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**Before the
IDAHO PUBLIC UTILITIES COMMISSION
Boise, Idaho**

In the Matter of)
)
The Petition of Potlatch Telephone) Case No. GNR-T-02-16
Company, CenturyTel of the Gem State,)
and the Idaho Telephone Association for a) Order No 29125
Declaratory Order Prohibiting the use of)
"Virtual" NXX calling)

**COMMENTS OF
WESTERN WIRELESS CORPORATION**

Western Wireless Corporation, doing business in Idaho as Cellular One ("Western Wireless"), hereby submits comments in opposition to the Petition for Declaratory Order ("Petition")¹. As explained herein, the establishment of different rating and routing points for numbers or NXXs is legally permissible and necessary to establish an efficient and operationally-effective telecommunication network.

¹ Petition of Potlatch Telephone Company; CenturyTel of Idaho, CenturyTel of the Gem State, and the Idaho Telephone Association for Declaratory Order Regarding the Use of Virtual NPA/NXX Calling Patterns ("Petition")

I. Introduction and Summary

Western Wireless is a facilities-based provider of Commercial Mobile Radio Service (“CMRS”) with state-of-the-art telecommunications facilities in place throughout a 19-state, 800,000 square mile coverage area. In Idaho, Western Wireless provides facilities-based cellular telephone services in North Idaho. As a cellular service provider, Western Wireless requires the use of local number resources in those areas of Idaho where the Company provides facilities-based local services. Establishing different rating and routing points for numbers is critical for Western Wireless to establish an efficient and operationally-effective telecommunications network in Idaho.²

The Petition is an incumbent local exchange carrier (“ILEC”) centric depiction of numbering plan administration. At its surface, the Petition seems to deal with the *potential* threat of a number assignment scenario that may have an adverse impact on the petitioners. However, a careful examination of the Petition reveals that it would have a much broader negative impact on competition, local service providers, and consumers, and therefore the Commission should reject the Petition as it relates to the accessibility and use of telephone numbers assigned to facilities-based local service providers.

I. The Petition Would Have A Broad Negative Impact On Competition, Local Service Providers, And Consumers.

The Petition focuses on one aspect of telephone number implementation labeled ‘virtual’ NXX. This is a powerful label that can be easily misconstrued. A definition of ‘virtual’ NXX is offered by the Petitioners and by the Commission in the Notice of Petition.³ However, both these definitions are slightly different from the FCC definition, different than definitions used in other states, and different from definitions used in interconnection agreements established between telecommunications carriers.

² Western Wireless uses the phrase “establishing different rating and routing points” as opposed to “virtual NXX” because, to the extent there is a difference, Western Wireless is a facilities-based service provider in the areas in which it would obtain local numbers.

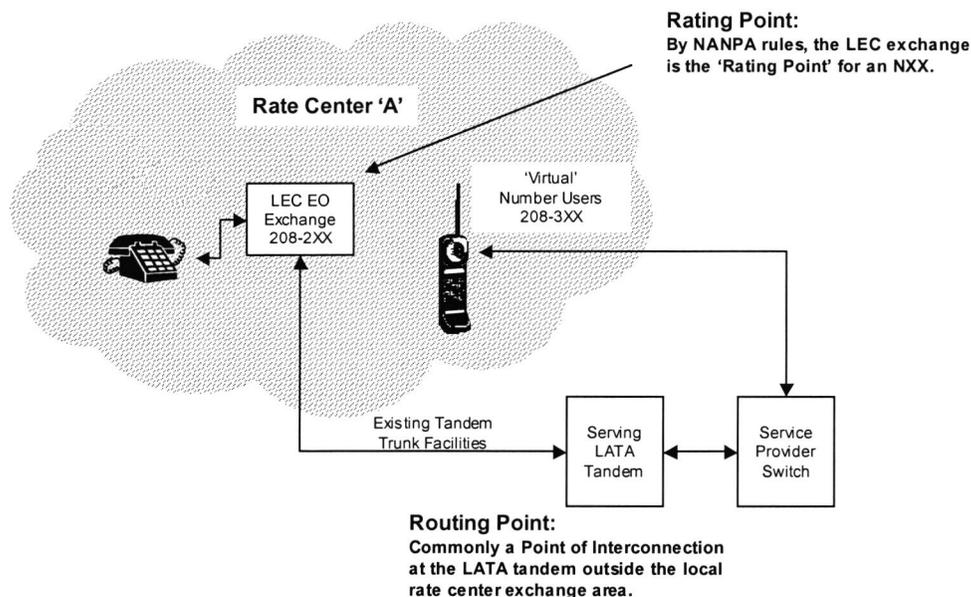
³ Notice of Petition for Declaratory Order, Notice of Modified Procedure, Notice of Intervention Deadline, Order No. 29125 (Service Date October 4, 2002), p.1

The Petitioner's definition of 'virtual' NXX describes the use of telephone numbers rated out of an exchange and assigned to "customers with no physical presence in that exchange". The Petitioners also provide an example of how a 'virtual' NXX could be implemented. This single example is used to demonstrate how 'virtual' NXX would disrupt the status quo of local landline calling patterns.

