

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for adoption) DOCKET NO. 951160-TL
and implementation of an interim) ORDER NO. PSC-95-1507-FOF-TL
relief plan in connection with) ISSUED: December 6, 1995
implementation of the 954 area)
code by the Attorney General for)
the State of Florida.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING 954 INTERIM RELIEF PLAN

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. BACKGROUND

On September 25, 1995, the Attorney General of the state of Florida filed a Petition for Adoption and Implementation of an Interim Relief Plan. The petition was prompted by concerns that the implementation of the new 954 area code for the Broward County area could result in difficulty in receiving telephone calls from domestic PBXs and international gateways which in turn could negatively affect commerce, tourism, and economic development. The concerns center on the fact that the deployment of interchangeable area codes requires that certain telecommunications switching equipment such as LEC and IXC toll switches, as well as private PBXs, be reprogrammed to recognize the new interchangeable area codes. To address these concerns the petition asks that the Commission: 1) investigate the scope of technical limitations of telephone equipment and international gateway switches, 2) conduct

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

such proceedings as necessary to receive input from those affected by the new 954 area code, and 3) direct the establishment of an Interim Relief Plan. The purpose of the relief plan is to help circumvent or ease the technical problems and provide for education and outreach for customers, carriers, vendors, and governmental agencies to facilitate the expeditious reprogramming or modernization of telephone equipment and gateway switches.

On October 5, 1995, the members of the our Staff conducted a 954 implementation technical forum involving representatives of various carriers and vendors to help educate the customers affected by the area code change. Since the forum, several meetings have occurred between affected customers, carriers, other interested groups and members of the Commission's Staff to discuss means of lessening or avoiding any possible adverse effects from the implementation of a the new 954 area code. As a result of these meetings, an interim relief plan has been developed. The Plan was developed and proposed by BellSouth Telecommunications, McCaw Cellular Communications, Inc., AT&T Wireless, BellSouth Mobility, MCI, The Florida Attorney General, The Broward Economic Development Council, and the Greater Ft. Lauderdale Chamber of Commerce. The Interim Relief Plan was submitted to the Commission on October 30, 1995. A copy of the plan is attached hereto as Appendix A.

II. INTERIM RELIEF PLAN

The intent of the 954 Interim Relief Plan is to provide businesses in Broward County with a temporary transitional mechanism that ensures calls, either domestic or international, will continue to be completed to the respective businesses. Although there are always potential problems associated with the implementation of any area code due to the timing of updating routing tables with the new area code, the businesses in Broward County believe the new "954" area code has a new inherent problem due to the format of the new area code that does not have a 0 or 1 in the middle digit. In the telecommunications industry, this is known as an interchangeable area code.

One of the main concerns appears to be that some PBXs are not programmed, nor are capable of being programmed, to recognize the new interchangeable area codes. In these instances direct dialed calls cannot be completed to a business customer assigned a 954 area code. From discussions with businesses in Broward County, their most pressing concern appears to be that international customers or clients of Broward businesses are having difficulty reaching the businesses' 954 area code. It is not clear to us whether this problem is due solely to the new format of the area

code or the timeliness of updating the foreign switches and gateways. No matter what the reason, some businesses are reporting that they are having problems receiving these types of calls. Our Staff, as well as the industry, is working to identify and resolve all problems associated with the implementation of not only the 954 area code but the 941 area code as well. As recognized in the proposed plan, the problems or concerns associated with the new 954 area code should eventually be eliminated once the switches and routing tables have been updated to recognize the new area codes. Until that time, it appears that the proposed relief plan will provide the businesses of Broward County with the ability to continue to receive calls from customers that are unable to reach their 954 area code.

