

Resolution Regarding State Commission Authority To Require LNP Capability

WHEREAS, The telephone numbering resources of the North American Numbering Plan (NANP) are finite, given the existing limitations of the NANP and the public switched access telecommunications network; and

WHEREAS, The Federal Communications Commission (FCC) and the various State telecommunications regulatory agencies (the States) are engaged in continuing efforts to use telephone numbers in a reasonable and efficient manner, in order to prevent the exhaust of the NANP and the resulting need for extensive and expensive revisions to the existing network; and

WHEREAS, Thousands-block number pooling (TBNP) has become a key feature of the FCC and State efforts to conserve numbering resources; and

WHEREAS, Local number portability (LNP) is a network capability that is generally required to implement TBNP in an efficient manner; and

WHEREAS, Many rural local exchange carriers (rural LECs) have not implemented LNP; and

WHEREAS, Under existing FCC rules and orders, rural LECs are required to implement LNP only after receiving a bona fide request from a competitive local exchange carrier (CLEC), while the same rules and orders prohibit the States from requiring implementation of LNP for number conservation purposes; and

WHEREAS, Upon receipt of a bona fide request for LNP, many rural carriers assert their rural exemption pursuant to 47 U.S.C. § 251(f), requiring that the State conduct an inquiry to consider whether the rural LEC's rural exemption should be terminated for purposes of implementing LNP, a process that may take six months or more; and

WHEREAS, Some CLECs conclude it will be too expensive and time-consuming to make a bona fide request and pursue the § 251(f) rural exemption termination process, so they instead obtain their own central office code, similar to the central office code assigned to the rural LEC, and assign new telephone numbers to CLEC customers that are only one digit different from the customer's old telephone number; and

WHEREAS, The result is that TBNP is bypassed, excess central office codes are assigned, and customers who change their service to the CLEC cannot change back to the rural LEC without changing their telephone number again, leading to unnecessary stranded telephone numbers and unnecessary barriers to local competition; and

WHEREAS, A request for multiple Central Office Codes in a particular rate center should be a trigger for inquiring whether deployment of LNP would be warranted because multiple codes in a rate center pose the potential for efficient number use through pooling; and

WHEREAS, The States, which are most familiar with their local circumstances, can best assess the need to deploy LNP throughout their respective territories, as well as the need to exempt carriers in appropriate circumstances as determined by

the State commission, and thus should be allowed to require deployment of LNP; and

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its July 2002 Summer Meetings in Portland, Oregon, directs the General Counsel of NARUC to pursue, by the best means available, changes in the FCC rules and orders as necessary to delegate to the States the authority to require that facilities-based local exchange carriers implement LNP.

Sponsored by the Committee on Telecommunications

Adopted by the NARUC Board of Directors July 31, 2002