

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

IN THE MATTER OF)
Numbering Resource Optimization) CC Docket No. 99-200
)

COMMENTS OF THE MONTANA PUBLIC SERVICE COMMISSION TO THE WIRELINE
COMPETITION BUREAU IN SUPPORT OF A POTENTIAL WAIVER OF SECTION 52.13
OF THE FEDERAL COMMUNICATIONS COMMISSION’S RULES WITH RESPECT TO
AREA CODES 207 AND 701

The Montana Public Service Commission (“MPSC”) respectfully submits these comments in support of a waiver that would forestall the exhaustion of the single area codes used in Maine and North Dakota, in response to the Wireline Competition Bureau’s (“WCB”) Public Notice dated February 9, 2022 (“Public Notice”). Furthermore, the MPSC respectfully requests the WCB include Montana in a similar waiver of Section 52.13 of the Federal Communications Commission (“Commission”) rules, as the sole area code used in Montana, 406, is projected to reach exhaustion in 2027, shortly after the exhaust dates projected in 2025 and 2026 for Maine and North Dakota.¹

Montana finds itself in a situation which is similar to that of Maine and North Dakota. The 406 area code is a symbol of pride and identity to the people of Montana. It is an integral part of our culture and economy. There are a multitude of businesses and organizations in Montana that use 406 in their name, in part, to represent that it is an entity which is local to the state and holds Montana values.

The current system works neither on the state nor the national level. On a state level, the 406 area code, which ought to support approximately 8 million Montana phone numbers, should not be on the verge of exhaustion in a state that has only about 1.1 million residents. The utilization rate for phone numbers that have been assigned to carriers in Montana is approximately 37%. The exhaustion of an area code with such a low utilization rate contradicts

¹ See North American Numbering Plan Exhaust Analysis Report (October 2021).

the Commission's goal of telephone number conservation. On a national level, the North American Numbering Plan could reach exhaust by 2063.² It will be a tremendous undertaking to devise a new numbering plan once the current North American Numbering Plan is exhausted. The Commission should make every effort to implement policies to extend the life of all area codes across the nation and prolong the exhaust date of the North American Numbering Plan for as long as possible.

The MPSC has taken steps to mitigate the loss of numbering resources in Montana. In 2013, the MPSC implemented mandatory thousand-block number pooling.³ Currently, MPSC staff monitors, on a daily basis, new NXX code and block requests that are made to the North American Numbering Pool Administrator ("NANPA") for numbering resources in Montana. When a request is made that would require a new NXX code to be opened, MPSC staff works with the requesting carrier and other carriers that hold numbering resources in that particular rate centers, to see if it would be possible for the requesting carrier to accept a transferred, contaminated block from another carrier, or for the request to be moved to a different rate center that not require a new code to be opened. Despite these efforts, the exhaust date for Montana's 406 area code continues to slowly move closer as more mobile and VoIP providers enter the telecommunications market.

The public interest would be served if the WCB were to issue a waiver that would forestall the exhaust date of the 207, 701, and 406 area codes while the WCB considers the feasibility of Individual Telephone Number ("ITN") pooling as a potential solution to preserve numbering resources across the nation. An efficient allocation of numbering resources will prolong the expense and confusion that comes with the implementation of a new area code. As the WCB points out in its Public Notice, one of the goals of the Commission, as set forth in the Communications Act of 1934, is to "ensure that the limited numbering resources of the North American Numbering Plan are used efficiently, to protect customers from the expense and inconvenience that result from the implementation of new area codes."⁴ The Commission should explore all potential options to preserve as many numbering resources as possible, including, but not limited to, ITN pooling. The Commission should issue the waiver in question and refrain

² See October 2021 North American Numbering Plan Exhaust Analysis

³ *In the Matter of Telephone Number Pooling*, Dkt. 2011.10.089, Order 7299 (Aug. 22, 2013).

⁴ *Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7577, para. 1 (2000) (*Numbering Resource Optimization First Report and Order*).

from taking any steps towards planning for the exhaust of the aforementioned area codes, prior to learning the results of the planned study on the feasibility of ITN pooling.

The MPSC therefore respectfully requests the WCB to grant the waiver in question, and to include the Montana 406 area code within the waiver. Efficient allocation and preservation of limited numbering resources in our state, and our nation, is within the public interest. The MPSC encourages the Commission to explore ITN pooling, and other potential solutions that may arise over time, in its attempt to extend the life of all area codes within the North American Numbering Plan.

DONE AND DATED this __ day of __, 2021.

BY THE MONTANA PUBLIC SERVICE COMMISSION

JAMES BROWN, President

BRAD JOHNSON, Vice President

TONY O'DONNELL, Commissioner

RANDALL PINOCCI, Commissioner

JENNIFER FIELDER, Commissioner