

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

In the Matter of)
)
Numbering Resource Optimization) CC Docket No 99-200
)
)

**REPLY COMMENTS OF THE ALLIANCE FOR
TELECOMMUNICATIONS INDUSTRY SOLUTIONS**

The Alliance for Telecommunications Industry Solutions (ATIS) hereby submits these reply comments to respond to the comments submitted to the *Public Notice* released February 9, 2022, by the Wireline Competition Bureau (Bureau) in the above-referenced docket. These reply comments, which reflect input from ATIS Industry Numbering Committee (INC), raise concerns with statements made by commenters regarding the current numbering allocation system, the role of state commissions in allocating numbering resources, and numbering forecasts. ATIS INC also highlights the support expressed by commenters regarding the input provided by ATIS INC in its comments: (1) on the negative impacts that the Bureau’s proposals in the *Public Notice* would have on service providers and their customers; (2) recommending that the Bureau and state commissions consider alternatives to the ITN trials to extend the lives of the 207 and 701 Numbering Plan Areas (NPAs); and (3) that relief planning must move forward without delay.

I. REPLY COMMENTS

In its comments, ATIS INC recommends that the Bureau continue to rely on the guidance developed by the industry as specified in the INC Guidelines.¹ ATIS INC believes that the

¹ ATIS INC comments at p. 3.

Commission’s current numbering regulations and the INC Guidelines have been proven effective and should be applied without modification to Maine and North Dakota (or any other state seeking similar modifications).² The current regulations and guidelines are the result of the Commission’s expansive numbering authority, decades of history and experience in numbering administration and timely area code relief implementation, and Congress’ pro-competition directive in Section 251(e) of the Communications Act.³ ATIS INC therefore strongly disagrees with the comments of the Montana Public Service Commission (Montana) that suggest that the current numbering system does not work.⁴ ATIS INC notes that, to support its view that the system is broken, Montana claims that “the 406 area code, which ought to support approximately 8 million Montana phone numbers, should not be on the verge of exhaustion in a state that has only about 1.1 million residents.”⁵ This statement is misleading. ATIS INC notes that the number of residents in a state does not equate to quantity of telephone numbers assigned or that are needed by customers. The statement made by Montana ignores the fact that both individuals and businesses use telephone numbers and many use more than one number. According to the National Center for Health Statistics, 34.3% of the U.S. population had both mobile and landline service as of June 2020.⁶ Further, many businesses, schools, and state or local governments operating in Montana use more than one number and, in fact, many businesses require hundreds, and some even thousands, of consecutive numbers.

ATIS INC also wishes to clarify the statements made by the Maine Public Utilities Commission (Maine) that overstate the role of state commissions in numbering resource

² Montana comments at p. 3.

³ 47 U.S. Code §251(e).

⁴ Montana comments at p. 1.

⁵ Montana comments at p. 1.

⁶ Source: Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January–June 2020, National Center for Health Statistics.

administration and allocations. Maine indicates in its comments that its staff and the North American Numbering Plan Administrator (NANPA) could ration central office codes.⁷ However, ATIS INC notes that it is the NANPA's responsibility and authority to allocate numbering resources such as central office codes under the Commission's rules, industry guidelines, and the NANPA's contract with the Commission. State commissions do not have this authority, and the Commission has previously made it clear that granting state commissions access to numbering resource application materials is not intended to delay the processing of service providers' applications for numbering resources, give state commissions a veto over applications, or introduce an additional layer of review for applications.⁸ State commission decision-making authority over allocation of numbering resources is limited to the safety valve waiver process when the NANPA denies a specific application and the applicant chooses to submit a waiver request.⁹

ATIS INC also disagrees with the characterizations regarding the accuracy of numbering forecasts made by Maine in its comments. Maine states that "inaccurate" forecasts pose a significant challenge to number availability and that such "inaccuracies" are "either the result of an error in forecasting or unsubstantiated forecast needs."¹⁰ ATIS INC disagrees. While forecasts are by their nature estimates, many service providers' growth forecasts are based on historical trends and anticipated demand. When there is unforeseen or unrealized demand, forecasts may not match reality. These changes are not due to errors in the methodology used to arrive at the forecast but rather due to an unforeseen change in demand for numbering resources.

⁷ Maine comments at p. 3.

⁸ See *Second Report and Order*, CC Docket Nos. 99-200 and 96-98, ¶123 (adopted December 7, 2000).

⁹ See *Third Report and Order and Second Order on Reconsideration*, CC Docket Nos. 99-200, 96-98 and 96-116, ¶61 (adopted December 12, 2001).

¹⁰ Maine comments at p. 4.

It is also misleading to suggest that forecasts are based on “unsubstantiated” needs. When a service provider applicant submits an application for resources, the applicant is certifying that the information submitted is true and accurate to the best of the applicant’s knowledge.¹¹ Moreover, ATIS INC notes that the reclamation process exists to return blocks and codes to the NANPA when forecasts miss the mark.