The proposed plan includes four key provisions:

1. A Remote Call Forwarding (RCF) mechanism that will allow continued completion of calls from customers that have problems reaching a number with a 954 area code. This mechanism allows a business customer to have calls forwarded from a 305 telephone number to its 954 telephone number at a discounted rate.
2. A Notification of Activation of NXX code mechanism for business customers - This mechanism allows business customers to be aware when the NXX that contains their old 305 number is going to be activated in Dade or Monroe County. It will allow customers 60 days after notification to reserve that telephone number if they so desire.
3. An Intercept mechanism - This mechanism will provide the most technically detailed intercept message possible depending on the NXX code status. If the NXX has not been activated, the caller will be notified that the area code has been changed from 305 to 954. Once the NXX is activated, the caller will be able to receive a specific intercept message that lists the customer's 10 digit telephone number if the carrier to whom the NXX is assigned is capable of providing an intercept message. Some carriers are not capable. For example, pagers can not provide remote call forwarding or intercept messages.
4. An Outreach mechanism - This mechanism will ensure that the telecommunications industry does everything possible to inform customers and countries of the implementation of the new area code.

We have reviewed the plan and it appears that its provisions will avoid or mitigate any potential problems that may occur once mandatory dialing is put in place for wireline customers on August 1, 1996. However, there are certain caveats that must be considered in approving the plan. The plan talks generally in terms of "Carriers" which are identified as BellSouth Telecommunications, MCI, Sprint, AT&T, ALECS, cellular carriers, paging companies and PCS providers. Several portions of the plan are directed to all carriers. It must be noted that the Commission has no regulatory authority over any of the wireless carriers. In addition, there is no regulatory authority over IXC's for either interstate or international traffic. Those provisions of the plan that require "carriers" to provide remote call forwarding, to require number reservation, to provide intercept messages, to initiate public information programs and to waive operator assistance charges are unenforceable with respect to wireless carriers and the interstate and international portions of IXC's services. For example, the Commission has no authority to require wireless code holders to reserve telephone numbers at the request of a Broward business customer or to require an IXC to waive operator charges incurred in conjunction with an international call seeking to reach a Broward business.

Subject to the above limitations, we find that the proposed Interim Relief Plan should be approved. Our approval of the plan requires that LECs and ALECS provide RCF at the rates and for the duration requested in the plan. For ALECS, this requirement applies only if the ALEC otherwise provides RCF. LECs, ALECS and IXC's will be required to waive operator assistance surcharges as described in the plan for the period beginning August 1, 1996 and ending December 31, 1996. The waiver of operator surcharges applies only to intrastate calls since the Commission is without authority over interstate and international calls. LECs and ALECS will be required to provide intercept messages as described in the plan. The remaining provisions of the plan are applicable only to those carriers subject to the Commission's regulatory authority. Nonetheless, we urge these entities to do everything possible to implement the provisions of the relief plan, recognizing that any such compliance will be purely voluntary.

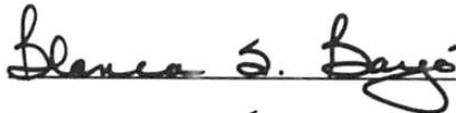
The proposed plan provides the businesses of Broward County with the necessary mechanisms to enable them to continue to receive calls from customers unable to reach them via their 954 telephone number. Our Staff will continue to assist in and monitor the correction of all problem areas identified in the implementation of any area code in Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Interim Relief Plan for the implementation of the 954 Area Code is approved as set forth in the body of this Order. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this Order will become final and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 6th day of December, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this

ORDER NO. PSC-95-1507-FOF-TL
DOCKET NO. 951160-TL
PAGE 6

order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 27, 1995.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

954 INTERIM RELIEF PLAN

As proposed by:

BellSouth Telecommunications
McCaw Cellular Communications, Inc.
AT&T Wireless
BellSouth Mobility, Inc.
MCI
Florida Attorney General
The Broward Economic Development Council, Inc.
Greater Ft. Lauderdale Chamber of Commerce

