

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

In the Matter of Massachusetts Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Reservation Methods in the 508, 617, 781 and 978 area codes.

D. T. E. 99-99

COMMENTS BY AT&T CONCERNING the numbering pooling implementation schedule assumed by bell atlantic for purposes of its own carrier-specific cost analysis

AT&T Communications of New England, Inc. ("AT&T") on behalf of itself and its affiliates – including but not limited to Wireless PCS, Inc., a wholly-owned subsidiary of AT&T Wireless Services, Inc., d/b/a AT&T Wireless Services – hereby submits these comments concerning the time frame for pooling implementation that is presumed in the analysis filed by Bell Atlantic-Massachusetts on January 20, 2000.

Procedural Background.

Initial Round of Comments by Carriers.

By order dated October 12, 1999, the Department opened this docket to establish mandatory thousands-block number pooling trials for Local Number Portability ("LNP") capable carriers in the eastern Massachusetts LATA. In accordance with the Department's request in that order for comments, numerous carriers filed initial comments on October 25, 1999, and reply comments on November 1, 1999.

In its Initial Comments, AT&T urged the Department to: (i) order carriers to bear their own carrier-specific pooling costs; (ii) employ the rate center-specific months-to-exhaust verification method and reject use of a simple percentage utilization factor to determine eligibility for additional numbering resources; (iii) schedule the implementation of Massachusetts pooling trials so as not to overwhelm scarce industry resources available for this purpose. In its Reply Comments, AT&T further recommended that: (i) it may make sense to await the next generation of pooling software, NPAC Release 3.0, or at least to limit the scope of any pooling trial that is undertaken using the current NPAC Release 1.4; and (ii) limit the Massachusetts pooling trial at the outset to uncontaminated thousand number blocks, and otherwise adopt existing industry guidelines for pooling. AT&T's Reply Comments also provide a further explanation of the importance of incorporating a months-to-exhaust component for determining when carriers are eligible to obtain thousands-blocks from any pool.

January 26 Order Regarding Fill Rate Ratios and Months-to-Exhaust Calculations.

In a letter order dated January 26, 2000, the Department adopted a version of the

Untitled

hybrid fill ratio/months-to-exhaust method of determining eligibility for additional numbering resources. The Department ordered all carriers first to assign new telephone numbers from thousands blocks in which more than 10 percent of the numbers are already not available for assignment, and not to assign numbers from a "minimally-contaminated" block (i.e., a block with 10 percent or less number contamination) until all contaminated blocks in a rate center have achieved 75 percent number utilization.

The Department's letter order further provides that carriers generally may not request an additional NXX code in a rate center unless (i) all of the carriers thousands-blocks in that rate center have a utilization rate of at least 75 percent, and (ii) the carrier's months-to-exhaust worksheet demonstrates that the code will exhaust in less than six months. However, the Department also adopted a waiver provision for a carrier asserting that it requires new numbering resources to meet projected demand, even though it cannot meet the 75 percent fill-rate ratio, or the six months to exhaust requirement, or both.

Technical Conference Regarding BA-MA's Cost Claims.

On January 14, 2000, the Department announced that it would conduct a technical conference "to examine BA-MA cost claims for implementing number pooling in July or November, 2000." To facilitate the technical session, on January 20, 2000, Bell Atlantic filed an analysis of its own carrier-specific costs for implementing thousands-block pooling, and included as part of that analysis a schedule showing presumed implementation dates.

After the technical session, by order dated January 26, 2000, the Department asked all parties to comment on the presumed thousands-block pooling implementation schedule contained in BA-MA's carrier-specific cost analysis.

Comments.

Because BA-MA's Analysis Focused On Its Own Carrier-Specific Costs, the Presumed Implementation Schedule Says Nothing About the Time and Planning Needed to Retain a Pooling Administrator and to Establish the Pool Itself. BA-MA's implementation assumptions refer to the establishment of "an industry pool for each of the two 617 and 508 NPAs." This is somewhat misleading. In fact, separate number pools will have to be established for each rate center within an NPA subject to thousands-block pooling.

In any case, BA-MA's analysis says nothing about the hiring of a pooling administrator, and the development of a work plan and implementation schedule for the establishment of the pooling mechanics. AT&T recommends that the Department authorize the Northeast Carrier Acquisition Company, LLC, (the "LLC") which has been established by carriers operating in the northeast region, to take the steps necessary to contract with a pooling administrator (such as NeuStar) and to develop a specific work plan and implementation schedule, including the acquisition and implementation of the NPAC pooling software. Both the New York Public Service Commission and the Maine Public Utility Commission have directed the LLC to negotiate a contract with the pooling administrator. It would be most efficient, and would avoid unnecessary confusion, if the Department were to take the same approach to arranging for pooling administration and implementation.

BA-MA's Schedule for LNP-Capable Carriers to Donate Blocks To the Pool Makes Sense Under Current Conditions.

Only LNP-Capable Carriers Can Participate in Thousands-Block Pooling.

As the Department recognized in its order dated October 12, 1999, only LNP-capable carriers can participate in thousands-block number pooling, because thousands-block pooling operates using LNP technology. Because wireless carriers are not yet LNP-capable, they cannot participate in number pooling. Any implementation schedule adopted by the Department should reiterate this point, and make clear that non-LNP-capable carriers are not expected to donate thousands-blocks to the number pools.

