

FLORIDA PUBLIC SERVICE COMMISSION
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M E M O R A N D U M

APRIL 30, 1997

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

FROM: DIVISION OF COMMUNICATIONS (GREER, WIDELL) *SLG*
DIVISION OF LEGAL SERVICES (PELLEGRINI, COX) *RCW* *MCB*

RE: DOCKET NO. 961153-TL - PETITION FOR NUMBERING PLAN AREA
RELIEF FOR 904 AREA CODE, BY BELLSOUTH
TELECOMMUNICATIONS, INC.

AGENDA: MAY 6, 1997 - REGULAR AGENDA - POST HEARING DECISION -
PARTICIPATION IS LIMITED TO COMMISSIONERS AND STAFF

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\961153TL.RCM

CASE BACKGROUND

On September 20, 1996, BellSouth Telecommunications, Inc., (BellSouth) filed a petition with this Commission seeking approval of a plan to provide relief from the expected exhaustion of numbers available for assignment in the 904 Numbering Plan Area (NPA) code. The 904 NPA code includes the Pensacola, Panama City, Tallahassee, Jacksonville and Daytona Beach LATAs, as well as a part of the Orlando LATA.

In Order No. PSC-97-0138-FOF-TL, issued February 10, 1997, the Commission decided that the most appropriate way to avoid the expected exhaustion of the 904 NPA code was a geographic split following LATA lines, assigning a new NPA code to the Jacksonville LATA and a second new NPA code to the Daytona Beach and 904 portion of the Orlando LATAs, with the Tallahassee, Panama City and Pensacola LATAs retaining the 904 NPA code. This was identified as Option 4. The Commission ordered that permissive dialing begin by June 30, 1997, and mandatory dialing, by June 30, 1998.

On February 21, 1997, ALLTEL Florida, Inc., (ALLTEL) and Northeast Florida Telephone Company, Inc., (Northeast) filed a joint motion for reconsideration of Order No. PSC-97-0138-FOF-TL. ALLTEL and Northeast attached two letters to their motion. The first letter was dated February 12, 1997, from Ronald R. Conners,

DOCUMENT NUMBER-DATE

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Bellcore, Director, North American Numbering Plan Administration (NANPA), to R. Stan Washer, NPA Code Administrator, BellSouth. The second letter was dated February 17, 1997, from Alan C. Hasselwander, Chairman, North American Numbering Council (NANC), to PSC Chairman Julia L. Johnson. Both letters expressed concern with the Commission's decision in Order No. PSC-97-0138-FOF-TL. ALLTEL and Northeast asked that the Commission consider the letters as new evidence in its reconsideration decision. On February 28, 1997, St. Joseph Telecommunications, Inc., (St. Joseph) and Quincy Telephone Company, Inc., (Quincy) filed a joint response in opposition to the motion, as did AT&T on March 10, 1997. The respondents all objected to consideration of the letters in the Commission's reconsideration deliberations on the grounds that the letter to Chairman Johnson was an ex-parte communication, and neither letter was part of the record in the proceeding.

On February 25, 1997, the City of Jacksonville (Jacksonville) filed a petition in support of ALLTEL's and Northeast's joint motion and a motion for leave to participate in their motion. On March 4, 1997, St. Joseph, Quincy, Gulf Telecommunications, Inc., (Gulf) and Florida Telecommunications, Inc., (Florida) jointly filed a response objecting to Jacksonville's motion.

Staff received various copies of other letters from the NANC, Bellcore, and the Federal Communications Commission (FCC) concerning the Commission's decision. These letters were the following:

- (1) Mr. Connors to Mr. Washer, January 29, 1997;
- (2) Mr. Hasselwander to Regina M. Keeney, Common Carrier Bureau, FCC, February 24, 1997;
- (3) Mr. Connors to Mr. Washer, February 27, 1997;
- (4) Mr. Hasselwander to Josephine Gallagher, Industry Numbering Committee, February 28, 1997;
- (5) Mr. Hasselwander to Ms. Keeney, March 4, 1997; and
- (6) Ms. Keeney to Mr. Hasselwander, March 14, 1997.

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At the agenda conference on April 1, 1997, the Commission voted to reopen the evidentiary record to consider what effect, if any, all of these letters should have on its decision in Order No. PSC-97-1038-FOF-TL. The Commission permitted parties of record to conduct limited discovery related to the letters. The Commission decided to hold a limited hearing on April 16, 1997, to receive evidence and hear argument on the letters. The Commission also decided to defer its reconsideration decision until the Commission fully addressed the letters. These decisions are memorialized in Order No. PSC-97-0408-FOF-TL, issued on April 14, 1997.

Subsequently, Jacksonville filed a Petition for Leave for Limited Intervention on April 9, 1997. On April 11, 1997, St. Joseph, Gulf, Florida, and Quincy filed a response in opposition to the Jacksonville petition.

At the hearing on April 16, 1997, the Commission granted Jacksonville's petition for limited intervention. The Commission admitted the letters into the evidentiary record, as well as the deposition testimony of both Mr. Hasselwander and Mr. Connors, taken, on April 7 and April 11, 1997, respectively. The Commission also heard argument from the parties on the letters and the related testimony.

At the conclusion of the hearing, the Commission voted on its own motion to reconsider its decision in Order No. PSC-97-0138-FOF-TL and to implement a two-way geographic split with the Tallahassee, Panama City and Pensacola LATAs receiving a new area code, with the Jacksonville, Daytona Beach, and a portion of the Orlando LATAs retaining the 904 area code.

At the time of the hearing, it was unclear as to what the new area code would be for the Tallahassee, Panama City and Pensacola LATAs. However, since the hearing, Bellcore has officially assigned 850 as the new area code for the Tallahassee, Panama City and Pensacola LATAs. (Attachment 1) Although this is one of the most important areas that needed to be determined, the permissive and mandatory dialing dates are also very important and will be addressed in this recommendation.

On April 25, 1997, the industry conducted an implementation conference call to discuss whether it was possible to retain the June 1997 date as the beginning of permissive dialing and the June 1998 date as the beginning of mandatory dialing. After some discussion, the industry established June 23, 1997 as the beginning of permissive dialing. In addition, the industry believed that with the potential need of codes for competition and continued growth that it would either have to request that the Commission

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modify its previous order or declare a jeopardy situation which would require rationing of NXXs.

This recommendation is to address BellSouth's petition to modify Commission Order No. PSC-97-0138-FOF-TL with respect to dialing dates.

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission modify the beginning date for mandatory dialing established in Order No. PSC-97-0138-FOF-TL?

RECOMMENDATION: Yes, the Commission should establish March 23, 1998 as the mandatory dialing date for the new 850 area code. In addition, all telecommunications carriers should provide, for at least a year after mandatory dialing, an intercept message indicating that the area code has changed to 850. The intercept message should be placed on all 904 NXXs that are currently assigned in what will be the new 850 area. The intercept message should continue until either the end of the year after mandatory dialing begins or the reassignment of the NXXs in the areas that will retain the 904 area code, whichever comes earlier. BellSouth as the code administrator should attempt to reassign the 904 NXXs that are in the new 850 area by density of business customers, with the NXXs having the highest density of business customers being assigned last.

STAFF ANALYSIS: On April 28, 1997, BellSouth, on behalf of the telecommunications industry in North Florida, requested that the Commission modify Order No. PSC-97-0138-FOF-TL so that mandatory dialing would begin on March 23, 1998.

Although Order No. PSC-97-0138-FOF-TL states that the industry should begin mandatory dialing by June 30, 1998, staff believes the Commission's intent was to establish a permissive dialing period of a year. Since there was some uncertainty about how long the Commission wanted permissive dialing to run, staff believed it was appropriate to bring this issue back to the Commission for resolution.

In its petition, BellSouth recognized that subscribers that are assigned a new area code need time to make the necessary changes to their telecommunications equipment, advise business associates and family and friends of the area code change, make changes in stationery, checks, signs, business cards, and advertise the new number. However, BellSouth believes that the current code holders, including PCS providers are expected to request all of these remaining 90 NXX codes to meet service needs in the next twelve months and, with the FCC's recent PCS auctions, this usage may increase. BellSouth also believes that there is some uncertainty associated with how many codes will be needed by the alternative local exchange companies. It does indicate in their petition that Jacksonville is considered to be one of the prime locations for local competition in the Southeast due to size, location, and business climate.

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BellSouth indicates that the industry agrees to ensure that appropriate announcements will be made to minimize customer confusion and dialing errors that may occur as a result of the shortened permissive dialing period. In addition, the industry will designate the fifteen dedicated NXX codes currently used by the state government as "assign in new area only upon request." Further, BellSouth intends to remind cellular service providers that existing code assignment guidelines allow these providers to request that the 904 NXXs in the area that will be served by the 850 area code may be reserved from assignment in the 904 area code for twelve months, thereby affording additional time to change customer equipment.

