

DT 00-001

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

Thousand-Block Number Pooling

**Order Clarifying Order No. 23,385,
Further Defining the Pooling Process, and
Prohibiting Additional Thousands Number Block
Assignments to Certain Carriers**

O R D E R N O. 23,454

May 1, 2000

BACKGROUND

By Order No. 23,385, issued January 7, 2000, the New Hampshire Public Utilities Commission (Commission) required all LNP capable Local Exchange Carriers (Parties) to participate in a thousand number block pooling trial (TNP Trial) commencing May 1, 2000. On January 27, 2000, by Order No. 23,392, the Commission scheduled and set an agenda for the First Implementation Meeting for the TNP Trial. By the same Order, the Commission named NeuStar, Inc. as the Pooling Administrator (PA) and identified the software package for implementing the TNP Trial. At the First Implementation Meeting, on February 4, 2000, the PA reviewed the pooling process.

At the First Implementation Meeting, the Parties, the Office of the Consumer Advocate (OCA), and Staff agreed on a timeline for establishing a number block inventory of

uncontaminated number blocks by April 3, 2000.¹ The inventory would be comprised of available vacant thousands number blocks donated by all carriers, as reported to the PA. By April 21, 2000, all agreed, the PA would assess the status of the combined inventory against the carriers' combined forecasted utilization. The PA's assessment, summarizing the combined number block availability and forecasted utilization would be posted on the website www.numberpool.com.

CURRENT SITUATION

The PA's *prima facie* summary of number block availability and forecasted utilization, as posted on the website, discloses that providing the entire quantity of number blocks carriers project would require opening 44 new NXX codes immediately to cover the remainder of the year 2000. Furthermore, the PA's summary reveals a need to open 143 new NXX codes to satisfy expected demand during the first 18 months of the TNP. If this action were carried out, the 603 area code would exhaust by the end of 2001.

Closer analysis reveals that the carriers' projections are based upon a scenario that assumes unlimited

1

A second timeline was agreed upon for the establishment of a number block inventory of contaminated number blocks by December 21, 2000.

blocks are available and marketers' plans are fulfilled. Hence, some carriers requested 10 blocks at a time, the equivalent of an entire NXX code. However, the reality is that carriers will receive one block at a time. Assuming one block per carrier in the requested exchanges, analysis of the PA's data results in a need to open only 5 NXX codes. In addition, some of those 5 NXX codes may be unnecessary if other carriers can donate additional blocks in the relevant exchanges. Thus, active Commission participation in the TNP administrative analysis provided real conservation of numbering resources. In order to avoid misunderstanding, we find it necessary to clarify our prior number pooling orders to further illuminate for carriers, in light of the Federal Communications Commission's (FCC's) very recent number pooling order, the actual methodology of our number pooling trial.

CLARIFICATIONS

On November 30, 1999, the FCC granted the Commission interim authority to implement certain number conservation measures.² The authority granted will be superseded by the FCC's decisions in its *Numbering Resource Optimization*

2

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, DA 99-2634.

proceeding³. On March 31, 2000, the FCC released its *Report and Order and Further Notice of Proposed Rulemaking*, FCC 00-104, *In the Matter of Numbering Resource Optimization* (FCC Order). The FCC Order, through which the FCC exercised its plenary jurisdiction over the North American Numbering Plan (NANP) and related issues in the United States, begins the process of creating a federal method to deal with the rapid depletion of numbering resources nationwide and the potential for exhaust of the NANP⁴. The FCC adopted a plan for rolling out a national TNP and a framework for the selection of a national Pooling Administrator. In ¶96, the FCC concluded that allowing carriers to build number inventories against the day the numbers can actually be used is a wasteful distribution process and counterproductive to its goal of optimizing the use of numbering resources. Therefore, FCC mandated that carriers must fill their need for numbers out of "open" thousands blocks before beginning to use numbers from new blocks. *Id.* at ¶5. In ¶ 100, the FCC stated:

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Id. at paragraph 2.

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A striking example of the rapid depletion of numbers is seen in the order opening four new area codes in eastern Massachusetts, issued by the Department of Telecommunications and Energy on April 25, 2000. *Petition of Lockheed Martin IMS, the NANPA, for area code relief for the 508,617, 781, and 987*, D.T.E. 99-11.

We also clarify that our intent is to allow qualified carriers to seek one initial code or thousands-block for the purpose of establishing a footprint or presence in a particular rate center. If an initial request for numbering resources seeks more than one code or thousands-block, the additional codes or thousands-blocks will be treated as growth codes and must meet the requirements outlined in that section below.

Under the FCC plan for growth codes, as detailed in its Order at ¶¶ 101 through 106, carriers are required to provide evidence that, given their current utilization and recent historical growth, they need additional numbering resources. The "need" must be verified by the NANPA. Verification data for pooling carriers consists of Month-to-Exhaust (MTE) Worksheets provided for each rate center; verification for non-pooling carriers consists of meeting a utilization threshold for each rate center. New Hampshire and other states which have been authorized to implement state TNPs must conform to the FCC's plan by September 1, 2000⁵. *P 169.*

The TNP trial we implemented by Order No. 23,385, contains slightly different number assignment standards than those proposed by the FCC. We will continue to apply those

5

The FCC plan creates TNP for the top 100 MSAs only, but the FCC specifically authorizes the continuation of authorized state implemented TNP. *P 169.*

standards until September 1, 2000, when we will apply the FCC's standards. We apply a 75% fill-rate, in the FCC's terms a utilization threshold, to all carriers, whether pooling or non-pooling. We clarify that the 75% fill rate applies to thousands number blocks as well as entire NXX codes.

