

DT 00-001

**IMPLEMENTATION OF NUMBER CONSERVATION METHODS
AUTHORIZED BY THE FEDERAL COMMUNICATIONS COMMISSION**

Thousands-Block Number Pooling

Order Directing Retention of Overlay Set-Aside NXX Codes

O R D E R N O. 23,408

February 16, 2000

On January 7, 2000, the New Hampshire Public Utilities Commission (Commission) issued Order No. 23,385, the First Order Instituting Number Conservation Methods (First Order), instituting Thousands-Block Number Pooling (TNP) in New Hampshire. The First Order exercised the additional authority delegated to the Commission by the Federal Communications Commission (FCC) in *Re the Matter of New Hampshire Public Utilities Commission's Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code (FCC Order)*, DA 99-2634, released November 30, 1999.

The FCC Order's delegation of authority is temporary and will be superseded by the FCC's forthcoming decisions in the *Numbering Resource Optimization* proceeding, which will establish national guidelines, standards, and procedures for numbering optimization. See *Numbering Resource Optimization, Notice of Proposed Rulemaking (Numbering NPRM)*, CC Docket No.

99-200, FCC 99-122, released June 2, 1999. In the *Numbering NPRM*, the FCC made clear that consumers face additional costs, both tangible and intangible, when a new area code is implemented in their local area. The FCC declared that consumers should not be subjected to those incremental costs and inconveniences except when absolutely necessary, and that there is a compelling need to make more efficient use of numbering resources than is possible with the current area code relief paradigm. *Numbering NPRM*, ¶¶ 7-25.

The FCC Order delegates authority to reclaim unused and reserved NXX codes and portions of unused NXX codes, to set numbering allocation standards, to enforce and audit carrier compliance with number utilization reporting requirements, to require submission of utilization and forecast information, and to institute a TNP trial. Granting all of these conservation measures to a state commission, as an interim measure prior to the adoption of national number optimization measures, recognizes the importance of immediate and successful action.

On October 21, 1999, the FCC issued its Third Order on Reconsideration of Second Report and Order and Memorandum Opinion and Order, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (Third*

Order), CC Docket Nos. 96-98, 95-185, 92-237, NSD No. 96-98, L-96-15. The *Third Order* eliminated a former FCC rule requiring that a certain number of codes be reserved for new entrants if an overlay area code were established as a relief measure. Pursuant to the former rule, the industry had set aside 15 NXX codes in the 603 NPA. As a consequence of the change in FCC rules, NeuStar, Inc., acting in its capacity as the North American Numbering Plan Administrator (NANPA) convened a conference call to determine, among other things, the disposition of the 15 overlay set-aside codes. By a letter from Nextel Communications, Inc., a certified New Hampshire CLEC, and by a draft of the Meeting Minutes issued by NeuStar, Inc., the Commission understands that the industry has decided to release the 15 set-aside codes for distribution to carrier applicants pursuant to an imminent exhaust pool system.

Successful implementation of a TNP trial, which the FCC considers an important numbering resource optimization strategy essential to extending the life of the North American Numbering Plan (*Numbering NPRM* at ¶ 138), depends on the availability of unused numbers, including some whole NXX codes. Therefore, in order to exercise our delegated authority responsibly, we will direct the NANPA not to release

the set-aside codes to the industry. Releasing the set-aside codes would jeopardize the TNP trial and prolonging the inefficient numbering administration targeted by the conservation efforts encouraged by the FCC.

The Commission developed an area code relief plan for the 603 NPA, although as noted in our Order No. 23,392, the Thousands-Block Number Pooling Administration and Procedural Order, issued January 27, 2000, and in the FCC Order, adopting a relief plan is not a necessary precedent to requiring thousands- block number pooling. Nonetheless, we intend to increase the efficiency of number allocation in the 603 NPA. At the very least, efficiency measures will allow the implementation of our relief plan to proceed in an orderly fashion. Effective pooling will permit a longer permissive dialing period than would otherwise be possible and mitigate the possibility of actual number shortages before the area code relief can be implemented. Pooling may even forestall the need for implementation of the relief plan for some period of time. We find that directing the NANPA to refrain from releasing the so-called set-aside codes is in the public interest of New Hampshire. We further find that the public interest of New Hampshire will be served by placing the set-aside codes in a pool for use in the New Hampshire TNP trial.

Based upon the foregoing, it is hereby

ORDERED, that the North American Numbering Plan Administrator, NeuStar, Inc., is hereby ordered and directed to refrain from releasing to carriers the 15 NXX codes in the 603 NPA which were formerly set aside for use in an overlay relief plan; and it is

FURTHER ORDERED, that the North American Numbering Plan Administrator, NeuStar, Inc., is hereby ordered and directed to place the 15 NXX codes in a separate pool for use in the New Hampshire Thousands-Block Number Pooling trial authorized by FCC Order DA 99-2634, released November 30, 1999.

By order of the Public Utilities Commission of New Hampshire this sixteenth day of February, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary