

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of ) DOCKET NO. 941272-TL  
numbering plan area relief for ) ORDER NO. PSC-95-0334-FOF-TL  
305 Area Code by BELLSOUTH ) ISSUED: March 10, 1995  
TELECOMMUNICATIONS, INC. d/b/a )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY. )  
\_\_\_\_\_ )

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 IMPLEMENTING PLAN FOR RELIEF  
FROM NUMBER EXHAUST IN THE 305 AREA CODE

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

The instant proceeding was initiated upon the filing of a petition by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or Company) that the Commission review five possible plans for relieving the 305 area code to determine which would best serve the public interest. The plans proposed for review are as follows:

- A. Geographic Split
- B. New Growth Overlay
- C. Phase-in Overlay
- D. New Growth Overlay with Voluntary Assignment
- E. Geographic Split with delayed Overlay

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FPSC-RECORDS/REPORTING

Of the five plans proposed in its petition, Southern Bell requested that the Commission approve the Phase-in Overlay. The plans were developed and discussed at two industry meetings held in Ft. Lauderdale. The present 305 NXX code users, including Southern Bell, pagers and cellular companies, as well as Commission staff members, participated in both meetings. After lengthy discussions of the plans, it became clear that an industry consensus as to a relief plan could not be achieved. This impasse resulted in the Southern Bell's petition.

## II. GENERAL CONSIDERATIONS

Historically, when an area code has approached exhaust, the area has been divided geographically into two areas. A new area code would be assigned to one area and the old area code retained by the other. This has taken place twice in Florida. In the original North American Numbering Plan, only two area codes, 305 and 813, were assigned to Florida. The 305 area was split into 904 and 305 in the sixties. In 1988, the 305 area code was again split to create the 407 area code. The 813 area code has remained the same since the early 1950's, but is scheduled for a geographic split in 1996.

In a geographic split, the new boundary follows exchange boundaries and is chosen so that the amount of local calling across the new area code boundary is minimal. In some densely populated areas this is not possible, such as Manhattan Island in New York. For cases like these, a new concept has been developed called an NPA overlay. In an overlay plan, the new area code serves the same area as the old. The disadvantage of an overlay plan is that all customers must dial ten digits to make a local call throughout the Overlay NPA boundary. An overlay NPA has been established only in New York. Overlays have been proposed or are in the planning stage in Houston and Dallas, Texas; Los Angeles, California; Atlanta, Georgia; Chicago, Illinois; and South Florida.

There are several factors to be considered in assessing area code relief. We must weigh seven digit local dialing against the inconvenience and confusion of ten digit local dialing. We must also consider the length of time that the area code relief will work. A plan that results in the need for another area code at an early date is not acceptable. Finally, we must consider the equity of code assignment between various types of carriers.

### III. AVAILABLE PLANS

Southern Bell's petition presented five relief plans for the 305 area code. Two of these plans involved geographic splits and three were overlay plans. These plans are discussed below.

#### A. Geographic Split

In a geographic split the new area code boundary should follow existing exchange boundaries to minimize inter-area code local calling. However, the Petition states that, under this plan, the 305 area code would be bisected. In order to bisect the area code, whether based on NXXs or access lines, the new boundary would have to cut through the Miami exchange, and this results in heavy cross-boundary local calling. Southern Bell says this plan would provide only two years relief even with changing the Broward-Dade ECS that was cutover in January 1995 to ten digit dialing. A major drawback of this plan is the short relief period.

#### B. New Growth Overlay

This plan provides for an overlay of the entire 305 area with new wireless growth codes being assigned in the new area code beginning in March 1995. All growth codes, wireless and wireline, would be assigned in the new area code beginning in early 1996, at which time ten digit calling for all local calls would become mandatory. The problem with this plan is the early time frame when ten digit local calling would be required for the entire area code. The drawbacks of this plan are that it requires that only wireless carriers be assigned NXX codes in the new area code early in 1995, and ten digit dialing of all local calls in early 1996. Thus, this plan fails on both local dialing ease and the equity basis.

#### C. Phase-in Overlay

This plan would commence with wireless growth being assigned to the new 954 NPA, followed by migration of the existing 305 wireless customers to the new NPA. A final step would be the assignment of wireline growth to the new code when Southern Bell had used all the presently available 305 NXX codes and all of those recovered from the migration of wireless codes. The plan provides for the migration of all pager customers by December 31, 1995. Since the migration of cellular customers would require reprogramming of cellular telephones, the schedule for cellular companies would be spread over five years, ending in January of 2000. Southern Bell states that the final stage, when ten digit dialing of wireline to wireline local calls will be required could be delayed until the year 2004. We note that this plan is very

similar to a plan proposed by Ameritech for relief of the 708 area code which serves the suburbs of Chicago. In that case Wireless carriers petitioned the FCC to issue a declaratory statement on the lawfulness of the Ameritech plan. The FCC issued a Declaratory Ruling and Order on January 23, 1995 which stated "Ameritech has proposed a numbering plan that, if implemented, would be unreasonably discriminatory and constitute unjust and unreasonable discrimination in violation of the Communications Act." The phased-in overlay proposed suffers the same problems as the Ameritech version and is precluded from further consideration here because of the FCC ruling.

D. New Growth Overlay with Voluntary Assignment

This plan is identical to Plan B except for the timing of the assignments to the new NPA. Since the expected exhaust date of the 305 area code has been extended from July 1995 to November the timing difference is insignificant now. This plan becomes almost identical to Plan B and suffers from the same drawbacks.

E. Geographic split with Delayed Overlay

The 305 area would be split at the Dade-Broward county line, with Broward County going to the new 954 area code and Dade and Monroe counties remaining in the 305 area. In order to provide any significant relief to the present 305 area code, the recently implemented Dade-Broward ECS service would have to be changed to ten digit dialing. Under this plan, the new NPA would later evolve into an overlay encompassing the entire Southeast LATA. The drawback to this plan is that it would extend the 10 digit local calling requirements over a much larger area.

In addition to the discussions above, all five plans are flawed by timing. They are all based on an early 305 area code exhaust date of July 1995, and the new area code implementation date of March 1995. Upon further review, the exhaust date has been extended by Southern Bell to November 1995. Moreover, it appears that the exhaust date may be moved further out if more stringent NXX code assignment criteria were imposed, such as higher utilization of existing numbers and the assignment of NXX codes now shown as protected.

Southern Bell informed Bellcore by letter on April 19, 1994 that the 305 area code would exhaust in July 1995. Bellcore sent a Declaration of Jeopardy Status report to the industry on June 23, 1994. Southern Bell held a meeting with the industry and staff to advise of this jeopardy status and outline all the NXX code conservation measures that were in effect.

Since the filing of the petition, support among the parties has narrowed to two plans for relief. In the workshop held on January 19, 1995, Southern Bell withdrew its support for Plan C above and presented a modified Plan B. This new overlay plan proposed by Southern Bell is supported by the wireless carriers. MCI and Teleport support a geographic split.

#### IV. Overlay Plan

The overlay relief concept is a relatively new relief plan and to date has only been implemented in New York City. There are other metropolitan areas where overlays are proposed or in the planning stage: Chicago, Los Angeles, Houston, Dallas, Atlanta, and South Florida.

New York Telephone implemented an overlay plan in 1992. This plan is similar to the initial overlay plan supported by Southern Bell and the plan proposed by Ameritech for Chicago. As noted above the FCC had declared that these plans are discriminatory and may not be approved. Since the only working overlay plan is entirely different from the plan now advanced by Southern Bell, there is no actual experience to indicate how well an unrestrictive overlay plan will work.

The new area code assigned for relief of 305 is 954. Under an overlay, the present 305 geographical area would not be changed, and the 954 area code would serve the same area. The advantage of an overlay plan is that no customer's number would be changed. Existing business customers would avoid re-advertising new business numbers. In addition, cellular carriers would not have to reprogram cellular instruments. However, there are numerous drawbacks to an overlay plan. With two area codes serving the same geographic area, the area code would have to be dialed on all local calls, both intraNPA and interNPA. Intra-area code ten digit local calling will lead to substantial customer confusion and should be avoided as long as reasonably possible. We note that ten digit local dialing will eventually be required in large metropolitan areas because a geographic split within such an area will not be practicable. However, it should be the last reasonable option. Southern Bell argues that ten digit local calling for all subscribers is better than changing the area code number for a portion of the subscribers. We disagree. Customers have experienced geographic splits historically. Ten digit local dialing is completely foreign to most customers.

Another problem with the overlay plan is deciding the next step. With the advent of local competition, with Personal Communications Systems (PCS), cable systems and enhanced Special Mobile Radio (ESMR), it will be next to impossible to accurately forecast how long the 954 area code will last. However, if we start down the overlay path now and have 954 NXX codes spread throughout the present 305 area, another overlay will be only relief plan available when 954 exhausts. A geographic split will no longer be an option. In such an event, there would be three different area codes serving the same area.

Bellcore advocates that all local inter-area code calling should be ten digit dialing. Also, in 1992 when BellSouth presented its plan for ten digit home NPA dialing of toll calls, the company also said inter-area code local calling should be ten digit dialing. Ten digit local dialing when the call crosses an area code boundary makes sense and will be better understood by subscribers than universal ten digit local dialing.

#### V. Geographic Split

If a geographic split is to be effectuated, the most appropriate dividing line is to split the 305 NPA is along the exchange boundary between the North Dade and Hollywood exchanges. This would divide the present exchanges in 305 into two groups as follows:

<u>305 Exchanges</u>	<u>954 Exchanges</u>
North Dade	Hollywood
Miami	Fort Lauderdale
Perrine	Pompano Beach
Homestead	Deerfield Beach
All Fla. Keys	Coral Springs

Under this plan, it would be necessary to change the Dade-Broward ECS calling plan from seven to ten digits. This change would be made at the same time that the area code for Hollywood and Ft. Lauderdale changes from 305 to 954. If this change is not made, the relief for the 305 area code would be lessened since none of the existing Ft. Lauderdale NXX codes could be used in the North Dade or Miami exchanges and no existing Hollywood NXX codes could be used in Miami.

