



MANATEE COUNTY

OFFICE OF THE COUNTY ATTORNEY

* Board Certified City, County and Local Government Law
* Board Certified Civil Trial

Teddy N. Williams, Jr., County Attorney
Mark P. Bamebey, Chief Assistant County Attorney*
Paul G. Bangel, Senior Assistant County Attorney*
William C. Henry, Senior Assistant County Attorney for Risk Management
Patricia McVoy, Senior Assistant County Attorney*
James A. Minix, Senior Assistant County Attorney*
Mitchell O. Palmer, Senior Assistant County Attorney
Jeffrey N. Steinsnyder, Senior Assistant County Attorney*

April 22, 1999

Via Federal Express

Director of F.P.S.C.
Division of Records and Recording
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

**Re: Request for Review of Proposed Numbering Plan Relief
for the 941 Area Code
Docket No. 99-0223-TL
CAO File No. 1121**

Dear Sir/Madam:

Enclosed for filing is Manatee County's Post-Hearing Statement as required by P.S.C. rules.

Also enclosed is one additional copy of this cover letter and a self-addressed, stamped envelope. Please stamp the copy of the letter, indicating the date of filing, and return to me in the enclosed envelope.

Thank you for your assistance in this matter.

Sincerely,



JAMES A. MINIX
Senior Assistant County Attorney

AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LEG _____
MAS _____
OPC _____
RRR _____
SEC _____
WAW _____
OTH _____

/dr
FAUSER\OFM6\WPDOCS\larea\code\file-fpsc.ltr.wpd

ee: All parties on Service List

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT 1
Apr 23

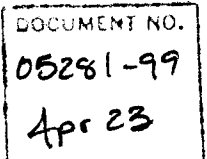
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: REQUEST FOR REVIEW
OF PROPOSED NUMBERING
PLAN RELIEF FOR THE 941
AREA CODE

Docket 99-0223-TL

MANATEE COUNTY'S
POST-HEARING STATEMENT

TEDDY N. WILLIAMS, JR.
County Attorney
JAMES A. MINIX
Senior Assistant County Attorney
Post Office Box 1000
Bradenton, Florida 34206
(941) 745-3750
(941) 749-3089 - Fax



**** MANATEE COUNTY SHOULD RETAIN AREA CODE 941 IN CONJUNCTION WITH SARASOTA AND CHARLOTTE COUNTIES. MANATEE COUNTY STRONGLY OPPOSES THE USE OF AN OVERLAY SYSTEM THAT WOULD REQUIRE TEN-DIGIT DIALING. ****

Manatee County, Florida, a political subdivision of the State of Florida, and pursuant to Rule 28-106.215, Florida Administrative Code, herewith files its Post-Hearing Statement in this proceeding to emphasize its determination to retain the 941 area code in conjunction with its neighbors Sarasota and Charlotte counties.¹

I. HEARING BACKGROUND

Lockheed Martin IMS notified the Florida Public Service Commission (“PSC”) on August 17, 1998 that the 941 area code would exhaust its remaining available numbers during the last quarter of 1999. The North American Numbering Plan Administration (NANPA) proposed a geographical split for 941 area code relief that would essentially retain Polk, Manatee and Sarasota counties in area code 941 and give all of the other counties a new code number. The Commission received objections from some members of the public as well as several governmental entities to the proposed plan, and asked for a review of the proposed plan. The PSC held public and technical hearings on April 8, 1999 and April 9, 1999, in Sarasota and Ft. Myers. At the Sarasota technical

¹ References to the transcript (3 volumes) of the Public Hearings of April 8-9, 1999 shall be “Tr” and “Vol”.

hearing, the parties were permitted to present oral testimony, written statements and exhibits.² The public was invited to give its testimony before a panel of three commissioners at the public hearings.

II. ISSUES

The Commission staff identified two separate issues for determination in this proceeding.

- **Should the Commission approve the proposed geographic split plan for the 941 area code relief, and if not, what relief plan should the Commission approve?**
- **What implementation issues, if any, should be addressed by the Commission?**

III. DISCUSSION

Manatee County has two main points for consideration by the Commission. The County's first point is that it should be permitted to retain the 941 area code, preferably in conjunction with Sarasota and Charlotte counties. Its next priority is to persuade the Commission not to implement an overlay system that would require all users to dial ten digits just make a local phone call. Manatee County will explain its position on both of these issues.

A. ** MANATEE COUNTY SUPPORTS A PLAN THAT WOULD ALLOW IT TO RETAIN ITS 941 AREA CODE IN A SERVICE AREA CONSISTING OF MANATEE, SARASOTA AND CHARLOTTE COUNTIES. **

1. The Proposed Recommended Plan vs. a Reconfigured Plan

The 941 NPA Exhaust Recommended Relief Plan recommends that the Northwest

² Manatee County was denied the opportunity to present witnesses and exhibits at the technical hearing due to the fact that it had intervened after the deadline for pre-filing testimony and exhibits. In all other respects Manatee County participated in the public and technical hearings.

split (including Manatee County) retain the 941 area code. Although Manatee County approves the recommended plan, it believes that the three-way split entertained by the Commission at the public hearings will better serve this area. A three-way split will give each new area code a substantially longer exhaust time. It will also place those counties with a significant community of interests together to minimize long distance dialing between neighboring communities. The public hearing brought out several important points supporting a three way split:

- Recent Area Code Service Changes

This service area was changed approximately three years ago from 813 to 941. This change caused considerable confusion to all county residents and added significant expense to the County's emergency management services. The impact of an area code change is amplified when the change occurs with such frequency:

Manatee County's area code was changed three years ago from 813 to 941. Another area code change means changing our telephone at work systems, our paging programs, our enhanced 911 data base and processing all telephone reference material and our 911 operational software. This change causes significant confusion to the County's numerous working and retired citizens, and adds considerable amount of cost and expense to our emergency management services. (Manatee County Commissioner Chairman Stan Stephens, Tr. at 54, Vol 1.)

There was testimony explaining that there would be a considerable impact on the continued economic development in Manatee County as a result of another area code change. It is incredibly time-consuming and expensive for small businesses (the majority of Manatee County's businesses) to go through the disruption of another area code change:

Small businesses are more greatly impacted, both from an operational and financial perspective by unanticipated changes such as new area codes.

Not only purchasing new stationery, new business cards, etcetera, but the loss of business due to confusion and downtime, from a smaller company's perspective, has a greater chance of impacting their bottom line collectively. (J. Brian Murphy, President of Manatee County Chamber of Commerce, Tr. at 70, Vol. 1.)

It costs a business anywhere from \$1,000, depending on what the size of the business is, up to \$10,000 just to change invoicing, business cards and stationery. The \$10,000 is a small community bank; one office. \$1,000 is a small real estate office with about four employees in it. So there are hard costs involved with this. (Bill Wishard, Tr. at 302, Vol. 2.)

- The Service Area Should Include Contiguous County Boundaries

Manatee County and Sarasota County share boundaries where streets, communities, and a barrier island municipality are split between the two counties. The City of Longboat Key is divided north and south between the two counties:

We're also in two counties. We're -- part of the town is in Sarasota County, part in Manatee. We would like definitely to stay with the 941 number within Sarasota, Manatee and also in Charlotte. (Ken Legler, Longboat Key Commissioner, Tr. at 59. Vol. 1.)

The community of Lakewood Ranch (a large residential development) is located in the southeast part of Manatee County and straddles the county line. An area code division would divide the community in half:

Lakewood Ranch is comprised of both residential and commercial areas that cross both lines. It's critical to us that for the various diverse activities with the ranch business and to our new town of Lakewood Ranch that we maintain the 941 area code in both parts of the ranch in both counties. (Richard Brown representing Schroeder Manatee Ranch, Tr. at 23, Vol. 1.)

The county boundary line also splits a road, University Parkway:

If you drive down University Parkway, which is the northernmost Sarasota County road, on the north side you live in Manatee County but your

address is Sarasota County. Your telephone exchange number is Sarasota County. If you live on the south side you are in Sarasota County. (Shannon Staub, Chair of Sarasota County Commission, Tr. at 313, Vol. 2.)

In fact, we have a difficult time knowing where Manatee County stops and Sarasota County begins as it relates to the county boundary line, particularly, in terms of zip codes and tax issues. (J. Brian Murphy, President of Manatee County Chamber of Commerce, Tr. at 72, Vol. 1.)

- The Manatee, Sarasota and Charlotte Community Relationship

Manatee and Sarasota Counties share an international airport, a mutual transportation planning organization and a metropolitan statistical area. Manatee County sells water to Sarasota County for its residents. Manatee, Sarasota and Charlotte counties are all part of the major water resource initiative (Peace River Option), representatives from all three counties serve on the board and plan for estuary planning concerning the Charlotte Harbor National Estuary Program and the three counties share business locations and educational institutions. Residents from each county live and work in the others. Shopping crosses county lines. All three coastal contiguous counties share the road network, beach re-nourishment and coastal planning. (Tr. at 312 and 313, Vol. 2.)

I want to tell you about the interrelationship with Manatee County and Sarasota County. We're in the middle. So we're lucky. We get to interact with both north and south counties. We share an airport with Manatee County. We share water; they sell us water that we use. We also work with road -- our MPO, Metropolitan Planning Organization, is the only one in the state that's bi-county. It is a Manatee-Sarasota County metropolitan area. The three counties actually have a lot of interaction also. We have what we call the Peace River Authority. This is our new water resource initiative, where we, as well as DeSoto County, are all going to be in an initiative for water for the next 20 to 30 years. We also have an estuary program, the Charlotte Harbor Estuary Program, that Manatee, Charlotte and Sarasota all are part of. Manatee and Charlotte are also in the national estuary program for Sarasota Bay. So as you can see, we cross over more than, I think, most tri-county areas do. In the area of navigational waters, we also, the three

counties are represented. So we have a lot of overlapping; that means our people and our citizens, our businesses want to cross over. We need to maintain the same area code so that we do have that sense of community. (Shannon Staub, Chair of Sarasota County Commission, Tr. at 312, Vol. 2.)

Mac Horton, Chairman of the Charlotte County Commission, proposed the three-way split to insure that these counties stay together in 941:

But you've got to remember Sarasota, Manatee and Charlotte County needs to be together because of so many things that we do collectively. We're all coastal counties. We all have much the same needs, and we really need to be considered as one. (Tr. at 286, Vol. 2.)

- Tourism

Manatee and Sarasota counties share an important tourist industry which depends in large part on international distribution of printed advertisements. A change in the area code would negatively impact both counties' tourist related businesses by having small tourist-oriented businesses to absorb the expense of reprinting and redistributing their materials. Tourists do not recognize county boundaries and eat, shop and relax in both counties:

Internationally area code changes will have an instantly negative impact on our foreign business partners, not to mention our growing international tourist business and the senior citizen population. (J. Brian Murphy, President of Manatee County Chamber of Commerce, Tr. at 71, Vol. 1.)

Also, Sarasota County has a large tourist industry which depends in large part on printed advertisements which are disseminated all over the world. A change in area code has the very real potential of negatively impacting those businesses by having to incur the expense to reprint and redistribute these materials not to mention missed bookings due to a failure to have the right telephone number. (Shannon Staub, Chair of Sarasota County Commission, Tr. at 320, Vol. 2.)

- Port Manatee

Manatee County is home to the largest containerized port on the west coast of Florida and has a growing cruise ship industry. Port Manatee is also the closest deep water sea port to Mexico. Internationally, an area code change will have a negative impact on Manatee County's foreign business in addition to international tourism:

Manatee County has a strong industrial base, shares an international airport with Sarasota County and is the home to the largest containerized port on the west coast of Florida. Port Manatee is also the closest deep water seaport to Mexico. (J. Brian Murphy, President of Manatee County Chamber of Commerce, Tr. at 71, Vol. 1.)

- Lengthening The Area Code Exhaust Period

Reconfiguring the area code service areas into three smaller geographical areas will significantly lengthen the exhaust period. The July 1, 1998 Estimate of the Population Estimates Program, Population Division, U.S. Bureau of the Census, Washington, D.C. (Tr. 417 and 418, Vol. 3), shows Manatee County, Charlotte County and Sarasota County as the largest three-way population segment of the current 941 area code service area with an aggregate resident population of 670,259. Having the largest aggregate population, the Manatee, Sarasota and Charlotte service area should all retain the 941 area code. A second service area should include Desoto, Hardee, Highlands, Okeechobee and Polk. The third service area would include Collier, Glades, Hendry and Lee. The aggregate population of those two service areas is 598,188 and 615,843 respectively. This plan will significantly increase the exhaust times for all three of the area codes.

**B. ** MANATEE COUNTY STRONGLY OPPOSES THE
USE OF AN OVERLAY SYSTEM THAT WOULD
REQUIRE TEN-DIGIT DIALING. ****

An overlay system is not in the best interests of Manatee County and would cause significant confusion especially for older Manatee County residents. Manatee County opposes an overlay for the following reasons:

- No Apparent Geographical Boundaries

The overlay method would result in a confusing mass of numbers without any apparent geographical boundaries. Next door neighbors and/or adjacent businesses could have different area codes causing significant confusion for those trying to telephone them. As stated at the public hearing, multiple area codes within one county have the potential of undermining the effectiveness of emergency services and making it more difficult to provide service in emergencies:

We would not be in favor of an overlay method of relief in Manatee County. We do not believe an overlay method is a good means to reach an extended exhaust period. (J. Brian Murphy, President of Manatee County Chamber of Commerce, Tr. at 73, Vol. 1.)

Another area code change means changing our telephone at work systems, our enhanced 911 database and processing all telephone reference material and our 911 operational software. This change causes significant confusion to the County's numerous working and retired citizens, and adds considerable amount of cost and expense to our emergency management services. (Manatee County Commissioner Chairman Stan Stephens, Tr. at 55, Vol 1.)

- Ten-Digit Dialing Requirement

The overlay method would require ten-digit dialing within the entire county, even for those people *who already have* the current area code. Demographically, a large percentage of

Manatee County residents are senior citizens and many of our retired residents would find ten-digit dialing unsettling and confusing. Children may also have difficulty remembering a longer dialing code. (See Manatee County Commissioner Chairman Stan Stephens, Tr. at 55, Vol 1.)

Perhaps a 7-digit number is about the capacity at which business people, and the elderly alike, are able to handle rendering to their members. (J. Brian Murphy, President of Manatee County Chamber of Commerce, Tr. at 73, Vol. 1.)

It is clear that the telecommunication companies want the ten-digit dialing for one purpose, it is easier and more convenient for them, not for the consumers:

BellSouth Mobility believes that an all-services overlay plan is the most effective and advantageous method of achieving expeditious relief for the 941 NPA. Additionally, I would point out that both GTE and Sprint, which previously had been proponents of a geographic split plan, now have endorsed an all-services overlay plan...There might be a concern about ten-digit dialing, which is necessitated with an all-services overlay plan. Ten-digit dialing, however, is a minor and temporary inconvenience. (Ronald Burelson, Tr. at 357 and 358, Vol. 2.)

- Manatee County Should Not Be An Early Recipient Of The Overlay System

Currently, Miami-Dade and Orange are the only counties requiring ten-digit dialing. These counties are large metropolitan communities of diverse populations. Manatee County does not belong in this group and should be among the very last areas of the state to require ten-digit dialing. We do not agree with BellSouth Mobility's position as stated by Ronald Burelson:

The inconvenience associated with ten-digit dialing is temporary because customers quickly and easily adapt to the dialing pattern. Indeed, this has been the case in the other jurisdictions such as in Atlanta. (Tr. at 359, Vol. 2.)

