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| Case No.:                          | GNR-T-00-36  |
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**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE PETITION OF THE ) Case No. GNR-T-00-36  
NORTH AMERICAN NUMBERING PLAN )  
ADMINISTRATOR FOR THE APPROVAL OF ) COMMENTS BY  
NUMBERING PLAN AREA RELIEF FOR THE ) AT&T WIRELESS SERVICES, INC.  
208 AREA CODE. )  
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AT&T Wireless Services, Inc. ("AT&T Wireless") respectfully submits these comments in response to the Notice of Modified Procedure and Notice of Comment Deadline ("Notice") in the above captioned docket before the Idaho Public Utilities Commission ("Commission"). Specifically, AT&T Wireless continues to support the industry proposed overlay. If the Commission, however, decides to implement a geographic split, AT&T Wireless proposes grandfathering for wireless carriers. AT&T Wireless objects to the technology-specific overlay as a method of area code relief.

**Discussion**

Although AT&T Wireless commends the Commission for looking at all options for area code relief, AT&T Wireless urges the Commission to move ahead with timely area code relief, so as not to jeopardize the citizens of Idaho from receiving telecommunications services from their carrier of choice. In the Notice the Commission discusses several number conservation measures being pursued in addition to area code relief. AT&T Wireless strongly supports efforts the Commission is undertaking in this regard, such as rate center consolidation. Although we oppose the technology-specific overlay, as described in more detail below, AWS has supported a phased-in overlay at the

Federal Communications Commission ("FCC").<sup>1</sup> The phased-in overlay code would first be used by non-pooling capable carriers (including wireless). The overlay would ultimately be phased in to an all services overlay code once numbers from the overlay code are needed to "stock" the pool or by November 2002 (the date when wireless carriers become pooling capable), whichever is sooner. The main impetus of the phased-in overlay is to meet the numbering needs of non-pooling capable carriers, who are only able to draw numbers in ten-thousand blocks. Since pooling has not yet been implemented in the 208 NPA, the phased-in overlay would not be a viable option even if the Commission were able to receive delegated authority from the FCC.

#### **I. AT&T Wireless Supports Timely Area Code Relief in Idaho**

AT&T Wireless supports the overlay plan endorsed by NeuStar and the Idaho Telecommunication Industry. Specifically an all services overlay with permissive 10 digit dialing to begin on January 12, 2002 and the conversion to mandatory 10 digit dialing on July 13, 2002. With a geographic split all customers in the new area code will have to change stationery, signs and other personal or advertising materials to reflect the new number assigned to them and will have to communicate the new phone number to their friends, family and business associates. This is even more burdensome for wireless customers because wireless phone numbers are not usually published. Consequently, there is no orderly or uniform way to notify people of the change of a wireless customer's

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<sup>1</sup> See Letter from Judith St. Ledger-Roty and Todd Daubert, Kelley, Drye & Warren, LLP, to Magalie Roman Salas, Secretary, FCC, dated November 15, 2000 (joint filing on behalf of PCIA, AT&T Wireless, Nextel, Verizon Wireless, Verizon Wireless Messaging Service and VoiceStream Wireless.)

telephone number. Another advantage of an all services overlay is if in the future subsequent area code relief is necessary it will be easy and efficient to implement.

In addition, unique costs and burdens are placed on wireless carriers and customers in a geographic split. In a geographic split, wireless telephones, unlike their wireline counterparts, will have to be reprogrammed with the new area code. These reprogramming costs vary from carrier to carrier depending on the method of reprogramming employed. Although there are now some easier methods for reprogramming newer wireless phones, a number of wireless phones still require manual reprogramming, which means customers will have to drive to the nearest retail location or call into customer care. Inevitably some customers will not have their phones reprogrammed and will end up without service and frustrated.

If the Commission chooses to implement a geographic split, AT&T Wireless would support either option with grandfathering permitted for wireless carriers. Grandfathering would allow wireless carriers to be permitted the option of retaining all of their current central office prefixes in the 208 area code.<sup>2</sup> This would alleviate the need for wireless carriers to reprogram all existing customers wireless phones. If for some reason the Commission decides not to implement wireless grandfathering, AWS supports either geographic split with the Boise area retaining the 208 area code.

## **II. AT&T Wireless Opposes a Technology-Specific Overlay in the 208 NPA.**

AT&T Wireless supports the Commission's preliminary finding that a technology specific overlay "has at least three problems. First the FCC's current prohibition, second

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<sup>2</sup> Assuming there are numbers that have been assigned out of the NXX.

is the question of whether it can be implemented before the "208" area code is exhausted and third is the probability that some wireless carriers may believe it will disadvantage them."<sup>3</sup>

The Commission is correct that the FCC in its Second Order on Reconsideration sought further comment on service specific and technology specific overlays. The FCC, however, went on to state, "[w]e nonetheless remain concerned about the potential competitive and efficiency implications of service and technology specific overlays".<sup>4</sup> AT&T Wireless, also, has these same concerns with respect to technology specific overlays.

