

DT 00-001

IMPLEMENTATION OF NUMBER CONSERVATION METHODS AUTHORIZED BY THE
FEDERAL COMMUNICATIONS COMMISSION

Order Implementing Conservation Measures

O R D E R N O. 23,385

January 7, 2000

The Federal Communications Commission (FCC) has plenary authority over numbering issues in the United States; the Telecommunications Act of 1996 allows the FCC to delegate any portion of its authority over numbering administration to state commissions. 47 U.S.C. §251(e)(1). In the face of growing concerns over the inefficient use of numbering resources, which resulted in the declaration by the North American Numbering Plan Administrator (NANPA) that New Hampshire's 603 area code was in jeopardy¹ of exhaust, the New Hampshire Public Utilities Commission (Commission) requested delegated authority to implement number conservation efforts.

On November 30, 1999, the FCC granted the Commission's Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code, Order DA 99-2634 in CC Docket No. 96-98, NSD File No. L-99-71 (hereinafter, FCC Order and Order).

¹A declaration of jeopardy constrains state commissions to begin the process for adding a new area code.

The FCC Order grants the Commission authority to:

- (1) reclaim unused and reserved NXX codes;
- (2) establish needs-based number acquisition criteria which carriers must meet in order to obtain numbers;
- (3) enforce and audit number utilization reporting requirements;
- (4) obtain carriers' number utilization and forecast information; and
- (5) implement thousands-block number pooling.

The Commission undertakes this proceeding to implement the authority granted to us by the FCC, with the purpose of preventing the need for the imposition of a new area code if possible, and making optimum efficient use of scarce numbering resources in any case.

A. Reclamation of NXX Codes

Reclaimed NXXs may serve to prolong the life of an area code because these NXX codes are added to the total inventory of assignable NXX codes in the area code.² FCC Order 99-246 Re Massachusetts Department of Telecommunications and Energy's Petition to Implement Various Area Code Conservation Methods, at ¶18, NSD File No. L-99-19, adopted

²While reclamation of NXXs and all other conservation efforts undertaken pursuant to our delegated authority may prevent the need for the imposition of a new area code, we recognize and will meet our obligation to implement timely area code relief when necessary.

September 15, 1999. We here institute the process for reclaiming unused and reserved NXX codes which have been acquired in violation of the CO Code Assignment Guidelines (Assignment Guidelines) and those assigned to carriers³ that have failed to establish facilities within the time frame they certified they would become facilities-based carriers, as authorized by the FCC Order in ¶¶18-21. On its own motion, as part of its grant of authority to initiate a thousands-block number pooling trial, discussed below, the FCC delegated authority to the Commission to reclaim thousands blocks in connection with the trial. (Order at ¶22.)

The Assignment Guidelines provide that carriers shall activate NXXs within six months of the initially published effective date. The FCC Order grants us authority to investigate whether carriers have activated NXXs assigned to them within the time frame specified as well as whether carriers which either have not been certified as a CLEC or have not established facilities within the certified time frame have received or retained NXX codes. (Order at ¶20.) Thus, we require carriers to submit the following within 14 days of the issuance of this order. (1) proof that NXX codes

³The term carrier refers to all local exchange carriers (LECs), meaning all incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs).

have been "placed in service" according to the Assignment Guidelines; (2) proof of certification in the specified service area; and (3) proof that facilities have been established within the specified time frame. After review of the proofs submitted, we will determine whether any NXXs were obtained in violation of the Assignment Guidelines and direct the NANPA to reclaim them.⁴ In order to ensure on-going and appropriate reclamation we will order carriers to update these proofs on a quarterly basis.

Concomitantly, we will now require that facilities-based Competitive Local Exchange Carriers (CLECs) provide us with updated information, at the time they apply to NANPA for a code, demonstrating facilities readiness within six months of the requested activation date of the code. We will notify NANPA of any carrier which fails to adequately demonstrate a

⁴Pursuant to ¶ 22 of the FCC Order, the Commission is exempt from the reclamation procedures set forth in the Assignment Guidelines relating to referring the issue of reclamation to the Industry Numbering Committee, as long as the code holder is afforded an opportunity to explain the extenuating circumstances behind the unactivated NXX codes or failure to establish facilities within the certified time period.

The FCC also granted the Commission authority to reclaim thousand-number blocks in connection with the thousands-block number pooling trial authorized. The FCC specified that the Commission is not exempt from the Assignment Guidelines' reclamation procedures in regard to thousands-block reclamation.

need for and ability to use an NXX or thousand-number block within six months of its request.

B. Number Assignment Standards

The FCC Order delegates authority for the Commission to establish two needs-based standards for carriers' acquisition of NXX codes. The first permits us to order carriers to demonstrate, prior to receipt of an NXX for a particular rate center, that they have, or will have within six months of the NXX acquisition, the facilities necessary to serve a particular rate center. This authority supplements the authority, exercised above, to reclaim unused and improperly reserved NXXs. It helps us ensure that carriers that do not need numbering resources, such as non-facilities-based resellers, do not obtain them and that carriers that will need numbering resources in the future do not stockpile them long in advance of their actual need.