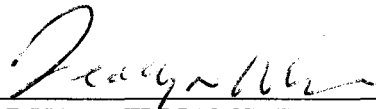
As members of this Commission well know, the transition to ten-digit dialing has been particularly difficult for children and the elderly. We are a community with a substantial population in both groups. We should not be one of the first communities in Florida to experience this inconvenience.

IV. CONCLUSION

Manatee County needs and deserves to retain its 941 area code. It should also be placed in a three-way split with Sarasota and Charlotte counties, our neighbors to the south, with whom we share a substantial community of interests. We oppose an overlay system that requires ten-digit dialing because that system is neither warranted nor necessary, and it would not be in the interests of our residents to have it.

Manatee County requests that the Public Service Commission carefully consider this matter and allow Manatee County to retain the 941 code in conjunction with its sister counties in a three-way split without an overlay system.

Respectfully submitted this 22nd day of April, 1999.



TEDDY N. WILLIAMS, JR.

County Attorney

JAMES A. MINIX

Senior Assistant County Attorney

Post Office Box 1000

Bradenton, Florida 34206

Telephone No.: (941) 745-3750

Facsimile No.: (941) 749-3089

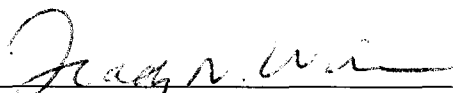
Florida Bar No. 239240

Attorneys for MANATEE COUNTY

Docket 99-0223-TL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished, by U.S. Mail,
to all the parties on the attached Service List, this 22nd day of April, 1999.



TEDDY N. WILLIAMS, JR.
County Attorney
Post Office Box 1000
Bradenton, Florida 34206
Telephone No.: (941) 745-3750
Facsimile No.: (941) 749-3089
Florida Bar No. 239240
Attorney for MANATEE COUNTY

SERVICE LIST
DOCKET NO. 99-0223-TL

Charles J. Rahwinkel, Esq.
Sprint-Florida, Inc.
P. O. Box 2214
Tallahassee, FL 32301

Kimberly Caswell, Esq.
GTE-Florida, Inc.
P. O. Box 110, FLTC0007
One Tampa Center
Tampa, FL 33601

Ms. Beverly Y. Menars
c/o Ms. Margo B. Hammar
GTE Florida Inc.
106 East College Ave.
Ste. 810
Tallahassee, FL 32301-7704

Oakview Lake Homeowners Assn.
300 S. Washington Ave.
Fort Meade, FL 33841

Polk County Board of County Commissioners
330 W. Church Street
Drawer BC01
P.O. Box 9005
Bartow, FL 33831-9005

Mike Stedem
3200 Hwy. 17 N.
P.O. Box 976
Fort Meade, FL 33841

Fritz Behring
City of Ft. Meade
P.O. Box 856
Ft. Meade, FL 33841-0856

Marty Burton, Esq.
Charlotte County Attorney's Office
18500 Murdock Circle
Port Charlotte, FL 33948

Dr. Willard Coy, Vice-Chair
Area Planning Board
244 Mark Twain Lane
Rotunda West, FL 33947

Englewood Water District
P. O. Box 1399
Englewood, FL 34295-1399

Ms. Pam Domres, President
Olde Englewood Village Assn.
285 Dearborn Street
Englewood, FL 34223

Ms. Stephanie Mead
Shark Trees and Screenprinting
425 Dearborn Street
Englewood, FL 34223

Mr. Frank Heaton
Cellular One
2100 Electronics Lane
Fort Myers, FL 33912

Mr. Gordon Greenfield
CHEETAH Technologies
2501 83rd Avenue East
Bradenton, FL 34203

Angela Green, Esq.
Fla Public Telecommunications Association
125 S. Gadsden Street, #200
Tallahassee, FL 32301-1525

Charles J. Beck, Office of the Public Counsel
111 W. Madison St., Rm. 812
Tallahassee, FL 32399-1400

Kathleen F. Schneider, Esq.
Sarasota County Attorney's Office
1660 Ringling Blvd., 2nd Floor
Sarasota, FL 34236