Therefore, we direct the PA not to provide thousands number blocks to carriers which, as found by this Commission within the review period⁶ fail to demonstrate that every other block assigned to it in that exchange has reached a fill-rate of 75% and is within six months of exhaust of the remaining 25%. It follows that the PA may not assign any number resources without first obtaining the Commission's acquiescence based upon fill-rate compliance.

The language in our Order No. 23,385 may have lacked some specificity when referring to "codes." In the ordering clauses of that order, we intended the word "code" to mean a thousands number block. We used the acronym "NXX" to refer to a full NXX code. Accordingly, pursuant to the fourth ordering clause, when carriers request growth codes from the NANPA or PA, they are to provide the Commission with a copy of the

6

P 17 of the FCC order granting the Commission TNP authority, the Commission must conduct its review of carrier compliance with any required fill-rate within the ten day timeframe established by the CO Code Assignment Guidelines as the time in which the NANPA must respond to an applicant's numbering request.

block application, months to exhaust worksheet and number utilization data for that specific rate center.

In furtherance of our goal of ensuring that numbering resources are used efficiently, we clarify that wireless carriers, as well as wireline carriers are required to provide us with utilization data and, short of donating thousands number blocks, are subject to our directives regarding the use of number resources. Accordingly, we will order wireless carriers to insure that uncontaminated blocks remain uncontaminated as long as possible, utilizing contaminated blocks fully before opening a new, uncontaminated block. We require this participation pursuant to our FCC-delegated numbering authority, because, as the FCC pointed out in ¶ 135 of its Optimization Order, wireless carriers, once they are LNP-capable, will be subject to the same TNP requirements as wireline carriers. The FCC stated that wireless carriers must "participate in creating the thousands-block pooling architecture so as to be ready to implement pooling as soon as they become LNP-capable." *Id.* All carriers benefit from the use of the existing numbering plan, as do all consumers, and all carriers, including wireless carriers, must be part of the solution to number resource conservation, regardless of their LNP capability.

SALES OF NUMBERING RESOURCES WITHIN THE 603 AREA CODE

As a result of our scrutiny of number utilization reports and subsequent search for additional block donations in number-depleted rate centers, we now realize that several CLECs, including Global NAPs and BayRing, authorized CLECs, have been providing quantities of numbering resources to an internet facimile company, eFax. That eFax webpage explains that its customer can have a phone number assigned to it, free of charge, for the purpose of receiving a fax via e-mail anywhere in the world reachable by e-mail. The customer may be a resident of any state or country, apparently. A person desiring to fax the customer dials the customer's "fax number," the faxed message arrives at the carrier, the carrier hands the message off to eFax, eFax converts the fax to email and e-mails it to the customer.

We are extremely concerned that this use of numbering resources is not in the public interest of New Hampshire. Our initial investigation indicates that GlobalNaps is not providing local exchange service as expected of a CLEC. It appears to be selling high speed access to ISPs and collocation space to other carriers. A fax sent from Texas to a 603 "fax number," shunted to a retrieval facility for e-mailing to a customer in California or Guam does not

equate to local exchange service in New Hampshire. The practice is devouring critical New Hampshire numbering resources to benefit non-New Hampshire consumers, as demonstrated by the inordinately large number of blocks requested by GlobalNaps. Continuation of the practice will rapidly exhaust the 603 area code.

We therefore order the PA to deny further allocation of telephone number resources to GlobalNaps and other carriers who similarly sell telephone numbers to eFax or other such e-mail deliverers. This moratorium on distribution of number resources will continue until we have completed a full investigation of this type of service and declared it a legitimate use. Our investigation will include consideration of whether the NAMPA should reclaim the NXX codes currently held by these carriers.

Based on the foregoing, it is hereby

ORDERED, that Order No. 23,385 is clarified as discussed herein; and it is

FURTHER ORDERED, that the Pooling Administrator shall not assign numbering resources, whether by NXX or thousands blocks, to carriers who fail to demonstrate to the Commission's satisfaction that every other block assigned to it in that exchange has reached a fill-rate of 75% and is

within six months of exhaust; and it is

FURTHER ORDERED, that wireless carriers shall provide the Commission and the Pooling Administrator with number utilization reports to the same extent and in the same form as utilization reports provided by wireline carriers; and it is

FURTHER ORDERED, that wireless carriers shall refrain from utilizing uncontaminated thousands number blocks until contaminated blocks are utilized; and it is

FURTHER ORDERED, until further notice, the Pooling Administrator shall deny requests for allocation of number resources to Global Naps and other carriers for the purpose of making telephone numbers available to eFax or other such e-mail deliverers.

By order of the Public Utilities Commission of New
Hampshire this first day of May, 2000.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary