

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the matter of	)	
	)	
Administration of the	)	
North American Numbering Plan	)	
Carrier Identification Codes (CICs)	)	CC Docket No. 92-237
	)	
American Telnet	)	
Request for Declaratory Ruling and	)	
Waiver	)	

**ORDER**

**Adopted: August 28, 2003**

**Released: August 29, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

**I. INTRODUCTION**

1. In this Order, we dismiss as moot a petition for declaratory ruling or waiver filed by American Telnet, Inc (Petition).<sup>1</sup> American Telnet seeks a declaratory ruling or, in the alternative, a waiver confirming that switchless resellers need not purchase Feature Group D<sup>2</sup> (FGD) access in order to obtain a Carrier Identification Code (CIC).<sup>3</sup> American Telnet also seeks assignment of its previously held 0307 CIC, without being required to purchase FGD access. As discussed below, the Commission no longer requires switchless resellers to purchase FGD access in order to receive a CIC. Accordingly, we dismiss American Telnet's Petition as moot. We also deny American Telnet's request to restore its previously held CIC, and conclude that American Telnet should apply for a CIC in accordance with the CIC assignment guidelines.

**II. BACKGROUND**

2. *Carrier Identification Code Assignment Requirements.* Carrier Identification Codes are assigned to carriers by the North American Numbering Plan Administrator (NANPA)

<sup>1</sup> See American Telnet's Request for Declaratory Ruling and/or Rule Waiver, filed August 2, 2001 (Petition); American Telnet's Amendment to Emergency Request for Declaratory Ruling and or Rule Waiver, filed March 11, 2002. (Amended Petition)

<sup>2</sup> Feature Group D is a switching or "access" arrangement which provides callers with equal access to their carrier of choice through presubscription.

<sup>3</sup> Carrier Identification Codes (CICs) are four digit numerical codes used by local exchange carriers (LECs) to route traffic to inter-exchange carriers (IXCs) and to identify them for billing purposes.

in accordance with the Industry Numbering Committee (INC) guidelines.<sup>4</sup> A CIC may be reclaimed by the NANPA for failure to activate the CIC within six-months from the assignment date, or if the code is not being used in conformance with the INC CIC guidelines.<sup>5</sup> Two main classes of carriers use CICs for routing and billing purposes: facilities-based carriers, such as LECs, and smaller switchless resellers.<sup>6</sup> Resellers frequently share CICs with the underlying carriers whose services they resell.

3. In the *Third Report and Order*<sup>7</sup> implementing the subscriber carrier selection change provisions of the Telecommunications Act of 1996, the Commission concluded that the practice of sharing CICs between switchless resellers and facilities-based carriers was causing carrier misidentification and slamming problems.<sup>8</sup> At the time, all carriers were required to purchase FGD access in order to obtain a CIC. The Commission determined that switchless resellers might be discouraged from applying for their own CICs because of the costs associated with the FGD requirement. To address this problem, the Commission directed the NANPA to eliminate the requirement that switchless resellers purchase FGD access to obtain a CIC, thereby facilitating the assignment of CICs directly to switchless resellers.<sup>9</sup> As a result of this action, beginning in March 2001, switchless resellers were no longer required to purchase FGD access before being assigned a CIC. To obtain a CIC, a switchless reseller must submit an application with the NANPA and provide documentation to the NANPA that validates its “switchless reseller” status.

4. *American Telnet’s Request for Declaratory Ruling or Waiver.* American Telnet seeks a declaratory ruling stating that switchless resellers need not purchase FGD access in order to obtain a CIC.<sup>10</sup> Alternatively, American Telnet requests a waiver to allow it to obtain its previously held CIC without first having to purchase FGD access.<sup>11</sup> American Telnet asserts that it held the 0307 CIC code until October 2000, when the NANPA reclaimed the code for non-compliance with the CIC assignment guidelines. During the period that American Telnet was a CIC assignee, all CIC assignees were required to purchase FGD access. When the NANPA discovered that American Telnet was using a CIC without having purchased FGD access – as required by the guidelines – the NANPA reclaimed the CIC.<sup>12</sup> American Telnet asserts that the

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<sup>4</sup> See Carrier Identification Code Assignment Guidelines, INC 95-0127-006 (January 24, 2003).

<sup>5</sup> See CIC INC Guidelines.

<sup>6</sup> A switchless reseller is a carrier that lacks switches or other transmission facilities in a local access and transport area (LATA). Switchless resellers purchase long distance services in bulk from facilities-based carriers and resells such service directly to consumers. See *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunication Act of 1996, Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, Third Report and Order and Second Order on Reconsideration, CC Docket No. 94-129, 15 FCC Rcd 15996, 16007 (2000) (*Third Report and Order*).

<sup>7</sup> See *Third Report and Order* at 16007.

<sup>8</sup> See *Third Report and Order* at 16013.

<sup>9</sup> See *Third Report and Order* at 15999, 16013.

<sup>10</sup> Request at 1-2.

<sup>11</sup> See Amended Petition at 4.

<sup>12</sup> The NANPA reclaimed American Telnet’s CIC in October 2000 prior to the elimination of the FGD requirement in March 2001.

NANPA has not amended its CIC assignment practices to reflect the Commission's directive eliminating the FGD requirement for switchless resellers.<sup>13</sup> American Telnet also claims that it was not aware of the FGD requirement when it held the 0307 CIC, and that it first became aware of such requirement when it received the CIC reclamation letter from the NANPA.<sup>14</sup>

### III. DISCUSSION

5. As described above, the Commission previously directed the NANPA to eliminate the requirement that switchless resellers purchase FGD access to obtain CICs. As such, the NANPA no longer requires switchless resellers to purchase FGD access in order to obtain a CIC, and the INC has amended its CIC assignment guidelines in accordance with the Commission directive.<sup>15</sup> Accordingly, we dismiss American Telnet's Petition as moot.

6. We also dismiss American Telnet's request for a restoration of the 0307 CIC. As discussed above, switchless resellers may apply for a CIC code without having to purchase FGD access.<sup>16</sup> Thus, a waiver of the FGD requirement is not necessary for a switchless reseller to obtain a CIC. In particular, a waiver is not required for American Telnet to apply for the 0307 CIC. Once the FGD requirement was eliminated for switchless resellers, American Telnet had the opportunity to apply for the 0307 CIC, or any other CIC.

### IV. ORDERING CLAUSES

7. ACCORDINGLY, IT IS ORDERED, pursuant to the authority delegated under sections 0.91, 0.291, 1.3 and 1.2 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, 1.2, that American Telnet's Petition is DIMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Eric Einhorn  
Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>13</sup> Request at 3-4.

<sup>14</sup> Request at 4-5.

<sup>15</sup> These guidelines can be accessed on the INC web page at: [www.atis.org/CIC/INC/Incdocs.htm](http://www.atis.org/CIC/INC/Incdocs.htm).

<sup>16</sup> See generally, CIC INC Guidelines at 2.2.1, Procedures for a Switchless Reseller to Obtain a CIC Assignment.