Untitled

The Massachusetts Schedule Must Be Coordinated With Pooling Implementation in Other States.

AT&T, like all other carriers, has limited staff resources available to work on thousands-block pooling trials. Although AT&T is committed to supporting such trials, it cannot do so simultaneously in multiple jurisdictions. Any pooling implementation schedule adopted in Massachusetts will have to be coordinated with similar efforts in other jurisdictions.

Based on Current Pooling Obligations Elsewhere, AT&T Could Meet the Dates Proposed by BA-MA.

Bell Atlantic states that it could begin donating unneeded thousand number blocks in the 617 and 508 NPAs to rate center pools on the following schedule. First, it would donate unneeded vacant blocks from NXX codes allocated from the current priority list ("priority list vacant blocks") by April 4, 2000. Second, it would donate unneeded vacant blocks from its embedded base of NXX codes ("embedded base vacant blocks") by June 13, 2000, for the 617 NPA, and by June 28, 2000, for the 508 NPA. Third, it would donate unneeded thousands blocks with up to ten percent number utilization ("embedded base contaminated blocks") by February 1, 2001.

It is not clear whether a Pooling Administrator can be selected and a pooling mechanism established in time to meet the April 4, 2000, date. This should be explored by the Department working through the LLC

Assuming that the Pooling Administrator could meet this date, AT&T expects that it would be able to comply with the schedule outlined by Bell Atlantic. This expectation is predicated upon the assumption that no other states mandate pooling trial implementation on a schedule that would force AT&T to divert staff resources elsewhere before being able to complete work required for the Massachusetts pooling trials.

Every LNP-Capable Carrier Should Have the Same Schedule for Donating Thousands-Blocks.

BA-MA continues to ask the Department to extend the time within which Bell Atlantic must start donating contaminated thousand-blocks to an industry pool. At the same time, it tries to suggest that the Department should require other carriers to do so on a faster schedule.

Bell Atlantic's proposal that the Department order carriers to begin contributing to the pool as soon as they are able, even though Bell Atlantic itself asserts that it will not be prepared to participate until after the release of NPAC Release 3.0 is unreasonable, inequitable, and anticompetitive. Without the participation of the incumbent carrier, it is unclear whether a sufficient number pool can even be established. Moreover, Bell Atlantic asks the Department to order CLECs to begin pooling under the more costly and burdensome NPAC Release 1.4, which will also cause them to incur the burden and expense to convert to NPAC Release 3.0 when it is released, but to allow Bell Atlantic the freedom to focus preparing its systems for the implementation of Release 3.0 next year. That is unreasonable. Any equitable pooling trial should include all LNP/pooling capable carriers on the same terms and schedule.

Bell Atlantic Should Bear Its Own Carrier-Specific Pooling Costs.

AT&T agrees with Bell Atlantic that each carrier should bear responsibility for its own carrier-specific costs, and that only industry-wide costs should be shared among the various carriers. The costs of thousands-block pooling in Massachusetts should be recovered via mechanisms that reflect the framework established by the Federal Communications Commission for NANPA and LNP cost recovery. This methodology is simple, fair, reasonable, and well-understood by the industry. More importantly, as the FCC found with regard to LNP, it promotes efficiency and ensures competitive neutrality by requiring carriers to bear their own carrier-specific pooling costs. Such an approach would provide each carrier with incentives to minimize its pooling implementation costs, because these costs could not be shifted to competitors.

Untitled

As Bell Atlantic notes, only three kinds of cost fall into the category of industry-wide costs that should be shared among carriers: (1) the costs of the NPAC pooling software; (2) the cost to download each thousand number block to the NPAC database; and (3) the costs due to the pooling administrator (most likely NeuStar) under its contract.

The remaining costs discussed in BA-MA's submission dated January 20, 2000, are carrier-specific costs and should be borne by Bell Atlantic. BA-MA divides its own carrier-specific costs into costs unique to number pooling in Massachusetts, and other Bell Atlantic costs that apply to its operations throughout the Bell Atlantic-North region. Bell Atlantic should not be permitted to shift any of these carrier specific costs to other carriers, whether those costs are allocated specifically to BA-MA or shared among more than one of Bell Atlantic's state operations. This means, among other things, that BA-MA should not be allowed to recover its carrier-specific pooling costs through intrastate switched access rates, special access rates, rates charged for unbundled network elements ("UNEs"), reciprocal compensation rates, or any other wholesale rates that are charged by Bell Atlantic to its competitors.

Conclusion.

AT&T fully supports the Department's efforts to optimize the use of telephone numbers in Massachusetts, and encourages the Department to adopt number conservation measures, consistent with AT&T's recommendations herein, in its Initial Comments dated October 25, 1999, and its Reply Comments dated November 1, 1999.

Respectfully submitted,

Jeffrey F. Jones

Laurie S. Gill

Kenneth W. Salinger

Palmer & Dodge LLP

One Beacon Street

Boston, MA 02108-3190

(617) 573-0100

Robert Aurigema

AT&T Communications of New England, Inc.

32 Avenue of the Americas, Room 2700

New York, NY 10013

(212) 387-5627

Dated: February __, 2000.

CERTIFICATE OF SERVICE

Untitled

I hereby certify that I caused a true copy of the above document to be served upon the attorney of record for each other party on February ____, 2000.
