

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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DATE: MAY 17, 2001

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMPETITIVE SERVICES (ILERI, CASEY) *WEB*
DIVISION OF LEGAL SERVICES (B. KEATING, FORDHAM) *WJF*

RE: DOCKET NO. 990455-TL - REQUEST FOR REVIEW OF PROPOSED
NUMBERING PLAN RELIEF FOR THE 305/786 AREA CODE - DADE
COUNTY AND MONROE COUNTY/KEYS REGION.

DOCKET NO. 990457-TL - REQUEST FOR REVIEW OF PROPOSED
NUMBERING PLAN RELIEF FOR THE 954 AREA CODE.

AGENDA: 5/29/01 - REGULAR AGENDA - PROCEDURAL MATTER -
IMPLEMENTATION SCHEDULE - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: 10/1/01 (EXHAUST DATE¹ FOR THE 305 AREA CODE)
10/1/02 (EXHAUST DATE FOR THE 954 AREA CODE)

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\990455C.RCM

CASE BACKGROUND

By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, in Docket Nos. 990455-TL and 990457-TL, the Commission approved relief plans for the 305/786 and 954 area codes. However, the Commission withheld the approval of implementation dates for the 954 and 305/786 area codes pending the outcome of various number conservation measures. The Commission also directed the Local Exchange Companies (LECs) in the affected area codes to jointly file a notice to inform the Commission of the outcome of various

¹The exhaust dates are taken from the April, 2000, Central Office Code Utilization Survey (COCUS).

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number conservation measures and recommend, no later than October 1, 2001, the permissive and mandatory dialing periods.

On January 22, 2001, the industry began a number pooling trial in the 954 numbering plan area (NPA) pursuant to Order No. PSC-00-1046-PAA-TP, issued May 30, 2000. The industry has been unable to forecast the impact on numbering resources as the trial has only been in place approximately three months.

Due to the 7-digit extended area service (EAS)² routes between the Broward County exchanges (954 NPA) and the Palm Beach County exchanges (561 NPA), the majority of available NXX codes are protected due to code conflicts. The petitioners state that currently, there are only 12 of the 119 available NXXs in the 954 NPA which could be assigned in the Ft. Lauderdale, Deerfield Beach, Pompano Beach, and Coral Springs rate centers without creating a code conflict with NXXs in the 561 NPA. In addition, there are only 6 of the 143 available NXXs in the 561 NPA which could be assigned in the Delray Beach and Boca Raton rate centers without creating a code conflict with NXXs in the 954 NPA.

Extraordinary jeopardy³ procedures began in the 954 and 561 NPAs on July 1, 1999. At the time when the industry established jeopardy procedures, the industry agreed to ration six NXX codes per month in the 954 NPA, and seven codes per month in the 561 NPA. Based on the remaining NXXs currently available, NANPA projects the 954 and 561 NPAs to exhaust in the third quarter of 2002.

On April 10, 2001, the LECs⁴ jointly filed a notice with the Commission to establish implementation dates for the 954 and 305/786 NPAs. Subsequent to the April 10, 2001 filing, four other

² Extended Area Service (EAS) is a form of local service for calls between neighboring or nearby exchanges. EAS is provided by a local telephone company and the cost is usually included in the charge for local service. Some companies, however, have a separate, flat monthly EAS charge. Some areas charge for EAS calls on a usage basis, and some offer a choice between a measured and a flat rate option. EAS was first introduced in the 1940's to recognize growing communities of interest between exchanges. Since then, EAS has expanded.

³ An extraordinary jeopardy situation exists when the demand for NXX codes exceeds projections and there is insufficient time to implement a relief plan before exhaust.

⁴AT&T Communications for the Southern States, Inc., AT&T Wireless Services, Inc., BellSouth Communications, Inc., Florida Cable Telecommunications Association, Intermedia Communications, Inc., Verizon Florida, Inc., Verizon Wireless, and WorldCom, Inc.

LECs joined the notice: two LECs⁵ on April 11, 2001, and two LECs⁶ on April 12, 2001. Also on April 10, 2001, the industry held a teleconference to re-address the rationing procedures in the 954 and 561 NPAs. During the teleconference, the industry agreed, by consensus, to reduce the number of codes rationed to two codes per month in the Ft. Lauderdale, Deerfield Beach, Pompano Beach, and Coral Springs rate centers, and one code per month in the Delray Beach and Boca Raton rate centers.

In its petition, the LECs suggested two options that would eliminate the code conflicts: (1) the Commission could change the EAS dialing from 7 to 1+10-digit dialing, or (2) the Commission could implement the overlay relief plan adopted in Order No. PSC-00-1937-PAA-TL. The industry is proposing the Commission implement Option two. This recommendation addresses each of these options for the 954 NPA, and addresses implementation dates for the 305/786 NPAs.

The Commission is vested with jurisdiction pursuant to Sections 364.01 and 364.16(4), Florida Statutes, and 47 C.F.R. §§. 52.3 and 52.19.

⁵Cingular Wireless, LLC, and VoiceStream Wireless

⁶Sprint Communications Company Limited Partnership and Sprint PCS

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission establish implementation dates for the 954 NPA?

