticut Department's petition. Although we find that, when viewed as a whole, the Connecticut Department substantially addresses the criteria established by the Commission in the *Numbering Resource Optimization Third Report and Order*, we require additional details with respect to the specific non-geographic sensitive services to be included in the SO.<sup>11</sup> Without these details, we are unable to fully assess whether this aspect of the Connecticut Department's proposal furthers our numbering resource optimization goals. Therefore, prior to implementation of the SO, the Connecticut Department must submit to the Bureau its implementation plan detailing the specific non-geographic sensitive services that it intends to include in the SO. We delegate authority to the Bureau to review and approve the Connecticut Department's implementation plan before the SO can be implemented.

5. We further find that two aspects of the Connecticut Department's proposal should be modified. Specifically, we find that the introduction of a single SO in Connecticut is preferable to a separate SO over each NPA, as proposed by the Connecticut Department, because the Connecticut Department has not demonstrated that the demand for numbering resources in the state justifies two SOs at this time. Furthermore, expanding the geographic scope of one area code to overlay the entire state will preserve one area code for future use, thereby helping extend the life of the NANP. We also find that the SO should transition to an all-services overlay three years after implementation of the SO, rather than transitioning when the underlying NPAs exhaust, as proposed by the Connecticut Department. Requiring the SO to transition three years after its implementation balances the need to minimize the potential discriminatory impact of an SO with the need to increase the numbering use efficiencies in the underlying NPAs and the SO. In addition, we believe that allowing the state to preserve the numbers in the underlying NPAs for geographic-specific uses for a period of three years accommodates the state's goals, while at the same time minimizing any anti-competitive effects associated with an indefinite transition period.

6. Assuming the Connecticut Department is able to adequately detail and explain the rationale for the non-geographic sensitive services to be included in the SO, we find the SO, as modified, offers similar benefits as an all-services overlay for the 203 and 860 area codes. A single transitional SO will promote number optimization efforts in Connecticut by making more numbering resources available to all carriers. In addition, because all service providers will eventually be able to receive numbering resources from the SO code after it has transitioned to an all-services overlay, the plan does not have the potential discriminatory impact of a permanent SO. Implementation of the SO also will delay exhaust of the underlying area codes as telephone numbers for wireless and non-geographic sensitive services are assigned from the SO rather than from the underlying area code. An SO also will help preserve the geographic identity of the underlying NPAs prior to transition to an all-services overlay, a benefit which states and consumers have determined to be important. Finally, the SO will minimize the cost and inconvenience of frequent area code changes.

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<sup>11</sup> *Numbering Resource Optimization Third Report and Order*, 17 FCC Rcd at 288.

## B. Specialized Overlay Criteria

7. In the *Numbering Resource Optimization Third Report and Order*, the Commission stated that state commissions seeking delegated authority to implement SOs should specifically address eight criteria described in that order.<sup>12</sup> Below we address the information provided by the Connecticut Department in response to each of those criteria.

8. *Geographic Area.* We delegate to the Connecticut Department authority to implement a single transitional SO covering both the 203 and 860 NPAs. Although the Connecticut Department seeks to implement an SO in each NPA, we agree with commenters that two SOs would be inefficient here and could actually help accelerate the exhaust of the NANP.<sup>13</sup> In support of its petition, the Connecticut Department states that because the 203 and 860 area codes are projected to exhaust, new area codes already are planned for each of them.<sup>14</sup> We note, however, that the Connecticut Department failed to provide data demonstrating that the demand for numbers justifies two SOs. In addition, the expanded SO is ideal from a numbering resource optimization perspective because it will reduce the demand for numbers in multiple area codes. Further, the increased number of subscribers included in the SO will lead to better utilization of numbering resources.<sup>15</sup> Thus, we find that the implementation of two SOs is not necessary and a single SO is preferable.<sup>16</sup>

9. *Transitional SOs.* We find the Connecticut Department's proposal to implement a transitional SO, as modified herein, is consistent with our numbering resource optimization goals.<sup>17</sup> We agree with the Connecticut Department, AT&T Wireless, CTIA, and SBC that a transitional SO is reasonable because it will eventually include all providers, and thus decrease the likelihood that numbers will become stranded.<sup>18</sup> Decreasing the likelihood that the numbers in the SO will be underutilized, in turn, promotes our numbering resource optimization goals.<sup>19</sup> A transitional SO will also limit the potentially discriminatory effects of creating a permanent SO.