The Petitioner's go on to expand their petition to include 'VNXX-like arrangements' without providing a full disclosure of what these 'like' arrangements may include. There are many implementations of 'VNXX-like' arrangements that shed a very different light on what is at stake in this Petition. These 'like' arrangements provide sharp distinctions between the way some competitive local exchange carriers ("CLECs") use 'virtual' NXX and the way other telecommunications carriers use 'VNXX-like' arrangements.

The impact of the Petition on Western Wireless is not entirely clear, given the fact there is a common denominator that links the semantics and the applications surrounding 'virtual' NXX and 'VNXX-like' arrangements. The commonality is a relatively simple concept that has been in widespread use for some time. As depicted below, it is the assignment of telephone numbers that have a network routing point that is different from the rate center assigned to the NPA-NXX.

NPA-NXX with Separate Rating and Routing Points



There are several reasons why telecommunication service providers would utilize separate rating and routing points for telephone numbers assigned by the North American Numbering Plan Administrator (NANPA). The Petition focuses on *one* application of separate rating and routing points that has been used by a subset of *one* type of telecommunications carrier in some markets. However, the impact of the Petition would disable prudent and entirely permissible use of separate rating and routing points for all carriers in Idaho. The Commission's consideration of any action involving numbers must account for the legitimate use by telecommunications carriers, especially CMRS carriers, of assigned numbers with separate rating and routing points.

II. Consideration Must Be Given to the Role of CMRS Providers

The case made by the petitioners ignores the common, important, and valid use of separate NXX rating and routing points by CMRS providers.

a. A CMRS Provider's Use of "Virtual NXX-like arrangements" Differs From the Examples Provided by the Petitioners

CMRS providers do not use separate rating and routing points for assigned NXX codes in the manner defined by the Petitioners. CMRS providers obtain NXX codes only in areas where they:

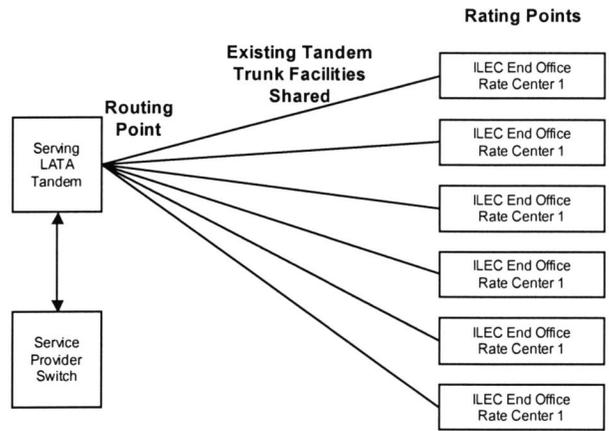
- i. are licensed to provide wireless services,
- ii. have built local network radio coverage for customer access, and
- iii. typically assign a customer a telephone number containing a particular NXX code only if the customer has a community of interest with the rate center to which the code is rated.

It is noteworthy that these circumstances do not differ in a material way from what the Petitioners' claim to be the appropriate guiding criteria for assignment of an NXX.

b. CMRS Providers Seek To Establish Efficient Interconnection Arrangements

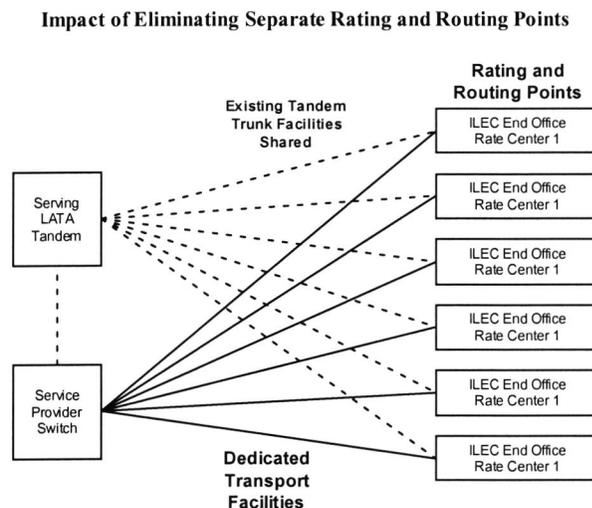
Many CMRS providers use separate rating and routing points for NXXs assigned to their networks. This practice reflects the differences in network topology between ILECs and CMRS providers. CMRS providers usually design their network to operate with a single switch that covers a broad geography that typically encompasses multiple ILEC exchanges and/or serving areas. The large geographic areas covered by mobile service and a wireless switch demands efficient transport networking. As shown below, routing to a point of interconnection at a tandem switch is an efficient method for interconnection between ILECs and CMRS providers.