The 954 exchanges listed above would change area code numbers only; the seven digit local number would not change. There would be no number changes in the exchanges remaining in the 305 NPA.

Southern Bell's most recent estimated exhaust date is November 1995. It appears that this date could be extended further if stringent jeopardy measures were put into effect consistent with BellCore's declaration of jeopardy. We note that it appears that Southern Bell has yet to implement stringent requirements to conserve available NXX codes. The overlay plan proposed by Southern Bell states that the forty codes allocated for the Wireless Carriers would be assigned on a first-come\first-served basis, with no reference to any requirements or showing need.

Southern Bell issued 25 NXX codes in the fourth quarter of 1994. This record NXX code implementation rate is being matched in the first quarter of 1995. The pagers have been given 14 NXX codes, which is 75% higher than their 4th quarter 1994 total. Cellular carriers have been given 8 NXX codes, which is 60% higher than the 4th quarter 1994 record quarter. If this pace continues, the wireless carriers will use all of the 40 NXX codes reserved for them by July 1995, and a geographic split may not be possible from a time standpoint.

There are 53 codes that are not usable for assignment to Southern Bell's central offices, pagers or cellular companies for growth progresses. These include such items as N11 codes; special codes such as "700," "800" and "900"; test codes and other unusable codes. This leaves 747 codes that could be assigned to present code users. The status of these 747 code assignments as of December 31, 1994 is as follows:

	<u>Central Office</u>	<u>Pagers</u>	<u>Cellular</u>	<u>Total</u>
Working	460	117	66	643
Assigned for 1995 Growth	3	14	8	25
Protected can be used in Dade County				10
Vacant				69
Total				747

As can be seen from the above chart, there are 104 NXX codes that can be used for growth beginning on January 1, 1995. If the record growth of 79 codes that were implemented in 1994 continues, these 104 codes would last about 1.3 years or 15 to 16 months.

This would push the exhaust date to March or April 1996. If jeopardy measures were activated, the exhaust date could be pushed out to June or July 1996.

Of the 643 working codes, 247 are working in Broward County (38.3%). If the growth in 1995 and 1996 continues as above, 40 of the growth codes would be in Broward County and there would be 287 working in Broward County when the 305 area code exhausts. Under a geographic split, these 287 codes will be available for growth in the new 305 area code. Based on 1994 growth in Dade and Monroe Counties (48), the 287 codes would last 6 years.

VI. COMPARISON OF PLANS

A summary of the comparison between the proposed overlay plan and the geographic split is shown below.

	Overlay Plan	Geographic Split
Number Changes	None	Area Code Changes For Broward County Exchanges
Ten Digit Local Calling	All Local Calls, InterNPA and IntranPA	InterNPA Calls Only (Dade-Broward ECS)
Customer Confusion	Could Be Great	Minimal
Cellular Set Programming	None	Broward County Cellular Sets
NPATS Set Programming	All smart pay phones	Smart pay phones in North Broward and South Dade require no programming
305 Relief Provided	Southern Bell estimate Approximately 10 Years	Staff estimate 6 To 7 Years



VII. CONCLUSION

Upon consideration of the foregoing, we find that a geographic split is the most appropriate plan to give relief from the exhaustion of numbers available for assignment in the 305 area code. The most important factor in our decision is ten digit local calling. The geographic split would delay ten digit local calling for at least six years in Dade and Monroe counties and for ten or more years in Broward County. While a certain amount of customer confusion will occur regardless of which plan is implemented, we believe that there will be less with a geographic split. Customers will more easily understand the split in area codes than the necessity to dial ten digits to make a local call.

The new area code boundary should coincide with the exchange boundary between the Hollywood and North Dade exchanges. In addition, the Dade/Broward ECS routes should be changed to ten digit dialing at the same time that the geographic split is implemented.

Based on the foregoing, it is, therefore

ORDERED by the Florida Public Service Commission that a geographic split is the most appropriate plan to provide relief from the exhaustion of numbers available for assignment in the 305 area code. It is further

ORDERED that the new area code boundary between the 305 and the 954 area codes shall be coincident with the boundary between the Hollywood and the North Dade exchanges. It is further

ORDERED that the Dade/Broward ECS routes shall be changed to ten digit dialing at the same time the geographic split is implemented. It is further

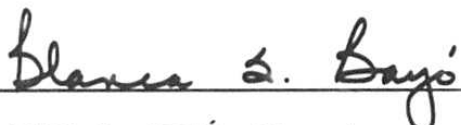
ORDERED that Southern Bell's petition is denied as filed. It is further

ORDERED that the time available for filing a protest to the Order shall be 14 days from the date of the issuance of this Order. It is further

ORDERED that this Order shall become final and this docket shall be closed on the date set forth below if no timely protest is filed pursuant to the requirements set forth below.

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By ORDER of the Florida Public Service Commission, this 10th  
day of March, 1995.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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Chairman Clark dissents from the Commission's decision in this docket.

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 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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on March 24, 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.

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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.