PRIMARY RECOMMENDATION: Yes, staff recommends that the Commission approve the industry's consensus proposal (Option two) and establish implementation dates for the 954 NPA by initiating permissive 7 or 10-digit dialing in the 954 NPA, and concurrent mandatory 10-digit dialing in the new 754 NPA overlay immediately after receiving a Federal Communication Commission (FCC) temporary waiver of 47 C.F.R. 52.19(c)(3)(ii). The Commission should also approve the filing of a petition to the FCC for a temporary waiver of 47 C.F.R. 52.19(c)(3)(ii) in the 954 NPA (Attachment A). **(CASEY)**

ALTERNATIVE RECOMMENDATION: No. Staff recommends that the Commission approve the industry's Option one with modifications. In lieu of establishing implementation dates for the 954 NPA, staff recommends that the Commission change the Broward -> Palm Beach one way northbound EAS routes from 7 to 1+10-digit dialing, and the Palm Beach -> Broward one way southbound EAS routes from 7 to 10-digit dialing to eliminate the code conflicts between Palm Beach and Broward Counties and provide needed numbering resources to carriers and customers. Staff also recommends that the EAS permissive and mandatory 1+10-digit dialing in Broward County and that the EAS permissive and mandatory 10-digit dialing in Palm Beach County should begin 60 days and 120 days, respectively, after the issuance of the Commission's order. In addition, once the results of the number conservation measures are determined by the Pooling Administrator and the North American Numbering Plan Administration, staff should file recommended implementation dates for the 954 and 754 area codes. **(ILERI)**

PRIMARY STAFF ANALYSIS: Staff's primary recommendation is the industry's consensus proposal to implement the new 754 NPA overlay relief plan in two phases. Phase one would implement 7 or 10-digit permissive dialing within Broward County for the 954 NPA, as well as, implement the 754 NPA on a mandatory 10-digit basis at the same time. Phase two would implement permissive 7 or 10-digit dialing for the 954/754-561 EAS routes, with later 10-digit mandatory dialing for the EAS routes between Broward and Palm Beach Counties. Staff notes that if a two phase approach is not implemented with this option, code conflicts would create network dialing issues,

resulting in an unacceptable four to seven second delay to allow for proper routing.

When EAS routes were initially established in this area, consumers were taught that when they dial a 1+10 number, it would be billed as a toll call. If the EAS routes are switched from 7 to 1+10 digit dialing as detailed in Option one of the LEC proposal, customers will believe they are initiating a toll call, which will create a great deal of confusion. Staff believes that changing customers from 7 to 1+10 digit dialing and then back to 10-digit dialing once the overlay is implemented would only exacerbate the NPA implementation confusion.

Staff believes implementing the new 754 NPA in two phases would minimize disruption and customer confusion and provide needed numbering resources immediately. However, staff also believes that implementing the 754 NPA overlay with mandatory 10-digit dialing for the 754 NPA, while concurrently having 7 to 10-digit permissive dialing in the underlying 954 NPA may be contrary to 47 C.F.R. 52.19(c)(3)(ii), which states:

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.

Therefore, staff also recommends the Commission file a petition (Attachment A) with the FCC requesting a temporary eight-month waiver of 47 C.F.R. 52.19(c)(3)(ii) in the 954 NPA. Staff believes that a temporary eight-month waiver would provide the necessary timeframe to conduct a 7 to 10-digit permissive dialing period in the 954 NPA, while having mandatory 10-digit dialing for the 754 overlay. This eight-month timeframe would allow the alarm industry sufficient time to make the necessary changes to their systems, provide the necessary consumer education, and furnish carriers with necessary numbering resources.

The FCC Common Carrier Bureau (CCB) previously has considered three requests for waiver of the ten-digit dialing requirement. The CCB denied two requests from state public utility commissions for a permanent waiver of the ten-digit dialing requirement in the case of the activation of an overlay NPA,⁷ and granted one.⁸ In

⁷Pennsylvania Public Utility Commission Petition for Expedited Waiver of 47 CFR Section 52.19 for Area Code 412 Relief, DA 97-675, *Memorandum Opinion and Order*,

both cases where it denied waiver requests, the CCB did, however, grant temporary delays of seven and eight months for implementing ten-digit dialing, citing three factors: (1) insufficient time to adjust telecommunications networks for the change to ten-digit dialing;⁹ (2) insufficient time to educate customers to the change in dialing patterns;¹⁰ and (3) conditions relating to geographic uniformity in the areas affected that weighed in favor of a temporary delay.¹¹

The FCC has concluded that the purpose behind requiring ten-digit dialing when an NPA overlay is activated is to ensure that competition is not deterred as a result of local dialing disparity.¹² According to the FCC, absent mandatory ten-digit dialing, customers will be deterred from choosing competitors to the incumbent because the incumbent's customers, most of whom have telephone numbers in the old NPA, can dial seven-digits to call other users in the old NPA, while the competitor's customers will be mostly assigned numbers in the new overlay NPA, and will have to dial ten-digits to reach a telephone user in the old code.¹³

12 FCC Rcd 3783 (CCB 1997) (*Pennsylvania Order*); New York Department of Public Service Petition for Expedited Waiver of 47 CFR Section 52.19 © (3) (ii), *Order*, DA 98-1434, 13 FCC Rcd 13491 (CCB 1998) (*New York Order*).

⁸Public Utility Commission of Texas Petition for Expedited Waiver of 47 CFR Section 59.12(c)(3)(ii) for Area Code Relief, DA 98-2141, *Memorandum Opinion and Order*, 13 FCC Rcd 21798 (CCB 1998) (*Texas Order*). In the *Texas Order*, the Bureau observed that the Texas commission did not finalize area code relief plans until shortly before exhaust, and consequently, only five months remained in which to prepare customers for the change in local dialing patterns and to program alarm equipment. *Id.* at para. 8.

⁹*Pennsylvania Order* at para. 25 (granting an approximately seven-month delay to implement ten-digit dialing after area code overlay). See also *New York Order* at para. 16 (granting an approximately eight-month delay to implement ten-digit dialing after area code overlay).

¹⁰*Pennsylvania Order* at para. 25, *New York Order* at para. 16.

¹¹*New York Order* at para 15.

¹²*Local Competition Second Report and Order*, 11 FCC Rcd at 19518-19. The Commission reaffirmed this rationale in the *Third Reconsideration, Local Competition Second Report and Order*, 14 FCC Rcd at 17990-96.

¹³*Local Competition Second Report and Order*, 11 FCC Rcd at 19518-19

Staff recognizes the pro-competitive purpose behind the ten-digit dialing rule. However, special circumstances have created a critical shortage of numbering resources in certain rate centers in the 561 and 954 NPAs because of the existing EAS routes. Although there are existing number pooling trials in the 954 and 561 NPAs which would assist LNP capable carriers participating in the pools, non-LNP carriers may be denied numbering resources once the NXX codes in the affected rate centers are used up. We believe this would create an unacceptable barrier to competition in the area. One group of carriers would be able to receive numbering resources from the pool, while another group of carriers would be "locked out" with no numbering resources available to them. In Order No. DA 01-386¹⁴, the FCC stated:

Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources.

FCC No. DA 01-386 at ¶11.

On April 25, 2001, BellSouth filed a letter stating that it believes that Option two is appropriate due to the unique circumstances associated with the 954 NPA. In addition, BellSouth believes that Option two is justified given that the industry itself has proposed this relief mechanism instead of the Commission ordering such relief. However, BellSouth does state that in the event the Commission chooses Option two, it may need to seek a waiver of Rule 47 F.C.R. §52.19(c)(3)(ii) from the FCC.

On May 3, 2001, AT&T Wireless Services filed a letter stating its belief that if the 754 overlay is implemented in two phases, a waiver of the 10-digit dialing requirement should be sought. It believes that a request to the FCC for expedited processing could lead to the timely implementation of Option two if the PSC quickly requests such relief.

Staff believes that unforeseen "special circumstances" have occurred in the 954 NPA, and that implementing the new 754 NPA overlay after receiving a temporary waiver of 47 C.F.R. 52.19(c)(3)(ii), would provide the most practical, expeditious, and least disruptive solution to a critical situation existing in the

¹⁴DA 01-386, CC Docket No. 99-200, CC Docket No. 96-98, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (February 14, 2001)

954 and 561 NPAs. Therefore, staff recommends that the Commission approve the industry's consensus proposal and establish implementation dates for the 954 NPA by initiating permissive 7 or 10-digit dialing in the 954 NPA, and concurrent mandatory 10-digit dialing in the new 754 NPA overlay immediately after receiving an FCC temporary waiver of 47 C.F.R. 52.19(c)(3)(ii). The Commission should also approve the filing of a petition to the FCC for a temporary waiver of 47 C.F.R. 52.19(c)(3)(ii) in the 954 NPA (Attachment A).

ALTERNATIVE STAFF ANALYSIS: The Southeast Local Access and Transport Area (LATA) area codes, by far, have more dialing problems than any other area codes in the state. Typically, the assignment of central office codes (NXXs) within a specific area code (intraNPA) does not present a major problem, since most area codes represent a large geographical area that provides the ability to eliminate code conflicts by strategic code assignments. As area code relief reduces the geographic size of a specific area code, the process to assign NXX codes and retain 7-digit dialing patterns becomes more difficult to handle administratively. Eventually, as the geographical area associated with a specific area code is reduced, the local calling scope within an area code can encompass areas served from different area codes. This interNPA traffic requires the code administrator to restrict the NXX code assignments within the two area codes so that no NXX code is duplicated in a specific local calling scope.

Pursuant to PSC Order No. PSC-96-0558-FOF-TP, issued April 25, 1996, the Commission ordered that all EAS routes between the 561 and 954 area codes remain under 7-digit dialing. Thus, currently, there are two-way 7-digit EAS routes between Broward (954 area code) and Palm Beach Counties (561 area code) as illustrated in Figure 1. Staff notes that the only EAS exchanges that are affected are: Delray Beach and Boca Raton exchanges in Palm Beach County, and Pompano Beach, Coral Springs, and Deerfield Beach exchanges in Broward County.