954 INTERIM RELIEF PLAN

1. **Purpose of the Plan.** Many privately and publicly owned and operated telephone switching systems, domestic and foreign, are currently unable to access interchangeable area codes. Various government agencies, including the Florida Public Service Commission (the "PSC"), the Florida Department of Commerce (the "DOC") and the Federal Communications Commission (the "FCC"), members of the telecommunications industry, including, but not limited to, BellSouth Telecommunications ("BellSouth"), MCI, Sprint, AT&T, various certified ALECs and various cellular, paging and PCS providers (hereinafter sometimes referred to as "Carrier" and collectively the "Carriers"), the Florida Attorney General and Broward County business associations, including the Broward Economic Development Council, Inc. (the "BEDC") and the Greater Ft. Lauderdale Chamber of Commerce, have worked and will continue to work together to locate the source of any accessibility problems and eliminate them. This 954 Interim Relief Plan (the "Plan") is intended to accommodate the circumstances in which the accessibility problems have not been eliminated or reduced to acceptable levels by the commencement of mandatory dialing for wireline services on August 1, 1995.

This Plan provides temporary, transitional relief for any business customer of wireline services in Broward County, Florida, ("Business") who may be adversely affected by the conversion to the 954 area code by offering it the opportunity to acquire and retain a 305 seven digit code for wireline services in Broward County at preferential rates. This Plan is designed to enhance, within certain technological and practical limitations, the chances that a Business will be able to acquire and retain the same 305 seven digit code it had prior to the conversion to area code 954. This Plan also provides for a public awareness and advertising "outreach" campaign designed to encourage private and public owners and operators of domestic and foreign telephone switching systems to upgrade and reprogram their equipment to access the 954 area code.

2. **Industry Consensus.** This Plan is supported by a consensus of the telecommunications industry.

3. **Remote Call Forwarding.** Each Carrier who provides remote call forwarding as a service to its customers shall provide such service to any Business for a fee not to exceed \$12 per month, with all installation charges, ECS usage fees and long distance charges being waived, for the period June 1, 1996, through December 31, 1996, subject to extension as described below. BellSouth shall file a tariff with the PSC requesting approval of such fee arrangement (hereinafter referred to as the "Tariff rate", regardless of whether it is charged by BellSouth or other Carrier). BellSouth may, but is not obligated to, offer to apply the Tariff rate for a seven month period other than June 1, 1996, through December 31, 1996, as agreed by BellSouth and such Business.

4. **Notification of NXX Code Activation.** No later than 60 days prior to the activation of any "old" Broward 305 NXX code by a Carrier in Dade or Monroe County, BellSouth (or other NXX Code Administrator) shall notify all Businesses who had a seven digit number in such NXX as of January 1, 1996, of such planned activation and the Carrier to whom the NXX has been assigned. During such 60 day period, any Business so notified may reserve the same seven digit number it had as of January 1, 1996, for a period of no less than 180 days, subject to such fees and upon such terms and conditions as the Business and Carrier shall agree. During such 60 day period, such Carrier shall not reserve, or agree or offer to reserve, any seven digit number in any "old" Broward 305 NXX, except as specifically provided herein. If such Business does not activate such number prior to the expiration of the reservation, then, upon expiration of such reservation, the Carrier may assign such number to any customer, free of any liability or obligation to the Business.

Explanation. Some Businesses have made a substantial investment in a particular 305 seven digit number through advertising and business promotions. In some cases there is substantial good will value associated with a particular 305 seven digit number. The notice and reservation provisions of this Plan will enhance the likelihood that a Business will be able to reacquire the same 305 seven digit number it previously had for remote call forwarding purposes. Also, it offers the Business the opportunity to keep its 305 seven digit number from being assigned to a competitor in Dade or Monroe County who would benefit unfairly from the good will associated with that code.

