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October 27, 2006

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PUBLIC SERVICE
COMMISSION

Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

RE: *The Application of NANPA on Behalf of the Kentucky
Telecommunications Industry for Approval of NPA Relief
Plan for the 270 NPA, and Number Conservation Measures
Within Kentucky, Administrative Case No. 2006-00357*

Dear Ms. O'Donnell:

Enclosed please find the original and 12 copies of the Comments of Cingular Wireless to be filed in the above-referenced matter. Please return one copy marked filed to the individual filing this document.

Thank you and please feel free to call if you have any questions.

Very truly yours,

Phyllis D. O'Malley
Assistant to Jeffrey J. Yost

/pom
Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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OCT 27 2006

PUBLIC SERVICE
COMMISSION

THE APPLICATION OF NANPA ON BEHALF)
OF THE KENTUCKY TELECOMMUNICATIONS)
INDUSTRY FOR APPROVAL OF NPA RELIEF) ADMINISTRATIVE
PLAN FOR THE 270 NPA, AND NUMBER) CASE NO.
CONSERVATION MEASURES WITHIN) 2006-00357
KENTUCKY)

COMMENTS OF CINGULAR WIRELESS

New Cingular Wireless PCS, LLC and Cincinnati SMSA Limited Partnership, both doing business as Cingular Wireless and hereafter collectively referred to as “Cingular,” hereby submit comments in response to Order of the Kentucky Public Service Commission (“Commission”) dated September 27, 2006 in the above captioned docket. In that order, the Commission invited industry representatives to file comments regarding the five choices for relief identified in NANPA’s original filing with the Commission on July 25, 2001. Cingular respectfully and strongly urges the Commission in an expedited fashion to adopt an all-services overlay for the 270 NPA, the consensus industry choice in the original 270 NPA proceeding.

I. Timely Area Code Relief is Needed

The North American Numbering Plan Administrator (“NANPA”) has revised its estimate for exhaustion of the 270 NPA to the fourth quarter of 2007, approximately one year from now.¹ Unless numbering relief is adequately implemented within this time period, consumers in Kentucky may be unable to purchase new telecommunications services or services from the carriers from whom they wish to purchase-- for lack of

¹ See Commission’s Order dated September 27, 2006 in this docket.

numbering resources. At a time when telecommunications is playing an ever increasing role in the Kentucky economy, education system, and public safety arenas, it is sound public policy to ensure continued and uninterrupted access to these services and from the carriers of consumer choice.

An all-services overlay is the relief option that requires the least amount of advance time to implement and is thus a preferable alternative. The NANPA's original July 2001 filing identified six alternatives for 270 NPA relief. Five of those alternatives involved geographic splits which require more advance time to properly implement than does an all-services overlay. The recommended relief implementation interval identified by the industry participants for the 270 NPA was 19 months for the all-services overlay. This included a 12 month network preparation period, a six month permissive dialing period and a one month period for first code activation. However, in similar industry planning meetings conducted by NeuStar in October 2006, there was an industry consensus that a geographic split would require a minimum of 15 months to implement, while an all-services overlay could be implemented in a 13 month timeframe. At any rate, an all-services overlay requires less time to implement than a geographic split.

As set forth in the Communications Act of 1934, as amended, Congress granted the FCC plenary authority over numbering within the United States.² The FCC delegated its authority over resolving matters involving the introduction of new area codes to the state commissions. State commissions therefore have the obligation to facilitate entry into the telecommunications marketplace by making numbers available on an efficient and timely basis. The Commission, therefore, must grant timely area code relief so that consumers

² 47 U.S.C. 251(e)(1)

can continue to base their choice of carrier on the one that best suits their needs and not on whether or not the carrier has access to numbering resources. Cingular suggests that the NPA relief option that can be most timely implemented be given priority consideration.³

II. All-services Overlay is the Otherwise Preferred Alternative

An all-services overlay has the support of an industry consensus. The original 2001 NANPA 270 NPA relief petition requested that the Commission approve an all-services overlay relief plan that had been recommended by a consensus of industry participants, including Cingular. In its filing, NANPA described the five geographic split plans and the overlay plan that the industry group had considered. Exhibits to the filing detail the analysis used to arrive at a consensus decision on the all-services overlay.⁴ While the industry participants identified a second preference that was based on a modified geographic split, the clear first preference was for the all-services overlay. The accelerated timing of the current exhaust projection only reinforces that first preference.

An all-services overlay is also the most consumer friendly approach. An all-services overlay, in contrast to a geographic area code split, will minimize the adverse impact to consumers in Kentucky. In fact, the vast majority of jurisdictions that have recently implemented area code relief have chosen to use an all-services overlay. This includes seventeen states (plus Puerto Rico).⁵

³ Also because time is of the essence, to the extent the Commission feels it is necessary to conduct public hearings, Cingular urges the Commission to consider a single hearing to be followed by additional opportunity for public comments.

⁴ The FCC has considered the relative advantages and disadvantages of geographic splits and overlays. See *Numbering Resource Optimization, Second Report and Order, Order on Reconsideration*, CC Docket No. 96-98 and CC Docket No. 99-200, ¶¶ 62-70 (2000).