Southeast LATA

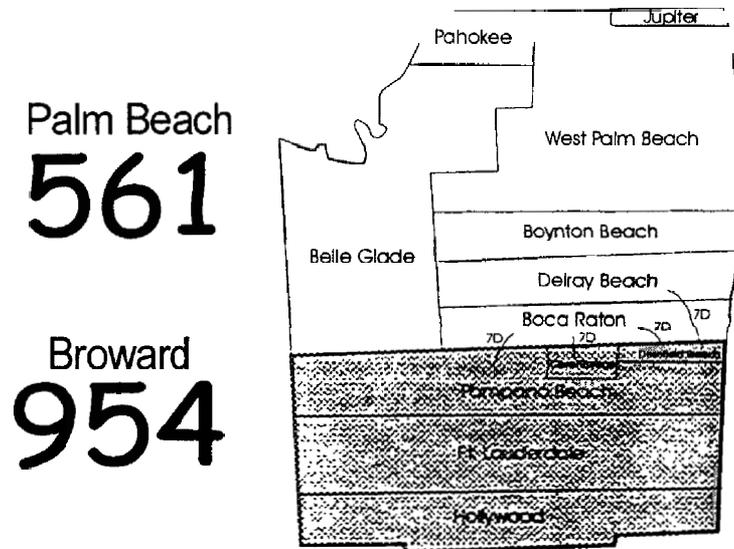


Figure 1: Southeast LATA area codes and EAS routes between Palm Beach and Broward Counties.

Staff's alternative recommendation is to change the Broward -> Palm Beach one way EAS routes (northbound) from 7 to 1+10-digit dialing, and the Palm Beach -> Broward one way EAS routes (southbound) from 7 to 10-digit dialing to eliminate the code conflicts. Staff notes that only the EAS routes would change, not the Extended Calling **Service**¹⁵ (ECS) toll routes. The code conflicts occur within Palm Beach County because the 561 NXX is used in the Ft. Lauderdale exchange (954 area code). Therefore, code conflicts occur when a customer, served by a Deerfield Beach exchange Switch B, makes a telephone call using the 561 prefix (NXX code) because the telecommunications network may not be able to distinguish the difference between the calls made to Switch A in the Boca Raton exchange (Palm Beach County) or to Switch C (Broward County). For example, 561-413X may refer either to a call made to Ft. Lauderdale (954 area code) or to a call in Palm Beach County (561 area code). Since the problems arise when calls are made from Broward to Palm

¹⁵ The ECS routes are based on a 1+10-digit dialing today.

Beach County, the EAS dialing pattern should be changed to solve the network problem. This is demonstrated in Figure 2.

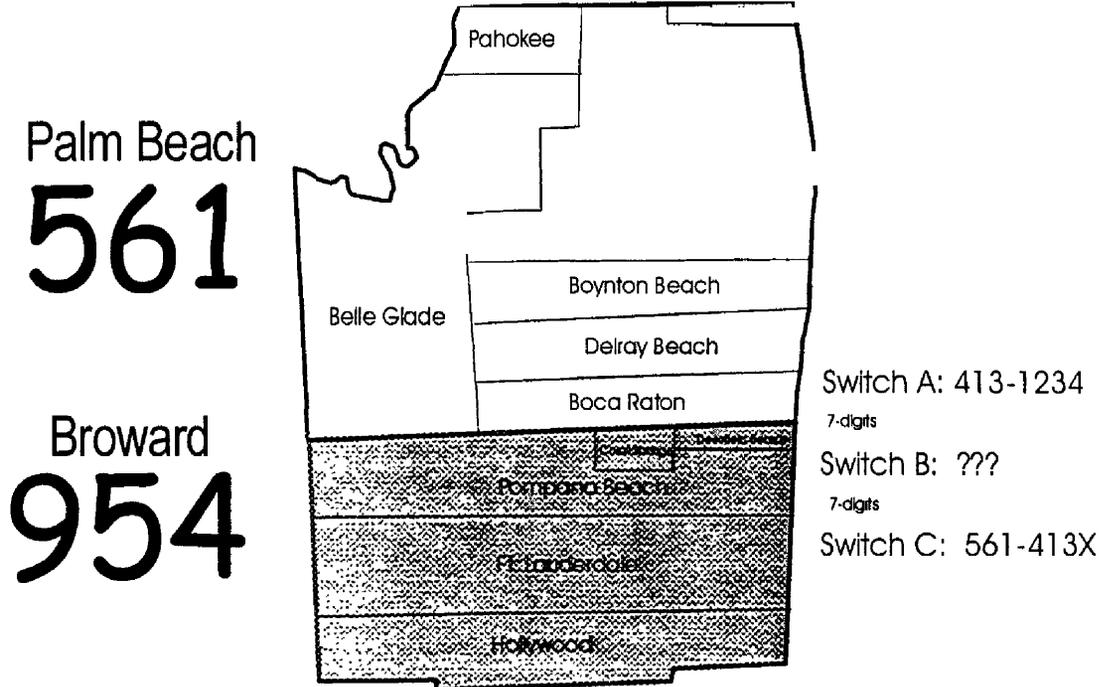


Figure 2: Code conflicts occur between Palm Beach and Broward Counties

The LECs believe, and staff agrees, that the main benefit of changing the EAS dialing patterns is that the industry could implement the dialing change in a very short timeframe. This would prevent any immediate code conflicts, and provide numbering resources to carriers and customers quickly. This temporary solution would provide "a quick fix" and solve the immediate numbering needs and issues in the 954 area code.

As previously mentioned, FCC Order No. DA 01-386¹⁶ (§11), states that "Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." Staff

¹⁶DA 01-386, CC Docket No. 99-200, CC Docket No. 96-98, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (February 14, 2001)

firmly believes that any remedy other than changing the EAS dialing patterns from 7 to 1+10-digit for the Broward -> Palm Beach EAS routes (northbound) and from 7 to 10-digit for the Palm Beach -> Broward EAS routes (southbound) to solve this urgent numbering crisis would be lengthy and may result in harming the carriers and customers. As noted in the background, the industry agreed, by consensus, to reduce the number of codes rationed to eliminate further duplication of codes. Staff notes that there are only 12 NXX codes left which may all cause the same dialing issues.

In their notice, the LECs assert that there may be some customer confusion because customers' dialing patterns would be changed twice. Staff agrees in part because first, northbound EAS routes would change from 7 to 10+1 digit dialing, and southbound EAS routes would change from 7 to 1+10 digit dialing. Second, only northbound EAS routes would change from 1+10 to 10-digit dialing once the overlay relief plan is implemented. Staff acknowledges the LECs' concerns that this option would cause some customer confusion.

However, staff notes that adequate customer notice, as well as recorded intercepts when incorrect dialing occurs, should minimize any customer confusion associated with the different dialing patterns. To ease the dialing pattern transition for carriers, staff recommends that BellSouth provide carriers notice of the dialing change to allow sufficient time to educate their customers and modify, if necessary, their networks to recognize 10 and 1+10 digits between Palm Beach and Broward Counties as discussed earlier.

The following figure dictates the temporary "quick fix" changes that staff proposes:

Palm Beach
561

Broward
954

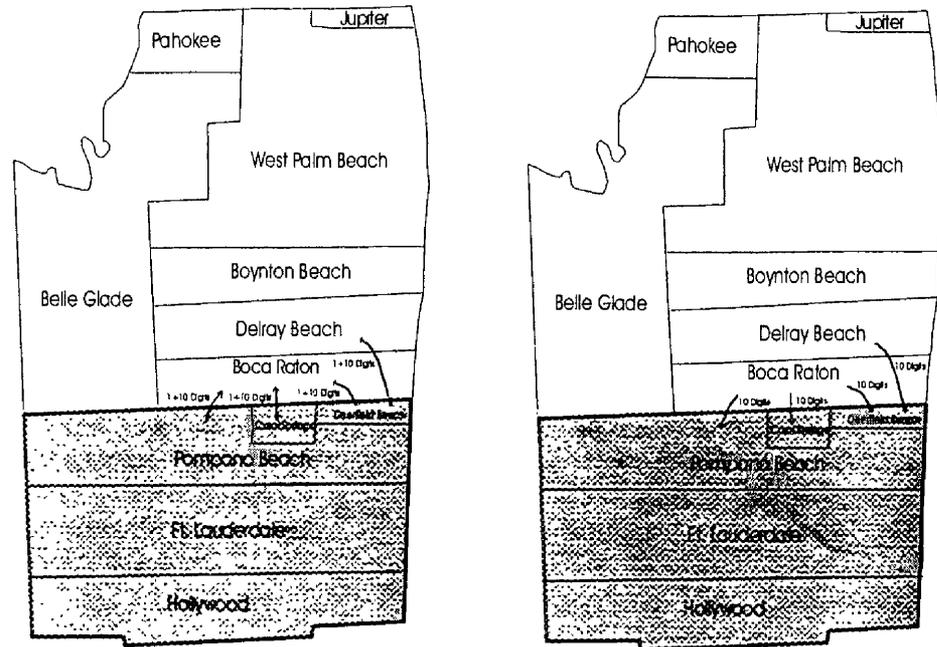


Figure 3: Staff's proposed EAS dialing patterns between Palm Beach and Broward Counties

Staff acknowledges that changing dialing plans during any NPA implementation (split or overlay) initially causes some customer confusion. However, this situation would only be temporary. Approval of this option would enable customers to retain their 7-digit local dialing until the overlay relief plan is implemented, unlike Option two that imposes 10-digit dialing.

The LECs also recommend that the permissive dialing period should begin 60 days after the Commission issues a final order, and the mandatory dialing period should begin 60 days after the permissive dialing period starts. Staff endorses this timeline as it would provide needed numbering resources to customers and carriers as quickly as possible.

Staff believes that the Commission's goal in delaying implementation dates was to provide 7-digit local dialing to customers for as long as possible. Staff believes that Option one best meets the needs of the customers (less confusion about dialing plans), while allowing the industry to obtain numbering resources as quickly as possible. Staff notes that with Option one, the 10-digit local dialing would begin simultaneously in the 954 and 754 NPAs, which would reduce customer confusion regarding the proper

NPAs and dialing patterns to use because customers would be educated regarding the 10-digit dialing requirement once the implementation dates are established.

