

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of
proposed numbering plan relief
for the 407 area code.

DOCKET NO. 980671-TL
ORDER NO. PSC-98-1009-PHO-TL
ISSUE: July 24, 1998

Pursuant to Notice, a Prehearing Conference was held on Wednesday, July 22, 1998, in Tallahassee, Florida, before Commissioner E. Leon Jacobs, Jr., as Prehearing Officer.

APPEARANCES:

Marsha E. Rule, Esquire, 101 North Monroe Street, Suite 700, Tallahassee, FL 32301.

On behalf of AT&T Communications of the Southern States, Inc. (AT&T)

E. Gary Early, Esquire, Akerman, Senterfitt & Eidson, P.A., 216 South Monroe Street, Suite 200, Tallahassee, FL 32301.

On behalf of BellSouth Mobility Inc. (BMI)

Mary Keyer, Esquire, 675 West Peachtree Street, #4300, Atlanta, GA 30375.

On behalf of BellSouth Telecommunications, Inc. (BellSouth)

Richard D. Melson, Esquire, Hopping Green Sams & Smith, P.A., Post Office Box 6526, 123 South Calhoun Street, Tallahassee, FL 32314.

On behalf of MCI Telecommunications Corporation and MCImetro Access Transmission Services, Inc. (MCI)

Charles J. Rehwinkel, Esquire, Post Office Box 2214 (MC FLTLH00107), Tallahassee, FL 32316-2214.

On behalf of Sprint-Florida, Inc. (Sprint)

J. Jeffry Wahlen, Esquire, Ausley & McMullen, Post Office Box 391, Tallahassee, FL 32302.

On behalf of Vista-United Telecommunications (Vista)

William P. Cox, Esquire, and Hans Ottinot, Esquire, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

On behalf of the Commission Staff.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

PREHEARING ORDER

I. CONDUCT OF PROCEEDINGS

Pursuant to Rule 28-106.211, Florida Administrative Code, this Order is issued to prevent delay and to promote the just, speedy, and inexpensive determination of all aspects of the case.

II. CASE BACKGROUND

By letter dated April 22, 1998, Lockheed Martin IMS (Lockheed Martin), the administrator of the North American Numbering Plan (NANP) for the 407 area code, notified the Commission that the 407 area code will exhaust its remaining supply of telephone numbers by approximately the fourth quarter of 1999. Lockheed Martin also notified the Commission that an industry meeting was held to discuss alternative relief plans for the 407 area code. At the industry meeting, an overlay relief plan was the consensus recommendation reached by industry representatives in their effort to address the future supply of telephone numbers for the 407 area code.

Lockheed Martin has requested the Commission's approval of the industry's recommendation to implement an overlay plan for the 407 area code. This prehearing order sets out the issues to be addressed and the procedures to be followed at the hearing scheduled to address this matter.

III. 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 Division of Records and Reporting confidential files.

IV. POST-HEARING PROCEDURES

Each party shall 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 filed in this proceeding. 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. Further, if a party fails to file a post-hearing statement in conformance with this order, 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 40 pages, and shall be filed at the same time. The prehearing officer may modify the page limit for good cause shown.

V. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties 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.

VI. ORDER OF WITNESSES*

<u>WITNESS</u>	<u>APPEARING FOR</u>	<u>ISSUE NO.</u>
<u>DIRECT</u>		
D. Wayne Milby ¹	NANPA	All
Allen Benson (Rebuttal also)	BellSouth	All
Suzanne Brooks (Rebuttal also)	MCI	All
Thomas C. Foley	Sprint	1-2
Sandra A. Khazraee	Sprint	1
Robert P. Merrick	Vista	All

*Direct and rebuttal testimony will be combined for purposes of the hearing.

VII. BASIC POSITIONS

NANPA: No position.

AT&T: AT&T suggests that any NPA relief must be planned and implemented in a competitively neutral manner so that no particular service provider is unduly favored or

¹ Mr. Milby will testify at the hearing as the neutral administrator of the North American Numbering Plan. He did not file a prehearing statement and will take no positions on the issues in this proceeding.

adversely affected. The impact of area code relief on customers should be kept to a minimum while promoting the development of local competition for the long term benefit of Florida consumers. AT&T suggests a geographic split best accomplishes these goals in the 407 NPA.

BMI: BMI's basic position in this proceeding is that it agrees with the industry recommendation resulting from the industry meeting held on March 31, 1998, that recommendation being for NPA relief via a single overlay favors an overlay versus a geographic split in dealing with the exhaust of Area Code 407.

BELL-
SOUTH: BellSouth agrees with the consensus Industry Recommendation resulting from the Industry Meeting held March 31, 1998, to implement 407 NPA relief utilizing a single overlay plan. For local and EAS calls, a 10-digit dialing pattern would be mandatory with the overlay solution. All toll calls and those ECS calls subject to allowable Interexchange Carrier competition should be dialed on a 1 plus 10-digit dialing pattern. For ECS calls where Interexchange Carrier competition is not allowed, dialing requirements should be required to be the same as local and EAS calls. This dialing pattern will help ensure dialing parity among all communications users and providers and begin the transition to the dialing patterns mandated in PSC Order No. 98-96-0558-FOS-TP.

In the alternative, BellSouth would support a geographic split as set forth in Alternative #7 from the Industry Meeting.

MCI: In general, geographic splits are preferable to overlays as a means of providing area code relief. Geographic splits tend to have fewer end-user impacts and fewer negative impacts on emerging competition. If the Commission nevertheless determines due to the unique circumstances in the 407 area code that an overlay is in the public interest, it should impose several conditions to mitigate the adverse impacts on competition. These conditions include: (1) no slippage in the current schedule for permanent local number portability; (2) requiring 10-digit dialing within and between all old and new area codes (consistent with FCC order); and (3)

establishing a workshop or other appropriate process to make recommendations to the Commission for further number conservation mechanisms (e.g. Rate Center Consolidation, Unassigned Number Porting and Number Pooling) for the Orlando area, to ensure full utilization of the current numbering resource and to further extend the life of this NPA relief option.

SPRINT: Sprint agrees with the consensus Industry Recommendation resulting from the Industry Meeting held March 31, 1998, to implement 407 NPA relief utilizing a single overlay plan. For local and EAS/ECS calls, a 10-digit dialing pattern would be mandatory with the overlay solution. Toll calls should be dialed on a 1+ 10 digit dialing pattern.

VISTA: The single overlay (Alternative #1) has many advantages and should be considered by the Commission along with Alternatives #4 and #7.

STAFF: No basic position pending the hearing.

VIII. ISSUES AND POSITIONS

ISSUE 1: Should the Commission approve the industry's consensus overlay plan for the 407 area code relief, and if not, what relief plan should the Commission approve?

POSITION:

NANPA: No position.

AT&T: While there are advantages and disadvantages of either imposing an overlay as proposed by Lockheed Martin IMS or a geographic split, AT&T suggests that the advantages associated with the split outweigh those associated with an overlay. From a technical standpoint, AT&T will support either one. The determining factor should be what is in the best interests of the people living and working within the 407 area code.

BMI: The Commission should approve the industry's consensus overlay plan for the 407 area code relief. If the

Commission chooses to select an alternative relief solution, BMI suggests that Alternative Number 7 provides the most effective relief plan that also maintains the greatest community of interest.

BELL-
SOUTH:

Yes. The overlay plan is the most cost effective, most consistent and least confusing dialing arrangement, as well as being the easiest to implement and the one which will provide the longest NPA relief period for all customers. Alternatively, BellSouth supports a geographic split as set forth in Alternative #7.

MCI:

The Commission should not approve the overlay plan for the 407 area code. If relief is necessary, the Commission should approve a geographic split. If the Commission nevertheless determines, due to the unique circumstances in the 407 area code that an overlay is in the public interest, it should impose the following conditions to mitigate the adverse impacts on competition: (1) no slippage in the current schedule for permanent local number portability; (2) requiring 10-digit dialing within and between all old and new area codes (consistent with FCC order); and (3) establishing a workshop or other appropriate process to make recommendations to the Commission for further number conservation mechanisms (e.g. Rate Center Consolidation, Unassigned Number Porting and Number Pooling) for the Orlando area, to ensure full utilization of the current numbering resource and to further extend the life of this NPA relief option.