10. *Timing of Transition.* We find that the proposed SO should transition to an all-

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<sup>12</sup> *Id.*

<sup>13</sup> See AT&T Wireless Supplemental Petition Comments at 7; Nextel Supplemental Petition Comments at 4; SBC Supplemental Petition Comments at 3; Sprint PCS Supplemental Petition Comments at 25-26; Verizon Supplemental Petition Comments at 2; AT&T Wireless Supplemental Information Comments at 2.

<sup>14</sup> Connecticut Department Supplemental Petition at 6. See also AT&T Wireless Supplemental Petition Comments at 7; Nextel Supplemental Petition Comments at 4; Sprint PCS Supplemental Petition Comments at 25-26; Verizon Supplemental Petition Comments at 2; AT&T Wireless Supplemental Information Comments at 2.

<sup>15</sup> See *Numbering Resource Optimization Third Report and Order*, 17 FCC Rcd at 289.

<sup>16</sup> We note that by expanding the geographic area of the SO we do not intend to change the routing and rate of local calls. See Sprint PCS Supplemental Petition Comments at 21-23.

<sup>17</sup> Connecticut Department Supplemental Petition at 7; Connecticut Department Supplemental Information Filing at 4-5.

<sup>18</sup> See AT&T Wireless Supplemental Petition Comments at 4; CTIA Supplemental Petition Comments at 3-4; SBC Supplemental Petition Comments at 3.

<sup>19</sup> See *Numbering Resource Optimization Third Report and Order*, 17 FCC Rcd at 289.

services overlay three years after its implementation, rather than upon exhaust of the underlying NPAs as proposed by the Connecticut Department.<sup>20</sup> We agree with commenters that delaying the transition until the underlying area codes exhaust could result in the SO being in place indefinitely, and possibly permanently.<sup>21</sup> The Connecticut Department anticipates that as telephone number assignment practices become more efficient, the lives of the underlying NPAs could be extended indefinitely.<sup>22</sup> Because it cannot be determined with certainty when the underlying NPAs will exhaust, we agree with commenters that the exhaust trigger proposed by the Connecticut Department is too ambiguous.<sup>23</sup> We find that the transition period should be fixed to minimize any potential anti-competitive results from the differential assignment of numbers to targeted industry segments and groups of consumers for an indefinite period. We agree with Nextel that a three-year period for the SO is reasonable, because it will establish a predictable limit on the duration of the SO.<sup>24</sup> It will also provide an opportunity for all of the NPAs to realize the benefits of wireless pooling and porting.<sup>25</sup>

11. In the *Numbering Resource Optimization Third Report and Order*, the Commission discussed the possibility of using participation in pooling as a transition trigger.<sup>26</sup> According to the Connecticut Department, because wireless carriers were scheduled to begin participating in pooling in the 203 and 860 area codes by November 24, 2002, a transition trigger based on the pooling requirement would not provide enough time to realize the benefits of the SO.<sup>27</sup> We agree with the Connecticut Department that a pooling trigger is not appropriate. A pooling trigger would diminish the benefits of the SO by limiting the state's ability to preserve the underlying area codes to a short period of time.<sup>28</sup> Moreover, since wireless carriers are now

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<sup>20</sup> Connecticut Department Supplemental Petition at 7; Connecticut Department Supplemental Information Filing at 4-5.