Staff also believes that it is premature to establish any implementation dates for the 954 NPA because the industry has been unable to determine the effect of number conservation measures. In addition, since the exhaust date of the 954 area code is October 1, 2002, the implementation dates for the 954 area code should be determined once the effect of number conservation measures are known.

Staff contacted the Pooling Administrator (PA) and the North American Numbering Plan Administration (NANPA) regarding the initial results of the 954 area code number pooling trial. The PA indicated that only 56 thousand-blocks were assigned in the five rate centers of the 954 area code since the beginning of the pooling trial. The PA also stated that no new NXX codes have been opened in the 954 area code; however, the PA may need to open nine NXX codes by the end of the 2001 to meet the demand. The PA also noted that some of the unused thousand-blocks would be donated to the pool. NANPA believes that the 954 area code number pooling trial has not reached a steady level where a projection may be estimated accurately. However, the PA and NANPA estimate that if initial projections were to be made and used as a linear basis to determine the exhaust of the 954 area code, the life of the 954 area code would be extended by only two months. This means that the exhaust date might occur late in the fourth quarter of 2002, instead of the beginning of the fourth quarter of 2002, based on a limited history of the pooling.

Staff notes that other states which have implemented number pooling trials believe that number pooling in their area codes have been very rewarding. For example, the Illinois 847 area code was estimated to exhaust in 1998; however, after number pooling was initiated, the life of this area code was extended, and numbers are still available in the 847 area code today. This demonstrates that number pooling can extend the life of an area code for a long period of time.

Staff, therefore, believes that any other remedy to solve the code conflicts, such as getting a waiver from the FCC, would harm the customers and carriers because the FCC may not act quickly. In addition, as noted in the background, the strict rationing will eventually force carriers to use the remaining 12 NXX codes. Staff believes that the Commission should act on a solution which is quick and simple.

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In conclusion, staff recommends that the Commission approve the industry's Option one with modifications. In lieu of establishing implementation dates for the 954 NPA, staff recommends that the Commission change the Broward -> Palm Beach one way EAS northbound routes from 7 to 1+10-digit dialing, and the Palm Beach -> Broward one way EAS southbound routes from 7 to 10-digit dialing to eliminate the code conflicts between Palm Beach and Broward Counties and provide needed numbering resources to carriers and customers. Staff also recommends that the EAS permissive and mandatory 1+10-digit dialing in Broward County and that the EAS permissive and mandatory 10-digit dialing in Palm Beach County should begin 60 days and 120 days, respectively, after the issuance of the Commission's order. In addition, once the results of the number conservation measures are determined by the Pooling Administrator and the North American Numbering Plan Administration, staff should file recommended implementation dates for the 954 and 754 area codes.

ISSUE 2: Should the Commission establish implementation dates for the 305/786 NPAs?

RECOMMENDATION: Yes. Staff recommends that the Commission establish the permissive dialing period for 7 or 10-digit local dialing beginning on August 1, 2001, with the mandatory 10-digit dialing period beginning on February 3, 2002. (ILERI)

STAFF ANALYSIS: By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, in Docket No. 990455-TL, the Commission approved the implementation of an extended overlay relief plan for the 305 NPA (the Keys region). This relief plan extends the 786 NPA from the Miami region into the Keys region as an overlay. The Commission withheld the approval of implementation dates pending the outcome of number conservation measures. In addition, through Order Nos. PSC-01-0091-PAA-TL, issued January 10, 2001, and PSC-01-0808-AS-TL, issued March 27, 2001, the Commission adopted proposals to implement rate center consolidation and number pooling in the Keys region.

Pursuant to Order No. PSC-00-1937-PAA-TL, the Commission also directed the LECs in the affected NPAs to jointly file a notice no later than October 1, 2001, to inform the Commission of the outcome of the various number conservation measures. In addition, the LECs were required to inform the alarm companies of the need to reprogram their equipment nine months prior to the implementation of the mandatory 10-digit dialing.

On April 3, 2001, the LECs sent a letter to the security alarm companies, stating that the industry planned to recommend that the Commission implement the adopted NPA relief mechanism in the Keys. The notice stated that rate center consolidation would be implemented in the fourth quarter of 2001.

The Keys region number pooling trial is scheduled to begin on May 28, 2001. The LECs state that as of March 1, 2001, there were only eleven NXXs in the 305 NPA available for assignment in the Keys. Staff also notes that according to NANPA, there are ten additional NXX codes which are protected. Based on staff's discussion with BellSouth on April 12, 2001, these additional protected codes may be able to be used in the Keys region, which would extend the life of the 305 NPA.

