

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Docket No. C-2233/PI-36
on its own motion, to conduct an)
investigation into the conserva-) ORDER PROHIBITING CERTAIN
tion of assignable telephone) NUMBER REQUESTS; SELECTING
numbers.) AN INTERIM STATE POOLING
) ADMINISTRATOR; SELECTING
) IMPLEMENTATION DATE;
) SCHEDULING AN IMPLEMENTA-
) TION MEETING; AND
) SEEKING COMMENTS
)
) ENTERED: August 8, 2000

BY THE COMMISSION:

On May 26, 1999, this Commission received information from a representative of Lockheed Martin, which at that time was the North American Number Plan Administrator (NANPA), reporting that the number of assignable prefixes available for area code 402 was in danger of being depleted in less than two years. On June 8, 1999, this Commission opened, on its own motion, a docket to investigate this forecasted exhaust of assignable telephone numbers within the 402 area code. As a result of that investigation, the Commission was made aware of severe problems regarding the utilization and conservation of assignable telephone numbers and the current method for distribution of prefixes in the 402 area code.

Accordingly, on September 14, 1999, this Commission filed a petition with the Federal Communications Commission (FCC) requesting authority to implement area code conservation methods within Nebraska, with special attention on the 402 area code. Specifically, this Commission requested authority to implement number pooling in thousand-block intervals, to reclaim unused exchange codes that have been distributed, and to audit number assignment and distribution activities of service providers. The petition was filed pursuant to FCC CC Docket No. 96-98, NSD File No. L-99-90 (hereinafter "the Nebraska petition to the FCC"). In addition, on February 29, 2000, the Commission opened this docket to explore all possible methods for implementation of number conservation and find the method or methods that optimize(s) the use of assignable telephone numbers in Nebraska.

On July 20, 2000, the FCC released an order granting to this Commission the requested delegation of authority, but did so on an interim basis. *FCC Order DA 00-1616*, released July 20, 2000 (hereinafter, FCC Order). In the FCC order, the FCC granted conditional authority to the state

for thousands-block number pooling and the authority to conduct audits of carriers' use of numbering resources.⁽¹⁾ In addition, the FCC addressed the request of the states, including Nebraska, seeking delegated authority to reclaim inactivated or unused thousands-blocks of NXX codes. Authority for reclamation, the FCC stated, had already been granted to state commissions.⁽²⁾ The authority granted to this Commission exists only on an interim basis and extends until such time as a national thousands-block pooling framework is developed and implemented.⁽³⁾

F I N D I N G S A N D O P I N I O N S

In implementing the number conservation measures under this interim grant of authority, this Commission must make the following findings consistent with the FCC order.

First, thousands-block number pooling must be implemented on a Metropolitan Statistical Area (MSA) by MSA basis.⁽⁴⁾ Pursuant to the FCC order, the state may expand pooling to another MSA only after having implemented thousands-block number pooling in the initial MSA. For this Commission, the initial MSA is the Omaha MSA as defined by the Bureau of the Census. Initially, we order these conservation measures to extend only to the Omaha MSA.

Further, we recognize that only those carriers that have implemented permanent local number portability (LNP) are subject to state-mandated thousands-block number pooling.⁽⁵⁾

In accordance with these conditions, the Commission finds and orders that any affected carrier within the Omaha MSA shall only request numbers in thousands-block lots effective upon the entering of this order. Upon good showing, the Commission will entertain waiver requests from this requirement on a case-by-case basis.

We recognize that the FCC has required this state, as a condition of the grant of interim authority, to select a pooling administrator to administer such pooling. In its order, the FCC states, "state commissions with thousands-block number pooling authority are responsible for thousands-block number pooling administration. This responsibility includes the selection of a thousands-block number pooling administrator to allocate thousands-blocks to carriers within the area in the state where pooling is implemented pursuant to this order."⁽⁶⁾

This administrator will implement this state's thousands-block number pooling, and conduct other number conservation measures as directed by the state in accordance with its granted authority, until such time as a national pooling administrator is selected by the FCC. In accordance with this requirement, the Commission finds

that a state pooling administrator must be immediately selected. Time is of the essence in order to effectuate the goals of the authority delegated to this Commission by the FCC. Based on their experience, availability and proven expertise, the Commission is of the opinion and finds that NeuStar, Inc. should be designated as the state's interim pooling administrator and that thousands-block number pooling should be implemented in Nebraska on or before December 1, 2000. NeuStar should enter into contracts with affected carriers to recover their costs for this interim pooling administration.

In accordance with this selection, the Commission finds that an implementation meeting should be set for August 31, at 1:30 p.m. CDT in the Commission Hearing Room. The implementation meeting will include the interim pooling administrator and its purpose will be to discuss the issues related to implementation of this order.

Additionally, the Commission recognizes that a cost recovery mechanism must be addressed. As the FCC order notes, "states conducting their own pooling trials must develop their own cost recovery mechanisms for the joint and carrier-specific costs of implementing and administering pooling within their states. The individual state cost recovery schemes; however, must transition to the national cost recovery plan when the latter becomes effective."⁽⁷⁾ The Commission further recognizes that these costs must be recovered on a competitively neutral basis.⁽⁸⁾

In order to develop a competitively neutral cost recovery plan, the Commission invites comments from interested parties on expected costs of compliance including cost studies, if appropriate, as well as potential cost recovery solutions. Parties wishing to file comments must do so no later than 5:00 p.m. CDT, Friday, August 25, 2000. Parties filing comments shall provide five hard copies, and one electronic copy on disk in WordPerfect 5.0 or later format. Filings will not be accepted via facsimile. The Commission expects that it will work in conjunction with the interim state pooling administrator to develop an appropriate cost recovery system.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that any carrier requesting numbers for the Omaha MSA do so only in thousands-block lots effective on the date of the entering of this order. Requests for waiver of this requirement will be addressed on a case-by case basis.

IT IS FURTHER ORDERED that NeuStar, Inc. be selected as the

interim state pooling administrator and that such designation continue until the selection of a national pooling administrator by the FCC.

IT IS FURTHER ORDERED that NeuStar should enter into contracts with affected carriers to recover their costs for this interim pooling administration.

IT IS FURTHER ORDERED that thousands-block number pooling be implemented before December 1, 2000.

IT IS FURTHER ORDERED that an implementation meeting including the interim state pooling administrator, affected carriers, representatives from the Commission, and other interested parties be set for August 31, 2000, at 1:30 p.m. CDT in the Commission Hearing Room.

IT IS FURTHER ORDERED that interested parties file comments related to the aforementioned cost recovery issues by 5:00 p.m. CDT on Friday, August 25, 2000. The comments filed shall include an original and five copies, along with an electronic copy (in WordPerfect 5.0 format).

MADE AND ENTERED at Lincoln, Nebraska, on this 8th day of August, 2000.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director

1. *FCC Order*, at para. 2.
2. *Id.*, at para. 4.
3. *Id.*, at para. 16.
4. *Id.*, at para. 15.
5. *Id.*, at para. 18.
6. *Id.*, at para. 20.
7. *Id.*, at para. 21.
8. *Id.*, at para. 22.

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