

North American Numbering Council
Docket 99-200, Paragraph 38

Version Adopted by the NANC on August 24, 1999

Background

A NANC Issues Management Group (IMG) was created at the June NANC meeting to make recommendations for the NANC's review at its August Meeting regarding a question contained in the Number Resource Optimization NPRM Docket 99-200. In Paragraph 38, the FCC asked the NANC to make recommendations regarding which, if any of the measures discussed in Section IV should be adopted as FCC Rules. The IMG has prepared the following recommendation, identifying a required rule-set describing activities necessary to ensure the use of numbering resources is aligned with the goals of the industry, namely, the efficient use of numbering resources.

The activities recommended herein seek to facilitate the appropriate administration of numbering resources. Service providers (SPs) must be obligated, as a condition for assignment and continued use of numbering resources, to provide when requested, accurate and timely forecast, utilization and audit data. There is no reliable substitute for 100% SP participation since forecasted demand and utilization data are necessary to verify the need for numbering resources – a crucial NANPA function necessary to ensure the continued availability and appropriate use of numbering resources.

At a minimum, SPs and the NANPA must be required to participate in activities described today as COCUS, the Months to Exhaust Worksheets, Audits and the CO Code Application Part IV Form. The participation by all SPs in these activities, as well as the maintenance and sharing of related records during an Audit - where an SP will be asked to substantiate, per the guidelines, its need for numbering resources - was viewed as paramount by the numbering experts who participated in the NANC's IMG.

IMG Recommendations for Consideration by the NANC

The IMG's recommendations include a minimum rule-set and standards for measuring SP compliance. The minimum rule-set represents the recommended activities that need to be enforceable by the FCC and/or its designee. This minimum rule-set should be viewed as the test(s) for which the burden of proof rests solely on an SP before it may be entitled to retain or, be assigned new numbering resources.

Recommendation for Administrative Rules and NANPA's Role

The IMG agreed that NANPA's duty to determine an SP's compliance with the guidelines/FCC rules is much clearer than its authority to take any corrective action. Currently, there is little the NANPA can do (to withhold numbering resources) to ensure efficient allocation of those resources. The IMG agreed that the NANPA should have FCC-delegated authority to withhold numbering resources when an SP is found not to be in compliance with specific FCC rules. The IMG also concluded it was necessary to identify a required "rule-set" and to differentiate the NANPA's role from the FCC's role absent the FCC's delegation of authority to the NANPA to withhold and reclaim numbering resources from non-compliant SPs.

A - Recommended Required Rule-Set

The IMG agreed that SPs must be required to provide timely data (including, forecast and/or utilization data) in accordance with industry endorsed, e.g., INC, definitions and guideline instructions.

1. NANP Exhaust Forecasting, e.g., COCUS.
2. NPA Relief and Jeopardy Relief Planning, e.g., jeopardy COCUS.
3. Ascertaining SP Need for Resources, e.g., Months to Exhaust (MTE) Worksheets.
4. Confirmation of Code Use, e.g., Part IV form in the Central Office Code Assignment Guidelines.

5. Audits. An SP must:

- ◆ retain underlying data used when calculating the quantities of TNs included in its submissions (i.e., COCUS, MTE)
- ◆ participate in audits with the NANPA and/or the FCC's designated neutral third party, e.g., specific instances where it has been determined the NANPA does not have the ability to audit an SP objectively.
- ◆ Prepare plans and implement them to address deficiencies identified during the audit.

The IMG agreed that when participating in the five administrative activities recommended by the IMG as the required rule-set shown above, all SPs must also be required to comply with the following:

- ◆ SPs are required to retain underlying data used when calculating the quantities of numbers included in their submissions.
- ◆ SP must provide timely data at the specified frequency.
- ◆ SPs must calculate the quantities of TNs displayed in its submissions using the Uniform Number Status Definitions identified in the associated instructions/guideline.

B – NANPA's Role in Determining an SPs Compliance

If an SP fails to demonstrate that it is in complete compliance with FCC Rules and/or regulations, the NANPA must classify that SP as being in violation of FCC Rules. Upon the determination by the NANPA of a violation, the appropriate designated authority must be notified by the NANPA in writing.

If authority to withhold or reclaim numbering resources has not been delegated to the NANPA, where SPs are not in compliance with FCC Rules, it is recommended that the FCC initiate the following activities:

1. direct the NANPA to deny the SP's request(s) for numbering resources.
2. direct the NANPA to suspend any action on the assignment until the SP has completed activities necessary to completely alleviate the violation.
3. direct the SP to return and the NANPA to reclaim the resource if said resource is not brought into compliance.

C - NANPA Role in Maintaining Written Records/Notification of a Violation

The NANPA must create and keep a record of all violations and their disposition. A description of the violation, the corrective action taken by the SP and the NANPA's reasoning for denying and/or assigning the resource is recorded for review by the FCC (or the appropriate regulatory authority) and for Audit purposes. The record must include a description of any verbal or written correspondence which indicates any action taken which could reduce the NANPA's ability to perform its duty objectively and properly.

Recommendation for Administrative Principles

The IMG recommends all of the following items be adopted as guiding principles by industry fora and where appropriate, reflected in relevant guidelines and procedures.

The IMG agreed that Audits should not be burdensome to any SP or group of SPs and to this end, that audits should be conducted using one set of audit guidelines and procedures, irrespective of who is conducting the audit.

The IMG did not address whether state regulators should be delegated authority by the FCC to conduct audits. If independent State action is deemed permissible, the IMG feels the use of one uniform set of audit procedures and criteria will eliminate duplicate audits, ensure audits are performed uniformly across all SPs and jurisdictions and be easily understood by SPs and Regulators alike.

The IMG agreed that it is necessary that the NANPA notify the FCC (or the appropriate regulatory authority) in writing of its assignment of a numbering resource, when in the NANPA's experience, the continued practice of the activity observed may be problematic. The IMG did not go so far as to recommend or suggest that the NANPA deny codes using criteria which may be perceived as judgmental. However, the IMG feels the NANPA, as the expert number administrator directed to uphold the policy and procedure, is obligated to inform the FCC (or the appropriate regulatory authority) of these situations.

If the NANPA becomes aware of a condition which is not in compliance with the guidelines or, is counter to either the spirit of the guidelines or threatens the efficient use of numbering resources - even though there exists no guideline that explicitly contains a test for compliance - the IMG feels it is important that the NANPA provide the FCC (or the appropriate regulatory authority) with a brief but concise description of the condition. However, in this situation, the NANPA shall not withhold the assignment of the resource.