<sup>21</sup> See AT&T Wireless Supplemental Petition Comments at 4-6; CTIA Supplemental Petition Comments at 4-5; Cingular Supplemental Petition Comments at 6-9; Nextel Supplemental Petition Comments at 4; Verizon Supplemental Petition Comments at 2; Verizon Wireless Supplemental Petition Comments at 6-7; VoiceStream Supplemental Petition Comments at 3-4; WorldCom Supplemental Petition Comments at 3; AT&T Wireless Supplemental Petition Reply Comments at 5-6; Cingular Supplemental Information Comments at 6-9; Verizon Wireless Supplemental Information Comments at 6.

<sup>22</sup> Connecticut Department Supplemental Petition at 7.

<sup>23</sup> See AT&T Wireless Supplemental Petition Comments at 4-6; CTIA Supplemental Petition Comments at 4-5; Cingular Supplemental Petition Comments at 6-9; Nextel Supplemental Petition Comments at 4; Verizon Supplemental Petition Comments at 2; VoiceStream Supplemental Petition Comments at 3-4; AT&T Wireless Supplemental Petition Reply Comments at 5-6; Verizon Wireless Supplemental Information Comments at 6.

<sup>24</sup> When Nextel filed its comments in February 2002, it suggested that the transition occur on the earlier of the exhaust of an underlying NPA or on a date to be selected by the industry in 2005. See Nextel Supplemental Petition Comments at 4.

<sup>25</sup> Wireless carriers are required to provide local number portability by November 24, 2003, in switches for which another carrier has made a request for local number portability. See *Verizon Wireless Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation*, WT Docket No. 01-184, and *Telephone Number Portability*, CC Docket No. 95-116, Memorandum Opinion and Order, 17 FCC Rcd 14972, appeal pending (2002) (*Verizon Wireless LNP Forbearance Order*).

<sup>26</sup> See *Numbering Resource Optimization Third Report and Order*, 17 FCC Rcd at 290-91.

<sup>27</sup> Connecticut Department Supplemental Information Filing at 4.

<sup>28</sup> See *Numbering Resource Optimization Third Report and Order*, 17 FCC Rcd at 390.

participating in pooling, a pooling trigger is not viable.

12. *Take-Backs*.<sup>29</sup> We find the Connecticut Department's proposal to limit use of take-backs is reasonable. The Connecticut Department proposes to require wireless carriers to return all uncontaminated blocks (i.e. thousands-blocks and central office codes or NXXs) from existing area codes to the North American Numbering Plan Administrator (NANPA) or Pooling Administrator (PA) in order to further optimize the use of numbering resources in the existing NPAs.<sup>30</sup> The Connecticut Department explains that the public interest is not served if consumers are required to "turn back" their existing telephone numbers and undergo the unnecessary expense and inconvenience often associated with changing telephone numbers.<sup>31</sup> We agree with commenters that limiting take-backs to unopened blocks is reasonable.<sup>32</sup> We find that the Connecticut Department's proposal to limit take-back to blocks that are not in use will ensure that consumers will not have to relinquish their numbers, carriers will not incur reprogramming costs, and returning completely unused blocks can be done at minimal cost to the carriers.

13. *Ten-Digit Dialing*.<sup>33</sup> We find that the Connecticut Department's request for a six-month waiver of the ten-digit-dialing requirement for overlays is reasonable.<sup>34</sup> The Connecticut Department requested a six-month waiver of the ten-digit dialing rule to provide it with an opportunity to develop and implement a consumer education program.<sup>35</sup> This waiver will allow consumer education to occur prior to the implementation of ten-digit dialing, help minimize consumer confusion, and facilitate a smooth transition from seven-digit to ten-digit dialing. Because ten-digit dialing is currently in effect in almost half of the state,<sup>36</sup> the Connecticut

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<sup>29</sup> Take-backs occur when carriers surrender their numbers in the underlying area code and obtain numbers from the new area code. *See Numbering Resource Optimization Third Report and Order*, 17 FCC Rcd at 287.