In its comments, ATIS INC recommended that the Commission and state commissions consider alternative methods, such as mandatory pooling, mandatory 10-digit dialing, rate center consolidation and increasing contamination levels, to the proposed rationing and ITN trials to prolong the lives of the 207 and 701 NPAs.¹² ATIS INC observes that this view – that other methods should be fully considered before ITN trials are implemented – is supported by other commenters. Verizon in its comments recommended that the Commission and the states use existing conservation methods to prolong the lives of the NPAs, including looking for opportunities for the return of unneeded eligible blocks to the pool, mandatory thousands-block pooling for all LNP-capable service providers, and taking a meaningful look at the current rate center-based construct.¹³ Similarly, CTIA recommended that established number optimization mechanisms, such as mandatory thousands-block pooling, should be deployed before new mechanisms are trialed.¹⁴ USTelecom – The Broadband Association (USTelecom) advised the Bureau to require more significant efforts to conserve numbering resources in Maine and North Dakota before implementing ITN trials. These include “diligently monitoring providers with unused blocks and prodding them to return those blocks if possible, making all rate centers

¹¹ See Thousands-Block (NPA-NXX-X) & Central Office Code (NPA-NXX) Administration Guidelines Part 1 and Part 1A forms, available at https://access.atis.org/apps/group_public/documents.php?view=.

¹² ATIS INC comments at p. 6-7.

¹³ Verizon comments at p. 5-7.

¹⁴ CTIA comments at p. 9.

mandatory pooling for capable providers, investigating rate center consolidation, and increasing contamination levels.”¹⁵

ATIS INC identified in its comments in this proceeding the harm to service providers and consumers stemming from the proposed central office code rationing to enable ITN trials.¹⁶ Other commenters have echoed this view and noted the practical impacts of the proposed waiver. CTIA correctly observes in its comments that, if the rationing proposal is implemented as proposed by the Bureau and providers are unable to obtain the numbering resources that they need to meet consumer demand, consumers may find that the service provider offering the best rate or plan does not have local numbers available in their area or does not have numbers available at all. These consumers may not have a choice of service provider and will be forced to choose a less desirable and/or higher priced option.¹⁷

ATIS INC also notes that the severe rationing proposed by the Bureau could become a barrier to entry for service providers, preventing them from getting resources when needed and thus stifling competition. For example, Virginia’s 757 NPA is the typical situation where rationing was needed for a short period of time to ensure numbering resources were available during the overlay implementation, resulting in the rationing of central office codes from June 2021 until March 4, 2022. Even this short rationing period appears to have created significant pent-up demand and possibly delayed entry into the market as evidenced by the large quantity of initial pooled codes requested and assigned to only two service providers in the new 948 NPA as

¹⁵ USTelecom comments at p. 5.

¹⁶ ATIS INC comments at p. 3.

¹⁷ CTIA comments at p. 5-6.

soon as the resources were made available for assignment.¹⁸ Verizon also noted in its comments the impact that the proposed rationing could have on businesses, explaining that businesses looking to expand their operations in Maine or North Dakota or governmental agencies looking for new numbers to improve services may be precluded from using their service provider of choice or even from taking such action under the proposed rationing plan.¹⁹ USTelecom also noted that the proposed rationing would harm consumers and negatively impact competition. USTelecom correctly observed that new or smaller providers and the consumers they serve may be more significantly impacted by the inability to access the numbering resources they need, which could permanently close markets to them.²⁰ NCTA - The Internet & Television Association (NCTA) in its comments explained that the proposed five-year rationing period would hinder the expansion of broadband service and could frustrate broadband providers' ability to access new numbering resources to support their customers.²¹ ATIS INC believes that the severe negative impact that the proposed rationing would have on consumers and economic growth would significantly outweigh the minor inconvenience of 10-digit dialing and introduction of overlay area codes to Maine and North Dakota residents and businesses.

Finally, ATIS INC agrees with NCTA that the Bureau's proposal to establish a five-year rationing period for Maine and North Dakota seems to prejudge the merits of North American Numbering Council's (NANC's) review of ITN pooling, and that the Commission should not put any area into jeopardy under the Bureau's proposal unless or until the NANC reports favorably

¹⁸ See NANPA's Utilized Codes Report, available at <https://www.nationalnanpa.com/enas/coCodeReportUnsecured.do?reportType=7>. From March 9 through March 17, 2022, a total of 26 initial pooled codes were assigned to just two service providers.

¹⁹ Verizon comments at p. 4.

²⁰ USTelecom comments at p. 4.

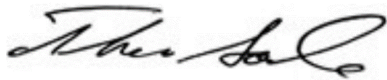
²¹ NCTA comments at p. 4-5.

on ITN pooling.²² As ATIS INC noted in its comments, relief planning must move forward without delay to ensure consumers and businesses are able to obtain numbers when needed from their service provider of choice.²³

II. CONCLUSION

ATIS appreciates the opportunity to provide its input in response to the comments submitted to the *Public Notice*, and urges the Bureau to consider its input and forgo granting the proposed waiver.

Respectfully submitted,



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March 28, 2022

²² NCTA comments at p. 4.

²³ ATIS INC comments at p. 4-5.