The LECs recommend that the permissive 7 or 10-digit local dialing period for the 305/786 should begin on August 1, 2001, and mandatory 10-digit local dialing should begin on November 1, 2001. Staff believes that customer education is important before, and

during a permissive dialing period. Staff agrees that there is a limited number of available telephone numbers in the Keys region, and that the carriers could be further harmed because of the existing rationing plan of one code per month. Staff believes that establishing implementation dates for the 305/786 NPAs is unavoidable. In fact, FCC Rule C.F.R. §52.9(a)(1) states that any NPA relief plan must be implemented in a manner that ". . . facilitate[s] entry into the telecommunications marketplace by making telecommunications numbering resources available on an efficient, timely basis to the telecommunications carriers . . . "

Staff believes that the permissive 7 or 10-digit dialing period in the 305 NPA should begin on August 1, 2001, as recommended by the industry. However, staff disagrees with the industry's proposal to begin mandatory 10-digit dialing November 1, 2001. Since the number conservation measures have not been fully implemented, there is no evidence of how long the number conservation measures would extend the life of the 305 NPA once rate center consolidation and number pooling are implemented. Furthermore, based on the Pooling Administrator's assessment call on May 1, 2001, no new NXX codes need to be opened until next year. Also, the recommended mandatory dialing period begins just prior to the holiday season when many customers move to Florida for the winter season. To prevent any mandatory dialing confusion and provide enough time for the security alarm companies to reprogram their equipment, staff believes that the mandatory dialing period should begin on Sunday, February 3, 2002.

Staff notes that the time difference between the proposed November 1, 2001 and February 3, 2002 dates is only three months, and according to the LECs' notice and BellSouth, there are some additional protected NXX codes that could be used during this interval.

Staff believes that additional time should be given to customers to adjust to the new dialing plans, as well as, the new rate center structure. Therefore, staff recommends that the permissive dialing period for 7 or 10-digits should begin on August 1, 2001, and the mandatory 10-digit dialing period should begin on February 3, 2002.

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ISSUE 3: Should these dockets be closed?

RECOMMENDATION: No. Staff recommends that these dockets should remain open pending the implementation of rate center consolidation and number pooling in the Keys, as well the implementation of overlay relief plans in the 305/786 and 954 NPAs. (B. KEATING, FORDHAM)

STAFF ANALYSIS: Staff recommends that these dockets should remain open pending the implementation of rate center consolidation and number pooling in the Keys, as well the implementation of overlay relief plans in the 305/786 and 954 NPAs. Once rate center consolidation and number pooling is implemented in the Keys, and overlay relief plans are implemented in the 305/786, and 954 NPAs, staff will recommend that these dockets be closed.

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
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Florida Public Service Commission)
Petition for Expedited Temporary) CC Docket No. 96-98
Waiver of 47 CFR Section)
52.19(c)(3)(ii) in the 954 NPA)
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**EXPEDITED PETITION FOR A TEMPORARY WAIVER OF
47 C.F.R. 52.19(c)(3)(ii) IN THE 954 NPA
BY THE FLORIDA PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission (FPSC) submits this petition requesting a temporary waiver of 47 C.F.R. 52.19(c)(3)(ii) in the 954 NPA. By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, in Docket No. 990457-TL, the FPSC approved a relief plan for the 954 area code. The North American Numbering Plan Administrator (NANPA) subsequently assigned 754 as the new area code for relief of the 954 NPA. The FPSC withheld an approval of implementation dates pending the outcome of the various number conservation measures which included a 954 NPA number pooling trial which was implemented January 22, 2001. The FPSC directed the Local Exchange Companies (LECs) in the affected area codes to jointly file a notice to inform the FPSC of the outcome of various number conservation measures and recommend, no later than October 1, 2001, the permissive and mandatory dialing periods.

On March 22, 2001, NANPA advised the FPSC that a critical

situation has been uncovered in the 954 and 561 NPAs. NANPA stated that due to certain established extended area service (EAS) routes between the 954 NPA and the 561 NPA, the Coral Springs, Deerfield Beach, Pompano Beach, and Fort Lauderdale rate centers in the 954 NPA had only 14 NXXs available for assignment out of the possible 119 NXX codes remaining in the 954 NPA. NANPA also advised the FPSC that due to the EAS calling scopes across NPA boundaries, the Delray Beach and Boca Raton rate centers in the 561 NPA had only 6 NXXs available for assignment out of the possible 143 NXX codes remaining in the 561 NPA. These situations are due to the number of codes protected for seven-digit dialing.

Because of this critical situation, NANPA held an industry teleconference on April 10, 2001, to re-address the current 954 and 561 NPA rationing procedures approved by the Industry. During that teleconference, the Industry approved, by consensus, a new rationing plan for the Delray Beach and Boca Raton rate centers in the 561 NPA of one code per month for the six remaining available NXX codes that are available for these two rate centers. The Industry also approved, by consensus, a new rationing plan for the Coral Springs, Deerfield Beach, Pompano Beach, and Fort Lauderdale rate centers of two codes per month for the remaining available NXX codes that are available for these two rate centers.

Also on April 10, 2001, the Local Exchange Companies (LECs) in the affected areas filed a petition with the FPSC to establish implementation dates for the 954 area code. In its petition, the LECs suggested two options that would eliminate the code conflicts, allow carriers access to numbering resources, and minimize any potential technical problems: (1) the FPSC could change the EAS dialing from 7 to 1+10-digit dialing, or (2) the FPSC could implement the overlay relief plan adopted in Order No. PSC-00-1397-PAA-TL.

Option one (changing the EAS dialing from 7 to 1+10-digit dialing) would require customers in the affected EAS areas to

switch from 7 to 1+10-digit dialing, and then change back to 10-digit dialing once the new 754 overlay is implemented. The FPSC believes that this option is unacceptable since it would create excessive consumer confusion because the multiple dialing changes would be completed within a very short timeframe.

