

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

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

**REPLY COMMENTS 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) submitted its comments on the proposed schedule as well as its Petition to Substitute Alternative NPA, pursuant to the Public Notice, on November 6, 2001. After reviewing all of the comments submitted in response to the Public Notice, the Texas Commission takes this opportunity to reply to a select number of initial comments. Particularly, the Texas Commission responds to comments regarding cost recovery for state pooling trials.

II. COMMENTS ON COST RECOVERY FOR STATE TRIALS

SBC Communications, Inc. (SBC), the United States Telecom Association (USTA), and BellSouth (collectively "Parties") commented on the lack of cost recovery mechanisms in place for state pooling trials. The Parties requested that the Commission either directly order a cost

recovery mechanism for state pooling trials,¹ or order all state commissions who have yet to address cost recovery to do so prior to March 2002, the rollout of the national pooling program.² The Texas Commission opposes this suggestion.

The Texas Commission is one of the state commissions that has yet to open a proceeding for cost recovery relating to its state pooling trials. However, on June 4, 2001, the Texas Commission issued an order implementing pooling trials in several NPAs.³ With regard to cost recovery, the Texas Commission stated:

In its *Delegation Order*, the FCC required the Commission to determine the method for calculating and recovering costs associated with the pooling trial and carrier specific costs associated with pooling administration. The Commission recognizes the importance of cost recovery issues to the industry and intends to schedule a cost recovery technical conference/workshop so that a cost recovery mechanism can be developed. However, due to the impending start-up of the national pooling program, the Commission intends to pursue cost recovery after the national program is underway so that the Texas cost recovery proceeding can take into account any and all pooling trials in place in Texas prior to the national program roll-out and prior to national cost recovery. If the national program is significantly delayed, the Commission may revisit this decision and may proceed with cost recovery prior to the start-up of the national pooling program.

The Texas Commission received no comments, motions or requests for reconsideration of this portion of the order. Therefore, the Parties' comments to the Commission in this proceeding were unexpected by the Texas Commission. If the timeline set by the Texas Commission was not acceptable, the parties had an opportunity to voice their opposition, but they did not do so. The Commission should not now allow the Parties to collaterally attack the Texas Commission's order. The Parties' suggestions should be dismissed.

¹ Comments of USTA at 8.

² Comments of SBC Communications, Inc. at 10.

³ *Thousand-Block Number Pooling Trials in Texas*, Order Initiating Thousand-Block Pooling Trials in the Houston, Dallas and Fort Worth Metropolitan Areas, PUCT Project No. 24186 (June 4, 2001).

III. CONCLUSION

The Texas Commission prays that the Commission reject the Parties' suggestion as to state cost recovery and allow state commissions to address cost recovery consistent with each state's delegation of authority.

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS

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