The second needs-based standard consists of setting a fill-rate for previously assigned NXX codes before allowing carriers to obtain an additional NXX for use in a rate center. Pursuant to ¶13 of the FCC Order, this standard will pertain in New Hampshire even when the area code is not in jeopardy. In the FCC's opinion, the establishment of fill-rates will encourage more efficient use of NXX codes. The FCC did not

dictate the fill-rate but did encourage New Hampshire to apply the standard flexibly so as not to deprive customers of carrier choice. (Order at ¶14.) We will therefore include a waiver provision under which any carrier may request a waiver of the elements of the fill-rate requirement.

The FCC also encouraged us to set fill-rates that are not inconsistent with those set by other states. (Order at ¶15.) We have considered the actions of Maine and Massachusetts in arriving at the fill-rates established here. When seeking an additional NXX code for a particular exchange (growth code) from the NANPA CO Code Administrator, carriers shall demonstrate to the Commission that every other NXX code assigned to it in that exchange has reached a fill-rate of 75% and is within six months of exhaust of the remaining 25%. Accordingly, a carrier should submit a copy of its code application, months to exhaust worksheet, and number utilization data for that specific rate center to the Commission at the same time the code application is filed with NANPA. We will conduct our review of fill-rate compliance, as directed by the FCC Order at ¶17, within the ten-day timeframe established by the Assignment Guidelines as the time in which the NANPA must respond to an NXX request.

C. Reporting Requirements

The FCC determined that state commissions should be able to monitor carrier's use of numbering resources, subject to any rules or policies the FCC may adopt in its *Numbering Resource Optimization Notice* which relates to collecting this type of information. (Order at ¶23.) Pursuant to that authority, we will require carriers to submit information regarding number utilization and forecast demand for resources. Until further notice, we hereby require carriers to file quarterly a completed Number Utilization Report. A blank Number Utilization Report is attached to this order. We will also direct Staff to conduct random number utilization audits to identify and address inefficiencies.

D. Thousands-Block Number Pooling

Recognizing that state number pooling trials could aid in developing national pooling implementation, architecture and administrative standards, and that thousands-block number pooling is an important numbering resource optimization strategy, the FCC granted the Commission authority to conduct a mandatory thousands-block number pooling trial, subject to certain conditions. (Order at ¶28.) The grant of this authority enables the Commission to "address inefficiencies on the supply side of the telephone number assignment regime by ordering that LNP-capable carriers

receive smaller blocks of numbers than they now do." (Order at ¶38.)

The FCC conditioned the grant of authority on compliance with the Thousand Block (NXX-X) Pooling Administration Guidelines, Draft (INC 99-0127-023). (Order at ¶29.) The Commission must take all steps necessary to prepare an NPA relief plan that may be adopted in the event that the 603 area code is in imminent danger of exhaust. (Order at ¶30.) The Commission must exempt non-LNP capable carriers from participation in the trial⁵. (Order at ¶ 31.) The Commission must ensure that carriers have adequate time to implement pooling, including the changes to Operations Support Systems and training for staff. (Order at ¶32.) Finally, the Commission must determine a method for recovering the costs of the thousands-block pooling trial in a competitively neutral manner. (Order at ¶33.)

Thousand-block number pooling allows numbers to be allocated in blocks of 1,000 rather than 10,000 (as currently required under the Assignment Guidelines). A pooling administrator coordinates the allocation to particular

⁵At the time the FCC Order issued, all eighteen CLECs certified to provide non-dedicated, facilities-based service in New Hampshire were required to be LNP capable as of October 31, 1999.

carriers with the Number Portability Administration Center. The implementation of thousands-block number pooling as soon as possible will reap the greatest benefits for New Hampshire. Therefore, we will order a thousands-block number pooling trial start date of May 1, 2000. Further information regarding this trial will issue in a separate order. A technical conference will be convened shortly among carriers and other interested parties to discuss the plans for the commencement of the trial.

Based upon the foregoing, it is hereby

ORDERED, that all LNP capable LECs (that is, both ILECs and CLECs) certified in New Hampshire shall participate in a thousand number block pooling trial beginning May 1, 2000; and it is

FURTHER ORDERED, that all LECs with assigned NXX codes shall submit to the Commission within 14 days of the date of this order, proof of NXX utilization including: (1) proof that NXX codes have been placed in service according to the Assignment Guidelines, (2) proof that facilities have been established within the specified service area, and (3) proof that facilities have been established within the specified time frame; and it is

FURTHER ORDERED, that beginning March 15, 2000, all LECs shall provide quarterly updates by March 15, June 15, September 15 and December 15, to their proof of NXX utilization reports, including information on NXX codes and/or thousands blocks received since the prior report, to demonstrate use of codes within 6 months of receipt; and it is

FURTHER ORDERED, that LECs which request a code from NANPA concomitantly shall provide the Commission with information demonstrating facilities readiness within six months of the requested activation date; and it is

FURTHER ORDERED, that LECs which request growth codes in a particular exchange shall provide a copy of the code application, months to exhaust worksheet, and number utilization data for that specific rate center to the Commission at the same time the code application is filed with NANPA; and it is

FURTHER ORDERED, that LECs shall file a quarterly Number Utilization Report in the format attached to this order, by the 15th of March, June, September, and December; and it is

FURTHER ORDERED, that the Commission Staff shall convene a technical conference as soon as possible to discuss plans for the commencement of the thousands number block

pooling trial.

By order of the Public Utilities Commission of New
Hampshire this seventh day of January, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary