

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of ) DOCKET NO. 941272-TL  
numbering plan area relief for ) ORDER NO. PSC-95-0598-PHO-TL  
305 Area Code by BELLSOUTH ) ISSUED: May 11, 1995  
TELECOMMUNICATIONS, INC. d/b/a )  
SOUTHERN BELL TELEPHONE AND )  
TELEGRAPH COMPANY. )  
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Pursuant to Notice, a Prehearing Conference was held on May 3, 1995, in Tallahassee, Florida, before Commissioner Joe Garcia, as Prehearing Officer.

APPEARANCES:

J. Phillip Carver, Esquire, Robert G. Beatty, Esquire, c/o Nancy H. Sims, 150 South Monroe Street, Room 400, Tallahassee, Florida 32301.  
On behalf of BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company.

Marsha E. Rule, Esquire, Patrick K. Wiggins, Esquire, Wiggins & Villacorta, P.A., Post Office Drawer 1657, Tallahassee, Florida 32302.  
On behalf of BellSouth Mobility, Inc.

Floyd R. Self, Esquire, Norman H. Horton, Jr., Esquire, Messer, Vickers, Caparello, Madsen, Goldman & Metz P.A., Post Office Box 1876, Tallahassee, Florida 32302-1876.  
On behalf of McCaw Communications of Florida, Inc.

Richard D. Melson, Hopping, Green, Sams & Smith, P.A., Post Office Box 6526, 123 South Calhoun Street, Tallahassee, Florida 32314 and Michael J. Henry, MCI Telecommunications Corporation, 780 Johnson Ferry Road, Atlanta, Georgia 30346.  
On behalf of MCI Telecommunications Corporation.

Laura L. Wilson, Regulatory Counsel, Florida Cable Telecommunications Association, Inc., 310 N. Monroe Street, Tallahassee, Florida 32301.  
On behalf of Florida Cable Telecommunications Association, Inc.

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On behalf of Florida Mobile Communications Association, Inc.,  
Paging Network, Inc. and Paging Network of Miami, Inc.

Kenneth A. Hoffman, Esquire, Rutledge, Ecenia, Underwood, Purnell & Hoffman, P. O. Box 551, Tallahassee, Florida 32302-0551.  
On behalf of Sprint Communications Company Limited and  
Teleport Communications Group, Inc.

Chan Bryant Abney, Sprint Communications Company Limited Partnership, 3100 Cumberland Circle, Atlanta, Georgia 30339.  
On behalf of Sprint Communications Company Limited  
Partnership.

Tracy Hatch, Esquire, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0863  
On behalf of the Commission Staff.

Prentice Pruitt, Esquire, Florida Public Service Commission, 101 E. Gaines Street, Tallahassee, Florida 32399-0862  
On behalf of the Commissioners.

#### PREHEARING ORDER

##### 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) seeking review and approval of a plan to provide relief from the impending exhaustion of numbers available for assignment in the 305 area code. The petition initially advanced five plans for consideration. The parties' support for a plan for relief has narrowed to two plans: 1) an overlay of 305 with the new 954 area code and 2) a geographic split along the boundary between Dade and Broward Counties.

By Proposed Agency Action, Order No. PSC-95-0344-FOF-TL, the Commission proposed to adopt the a geographic split to provide relief from the exhaustion of numbers available for assignment in the 305 area code. On March 20, 1995, Southern Bell filed a Petition on Proposed Agency Action seeking a formal hearing on relief for the 305 area code. Accordingly, this matter has been set for administrative hearing.

## II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 364.183(2), Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 364.183, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 364.183, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- 2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to

examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.

- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be presented by written exhibit when reasonably possible to do so.
- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Commission Clerk's confidential files.

#### Post-hearing procedures

Rule 25-22.056(3), Florida Administrative Code, requires each party to file a post-hearing statement of issues and positions. A summary of each position of no more than 50 words, set off with asterisks, shall be included in that statement. If a party's position has not changed since the issuance of the prehearing order, the post-hearing statement may simply restate the prehearing position; however, if the prehearing position is longer than 50 words, it must be reduced to no more than 50 words. The rule also provides that if a party fails to file a post-hearing statement in conformance with the rule, that party shall have waived all issues and may be dismissed from the proceeding.

A party's proposed findings of fact and conclusions of law, if any, statement of issues and positions, and brief, shall together total no more than 60 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown. Please see Rule 25-22.056, Florida Administrative Code, for other requirements pertaining to post-hearing filings.

III. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties (and Staff) has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

IV. ORDER OF WITNESSES

<u>Witness</u>	<u>Date</u>	<u>Appearing For</u>	<u>Issues #</u>
<u>Direct</u>			
William N. Stacy	5/17/95	Southern Bell	All Issues
William H. Brown	"	BMI	All Issues
Vic Jackson	"	PageNet & PageNet of Miami	
Tony H. Key	"	Sprint	All Issues
Don Price	"	MCI	All Issues
Paul G. Kouroupas (David A. Fitts)	"	TCG	All Issues
Ralph A. Widell	"	Staff	All Issues

<u>Witness</u>	<u>Date</u>	<u>Appearing For</u>	<u>Issues #</u>
<u>Rebuttal</u>			
William N. Stacy	5/17/95	S. Bell	
Don Price	"	MCI	

V. BASIC POSITIONS

SOUTHERN BELL'S POSITION: Southern Bell's basic position is that the Commission should adopt the overlay plan that is proposed by Southern Bell. This plan offers the best solution to all of the criteria considered for evaluating alternative plans. First, the overlay plan minimizes the confusion, the cost, and the impact on community of interests for existing customers in Dade and Broward counties. Second, the overlay plan provides a relief plan for the 305 NPA that will last for an extended period, approximately 7.8 years. Finally, the overlay plan minimizes the changes for customer dialing of local calls. The overlay plan does require changes in the dialing patterns of customers but these changes occur gradually, as new numbers are added to the overlay NPA. Accordingly, Southern Bell contends that the overlay plan should be approved by the Commission and should be implemented as quickly as possible.

BMI'S POSITION: The NPA overlay method of relief as proposed by Southern Bell offers significant advantages for implementation and longer term relief for the 305 area code than does a geographic split.

FCTA'S POSITION: The FCTA's primary interest in this proceeding is to support the Commission's proposed agency action and the implementation of a geographic split in the 305 area code. A geographic split is the most appropriate means of providing relief to Southern Bell while minimizing end user confusion and ensuring that one particular industry segment, technology or group of consumers is not favored over another. The geographic split is a better solution for the future that would neither impede competitive entry nor discourage consumers from taking new services.

FMCA'S POSITION: FMCA members provide paging services to the public throughout the 305 NPA. An integral part of that service is the individual telephone numbers - NPA-NXX-XXXX assigned to each of the paging devices carried by customers. Exhaustion of the NXX codes available in the 305 NPA would have a devastating impact on

FMCA paging carriers and their own customers who require telephone numbers for each newly assigned pager. The Commission should approve Southern Bell's proposed 954 NPA overlay plan as the most efficient, practical, expeditious and least cumbersome NPA relief alternative.

**MCCAW'S POSITION:** The industry consensus overlay plan is in the public interest and should be approved.

**MCI'S POSITION:** The Commission should adopt a geographic split plan for relief of the 305 area code. The plan proposed by the Commission staff, which involves a split along the Dade-Broward County line, is an appropriate plan. This plan addresses the need for area code relief in a way that minimizes customer confusion and provides nondiscriminatory treatment for all code users. In particular, it eliminates the need for 10-digit dialing for local calls (except in the Dade/Broward ECS area) and it ensures that customers of both existing and new telecommunications providers will be able to use the same dialing pattern. Southern Bell's overlay plan will cause undue customer confusion, by requiring 10-digit dialing for local calls in a situation where customers in the same geographic area may have different area codes. Further, until a plan for local number portability is approved and implemented, Southern Bell's overlay proposal would give it an undue advantage by offering customers in the 305 area code (who would be predominantly existing Southern Bell customers) a dialing advantage compared to customers who choose a carrier whose number assignments fall in the new area code. Finally, whatever plan is approved should be implemented in a provider-neutral manner. This means that (a) no carrier should have a preference in the assignment of the remaining NXXs in the 305 area code, and (b) if the plan requires 10-digit dialing for local calls, such dialing should be imposed in both area codes at the same time.

**PAGNET'S POSITION:** PageNet and PageNet of Miami support a new growth overlay as the most appropriate means of providing long term number relief in the 305 Numbering Plan Area, and oppose the use of a geographic split for that purpose.

**SPRINT'S POSITION:** Sprint has an interest in this proceeding because of its longstanding commitment to the development of local telephone competition. For this reason, Sprint supports the implementation of a geographic split to address the problem of code exhaust in the 305 NPA. An NPA split is the fairest solution and is the only competitively neutral alternative available. Overlay plans are inherently discriminatory and anti-competitive and would place new entrants at a tremendous disadvantage. The lack of number portability exacerbates the anti-competitive impact of

overlay NPAs since customers will be reluctant to change carriers if such change entails not only a new seven digit number but a new and unfamiliar NPA as well.

**TCG'S POSITION:** TCG's interest in this proceeding stems from its current status as a certificated provider of special access and private line services and its desire to provide local exchange services if permitted by law. TCG supports the implementation of a geographic split as approved by the Commission in Proposed Agency Action Order No. PSC-95-0334-FOF-TL ("PAA Order") to address the pending code exhaust in the 305 Numbering Plan Area ("NPA"). A geographic split will minimize customer confusion and the need for ten-digit dialing and is the only competitively neutral solution to the pending code exhaust in the 305 NPA. The overlay plan proposed by Southern Bell is discriminatory, anti-competitive, confusing to customers and would serve to stifle the emergence of full local exchange competition if permitted by law. Southern Bell's overlay plan would place new, competing local exchange service providers at a significant disadvantage. The lack of true number portability exacerbates the anti-competitive impact of the proposed overlay NPA since potential customers would be reluctant to change carriers if such change entails both a new seven digit number and a new NPA. Unless and until true number portability is implemented in Florida, overlay plans such as the one proposed by Southern Bell remain discriminatory, anti-competitive and not in the public interest.

**STAFF'S POSITION:** Staff's basic position is that a geographic split is the most appropriate solution to the impending exhaustion of available numbers in the 305 area code.

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions.

## VI. ISSUES AND POSITIONS

**ISSUE 1:** What methods are available for area code relief?

**SOUTHERN BELL'S POSITION:** The three basic methods available for area code relief are as follows:

1. NPA Overlay Plan
2. NPA geographic split
3. The boundary realignment of two adjacent NPAs.



**BMI'S POSITION:** Exhaust of the 305 area code can be relieved either by a geographic split along a defined boundary or by the addition of another "overlay" area code along the same geographic boundaries as the current 305 area code.

**FCTA'S POSITION:** Available methods for area code relief include a boundary realignment, a geographic split, and an overlay plan.

**FMCA'S POSITION:** The two most feasible methods available for 305 NPA code relief are Southern Bell's proposed 954 overlay plan and the proposed geographic split along the Dade-Broward boundary.

**MCCAW'S POSITION:** The two basic approaches are a geographic split and an overlay.

**MCI'S POSITION:** The two basic methods available for area code relief are a geographic split and some version of an "overlay" plan.

**PAGNET'S POSITION:** PageNet and PageNet of Miami contend that there are only two forms of relief available that are consistent with the required principles of even handedness and technological neutrality: all-service overlays and geographic splits. The phase-in overlay originally favored by Southern Bell in this docket is not an available option.

**SPRINT'S POSITION:** Sprint is aware of five possible plans that are available for area code 305 relief: (1) Geographic split; (2) New Growth Overlay; (3) Phase-In Overlay; (4) New Growth Overlay Voluntary Assignment; and (5) Geographic Split with Delayed Overlay.

**TCG'S POSITION:** Available methods for area code relief include a geographic split, a boundary realignment, and an overlay plan. The PAA Order discusses the various types of overlay plans (new growth, phase-in and new growth with voluntary assignment), the geographic split and combined geographic split with delayed overlay raised by Southern Bell in its original petition for 305 NPA relief.

**STAFF'S POSITION:** Listed below are the three possible methods available to provide relief for an exhausting area code.

1. Boundary Realignment of two adjacent NPAs
2. NPA Geographic Split
3. NPA Overlay

**ISSUE 2:** What criteria should be considered in analyzing area code relief plans?

**SOUTHERN BELL'S POSITION:** There are three primary criteria which should be considered in analyzing area code relief plans.

1. The impact of the proposed plan on the existing customers.
2. The length of relief for the NPAs provided by the plan.
3. The changes in customer dialing patterns required by the proposed plan.

**BMI'S POSITION:** In determining which area code relief plan to implement, the Commission should consider:

1. whether the plan divides communities of interest
2. the inconvenience, confusion, and costs caused by the plan (to subscribers as well as providers of various telecommunications services)
3. the length of time for which the plan would provide relief
4. whether the plan treats subscribers and providers equitably
5. ease of transition
6. preference of affected consumers

**FCTA'S POSITION:** The Commission should consider, at minimum, the following criteria:

1. the ability of end users to understand and adapt to the new plan;
2. whether the plan unduly favors or disadvantages any particular industry segment or group of consumers, and, if so, to what extent;
3. whether the plan is technology neutral or unduly favors one technology over another and, if so, to what extent;
4. the length of time that the plan will provide relief; and
5. whether the plan reflects sensitivity to the growth and dynamic nature of the telecommunications industry in Florida, including whether the plan facilitates or impedes competitive entry into the telecommunications marketplace and whether the plan prevents or discourages consumers from taking new telecommunications services.

**FMCA'S POSITION:** Among the criteria that should be considered in analyzing area code relief plans are customer inconvenience and cost, customer and public confusion and acceptance, durability of the new NPA code, maintaining non-discriminatory practice in

assignment of numbers and appropriate competitive balance, and availability of time to properly implement the plan.

**MCCAW'S POSITION:** The criteria should include cost to the carriers and customers of implementing the new NPA, competitive neutrality, and length of relief (time until another new NPA is needed).

**MCI'S POSITION:** The Commission should consider whether the plan: (1) makes numbering resources available on an efficient, timely basis to communications services providers; (2) unduly favors or disadvantages any industry segment or group of consumers; (3) unduly favors one technology over another.

**PAGNET'S POSITION:** PageNet and PageNet of Miami contend that first and foremost, any relief plan must be evenhanded and technologically neutral in its treatment of affected carriers. Subject to that overriding principle, other factors should include transparency to consumers, timeliness and durability. Durability should be measured in terms of required changes in telephone numbers and dialing patterns.

**SPRINT'S POSITION:** There are at least three criteria that should be utilized in reviewing area code relief plans after a Commission determination is made that relief is absolutely necessary. (1) Consumer awareness/confusion should be considered to determine whether consumers will understand new dialing arrangements for local and toll calling that may be required by the area code relief plan; (2) The length of time an NPA will experience relief should be examined to determine how long the recommended relief plan will provide numbers before another arrangement will become necessary; and (3) Equity of code assignment is essential to determine whether any party will be discriminated against in the assignment of numbers in any area code relief plan.

**TCG'S POSITION:** The Commission should consider, at minimum, the following criteria:

1. the ability of end users to understand and adapt to the new plan;
2. whether the plan unduly favors or disadvantages any particular industry segment or group of consumers, and, if so, to what extent;
3. whether the plan is technology neutral or unduly favors one technology over another and, if so, to what extent;
4. whether the plan reflects sensitivity to the growth and dynamic nature of the telecommunications industry in Florida, including whether the plan facilitates or impedes competitive entry into the telecommunications

- marketplace and whether the plan prevents or discourages consumers from taking new telecommunications services;
5. the length of time that the plan will provide relief;
  6. if, when and to what extent the plan would require 10 digit dialing for local calls; and
  7. whether the plan would permit implementation of all of the methods discussed under Issue No. 1 to address future exhaust of NPA codes in the same geographic territory.

**STAFF'S POSITION:** The following criteria should be used to analyze area code relief plans.

1. The ability of end users to understand and adapt to a new plan.
2. The extent to which the plan fosters competition.
3. The length of time that the plan will provide relief.
4. The impact of the proposed plan on the existing customers.
5. The changes in customer dialing patterns required by the proposed plan.

**ISSUE 3:** What are the advantages and disadvantages of implementing an overlay plan?

**SOUTHERN BELL'S POSITION:** The overlay plan has the following advantages:

1. All customers are permitted to retain their current telephone numbers.
2. Customers will suffer no added costs as a result of the overlay plan.
3. A lengthy permissive dialing period helps to minimize customer confusion.
4. Maintains existing community of interest.
5. Cellular customers are permitted to retain their current cellular numbers.
6. Cellular customers are not required to have their sets reprogrammed.
7. Paging customers will be permitted to retain their current numbers.
8. The cost to Southern Bell for system changes and related items is less.
9. Will provide relief for the 305 NPA for approximately 7.9 years.
10. IntraNPA, local calls could continue to be dialed on a seven digit basis at the discretion of the Commission.

11. Makes numbering resources available on a timely basis.

The disadvantages of the overlay plan are as follows:

1. Requires some customer education.
2. Some business customers will be required to reprogram their PBXs in order to access the 954 NPA.
3. Requires ten digit dialing of interNPA, local calls.
4. Requires some pay telephone providers to make changes in their pay phone instruction cards and programming.

**BMI'S POSITION:** Southern Bell's overlay proposal offers the following advantages:

1. all customers keep existing phone numbers
2. provides relief for almost eight years
3. long transitional or permissive dialing period
4. does not discriminate against any carrier or customer
5. preferred by all current code-holders
6. based on public service hearings held on April 14, 1995, the overlay is also preferred by the public

On balance, the overlay proposal has no disadvantages.

**FCTA'S POSITION:** The disadvantages of an overlay plan include customer confusion, 10 digit dialing for all local calls and significant anti-competitive implications both now and in the future. At this time, FCTA is unaware of any advantages of implementing an overlay plan that accrue to any entity other than to Southern Bell.

**FMCA'S POSITION:** The primary advantages of the Southern Bell proposed overlay plan are (1) no customers must change telephone numbers, (2) code relief is provided for approximately eight years, (3) cellular telephones will not need to be reprogrammed at substantial expense, (4) no discrimination among any customers or carriers, and (5) has a substantial implementation period. The primary disadvantage of the overlay plan is that 10-digit local dialing will be required sooner than if no overlay is used.

**MCCAWE'S POSITION:** The primary advantages include no one must change their telephone number, cellular customers do not have to have their telephones reprogrammed, and the overlay provides the greatest relief until a new NPA is needed. The primary

disadvantage is all local dialing (intra-NPA and inter-NPA) must be 10 digits for either technical or competitive reasons.

**MCI'S POSITION:** The primary disadvantage of an overlay plan is that it requires 10-digit dialing for local calls between the two area codes which coexist in the same geographic area and, in order to prevent giving Southern Bell a competitive advantage, would require 10-digit local dialing by all consumers throughout the overlay area.

**PAGNET'S POSITION:** PageNet and PageNet of Miami contend that the principal advantages of an overlay plan are that such a plan does not require anyone to change his or her telephone number and for that reason such a plan will greatly facilitate future rounds of telephone number relief. The only disadvantages of an overlay plan are that it requires some customer education to understand the concept and at some point a one time adjustment to 10- or 11-digit dialing, which PageNet and PageNet of Miami contend is inevitable in any event.

**SPRINT'S POSITION:** Clearly the advantage of overlay plans is that existing customers do not have to change their telephone numbers. However, this advantage is outweighed by the inherently discriminatory and anti-competitive impact that overlay plans have on new entrants into the local exchange marketplace. A plan that would impose significant competitive disadvantages on one group while providing significant competitive advantages to the incumbent local exchange carrier ("LEC") is unreasonable. Due to the lack of number portability, customers will be reluctant to switch to a new competing provider if they are forced to get a new telephone number. Such customers will be even more reluctant to take service from a new competing provider if they are required to switch to a new area code as well.

Another primary disadvantage associated with overlays is the elimination of 7-digit dialing within the NPA. Overlay plans are confusing for both residential and business customers that are accustomed to associating the called party's location based on their telephone number. The implementation of an overlay will result in confusion for payphone customers as well since they will first have to determine the NPA of the instrument prior to making a local call. Both the unequal dialing requirement and the customer confusion element are significant factors which should be considered in evaluating the merits of overlay plans.

**TCG'S POSITION:** The advantage of overlay plans is that existing customers do not have to change their telephone numbers. However, this one advantage is clearly outweighed by the discriminatory and

anti-competitive impact that overlay plans impose on competitors and customers. Overlay plans have a discriminatory and anti-competitive impact on new entrants into the local exchange market and will generate excessive customer confusion. For example, overlay plans discriminate against competitors and their customers by requiring ten digit dialing for the great majority of local calls while customers of the incumbent local exchange company continue to enjoy seven digit dialing for the great majority of their local calls. Moreover, due to the lack of true number portability, potential customers of competing local exchange providers will be even more reluctant to take service from a competitor if the customer is required to obtain a new telephone number and area code.

**STAFF'S POSITION:** The overlay plan has the following advantages:

1. Does not require any telephone number change for existing customers.
2. Does not require cellular customers to get their telephones reprogrammed.

The disadvantages of the overlay plan are the following:

1. Requires 10 digit dialing of all local calls so as not to impede competition.
2. Does not provide a specific geographic area for 305 and 954.
3. Causes considerable confusion to customers.
4. Requires 10 digit listings for all entries in the directory.
5. Requires 10 digit numbers in all advertising including yellow pages, stationary, etc.
6. Requires some business customers to have their PBXs reprogrammed.
7. Requires a significant amount of education for customers prior to implementation of the overlay plan.
8. Requires some pay telephone providers to make changes in both pay phone instruction cards and programming.

**ISSUE 4:** What are the advantages and disadvantages of implementing a geographic split plan?

**SOUTHERN BELL'S POSITION:** The geographic split provides the following advantages:

1. Makes numbering resources available on a timely basis.

2. Maintains seven digit dialing on intraNPA local calls.

The disadvantages of a geographic split are:

1. Divides the community of interest between Dade and Broward counties.
2. Provides 305 area code relief for only 4.8 years or less.
3. Requires ten digit dialing for customers in the Dade-Broward ECS calling plan.
4. Requires 2.7 million telephone numbers for Broward county customers to be changed.
5. Businesses in Broward county and elsewhere, would suffer the inconvenience and expense of changing the 305 area code on stationery, business cards, packaging materials, shipping materials, signs, etc.
6. Broward County customers and others would be required to modify their software and calling lists for all of their customers.
7. Requires a significant amount of customer education within a 1 month permissive dialing period.
8. An estimated 200,000 cellular telephones must be returned by customers to the distributor for reprogramming.
9. Requires changes in pay phone instruction cards and in programming of "smart" sets.
10. Requires a two-day service activation freeze for all customers in the 305 area.
11. Requires changes to billing for customers who have special billing arrangements.
12. Requires calling card account numbers to be changed and new cards to be issued.
13. The cost to Southern Bell for implementing this plan is approximately \$4.635 million dollars.

**BMI'S POSITION:** On balance, a geographic split offers no advantages in this situation. The geographic split has the following disadvantages:

1. offers relief for only 4.8 years, after which another solution must be found
2. requires over 2.7 million subscribers to change their phone numbers, which in turn causes cost and inconvenience
3. ~~would~~ divide a community of interest



4. would greatly inconvenience cellular customers and cause costs to cellular providers
5. provides only one month permissive dialing period, which places unreasonable burden on consumers and makes it impossible to timely reprogram all cellular phones

**FCTA'S POSITION:** The advantages of a geographic split include providing an efficient and fair means of administering numbers, minimizing end user confusion, achieving technology neutrality, and facilitating competition both now and in the future.

**FMCA'S POSITION:** The primary advantage of Staff's proposed geographic split is the maintaining of 7-digit local dialing. The primary disadvantages are (1) many customers are required to change telephone numbers, (2) all affected cellular telephones must be reprogrammed at substantial expense, (3) the code relief provided is less than five years, and (4) allows a very brief and totally inadequate permissive dialing and implementation period.

**MCCAW'S POSITION:** The primary advantage is the geographic split maintains 7 digit intra-NPA dialing. The primary disadvantages include all cellular subscribers in the new NPA must have their telephones reprogrammed, all customers with the new NPA must change their area code and associated advertising, stationary, etc., and a geographic split will cause a need for a new NPA sooner than an overlay.

**MCI'S POSITION:** The primary advantages of a geographic split are that it avoids the necessity for 10-digit local dialing and the resultant customer confusion, and that it avoids treating different telecommunications providers differently depending on the time at which they enter the local market.

**PAGNET'S POSITION:** PageNet and PageNet of Miami contend that the principal advantage of a geographic split is that a split preserves the notion that only one NPA is assigned to a geographic area. The principle disadvantage is that a split requires approximately half of all telephone customers to change their telephone number. It is thus a method of relief that is best used in locations where the future growth in the demand for telephone numbers is expected to be relatively modest so that the split will provide a reasonably durable solution to the problem. Another disadvantage of a split is that where the NPA to be relieved is already at or near the point of NXX code exhaust, the need to provide for a reasonable period of permissive dialing and the subsequent aging of previously assigned telephone numbers, can substantially delay NXX code relief and create a risk that service will be denied to some customers.

**SPRINT'S POSITION:** The primary disadvantage associated with geographic splits is the impact on customers who are required to change their telephone numbers to include a new area code. However, given the advent of local exchange competition, a geographic split is the only competitively neutral alternative available to the Commission in resolving area code relief issues. A split is based solely on geographics and avoids creating competitive advantages for incumbents in the local exchange marketplace. A geographic split is easily understood, does not discriminate and does not raise difficult issues regarding dialing plans and customer confusion. Moreover, a geographic split provides as much relief for area code exhaustion as overlays. A split adds exactly as many numbers to an area as an overlay but simply distributes them into geographic areas rather than layering them on top of the existing code.

**TCG'S POSITION:** Given the advent of local exchange competition, a geographic split is the only competitively neutral solution to the 305 NPA code exhaust. Advantages of a geographic split include: (1) it avoids ten digit dialing; (2) is easily understood by customers; (3) does not discriminate against new entrants in the local exchange marketplace; (4) it benefits the customers of Southern Bell and all potential competitors for local exchange services by promoting competition; (5) it leaves available the options of a geographic split or an overlay to address future code exhaust situations when true number portability is anticipated to be available; and (6) it provides as many NXX numbers to the affected area as an overlay. The primary disadvantage associated with a geographic split is the impact on customers who are required to change their telephone numbers to include the new area code.

**STAFF'S POSITION:** The geographic split provides the following advantages:

1. Maintains 7 digit dialing on intra-area code local calls. (No 10 digit dialing)
2. Maintains 7 digit dialing on some inter-area code local calls.
3. Easily understood by customers.
4. 305 and 954 would have a well defined, and well understood geographic boundary.
5. No discrimination and no impediment to competition.

The disadvantages of a geographic split are:

1. Requires an area code change (from 305 to 954) for all Broward County customers.

2. Creates some inconvenience and expense to customers in Broward County that have 305 area code on stationary, advertising, etc.
3. Creates some inconvenience and expense to cellular telephone customers and cellular telephone carriers in Broward County via the requirement to reprogram each cellular telephone in Broward County.
4. Requires some business customers to have their PBXs reprogrammed.
5. Requires some pay telephone providers to make some changes in both pay phone instruction cards and programming.
6. Requires some customer education.
7. Requires some carriers and customers to incur some cost to modify their records.

**ISSUE 5:** Which plan should be implemented to relieve the 305 area code?

**SOUTHERN BELL'S POSITION:** The overlay plan should be implemented in accordance with Southern Bell's plan.

**BMI'S POSITION:** The Commission should implement the overlay plan proposed by Southern Bell.

**FCTA'S POSITION:** The FCTA supports a geographic split of the 305 area code.

**FMCA'S POSITION:** The 954 NPA overlay plan should be implemented to relieve the 305 NPA.

**MCCAW'S POSITION:** The industry consensus overlay plan.

**MCI'S POSITION:** The geographic split plan described in the staff's testimony should be implemented to relieve the 305 area code.

**PAGNET'S POSITION:** PageNet and PageNet of Miami contend that in light of the likely frequency with which telephone number relief will be required in the Miami Metropolitan Area, that the public interest will be best served by the use of an all-service overlay with a 10-digit dialing plan. This will avoid the need for anyone to change his or her telephone number and eliminate the need for any future changes in either telephone numbers or dialing patterns. It will thus be the most durable form of relief possible. An overlay plan will also make additional NXX codes available to affected carriers immediately and thus avoid the risk that will

exist in the case of a split of an inability to provide service to all customers that request service.

**SPRINT'S POSITION:** Sprint urges the Commission to implement a geographic split. As stated, the implementation of a geographic split avoids creating discriminatory competitive disadvantages for incumbents in the local exchange marketplace. Overlay plans reward incumbent providers with a significant competitive advantage over new entrants which will result in a detrimental effect on local competition. A geographic split is also preferable because it furthers the basic characteristics of the North America Numbering Plan ("NANP") which was founded on the notion of geographically distinct numbering areas. Overlays break down these distinctions and muddy the caller's sense of where the call is going. The implementation of a geographic splits will avoid this type of customer confusion. (Please see Sprint Position in Issue No. 4)

**TCG'S POSITION:** For the reasons stated under Issue No. 4, TCG urges the Commission to implement a geographic split. TCG urges the Commission to implement the geographic split as proposed by the Commission Staff.

**STAFF'S POSITION:** The geographic split plan should be implemented.

**ISSUE 6:** How and when should the approved plan be implemented?

**SOUTHERN BELL'S POSITION:** The overlay plan should be implemented in accordance with Southern Bell's proposal and on an expedited basis.

**BMI'S POSITION:** The overlay plan should be implemented as proposed by Southern Bell. An order reflecting that decision should be issued on an expedited basis.

**FCTA'S POSITION:** A geographic split should be implemented as soon as practicable and in a manner as determined by the Commission to be in the public interest that also maximizes the continued input of all affected parties.

**FMCA'S POSITION:** The overlay plan should be implemented at the earliest possible date, maintaining the non-discriminatory assignment of all remaining 305 NPA NXXs.

**MCCAW'S POSITION:** The approved plan should allow customers and carriers sufficient time to implement.

**MCI'S POSITION:** The approved plan should be implemented as quickly as possible. Regardless of which plan is implemented, no carrier should be given preferential treatment in the assignment of unused NXXs in the 305 area code. Whatever dialing pattern results from the approved plan should be implemented simultaneously in both the old and new area codes.

**PAGENET'S POSITION:** PageNet and PageNet of Miami contend that an all-service overlay should be implemented as soon as possible by making the new 954 NXX codes available to all carriers that wish to use them now. PageNet and PageNet of Miami are willing to have a reasonable number of the 305 NXX codes that remain available for assignment reserved for the use of Southern Bell until Southern Bell has completed and tested certain modifications to its operational support systems that Southern Bell claims must be completed before it can use two or more NPAs in the same end office, provided that once those modifications have been completed and tested that Southern Bell makes any of the NXX codes reserved for this purpose that it does not use available to all affected carriers on a first come, first served basis, and provided further that the number of codes reserved for this purpose are acceptable to a consensus of the affected carriers. With this exception, the remaining 305 NXX codes should continue to be available to all affected carriers on a first come, first served basis until they are fully exhausted. PageNet and PageNet of Miami further contend that permissive 10-digit dialing for local, intra-NPA calls should be implemented by mid-1995, transitioning to mandatory 10-digit dialing in the future. Finally, there should be no take back of any assigned NXX codes from any carrier.

**SPRINT'S POSITION:** The Commission should implement a geographic split plan upon its determination that an exhaust is imminent. Sprint supports the implementation of a geographic split of the 305 area code along the Dade/Broward County lines as referenced in the Commission Staff's recommendation.

**TCG'S POSITION:** The Commission should implement a geographic split plan upon its determination that an exhaust is imminent. TCG supports the implementation of a geographic split of the 305 area code along the Dade/Broward County lines as referenced in the PAA Order.

**STAFF'S POSITION:** The Commission should implement its approved plan whether a geographic split or an overlay as soon as practicable. Southern Bell should immediately begin to provide the necessary translation in switches to allow permissive dialing as required by the approved plan and to change Dade-Broward ECS traffic to 10 digit dialing. Since the assignment of codes is a

continually moving target, the Commission should require staff and the current and potential code holders to develop a schedule as to the critical dates for the approved plan. This schedule should be completed 60 days prior to the determined exhaust date.

VII. EXHIBIT LIST

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Stacy	Southern Bell	(WNS-1)	North American Numbering Plan Format and Administration
		(WNS-2)	Central Office Code Utilization (NXX Codes) by category as of 3-24-95
		(WNS-3)	Agreement
		(WNS-4)	305 NPA Relief - Overlay as of 3-22-95
		(WNS-5)	305 NPA Relief Proposal Overlay of 305 with 954
		(WNS-6)	NPA Relief Proposal - Geographic Split as of 3-22-95
		(WNS-7)	305 NPA Relief Proposal Geographic Split Dade-Broward
Price	MCI	(DGP-1)	Academic and professional qualifications of Don Price

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Price	MCI	(DGP-2)	Central Office Code (NNX/NXX) Assignment Guidelines
		(DGP-3)	Excerpts from Senate Bill 652
Jackson	PageNet & PageNet of Miami	(1.0)	Mr. Jackson's Pre-filed Testimony
		(1.1, 1.1(a), 1.1(b))	This is a combined exhibit that includes a fact sheet and press releases describing PageNet's Voice Now <sup>SM</sup> service.
		(1.2)	Notice of Inquiry, <u>In re Administration of the North American Numbering Plan, Federal Communications Docket No. 92-237 (Released October 29, 1992).</u>
		(1.3)	Notice of Proposed Rulemaking, <u>In re Administration of the North American Numbering Plan, Federal Communications Docket No. 92-237 (Released April 4, 1994).</u>

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Jackson	PageNet & PageNet of Miami	(1.4)	Section 3, Numbering Plan and Dialing Procedures, from <u>BOC Notes on the LEC Networks -- 1994.</u>
		(1.5)	Industry Carriers Compatibility Forum, <u>Central Office Code ( N N X / N X X ) Assignment Guidelines.</u>
		(1.6)	Declaratory Ruling and Order, <u>In re Proposed 708 Relief Plan and 630 Numbering Area Code by Ameritech - Illinois, Federal Communications Commission IAD File Number 94- 102 (Released January 23, 1995).</u>
		(1.7)	Memorandum from Carolyn M. Todd, Bellcore, dated September 29, 1992, re Notes on NPA Overlay Meeting with New York Telephone.



<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Jackson	PageNet & PageNet of Miami	(1.8)	Bellcore Letter, dated January 3, 1 9 9 4 t o Recipients of the North American Numbering Plan (NANP) Infor- mation, re Status of Numbering in the NANP Served Area.
		(1.9)	NANP Current and P l a n n e d Compatibility for H y b r i d / P B X Products.
		(1.10)	Article from the Friday, February 17, 1995 edition of <u>The Wall Street Journal</u> .
		(1.11)	Bellcore Letter, dated January 31, 1 9 9 5 , t o Recipients of the North American Numbering Plan (NANP) Infor- mation, re the North American Numbering Plan - Numbering Plan Area Codes - 1995 Update.
		(1.12)	Direct Testimony of Donald A. Caisley from I l l i n o i s Commerce C o m m i s s i o n Docket No. 94- 0315.

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Jackson	PageNet & PageNet of Miami	_____ (1.13)	708 Area Code research, Key Findings from Qualitative Focus G r o u p Discussions, dated April 1994. Letter from Lee A. Rau to Robert G. Beatty, and e n c l o s u r e e n t i t l e d "Stipulation and Agreement of the Parties", which is a combined exhibit.
Kouroupas	TCG	_____ (DAF-1)	Survey prepared for Southern New England Telephone on customer pref- erences for new area code in Connecticut

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

VIII. PROPOSED STIPULATIONS

There are no proposed stipulations at this time.

IX. PENDING MOTIONS

There are no pending motions at this time.

X. RULINGS

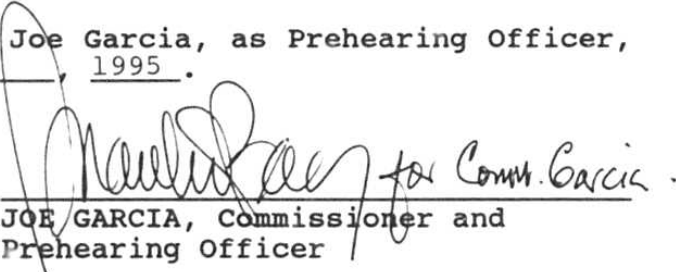
A. BMI's Motion for Extension of Time to File Direct Testimony, filed 4/30/95, is granted.

- B. FMCA's Motion to Accept Late-filed Prehearing Statement, filed 4/20/95, is granted.
- C. Southern Bell's Motion to Accept Late-filed Prehearing Statement, filed 4/24/95, is granted.
- D. FCTA's Request for Excused Absence from Prehearing Conference is granted for good cause shown.
- E. MCI's request to combine direct and rebuttal testimony is granted as to all parties.
- F. Teleport's request to exceed the fifty word limitation for position statements in post hearing filings is granted as to all parties.

It is therefore,

ORDERED by Commissioner Joe Garcia, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Commissioner Joe Garcia, as Prehearing Officer, this 11th day of May, 1995.

  
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JOE GARCIA, Commissioner and  
Prehearing Officer

( S E A L )

TWH

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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.