<sup>30</sup> Connecticut Department Supplemental Petition at 7; Connecticut Department Supplemental Information Filing at 5.

<sup>31</sup> Connecticut Department Supplemental Petition at 7-8.

<sup>32</sup> *See* Cingular Supplemental Petition Comments at 6; Nextel Supplemental Petition Comments at 5; SBC Supplemental Petition Comments at 3-4; Sprint PCS Supplemental Petition Comments at 18; AT&T Wireless Supplemental Petition Reply Comments at 4-5; Nextel Supplemental Information Comments at 5. Nextel seeks assurances that new replacement NXXs are immediately available. *See* Nextel Supplemental Petition Comments at 5; Nextel Supplemental Information Comments at 3.

<sup>33</sup> Ten-digit dialing requires a caller to dial the area code followed by the seven-digit phone number for calls within the same NPA. The ten-digit dialing rule states that no area code overlay may be implemented unless there is mandatory ten-digit dialing for all calls in the geographic area covered by the overlay. *See* 47 C.F.R. § 52.19(c)(3)(ii).

<sup>34</sup> Nextel concurs. *See* Nextel Supplemental Information Comments at 3-4. Other commenters also support a short waiver. *See* AT&T Wireless Supplemental Information Comments at 2; CTIA Supplemental Information Comments at 6-7. Sprint PCS recommends a four-month permissive dialing period. *See* Sprint PCS Supplemental Information Comments, Attachment at 6.

<sup>35</sup> Connecticut Department Supplemental Information Reply Comments at 4-5. The Connecticut Department initially did not believe that ten-digit dialing would be necessary and deferred to the Commission for direction. *See* Connecticut Department Supplemental Petition at 8. The Connecticut Department then requested a 12-month waiver of the ten-digit dialing rules. *See* Connecticut Supplemental Information Filing at 6-7. This request was later reduced to a six-month waiver of the ten-digit dialing rules. Connecticut Department Supplemental Information Reply Comments at 4-5.

<sup>36</sup> Connecticut Department Supplemental Petition at 8.

Department presumably can use this six-month waiver to build upon the knowledge it has gained from its earlier implementation of ten-digit dialing and ensure a smooth transition to ten-digit dialing throughout the state.

14. *Rationing*.<sup>37</sup> We agree with the Connecticut Department and commenters, and find that rationing is not necessary in the SO or the underlying NPAs.<sup>38</sup> The Commission has previously stated that any SO that achieves the purposes for which it is implemented (increasing the availability of numbering resources for all carriers) should not be subject to rationing.<sup>39</sup> Because the proposed SO will allow reasonable access to numbers by all carriers and promote our numbering resource optimization efforts, we find that rationing is not necessary in the SO or the underlying NPAs.

15. *Thousands-Block Number Pooling*. We find that thousands-block number pooling should be implemented in the proposed SO as in the underlying NPAs.<sup>40</sup> As with all-service overlays, pooling should be implemented in SOs that cover an area in which pooling is taking place, among other things, to ensure that carriers operating within the area are subject to the same requirements. The Connecticut Department and commenters recognize that because pooling has been implemented in the 203 and 860 area codes, pooling will also be required in the SO.<sup>41</sup> Doing so will increase the efficient allocation of numbering resources throughout the state.

16. *Technologies and Services*. We tentatively agree to allow the Connecticut Department to limit the technologies and services to be included in the SO. However, before final approval is granted, the Connecticut Department must submit additional information detailing the technologies and services to be included in the proposed SO. The Connecticut Department proposes to include wireless and non-geographic sensitive services in the SO.<sup>42</sup> The Connecticut Department specifically proposes to include non-geographic sensitive services that use high-speed transport lines, such as those connected to automatic teller machines (ATMs) or point of sale (POS) terminals, and unified messaging (UM) services.<sup>43</sup> Although we share commenters' concerns about the lack of specificity in the Connecticut Department's discussion of the technologies and services to be included in the SO,<sup>44</sup> we find that it is reasonable to

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<sup>37</sup> Rationing is a number conservation measure that limits the amount of numbering resources made available for allocation to carriers in a given area, in accordance with an industry-implemented or state-implemented rationing plan. See, e.g., *Petition for Declaratory Ruling and Request for Expedited Action on 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, 19025-27 (1998).