Shared Transport Example for Separate Rating and Routing Points



This shared transport network architecture benefits all interconnecting carriers. The existing tandem transport network is used to transport calls between networks, thus recognizing that in nearly all cases common or shared transport is less costly and more efficient than dedicated transport. This is certainly true in rural areas where the volume of traffic exchanged between a wireless carrier and each ILEC (especially each ILEC end office) is quite low. Utilization of NXXs with separate rating and routing points is often the most efficient means to establish numbers local to end users. This utilization puts local numbers in the hands of real customers who spend the majority of their time in the community where the numbers are rated.

By seeking a ban on NXXs with separate rating and routing points, the Petitioners are seeking to establish an inefficient network transport system, as shown below, that only benefits the ILECs, who typically provide all transport services within their service area.



This inefficient network architecture would require interconnecting carriers to build new, dedicated facilities to exchange traffic. High volume traffic routes may warrant dedicated facilities, but most routes in rural areas do not. From the examples shown above, it is clear that the only thing ‘virtual’ about the use of separate rating and routing points for a CMRS NXX is that it enables the utilization of existing, shared, transport facilities instead of requiring dedicated, inefficient facilities to each rate center supporting an NXX.

c. **CMRS Providers Are Facilities-Based Competitive Local Service Providers in Rural Areas**

CMRS carriers provide competitive facilities-based local service in rural areas and, in most areas, CMRS is the only competitive choice consumers have for local telephone service. If adopted, the Petition would go a long ways to reestablishing the ILECs' control over the local services market and potentially foreclose competitive local telephone service alternatives to rural areas.

The FCC has embraced the notion that telephone numbers are a critical element of a competitive telecommunication services market. In the *Second Report and Order*, the FCC concluded "ensuring fair and impartial access to numbering resources is a critical component of encouraging a robust, competitive telecommunications market".⁴ Today, Western Wireless' mobile subscribers are generally able to place calls to any of the Petitioner's landline customers in the state without incurring toll. However, the reverse is not true. In most cases, landline callers to Western customers are forced to dial and pay toll charges, even if the call is from one family member calling from home to another family member in the same area. In order to compete effectively in rural areas, CMRS providers have to overcome this disparity. One way to overcome the limitations of landline dialing scope is to establish local NXXs with separate rating and routing points. Throughout the country, CMRS providers compete with the ILECs for customers and telecommunications traffic. Granting the restrictions sought by the Petitioners or redefining traffic destined to a "virtual" NXX as toll would create significant barriers to competition by CMRS providers and would result in increased costs to Idaho's consumers.

III. Current Rules and Competitive Opportunity Must Be Preserved

The guidelines and criteria for allocation of numbers is the responsibility of Neustar, the North American Numbering Plan Administrator (NANPA).⁵ By law, the NANPA applies fair and equitable criteria for access to numbers for all carriers. There is

⁴ Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, 11 FCC Rcd 19392, 19508 (1996) ("*Second Report and Order*")

⁵ The FCC has delegated this authority under section 251(e) of the Act to Neustar 47 C.F.R. 52.15

a carefully designed industry standard process regarding the assignment of NXX codes.⁶ All carriers must use this process and adhere to its output, which is published as the Local Exchange Routing Guide (LERG). Review of any current version of the LERG will demonstrate that industry use (CMRS, CLEC, and ILEC) of separate rating and routing points is common.

It is interesting to note that there is nothing contained in the guidelines or definitions that are used by the entity responsible for administering the NANP that speaks to a 'virtual' NXX. The guidelines do, however, explicitly permit the use of different rating and routing points for NXX assignments⁷. Certain aspects of separate rating and routing for NXXs are currently under review by the FCC.⁸ The issues raised and the comments offered at the FCC have direct bearing on the Petition at hand in Idaho.

