

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| IN THE MATTER OF | § | |
| NUMBERING RESOURCE | § | CC DOCKET NO. 99-200 |
| OPTIMIZATION | § | |

**COMMENTS OF
THE PUBLIC UTILITY COMMISSION OF TEXAS**

**MAX YZAGUIRRE
CHAIRMAN**

**BRETT A. PERLMAN
COMMISSIONER**

**REBECCA A. KLEIN
COMMISSIONER**

**PUBLIC UTILITY COMMISSION
OF TEXAS
1701 N. CONGRESS AVENUE
AUSTIN, TEXAS 78711**

NOVEMBER 6, 2001

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**COMMENTS AND PETITION TO SUBSTITUTE ALTERNATIVE NPA
OF THE PUBLIC UTILITY COMMISSION OF TEXAS**

I. INTRODUCTION

On October 17, 2001, the Common Carrier Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) released a Public Notice seeking comment on the National Thousands-Block Number Pooling Rollout Schedule in this proceeding. The Public Utility Commission of Texas (Texas Commission) hereby submits both its comments on the proposed schedule as well as its Petition to Substitute Alternative NPA, pursuant to the Public Notice.

II. COMMENTS ON PROPOSED SCHEDULE

In the Public Notice, the Bureau solicited comments addressing “the structure of the rollout schedule, including the proposed dates for implementing thousands-block pooling for specific NPAs.” The Texas Commission has reviewed the rollout schedule and except for the changes proposed below in its Petition, the Texas Commission has no objections to the structure of the schedule or the proposed dates for implementation. However, the Texas Commission does wish to take this opportunity to make the following comments.

The Public Notice indicated that the schedule begins with a concentration in the top 100 MSAs and then moves beyond the top 100 MSAs to rollout pooling in all NPAs in the country.¹ However, some things are unclear. First, in the *Numbering Resource Optimization First Report and Order*, the Commission states, “We further clarify that where an NPA encompasses areas both inside and areas outside of the qualifying MSA, pooling will be required only in those rate centers in the NPA which are a part of the MSA.”² However, through conversations with Commission staff and NeuStar representatives, the Texas Commission understands that thousands-block pooling will be implemented in the entire NPA, as listed in the schedule, and not just in the rate centers in that NPA that are within the geographic boundaries of the associated MSA.

The Texas Commission would appreciate clarification of this issue as it greatly impacts Texas. For example, the rollout schedule places the 409 NPA in the first quarter and associates it with the Houston MSA. However, only 6 of the 51 rate centers in the 409 NPA are within the boundaries of the Houston MSA.³ Clarification by the Commission would inform state commissions and industry participants as to what requirements are to be placed on carriers, especially rural carriers that may be LNP-capable, but may not be aware of, or prepared for the implementation of pooling in their areas of operation.⁴

¹ This includes all NPAs that will be pooled in state trials prior to March 2002.

² *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd. 7574, para. 158 (rel. Mar. 31, 2000) (*First Report and Order*).

³ The Texas Commission includes the 409 NPA as an example, however this issue extends to several other NPAs. A review of the entire schedule reveals that 6 NPAs, 409, 936, 979, 281, 713 and 832, are associated with the Houston MSA (the entire southwest portion of Texas) and 5 NPAs, 940, 903, 214, 972 and 469, are associated with the Dallas MSA (the entire northern portion of the state with the exception of the panhandle).

⁴ As a general practice during the implementation phase of state pooling trials, NeuStar compiles a list of LNP-capable rate centers in each NPA to be pooled. NeuStar compiles the list by culling the data from the LERG. However, the rate center’s LNP-capable or non-LNP-capable

Second, when developing the rollout schedule applicable to the MSAs that are not within the top 100 MSAs, it is unclear what consideration the Commission gave to whether any of the carriers in those MSAs are not LNP-capable. The Texas Commission would appreciate further explanation of the expected impacts of pooling in non-top 100 MSAs. Additionally, the Texas Commission would appreciate clarification as to what role, if any, it expects state commissions to play in spreading LNP-capability to rural areas.

The third issue for clarification relates to the interplay between area code relief planning and the rollout of pooling. Specifically, the Texas Commission is currently in the process of relief planning for the 915 NPA. Included in the 915 NPA are the El Paso MSA, Abilene MSA, San Angelo MSA and Odessa-Midland MSA. Of these four MSAs, only one, El Paso, is in the top 100 MSAs. Because El Paso is listed in the national rollout schedule, there is an assumption that the entire 915 NPA will be pooled (see discussion above). However, relief options under consideration by the Texas Commission include multiple split options whereby the El Paso MSA would be split-off from some or all of the remaining MSAs.

In the *First Report and Order*, the Commission stated,

However, because NPAs that are created as a result of a geographic split are essentially new NPAs with a geographic identification that is different from that of the original NPA, we do not require, but will permit, new NPAs that result from a geographic split to be pooled at the same time.⁵

This statement addresses the situation somewhat; however, the Texas Commission would appreciate further clarification as the procedures and timing of relief planning necessary to accomplish pooling of all new NPAs.

designation in the LERG is not always accurate. Therefore, the Texas Commission would recommend that during each implementation phase on the national schedule that NeuStar provide the list of LNP-capable rate centers to the relevant state regulatory authority for confirmation.

⁵ *First Report and Order*, at para. 161.

The Texas Commission would suggest that the Commission treat new NPAs created by a split in the same manner as if they were created through an overlay. Thereby pooling would be implemented in the rate centers in the areas split from the original NPA during the same quarter as if they had not been divided from the original NPA. This would create consistency as to how the results of relief planning are treated (splits vs. overlays).

As stated above, except for the following request, the Texas Commission has no objection to the structure of the schedule. The Texas Commission intends to take an active role in the rollout of pooling in Texas. However, the Texas Commission has been unable to find answers to the issues set forth above that it believes it can rely upon for the rollout of pooling in its state. The Texas Commission believes that such clarifications would assist it, as well as other state commissions, in working with the Commission and NeuStar to ensure the smooth implementation of national thousands-block pooling.

III. PETITION TO SUBSTITUTE ALTERNATIVE NPA

Pursuant to paragraph 165 of the *First Report and Order*, and the Public Notice issued October 17, 2001, the Texas Commission submits its Petition to substitute the Dallas metro area NPAs, 214/972/469, for the more rural, 409 NPA set for pooling during the first quarter rollout.⁶ The Texas Commission understands that the substituted NPAs must have a life span of at least one year and be within the top 100 MSAs.⁷ As discussed below, the Texas Commission believes the 214/972/469/ NPAs qualify for substitution.

For Texas, the rollout schedule includes the 409 NPA in the first quarter. The MSA associated with the 409 NPA is Houston; however, this NPA is primarily not in the Houston

⁶ *Id.* at para. 165; Public Notice at 2.

⁷ *Id.*

area. Approximately only 6 of the 51 rate centers in the 409 NPA are in the Houston MSA.⁸ This is merely a small portion on the edge of the greater Houston area. The largest cities in the 409 NPA are Galveston and Beaumont, which are in the second tier of 100 MSAs. The NPAs for the actual Houston area (713/281/832) are already part of a state pooling trial. Conversely, the rollout schedule includes the Dallas metro area NPAs (214/972/469) in the third quarter of the national rollout. The Texas Commission believes the public would be better served by substituting the Dallas metro area NPAs for the 409 NPA in the first quarter of the rollout schedule.

The Dallas metro area (214/972/469) is using new codes at more than twice the rate of the 409 NPA. According to the 2001 NRUF and NPA Exhaust Analysis (June 1, 2001), the Dallas metro area NPAs (214/972/469) are scheduled to exhaust during the second quarter of 2004. That is almost six years prior to the 409 NPA that is scheduled to exhaust during the first quarter of 2010. Were the Dallas area to exhaust, the impact to consumers is much more significant than in the 409 area. The population is much larger in Dallas and that area has already had to deal with multiple overlays. Additionally, competitive LECs have entered the Dallas metro market at a much greater rate than in the 409 NPA. Therefore, thousand-block pooling would have a much greater impact when introduced in the Dallas metro area.

For these reasons the Texas Commission requests that the Dallas metro NPAs, 214/972/469, be substituted for the 409 NPA in the first quarter. The 409 NPA could then be substituted for the 940 NPA in the second quarter and the 940 NPA would take the place of the 214/972/469 NPAs in the third quarter.

⁸ These numbers are based on the best information available regarding MSA geographic boundaries as found on the website maintained by the U.S. Census Bureau at www.census.gov.

IV. CONCLUSION

In sum, the Texas Commission requests clarification of three issues: the treatment of NPAs when only some of the rate centers in the NPA are associated with an MSA; the consideration given to NPAs associated with MSAs that are not within the top 100 MSAs; and the effect of subsequent relief planning results on the rollout schedule. Finally, the Texas Commission prays that the Commission will substitute the Dallas metro area NPAs (214/972/469) for the 409 NPA currently scheduled for the first quarter of the rollout plan.

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS

/s/ Max Yzaguirre
MAX YZAGUIRRE
CHAIRMAN

/s/ Brett A. Perlman
BRETT A. PERLMAN
COMMISSIONER

/s/ Rebecca Klein
REBECCA KLEIN
COMMISSIONER