<sup>38</sup> See Connecticut Department Supplemental Petition at 8; Nextel Supplemental Petition Comments at 7; SBC Supplemental Petition Comments at 4.

<sup>39</sup> See *Numbering Resource Optimization Third Report and Order*, 17 FCC Rcd at 294.

<sup>40</sup> Connecticut Department Supplemental Petition at 6; see also SBC Supplemental Petition Comments at 3.

<sup>41</sup> *Id.*

<sup>42</sup> Connecticut Department Supplemental Petition at 5-6.

<sup>43</sup> See Connecticut Department Supplemental Information Filing at 3-4; Connecticut Department Supplemental Information Reply Comments at 2-4.



conditionally grant the petition.

17. Because Connecticut is the first state to request delegated authority to implement SOs, we believe it is important to give the Connecticut Department assurance that the proposal substantially complies with the criteria enumerated in the *Numbering Resource Optimization Third Report and Order*.<sup>45</sup> We trust that this assurance will allow the Connecticut Department to develop expeditiously its implementation plan and provide the Commission with the information it needs to approve the grant. Furthermore, this conditional grant will provide the Connecticut Department with a framework to develop its implementation plan, which in turn will enable the Connecticut Department to provide the Commission with the information it needs to approve the grant of delegated authority to implement the SO. Once the Commission approves this information, the Connecticut Department should be able to quickly implement its SO plan.

18. The Connecticut Department must provide greater specificity regarding the non-geographic sensitive services, not merely examples of services that may be included. Any proposal that refers to the purpose for which the numbering resources are used (e.g., high-speed transport for ATMs and POS transactions) must indicate how it proposes to identify the services for inclusion in the SO. For example, the Connecticut Department must identify the specific services that are associated with telephone numbers if it proposes to include high-speed transport services in the SO.<sup>46</sup> With respect to UM services, we agree with j2 Global Communications that UM can refer to different services such as email facsimile services and vehicle response services.<sup>47</sup> Because these service providers will need adequate notice if their services are going to be included in the SO, any ambiguity regarding what services will be in the SO must be eliminated prior to implementation of the SO. We, therefore, require the Connecticut Department to provide a complete list of the services it proposes to include in the SO and specify how each service will be identified.

19. The Connecticut Department proposes to conduct public workshops to help identify which services should be included in the SO and formulate the terms and conditions under which non-geographic sensitive services would be included in the SO.<sup>48</sup> We support the Connecticut Department's plan to conduct such workshops and find that these workshops could be a valuable

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<sup>44</sup> See Cingular Supplemental Petition Comments at 2-4; Nextel Supplemental Petition Comments at 3-4; OnStar Supplemental Petition Comments at 5; SBC Supplemental Petition Comments at 2; Sprint PCS Supplemental Petition Comments at 8-10; Verizon Wireless Supplemental Petition Comments at 4-5; WorldCom Supplemental Petition Comments at 2-3; VoiceStream Supplemental Petition Comments at 3; AT&T Wireless Supplemental Information Comments at 4-6; Cingular Supplemental Information Comments at 5-6; CTIA Supplemental Information Comments at 5-6; CTIA Supplemental Information Reply Comments at 3; Nextel Supplemental Information Comments at 2-3; SBC Supplemental Information Comments at 2; Sprint Supplemental Information Comments, Attachment at 3-5; Verizon Wireless Supplemental Information Comments at 5-6.

<sup>45</sup> See *Numbering Resource Optimization Third Report and Order*, 17 FCC Rcd at 288.

<sup>46</sup> For example, some high-speed transport lines may be packet switched and may not be associated with a telephone number.

<sup>47</sup> See j2 Global Communications Supplemental Information Comments at 2 n.4. j2 Global Communications further contends that UM services are not geographically sensitive and should not be included in the SO.

<sup>48</sup> See Connecticut Department Supplemental Information Filing at 4.

tool for determining which non-geographic sensitive services would be included in the SO. These workshops can help the Connecticut Department address consumer and industry concerns as well. These workshops could also help the Connecticut Department obtain the additional information we have requested. We, therefore, encourage the Connecticut Department to conduct workshops prior to filing its implementation plan with the Bureau. Once the Connecticut Department files its implementation plan and the Bureau reviews and approves the technologies or services to be included in the SO, the Connecticut Department may implement a single transitional SO as herein described.

#### IV. ORDERING CLAUSES

20. Accordingly, IT IS ORDERED that pursuant to the authority contained in Sections 1, 3, 4, 201-205, 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 153, 154, 201-205, and 251, this ORDER is hereby adopted.

21. IT IS FURTHER ORDERED that pursuant to the authority contained in Sections 1, 3, 4, 201-205, 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 153, 154, 201-205, and 251, and section 52.19(c) of the Commission's Rules, 47 C.F.R. § 52.19(c) the petition filed by the Connecticut Department of Public Utility Control, is **CONDITIONALLY GRANTED AS MODIFIED HEREIN** upon the submission of additional information by the Connecticut Department and the approval of such information by the Wireline Competition Bureau, as discussed herein.

22. IT IS FURTHER ORDERED that pursuant to the authority contained in Sections 1.3 and 52.19(c) of the Commission's Rules, 47 C.F.R. §§ 1.3, 52.19(c), and the delegated authority in sections 0.91 and 0.291, of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291 that the Connecticut Department of Public Utility Control's Request for Temporary Waiver of 47 C.F.R. Section 52.19(c)(3)(ii) is **GRANTED** for a period of six months from the date of implementation of the SO code.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

**SEPARATE STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

Re: *Petition of the Connecticut Department of Public Utility Control for Delegated Authority to Implement Specialized Transitional Overlays*

All of us share the frustration consumers are experiencing with the proliferation of new telephone numbers and area codes. But number conservation is not an issue that the federal government can—or should—undertake on its own. We need to work closely with state public utility commissions on numbering issues. States have an integral role to play in number conservation efforts. That is why I am pleased that we address the petition from the Connecticut Department of Public Utility Control today. At the same time, I sincerely hope that other states that follow the path Connecticut blazes here receive a speedier and less conditional response from the Commission. I also hope that the Commission redoubles its efforts to address expeditiously other petitions concerning numbering, including the petition filed last year by the California Public Utilities Commission concerning our contamination threshold requirement.

**SEPARATE STATEMENT OF  
COMMISSIONER KEVIN J. MARTIN**

Re: *Petition of the Connecticut Department of Public Utility Control for Delegated Authority to Implement Specialized Transitional Overlays*

While I am pleased that we are taking action on the Connecticut Department of Public Utility Control's petition to implement specialized overlays, I would have granted the State of Connecticut greater flexibility by not imposing the conditions set forth in today's decision.

Nearly two years ago, I supported the Commission's effort to grant the requests of several States to lift the prohibition on technology specific and service specific overlays. As I have said before, giving States additional flexibility in how to address numbering issues is crucial, because it is the State Commissions, not this Commission, that feel the outcry from consumers when numbering conservation measures are adopted.<sup>49</sup>

I expect this Commission to continue to work with the States to facilitate their number conservation plans and look forward to quick Commission action on other pending numbering petitions.

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<sup>49</sup> See Remarks by Kevin J. Martin, Commissioner, Federal Communications Commission, to the Southeastern Association of Regulatory Utility Commissioners (SEARUC) Conference 2002 (June 3, 2002).