5. **Assignment of NXX Codes.** BellSouth (or other NXX Code Administrator) shall, to the extent permitted by the North American Numbering Plan rules, reassign "old" Broward 305 NXX codes to the same industry segment in Dade or Monroe Counties as they were assigned in Broward County. For example, 305 NXX codes assigned to paging carriers in Broward shall be reassigned, to the extent possible, to paging carriers in Dade or Monroe Counties. Similarly, 305 NXX codes assigned to wireline carriers in Broward County shall be reassigned to BellSouth or a certified ALEC in Dade or Monroe County, etc.

Explanation. A significant portion of the "old" Broward 305 NXX codes must, by necessity, be reassigned to paging, PCS and cellular Carriers who do not provide remote call forwarding services, because they represent the fastest growing segments of the telecommunications industry. The NXX assignment provision of this Plan is intended to enhance the likelihood that a Business' "old" 305 NXX will be assigned to a Carrier who provides remote call forwarding services.

6. **Activation of NXX Codes.** Subject to the requirement that the "old" Broward 305 NXX codes be assigned according to industry segment as provided in paragraph 5, such "old" Broward 305 NXX codes having the highest percentage of business customers as of January 1, 1996, will be activated last.

Explanation. The provision establishing the order in which the "old" Broward 305 NXX codes are reactivated is designed to maximize the "cool down" period and minimize misdialing, particularly where the Business' "old" 305 NXX code will ultimately have to be assigned to a paging or cellular Carrier who does not provide call forwarding services. While the "old" NXX code is inactivated, any caller attempting to reach the Business through its "old" 305 seven digit code will receive an informative intercept as discussed below. Within the technological and practical constraints, this will maximize the chances for completing the call through the Business' 954 code.

7. **Intercept Messages.** Prior to activation of an "old" Broward 305 NXX code, BellSouth or the serving interchange carrier shall provide an intercept in respect to that code as follows:

"The area code for the number you have dialed has been changed from 305 to 954. Please redial the number using the 954 area code. If you are unable to reach your party using the 954 area code, please call your local operator for assistance."

Following activation of an "old" Broward 305 NXX code by a Carrier who does not provide remote call forwarding services, but who is able and willing to provide custom informative intercepts, such Carrier shall intercept calls to a Business' "old" 305 seven digit code and, subject to such fees and upon such terms and conditions as such Business and Carrier shall agree, provide an intercept message as follows:

"The number you have reached is no longer in service. The new number is 954 [or 305, in the case of a referral to a call forwarded number] NXX XXXX".

Following activation of an "old" Broward 305 NXX code by a Carrier who does not provide remote call forwarding services, and who is not able and willing to provide custom informative intercepts, such Carrier shall make a good faith effort to provide a service mutually acceptable to the customer and the carrier to meet that customer's needs.

8. **Outreach.** BellSouth shall conduct, at its expense, an extensive campaign of advertising and media relations, according to the plan BellSouth previously submitted to the PSC. The other Carriers shall initiate advertising and public information programs as are consistent with their own plans to notify their customers and those who call their customers of the change to area code 954.

BellSouth shall maintain toll free test lines and help lines for callers having problems accessing the 954 area code. All carriers will implement policies and procedures designed to assure that any accessibility problems are reported to the PSC and/or proper local or long distance carriers for corrective action. The Carriers providing operator assistance will waive operator

assistance surcharges where the caller indicates that he or she has experienced a problem in attempting to reach a customer with a 954 area code.

9. **Extension of Tariff Rate.** No sooner than October 15, 1996, and no later than November 15, 1996, BellSouth, the other Carriers, the PSC, the Florida Attorney General, the BEDC and the Greater Ft. Lauderdale Chamber of Commerce shall assess the overall accessibility problem to determine whether it has been reduced to an acceptable level, based on all available data including reports from Businesses. If the accessibility problem still exists at an unacceptable level, the Carriers then providing remote call forwarding services to Businesses pursuant to paragraph 3 will continue to do so at the Tariff rate in additional intervals of 60 days until the accessibility problem has been reduced to acceptable levels. Any disagreements as to whether the accessibility problem has been reduced to an acceptable level shall be resolved by the PSC whose determination shall be conclusive.