⁵ The states that have implemented an all-services overlay include: Colorado, Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Mississippi, North Carolina, New Jersey, New York, Ohio, Oregon,

In addition to being a more timely deployment alternative, an all-services overlay has the following consumer advantages over other forms of area code relief:

- No consumers are forced to change or “give back” their telephone number;
- No consumers are required to endure the cost and inconvenience of changing stationary, business cards, and signage or contacting friends and colleagues about their changed telephone number;⁶
- All consumers are treated equally; there is no “wrong side” of the split;
- Manual reprogramming of wireless phones that cannot be reprogrammed “over the air” (“non-OTA phones”) is not required;⁷
- No confusion whether local inter-NPA calls should be dialed using seven digits or ten digits;
- There is no “flash cut” with an overlay. Thus, new numbering resources are assigned as needed instead of forcing current customers on the “wrong side” of the split to change their number. Once implemented, overlays allow numbers to be available for use throughout the entire footprint of the old NPA, allowing resources to be used where future demand exists without the need to forecast demand, unlike with geographic splits.⁸

This last point is a key public policy advantage of an overlay relief plan. Subsequent relief may occur by simply adding additional NPAs in the same area without having to divide NPA jurisdictions into smaller and smaller geographical areas—a necessity with geographic splits.

Pennsylvania, Puerto Rico, Texas and Virginia. Further, an all-services overlay will go into effect shortly in California.

⁶ It should be noted that some customers residing in this area went through a split less than seven years ago and another split will require some of them to endure yet another change in telephone number if they reside on the “wrong side of the split”.

⁷ This is not currently an issue for Cingular, but may be for other wireless carriers.

⁸ Split lines are recommended by Neustar based on its analysis of likely future demand patterns -- to ensure that the split areas are relatively balanced and have similar life expectancies after the split. Such analysis is not necessary with an overlay.

As has been noted, an all-services overlay requires consumers to dial ten digits for local calls.⁹ Consumers in the 70 area codes in the above referenced states have adopted an all-services overlay with ten digit dialing.¹⁰ However, while some immediate changes in dialing activity were obviously necessary, Cingular is unaware of any ongoing concerns from the implementation of ten-digit dialing in these areas. Moreover, as speed dialing and voice activation habits expand, consumer impact will be further mitigated.

Additionally, a geographic split would not itself completely avoid 10-digit dialing for consumers in the state. For example, under NANPA alternative number 4, residents of Bowling Green and residents of Henderson would still be required to dial 10 digits to reach each other by telephone. Moreover, ten-digit dialing is already becoming routine for many wireline and wireless customers throughout the country. This fact was recognized by the Maryland Public Service Commission when it ordered area code relief with 10 digit dialing in 1995.¹¹

In order to ease the transition to ten-digit dialing, the Commission should allow ample time for notifying and educating consumers in the state. To facilitate this transition the Commission should allow a period of at least six months for permissive dialing before mandatory 10-digit dialing would go into effect.

⁹ 47 C.F.R. 52.19(3)(ii). No area code overlay may be implemented unless there exists, at the time of implementation, mandatory ten-digit dialing for every telephone call within and between all area codes in the geographic area covered by the overlay area code.

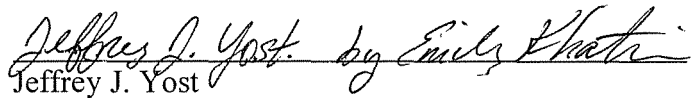
¹⁰ Note, in some states 1+10 digit dialing is required for landline carriers. This is due to the manner in which routing has been set up traditionally in the local landline carrier's system. For the purpose of these comments we are including the area codes that have implemented 1+10 digit dialing in the 10 digit dialing category (as opposed to seven-digit dialing).

¹¹ The Maryland Commission concluded, "...it is clear that unforeseen proliferation of telephonic equipment and services utilizing telephone numbers makes seven-digit dialing an objective that cannot be maintained into the future...Under any split option, the number of 10-digit local calls will greatly increase as seven-digit dialing can only be retained for those local calls within the same area code. See In the Matter of the Inquiry into the Merits of Alternative Plans for New Telephone Area Codes in Maryland, Order No. 72274, Case No. 8705, November 22, 1995.

III. CONCLUSION

Cingular strongly urges the Commission to grant an all-services overlay in a timely manner in order to allow sufficient opportunity for carriers to make the necessary changes to their networks and also to allow adequate time to educate consumers on the changes that will have to occur. The all-services overlay is more consumer friendly than a geographic split and it has a faster implementation schedule. For the above reasons, Cingular urges adoption of the all-services overlay alternative.

Respectfully submitted,

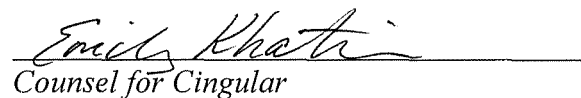

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the parties listed on the attached service list by first class mail, postage prepaid, the 27th day of October, 2006.


Counsel for Cingular