IV. Many of the Petitioners' Claims Are Misplaced

The Petitioners make many claims concerning numbering applications that are in effect in other jurisdictions. Some of these claims are misleading in that the Petitioners provide an incomplete assessment of the issues. Other Petitioner claims are just wrong.

a. 'Virtual' NXX is Not an Inappropriate Use of Numbering Resources

The ILECs seem to believe that because they already have their local numbers, (which, in many cases, are woefully underutilized⁹) other carriers' access to numbers in the same local area is, de facto, inappropriate. The implication is that assignment of numbers to new service providers is inefficient and that competition is a 'waste' of numbers.

Use of separate rating and routing points, however, is an efficient use of numbering resources. Expanding the number of customers that can be served with one NXX results in a much more efficient use of numbering resources. In markets where

⁶ Central Office Code (NXX) Assignment Guidelines, INC 95-0407-008, Alliance for Telecommunications Industry Solutions, Industry Numbering Committee

⁷ Central Office Code (NXX) Assignment Guidelines, Section 4.1

⁸ FCC Public Notice DA 02-1740, Comment Sought on Sprint Petition for Declaratory Ruling Regarding the Routing and Rating of Traffic by ILECs, July 18, 2002, CC Docket No, 01-92

⁹ Many LEC exchanges have full 10,000 number blocks to serve an exchange area of less than 10% of that population.

Western Wireless is able to assign numbers capable of receiving incoming calls from a broad population base within its service area, Western Wireless regularly achieves NXX number block utilization in excess of 85%.

b. The Petitioners' Proposed 'End-To-End Analysis' Criteria Is Conclusive.

The Petitioner's contend that an 'end-to-end analysis' of a telephone call is one way to determine whether a call should be treated as local or not. The application of this analysis to an ILEC-CLEC call produces one result, as illustrated in the Petition, but a completely different result is realized when you apply this analysis to ILEC-CMRS calls. Right now, a call from a Western Wireless customer that is standing in the driveway of almost any one of the Petitioners' customers must be dialed as a 1+ call.¹⁰ The call is routed from an ILEC to an IXC to the LATA tandem where Western Wireless has a point of interconnection, all of which is within a 'stone's throw' of the call originator. Using 'end-to-end analysis,' it would seem this would qualify as a local call.¹¹ This example demonstrates the fallacy of the Petitioner's position as it relates to calls to or from a CMRS network.

c. Consideration must be made of the potential underlying ILEC motivation

The Petitioners raise the prospect that allowing industry standard use of NPA-NXX assignments, labeled 'VNXX and VNXX-like services,' is not in the public interest. Yet the arguments made by the Petitioners indicate that it isn't the public's interest that is at stake. This preemptive effort to bar a common industry practice from Idaho is likely no more than a thinly disguised effort to preserve ILEC revenue streams from a combination of high access rates and the retail margins received on toll calls made through their own long distance affiliates. All of this revenue comes at the expense of competition and real dollars paid out of the pockets of Idaho consumers.

The Petitioner's rely on the impact to themselves should their traditional local calling areas be compromised in any way. The presumption is that the traditional local

¹⁰ Western Wireless has NXXs rated out of Grangeville, Boise, and Pocatello. Boise has a local calling area which includes nine of the Petitioner's exchanges. The Pocatello local calling area includes 13 of the Petitioner's exchanges.

¹¹ Western believes that the FCC has already determined that any call to or from a cellular subscriber that originates and terminates in the same MTA is a local call. *See Second Report and Order.*

calling area should be imposed as an everlasting constraint for what should be considered a local call. Idaho consumers would certainly prefer, and deserve, broader local calling made available through competition.

III. Conclusion

Public interest is best served by competition and the availability of choice for Idaho consumers. The Commission should therefore deny the Petition to the extent it would prevent a CMRS provider from establishing different rating and routing points for its number resources.

DATED THIS 31st day of October, 2002.

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By



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 2002, I caused to be served a true copy of the foregoing COMMENTS OF WESTERN WIRELESS CORPORATION by the method indicated below, and addressed to each of the following:

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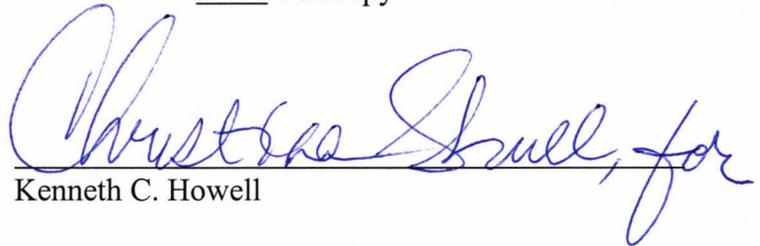
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