

Untitled
COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Proceeding by the Department of Telecommunications and Energy to conduct mandatory thousands-block number pooling trials pursuant to the authority delegated by the Federal Communications Commission.

D. T. E. 99-99

EMERGENCY PETITION BY AT&T WIRELESS SERVICES
FOR ONE ADDITIONAL 508-NXX CODE,
and
REQUEST THAT NEUSTAR BE DIRECTED TO
RETAIN ONE 508-NXX CODE UNTIL THE DEPARTMENT
CAN RULE ON THE MERITS OF THIS PETITION

AT&T Wireless Services ("AWS") - the formal name of which is Wireless PCS, Inc., a wholly-owned subsidiary of AT&T Wireless Services, Inc. - respectfully requests that the Department allocate to it one additional NXX code in the 508 NPA, out of several 508-NXX codes which AT&T Local Services has determined that it will be able to return to the Code Administrator.

AWS further requests that the Department instruct the Code Administrator to retain one of these 508-NXX codes, and not assign it to any carrier, until the Department is able to rule on the merits of the AWS emergency request for one additional code.

As explained below, and in the confidential Affidavit of Anne Cummins filed herewith, AWS reasonably expects to run out of assignable telephone numbers ("TNs") in the 508 NPA in less than two months. AWS meets the criteria established by the Department for assignment of an additional NXX code: (1) AWS already provides service to customers in Massachusetts, and so long as it has access to sufficient numbering resources it stands ready to provide service to additional prospective wireless customers who require a TN in the 508 NPA; (2) AWS is in imminent danger of running out of TNs for customers in the 508 NPA, but Neustar has announced that there are no additional 508-NXX codes available at this time; (3) AWS has made reasonable attempts outside of the rationing process to obtain a 508-NXX code, and has determined that it can obtain one from AT&T Local Services. See Letter Order dated February 11, 2000, re MediaOne NXX code request, at 4 (setting forth criteria for special assignment of additional numbering resources).

Discussion of AWS's Need for an Additional 508-NXX Code.

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The FCC has granted the Department the authority "to hear and address claims of carriers claiming that they do not, or in the near future will not, have any line numbers remaining in their NXX codes, and will be unable to serve customers if they cannot obtain an NXX codes, or that they are using or will have to use extraordinary and unreasonable costly measures to provide service." Order FCC 99-246, In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617 781, and 978 Area Codes, CC Docket No. 96-98, ¶ 38 (released Sept. 15, 1999).

As explained below, AWS qualifies for extraordinary relief and assignment of an additional 508-NXX code under the criteria established by the Department in its Letter Order dated February 11, 2000, which assigned six 508-NXX codes and one 781-NXX code to MediaOne. The one 508-NXX code required by AWS at this time can be provided out of the five 508-NXX codes that AT&T Local Services is prepared to return to the Code Administrator.

First, AWS has demonstrated its readiness from a technical and marketing standpoint to provide service to prospective customers. AWS has been serving customers based in the 508 NPA for some time, and continues to expand the capacity of its wireless network throughout the eastern Massachusetts LATA. See Cummins Affidavit, ¶ 3.

Second, the current code rationing plan does not allow for adequate and timely access to NXX codes to serve prospective AWS customers based in the 508 NPA. AWS requires an additional NXX code in the 508 NPA, as it reasonably expects to exhaust all telephone numbers that it has available to service customers based in the 508 NPA in less than two months. See Cummins Affidavit, ¶¶ 4-6. At the present time, Neustar has no more 508-NXX codes available. On or about March 24, 2000, the Code Administrator announced that all NXX codes in the 508 NPA have been assigned, and directed carriers not to submit any additional code requests for the 508 NPA because no additional 508-NXX codes are available.

Third, AWS has made reasonable attempts outside of the rationing process to obtain NXX codes, and has determined that AT&T Local Services is about to return five pristine 508-NXX codes to the Code Administrator. See Cummins Affidavit, ¶ 7. The FCC has charged all state commissions with the responsibility for managing numbering resources so as "to ensure that consumers are never foreclosed from exercising their choice of carrier because that carrier does not have access to numbering resources," and emphasized that "no carriers should be denied numbering resources simply because needed area code relief has not been implemented." In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, Report and Order No. FCC 00-104, ¶ 171 (released March 31, 2000). The Department could satisfy AWS's need for an additional 508-NXX code by transferring to AWS one of these five codes that are being returned by AT&T Local Services. If the Department were not to grant this request, then prospective AWS customers in the 508 NPA would be denied their choice of carriers solely because AWS does not have access to sufficient numbering resources. See Cummins Affidavit, ¶ 8.

Conclusion.

For the reasons stated above, AWS requests that one additional 508-NXX code be allocated to it. This assignment can be made from one of the five 508-NXX codes that AT&T Local Services will be returning to the Code Administrator.

In the interim, AWS requests that the Department instruct the Code Administrator to retain one of these 508-NXX codes, and not assign it to any carrier, until the Department is able to rule on the merits of the AWS emergency request for one additional code.

Respectfully submitted,

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Dated: April 21, 2000.

CERTIFICATE OF SERVICE

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 April 21, 2000.