



PUBLIC NOTICE

Federal Communications Commission
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February 24, 2003

THE COMMISSION SEEKS COMMENT ON THE CELLULAR TELECOMMUNICATIONS AND INTERNET ASSOCIATION'S PETITION FOR FORBEARANCE FROM FURTHER INCREASES IN THE NUMBERING UTILIZATION THRESHOLD

CC Docket No. 99-200

Comment Date: March 17, 2003

Reply Comment Date: March 24, 2003

The Wireline Competition Bureau seeks comment on the petition filed by the Cellular Telecommunications and Internet Association (CTIA)¹ seeking forbearance from further increases in the numbering utilization threshold.² Section 52.15(h) of the Commission's rules require that "[a]ll applicants for growth numbering resources shall achieve a 60% utilization threshold . . . for the rate center in which they are requesting growth numbering resources." This 60% utilization threshold increased by 5% on June 30, 2002, and increases annually thereafter until the utilization threshold reaches 75%.³

CTIA requests that the Commission forbear from further increases to the numbering utilization threshold as required by section 51.15(h).⁴ Specifically, CTIA contends that changed circumstances warrant forbearance from further increases in the numbering utilization threshold.⁵

¹ See *Petition of the Cellular Telecommunications and Internet Association for Forbearance from Further Increases in the Numbering Utilization Threshold*, CC Docket No. 99-200 (filed June 28, 2002) (CTIA Petition).

² See 47 U.S.C. § 160(c); 47 C.F.R. § 1.53.

³ 47 C.F.R. § 52.15(h). The utilization threshold requires carriers to show that they have used a certain percentage of their existing inventory of numbers before receiving additional resources in a given rate center. See *Numbering Resource Optimization*, First Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7616-17 (2000) (*Numbering Resource Optimization First Report and Order*); *Numbering Resource Optimization*, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, 16 FCC Rcd 306, 314-15 (2000) (*Numbering Resource Optimization Second Report and Order*).

⁴ CTIA Petition at 1. The numbering utilization threshold is currently 65%.

We seek comment on CTIA's petition. Parties should specifically comment on CTIA's assertion that "the factual predicate underlying the Commission's decision to raise annually the numbering utilization threshold . . . has significantly diminished."⁶ Parties should also comment on whether further increases to the utilization threshold are "not necessary to ensure that the charges, practices, classifications or regulations by, for, or in connection with [telecommunications carriers that receive numbering resources] are just and reasonable and are not unjustly or unreasonably discriminatory."⁷ We also seek comment on whether forbearance from further increases in the utilization threshold is necessary for the protection of consumers and/or is consistent with the public interest.⁸ Commenters should also address whether any aspect of CTIA's proposal raises specific concerns in light of the Commission's existing numbering resource optimization rules and policies.

Interested parties may file comments on or before **March 17, 2003** and may file reply comments on or before **March 24, 2003**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. After filing your comments electronically, please notify Sheryl Todd at stodd@fcc.gov that comments have been filed.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary,

⁵ CTIA Petition at 3-9.

⁶ *Id.* at 9.

⁷ 47 U.S.C. § 160(a)(1).

⁸ 47 U.S.C. §§ 160(a)(2)-(3).

Federal Communications Commission.

In addition, one copy of each pleading must be sent to the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.⁹ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

Comments in this proceeding will be available on ECFS. They will also be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Pam Slipakoff, Wireline Competition Bureau, Telecommunications Access Policy Division, at 202-418-7400, or via e-mail at pslipako@fcc.gov. The TTY number is 202-418-0484.

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⁹ 47 C.F.R. § 1.1206(b)(2).