The FCC has examined the issue of technology-specific overlays for many years and has repeatedly found that technology-specific overlays unreasonably discriminate against wireless carriers and thwart the FCC's goal of encouraging new services and increased competition. In 1995, the FCC concluded that Ameritech's proposed wireless-only overlay would unreasonably discriminate against wireless carriers and would thwart the FCC's goals of encouraging new services and additional competition.<sup>5</sup> The following year the FCC reaffirmed this reasoning, concluding in its Second Local Competition Order<sup>6</sup> that a technology specific overlay proposed by the Texas Public Utilities

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<sup>3</sup> Notice, page 4.

<sup>4</sup> In the Matter of Numbering Resource Optimization, Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, FCC 00-429, CC Docket 99-200 (rel. December 29, 2000), para. 129.

<sup>5</sup> Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois, 10 FCC Rcd 4596, 4604-05, para. 20 (1995).

<sup>6</sup> Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order, ("Second Local Competition Order"), 11 FCC Rcd 19392, 19508, para. 281 ("We find that the guidelines and the reasoning

Commission (the “Texas PUC”) violated the Ameritech Order.<sup>7</sup> The FCC specifically found unpersuasive the Texas PUC’s arguments that a wireless-only overlay would extend the life of existing NPAs and reduce customer confusion.<sup>8</sup>

It is not clear from the Notice whether the Commission's proposal for technology specific overlays includes the "take back" of numbers from wireless carriers. If the Commission is contemplating the "take back" of numbers, AT&T Wireless would strongly oppose this measure. Requiring a wireless carriers and their customers to bear the costs and inconvenience of a wireless number take back is discriminatory and does not serve the public interest. As described above, changing a customer's wireless phone is more burdensome because it requires reprogramming the phone with a new phone number.

Most significantly, all available evidence demonstrates that service-specific overlays would actually decrease the efficiency with which numbers are allocated. In fact, the only wireless-only overlay implemented to date (the 917 NPA in New York City) was terminated, and the New York Public Service Commission reinstated wireless carriers’ access to codes in the 718 NPA.<sup>9</sup> There the 917 code overlaid the 212 NPA (Manhattan) and the 718 NPA (Brooklyn, Queens and Staten Island). Even after five years, more codes were available in the wireless-only overlay

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enumerated in [the Ameritech] decision should continue to guide the states and other entities participating in the administration of numbers because these guidelines are consistent with Congress’ intent to encourage vigorous competition in the telecommunications marketplace.”).

<sup>7</sup> Id. at 19527 ¶ 304.

<sup>8</sup> Id. at 19528 ¶ 306.

<sup>9</sup> See Case No. 98-C-1331, Joint Petition of Nextel Communications of Mid-Atlantic, Inc. Cellco Partnership d/b/a Bell Atlantic Mobile, Omnipoint Communications, Inc., Cellular Systems Inc. d/b/a AT&T Wireless Services and AT&T Communications of New York, Inc. to

(917) than wireless carriers needed, while not enough codes remained in the wireline NPAs (212 and 718) to meet demand. The New York experience is particularly relevant because the 917 overlay encompassed very populous areas serviced by two area codes, and because New York is the largest wireless market in the country. If a wireless-only overlay is not an efficient use of numbers in that setting, it is difficult to see where such an overlay in the 208 area could be employed in a manner that furthers number optimization measures and does not cause premature exhaust of the North American Numbering Plan ("NANP").

Similarly, the Colorado commission held four days of hearings and received extensive comment on the issue of whether it should file a petition with the FCC for a wireless-only overlay of the 303 area code in Denver. After reviewing the record in the case, the Colorado commission ultimately decided not to pursue a technology-specific overlay.<sup>10</sup>

### **Conclusion**

For the foregoing reasons, AT&T Wireless supports an overlay for area code relief in 208 and objects to technology-specific overlay as a method of area code relief.

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Amend the Commission's Orders Issued July 1, 1991 in Case 90-C-0347 and December 10, 1997 in Case 96-C-1158, Order Granting Petition (Feb 3, 1999).

<sup>10</sup> In the Matter of the Application of Final Recommendation of the Numbering Plan Administrator for relief of the 303 Area Code, Docket 97A-103T, Decision No. C98-605 (June 24, 1998).