Option two (implementing the new 754 overlay immediately) would implement the new 754 overlay in two phases. Phase one would implement 7 to 10-digit permissive dialing within Broward County for the 954 area code as well as implement the 754 NPA on a mandatory 10-digit basis at the same time. Phase two would implement permissive 7 or 10-digit dialing for the 954/754-561 EAS routes, with later 10-digit mandatory dialing for these EAS between Broward and Palm Beach Counties.

The FPSC believes that Option two of the industry's proposal would minimize disruption and customer confusion, and provide needed numbering resources immediately. However, the FPSC also believes that implementing the 754 NPA overlay with mandatory 10-digit dialing for the 754 NPA, while concurrently having 7 to 10-digit permissive dialing in the underlying 954 NPA may be contrary to 47 C.F.R. 52.19(c)(3)(ii), which states:

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.

Therefore, the FPSC respectfully requests a temporary waiver of 47 C.F.R. 52.19(c)(3)(ii) in the 954 NPA. The FPSC believes that a temporary eight-month waiver would provide the necessary timeframe to conduct a 7 to 10-digit permissive dialing period in the 954 NPA, while having mandatory 10-digit dialing for the 754 overlay. This eight-month timeframe would allow the alarm industry sufficient time to make the necessary changes to their systems, provide the necessary consumer education, and furnish carriers with necessary numbering resources.

The FPSC recognizes the pro-competitive purpose behind the ten-digit dialing rule. However, special circumstances which are causing a critical shortage of numbering resources have surfaced in certain rate centers in the 561 and 954 NPAs because of the existing EAS routes. Although there are existing number pooling trials in the 954 and 561 NPAs which would assist LNP capable carriers participating in the pools, non-LNP carriers may be denied numbering resources once the NXX codes in the affected rate centers are used up. We believe this may create an unacceptable barrier to competition in the area. One group of carriers would be able to receive numbering resources from the pool, while another group of carriers would be "locked out" with no numbering resources available to them. In Order No. DA 01-386¹, the FCC stated:

Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources.

FCC No. DA 01-386 at ¶11.

The FCC Common Carrier Bureau (CCB) previously has considered three requests for waiver of the ten-digit dialing requirement. The CCB denied two requests from state public utility commissions for a permanent waiver of the ten-digit dialing requirement in the case of the activation of an overlay NPA,² and granted one.³ In

¹DA 01-386, CC Docket No. 99-200, CC Docket No. 96-98, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (February 14, 2001)

² Pennsylvania Public Utility Commission Petition for Expedited Waiver of 47 CFR Section 52.19 for Area Code 412 Relief, DA 97-675, *Memorandum Opinion and Order*, 12 FCC Rcd 3783 (CCB 1997) (*Pennsylvania Order*); New York Department of Public Service Petition for Expedited Waiver of 47 CFR Section 52.19(c)(3)(ii), *Order*, DA 98-1434, 13 FCC Rcd 13491 (CCB 1998) (*New York Order*).

³ Public Utility Commission of Texas Petition for Expedited Waiver of 47 CFR Section 59.12(c)(3)(ii) for Area Code Relief, DA 98-2141, *Memorandum Opinion and Order*, 13 FCC Rcd 21798 (CCB 1998) (*Texas Order*). In the *Texas Order*, the Bureau observed that the Texas commission did not finalize area code relief plans until shortly before exhaust, and consequently, only five months remained in which to prepare customers for the change in local dialing patterns and to program alarm equipment. *Id.* at para. 8.

both cases where it denied waiver requests, the CCB did, however, grant temporary delays of seven and eight months for implementing ten-digit dialing, citing three factors: (1) insufficient time to adjust telecommunications networks for the change to ten-digit dialing;⁴ (2) insufficient time to educate customers to the change in dialing patterns;⁵ and (3) conditions relating to geographic uniformity in the areas affected that weighed in favor of a temporary delay.⁶

In conclusion, the FPSC believes that unforeseen "special circumstances" have occurred in the 954 NPA, and that a temporary waiver of 47 C.F.R. 52.19(c)(3)(ii), would provide the most practical, expeditious, and least disruptive solution to a critical situation existing in the 954 and 561 NPAs. Therefore, the FPSC respectfully requests the FCC grant a eight-month temporary waiver of 47 C.F.R. 52.19(c)(3)(ii), in the 954 NPA.

Expedited treatment of this petition is necessary in order to provide necessary numbering resources in the 561 and 954 NPAs. It is estimated that only a six-month supply of numbers is available in the Delray Beach and Boca Raton rate centers of the 561 NPA (one per month rationing), and a seven-month supply of numbers is available in the Coral Springs, Deerfield Beach, Pompano Beach, and Fort Lauderdale rate centers (two per month rationing).

⁴ *Pennsylvania Order* at para. 25 (granting an approximately seven-month delay to implement ten-digit dialing after area code overlay). *See also New York Order* at para. 16 (granting an approximately eight-month delay to implement ten-digit dialing after area code overlay).

⁵ *Pennsylvania Order* at para. 25, *New York Order* at para. 16.

⁶ *New York Order* at para 15.

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