

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

In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions of the Telecommunications Act of)	
1996)	

**THE IDAHO PUBLIC UTILITIES COMMISSION'S
PETITION FOR DELEGATED AUTHORITY TO
IMPLEMENT NUMBER CONSERVATION MEASURES**

The Idaho Public Utilities Commission (IPUC) hereby respectfully submits this Petition to the Federal Communications Commission ("Commission") for an expedited decision for Delegated Authority to Implement Number Conservation Measures ("Petition"). The IPUC requests this authority so that it may implement number conservation measures to ensure that the public is protected from the unnecessary costs and confusion related to area code splits or overlays, particularly when numbering resources exist to prevent it.

The Telecommunications Act of 1996 allows the Commission to delegate to State Commissions or other entities jurisdiction over numbering. Idaho appreciates the Commission's understanding of the States' need for immediate action in order to optimize number conservation measures. In the Numbering Resource Optimization Notice,¹ the Commission concluded that thousands-block number pooling is an important resource optimization strategy, essential to extending the life of the North American Numbering Plan (NANP). In the Commission's First Report and Order regarding numbering resource optimization,² the Commission held that a State

¹ See *Numbering Resource Optimization Notice*, 14 F.C.C. Rcd 10322, 10383-84 (June 2, 1999).

² See *Numbering Resource Optimization*, CC Docket No. 99-200, F.C.C. 00-104, Report and Order and Further Notice of Proposed Rulemaking, 15 F.C.C. Rcd. 7574 (Mar 31, 2000) (Numbering Resource Optimization First Report and Order).

Commission seeking thousands-block number pooling authority demonstrate that (1) the numbering plan area (NPA) in its state is in jeopardy; (2) the NPA in question has a remaining life span of at least a year; and (3) that the NPA is in one of the largest 100 metropolitan statistical area (MSAs), or alternatively, the majority of wireline carriers in the NPA are local number portability (LNP) capable.³ The Commission further recognized however that “special circumstances” may exist in which pooling would be beneficial in the NPAs that do not meet all of the above criteria, and stated that it may authorize mandatory pooling in such an NPA upon a satisfactory showing by a State Commission of special circumstances.⁴ In 1998, the Commission adopted the Pennsylvania Numbering Order⁵ where it delegated authority to State Commissions to order central office code (“NXX code”) rationing in conjunction with area code relief decisions, in the absence of industry consensus. In the Pennsylvania Numbering Order, the Commission also encouraged State Commissions to seek further limited delegations of authority to implement number conservation measures.⁶

DISCUSSION

The geographic scope of availability of LNP has dramatically expanded following the May 24, 2004 LNP mandate for areas outside the top 100 MSAs,⁷ while the scope of mandatory number pooling is limited to only the top 100 MSAs. Recently, it has come to the IPUC’s attention that more prefixes are being requested than previously anticipated due to increased competition and emerging technologies. Of particular concern to the IPUC are the

³ *Id.* at 7652.

⁴ *Id.*

⁵ *See In the Matter of the Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, Memorandum Opinion and Order and Order on Reconsideration, 13 F.C.C. Rcd 19009 (1998).

⁶ *See Id.*

⁷ *See In the Matter Telephone Number Portability*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 18 F.C.C. Rcd 23697, 23709 (November 10, 2003).

increasing requests for full ten thousand-block codes in rural areas. As in other states, carriers in Idaho are reluctant to participate in voluntary pooling in rate centers outside the top 100 MSAs. The Commission encouraged new entrants and competitive carriers to request unused numbers from existing carriers. Unfortunately, despite the Commission's best efforts, some carriers have chosen not to participate in optional pooling and continue to request full NXX codes.

The Idaho NPA meets the criteria for thousands-block pooling as the IPUC has been informally notified by NeuStar that the 208 area code may "officially" enter into jeopardy. Also, the IPUC recently met with NeuStar to evaluate the anticipated exhaust date for Idaho's single 208 area code. The evaluation indicated that the forecasted exhaust date is estimated to be on or about second quarter 2010, therefore the IPUC will need to begin its 36-month planning within the upcoming months. Lastly, all but one of the wireline carriers in the Idaho NPA are LNP-capable.

In addition, the IPUC believes that special circumstances exist in which pooling would be beneficial. In Idaho's single 208 area code, 678 central office codes (779 assignable numbers) have been issued in support of a population base of 1,293,953.⁸ The utilization rate for the 208 area code is 42.2%,⁹ and 508 blocks have been assigned from the pooling administrator's pool that initially started with a total of 1,913 available blocks. The IPUC is concerned that thousands of numbers will continue to be stranded in rural areas, unnecessarily depleting numbering resources faster than warranted by market conditions.

The IPUC asserts that all criteria have been or can be met and that special circumstances warrant a grant of delegated authority to the IPUC so that it may implement mandatory thousands-block pooling. Accordingly, the IPUC requests the authority to order

⁸ From www.Census.gov

⁹ From FCC Report Released January 2007 at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-269517A1.pdf

mandatory thousands-block pooling in LNP-capable rate centers in Idaho located outside the nation's top 100 MSAs where such action will extend the life of the area code by utilizing existing resources that would otherwise have remained stranded. Upon implementation, carriers would return any existing unused blocks meeting the contamination level to the pool for reassignment to other carriers.

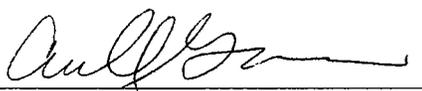
The IPUC plans to work with the industry and consumers before any further action is taken. However, the IPUC desires to implement mandatory number pooling so that it can save consumers from the unwarranted expense of an area code split or overlay.

CONCLUSION

The IPUC requests additional delegated authority so that it can prolong the life of the 208 area code. The IPUC hopes that these measures will prevent the imposition of additional burdens on the public. Because time is of the essence to ensure that number conservation measures have the maximum affect on reducing the demand for numbering resources, and to avoid premature area code relief, the IPUC respectfully requests that the Commission grant its request for delegated authority on an expedited basis.

Respectfully submitted this 29th day of March 2007.

FOR THE IDAHO PUBLIC UTILITIES COMMISSION

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