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September 14, 2001

VIA HAND DELIVERY

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Idaho Public Utility Commission
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VIA U.S. MAIL

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VIA U.S. MAIL

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Washington, DC 20005

Re: **Case NO. GNR-T-00-36 – In the Matter of the Petition of the North
American Numbering Plan Administrator for the Approval of Numbering
Plan Area Relief for the 208 Area Code**

Pursuant to the Idaho Public Utility Commission's August 23, 2001, "Notice of Modified Procedure and Notice of Comment Deadline" in the above-referenced proceeding, VoiceStream Wireless Inc. ("VoiceStream") hereby respectfully submits this letter in lieu of comments. In the Notice, the Idaho Public Utility Commission ("Commission") solicits comments from the telecommunications industry regarding: (1) the merits of a technology specific overlay; and (2) which of the two proposed geographic split options should be adopted, and if split, which region should retain the "208" area code.

VoiceStream Opposes the Idaho Public Service Commission's further consideration of
Technology Specific Overlay as a Relief Methodology

As you are aware, the Federal Communication Commission ("FCC") in *The Ameritech Order* (1995) prohibited technology specific overlays as a form of area code relief after

reviewing comments provided by the Illinois Commission and the Illinois telecommunications industry in the NPA 218 Relief Planning process.¹ Comments generally provided during that proceeding detailed state utility commission concerns that such a methodology would hinder competition for consumers; and highlighted carrier technical limitations in both the switching and billing system arenas. In ordering relief for Illinois, the FCC prohibiting this methodology stating that technology specific overlays were unreasonably discriminatory and would unduly inhibit competition. Soon thereafter, the FCC adopted the current area code relief requirements under 47 C.F.R. §52.9.²

In 1999, the FCC further clarified this prohibition in the Local Competition Second Report and Order, after various state commissions requested the Commission amend or waive the Commission's rules prohibiting technology-specific or service-specific overlays. In a more recent Order granting additional delegated authority, the FCC stated that it would revisit this prohibition on a state-by- state basis considering the conditions under which service-specific and technology-specific overlays should be implemented in order to promote competitive equity, maximize the efficient use of numbering resources, and minimize customer inconvenience.³

VoiceStream does not believe that a technology-specific overlay in Idaho would minimize customer inconvenience, promote competition nor improve the efficiency with which carriers utilize numbers. VoiceStream respectfully submits that the current record established in the NPA 208 Relief Plan does not provide the requisite details that would support a waiver request by this Commission. In addition, such additional time and evaluation required for further consideration of a technology specific overlay would only delay the necessary timely relief for this NPA.

VoiceStream Requests that the Idaho Public Service Commission "Grandfather"
Type 2 wireless numbers if any geographic split is
Ordered as the Relief Plan for NPA 208

The Commission has further requested that the Idaho telecommunications industry comment on the merits of a geographic split as a form of area code relief; to indicate carrier

¹ *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech – Illinois*, 10 FCC Rcd 4596, ¶ 29 (1995).

² The requirements set forth under 47 C.F.R. §52.9 state generally that access to telephone numbering resources must ensure that telecommunications numbers are made available on an equitable basis, the administration of telecommunications numbers shall, in addition to the specific requirements set forth in this subpart: (1) Facilitate entry into the telecommunications market place by making telecommunications numbering resources available on an efficient, timely basis to telecommunications carriers; (2) Not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications customers; and (3) Not unduly favor one telecommunications technology over another.

³ See FCC Order dated July 20, 2000 denying Petition of the Pennsylvania Public Utility Commission for Delegated Authority to Implement Number Conservation Measures – specifically a waiver request to employ a technology specific overlay; *denied*.

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preference for any of the alternates provided by NeuStar during the course of relief planning meetings; to provide any additional geographic split alternatives not presented at those meetings; and to detail which region should retain the 208 NPA in conformance with the FCC's projected life requirements for area code relief. VoiceStream respectfully withholds such detailed comments on the merits of a geographic split; however, requests that the Commission "grandfather" Type 2 wireless numbers if any geographic split is ordered as a result of this proceeding to implement relief for NPA 208.⁴

Respectfully submitted,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Kenneth C. Howell

KCH/tas

cc: Anna Miller

Michele K. Thomas

⁴ See Third Order on Reconsideration of Second Report and Order and Memorandum Opinion and Order - Petition for Declaratory Ruling Regarding Area Code Relief Plan for Area Codes 508 and 617 filed by the Massachusetts Department of Public Utilities. (September 13, 1999).