Staff agrees to some extent with BellSouth as to the uncertainty of code usage in the Jacksonville area. It appears that the current code usage for 904 has risen from 6 codes a month, as identified in the hearing, to approximately 10 codes per month. With approximately 90 NXXs still available for assignment, code holders will be able to request NXXs codes for another 9 months at the current usage unless a jeopardy situation is declared. When a jeopardy situation is declared, the industry will ration the number of codes assigned in order to reach the mandatory dialing date. Although staff believes this is a viable option, we are concerned with the prospect of rationing codes in the Jacksonville and Daytona Beach areas. The rationing may not allow telecommunications carriers to receive NXXs that may be necessary to provide competitive local exchange service or just to provide service due to normal growth.

Staff believes it is important to provide a permissive dialing period which is as long as possible so that customers can handle the administrative duties necessary to implement a new area code. However, staff believes 9 months should provide sufficient time for customers to make the necessary changes to prepare for the 850 mandatory dialing date. In other area codes implemented in Florida over the past two years, the permissive dialing periods have ranged between 6 months and a year, depending on the circumstances associated with each area code relief. Therefore, based on the discussion above, staff believes the Commission should modify its previous order and establish March 23, 1998 as the mandatory dialing date for the 850 area code.

Although staff believes the 9 months is sufficient time to make the necessary changes, we also believe the Commission should do everything possible to minimize any problems associated with customers trying to reach a telephone number that has changed from 904 to 850. As indicated by the industry via the BellSouth petition and various discussions on the implementation conference

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call held on April 25, 1997, staff believes the industry is willing to implement some type of intercept message to help eliminate dialing errors. However, the proposal identified by BellSouth in its petition does not represent staff's understanding of the agreement reached on the conference call. Staff believes all of the telecommunications carriers agreed that they should provide, for at least a year after mandatory dialing, an intercept message indicating that the area code had changed to 850. The intercept message should be placed on all 904 NXXs that are currently assigned in what will be the new 850 area. Staff believes the carriers also agreed that the intercept message would continue until either the end of the year after mandatory dialing begins or the reassignment of the NXXs in the areas that will retain the 904 area code, whichever comes earlier. BellSouth as the numbering administrator should attempt to reassign the 904 NXXs that are in the new 850 area by density of business customers, with the NXXs having the highest density of business customers being assigned last. Staff believes BellSouth's assessment of what was agreed to as far as the cellular carriers are concerned is correct except that the reservation of NXXs by cellular should not significantly impact the reassignment of the other 904 NXXs. Since staff believes this proposal was agreed to by the industry at the conference call, staff believes the Commission should approve the intercept process described by staff above.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed.

STAFF ANALYSIS: With the Commission's decision on this recommendation, staff is not aware of any other issues that need to be addressed. Therefore, staff believes the Commission should close this docket.



A. Stan Walker
NPA Code Administration

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File: 226 0111
April 23, 1997

TO: 904 NPA Code Holders and Other Industry Members
RE: Florida Commission Action on Relief of 904 Area Code

On April 16th, the Florida Public Service Commission voted to reconsider their January 21st Order which called for a three way split of the 904 NPA. The Commission, after considering information received after their previous Order, then ruled that relief Option 1 be implemented. You may recall, Option 1 called for a split of the current 904 NPA at the boundary of the Tallahassee and Jacksonville LATAs, with Daytona Beach and Jacksonville retaining the 904 code and Pensacola, Panama City, and Tallahassee LATAs receiving the 850 code. An Order is expected to be issued in early May, 1997.

I've now received notification from NANPA that code 850 has officially been assigned to Florida for relief of the 904 NPA.

Although implementation dates were not addressed by the Commission on April 16th, the staff has suggested that we keep the current schedule, i.e. implement permissive dialing of the new code by June 30, 1997, and, implement mandatory dialing by June 30, 1998. On a January 31st conference call the industry agreed to implement permissive dialing on June 23, 1997 and mandatory dialing on March 23, 1998. 2:00AM

There will be a conference call on Friday April 25, 1997, at 10:00 AM EDT to discuss permissive dialing dates and other implementation details. The call-in number is: 205-969-4211, access code 6217W.

If you have any questions or comments, please call me at 205-977-2668.

Stan Walker