SPRINT:

Yes. The overlay plan in this particular case is a rational solution which will provide the most long term benefits and make it easier to add future area codes which will clearly be needed in this high growth area.

VISTA:

The single overlay (Alternative #1) has many advantages and should be considered by the Commission along with Alternatives #4 and #7.

STAFF:

No position pending the Hearing.

ISSUE 2: What should the dialing pattern be for the following types of calls? a. Local b. Toll c. EAS d. ECS

POSITION:

NANPA: No position.

AT&T: If the Commission approves an overlay, 10-digit dialing should be required within and between the new and old area codes for all types of calls. In addition, toll calls should be made on a 1+ 10-digit basis. If the Commission approves a geographic split, 10-digit dialing should be required between the new and old area dialing codes for all types of calls. In addition, toll calls should be made on a 1+ 10-digit basis. Local, ECS and EAS calls within an area code may be on a seven-digit basis.

BELL-

SOUTH: A 10-digit dialing pattern is mandatory for local and EAS calls with the overlay solution, and should also apply to ECS calls where interexchange carrier competition is not allowed. A 1+ 10-digit dialing pattern should apply to all tolls calls and those ECS calls subject to allowable interexchange carrier competition.

BMI: If the Commission approves the industry consensus overlay, 10-digit dialing will be mandatory for local, EAS and ECS where interexchange carrier competition is not allowed, and 1+ 10-digit dialing for toll and ECS where interexchange carrier competition is allowed. If Alternative #7 is implemented, seven-digit dialing patterns will be maintained within area codes.

MCI: If the Commission approves an overlay, 10-digit dialing should be required within and between the new and old area codes for all types of calls. In addition, toll and ECS calls should be made on a 1+ 10-digit basis.

If the Commission approves a geographic split, 10-digit dialing should be required between the new and old area codes for all types of calls. In addition, toll and ECS calls should be made on a 1+ 10-digit basis. Local and EAS calls within an area code may be on a seven digit basis.

SPRINT: A 10-digit dialing pattern is mandatory for local and EAS/ECS calls with the overlay solution. Toll calls should be dialed on a 1+ 10-digit dialing pattern.

VISTA: The dialing patterns for these types of calls depends on the relief plan adopted. Under either Alternative #4 or #7, a significant number of EAS/ECS calls that are now seven-digit dialed will require 10-digit dialing.

STAFF: No position pending the Hearing.

IX. EXHIBIT LIST

<u>WITNESS</u>	<u>PROFFERED BY</u>	<u>I.D. NUMBER</u>	<u>DESCRIPTION</u>
D. Wayne Milby	NANPA	DWM-1	4/22/98 Petition-407 Area Code Relief Plan
Allen Benson	BellSouth	AAB-1	407 NPA; BONIS as of 6/5/98
Thomas C. Foley	Sprint	TCF-1	Sprint Exhibits 1, 2 & 3
Robert P. Merrick	Vista	RPM-1	Composite Exhibit

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

X. PROPOSED STIPULATIONS

There are no proposed stipulations at this time.

XI. PENDING MOTIONS

There are no pending motions at this time.

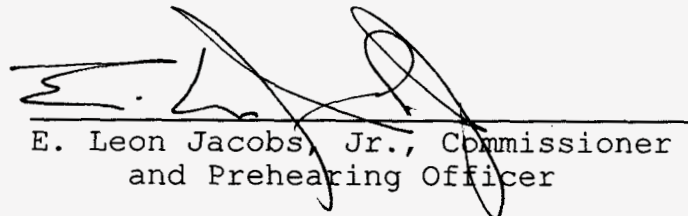
XII. RULINGS

1. BellSouth Mobility Inc's Motion to Accept Late Filed Prehearing Statement is granted.
2. Sprint's Motion to Accept Late Filed Prehearing Statement is granted.
3. AT&T's request for excusal from the hearing is granted.
4. BellSouth Mobility Inc's request for excusal from the hearing is granted.

It is therefore,

ORDERED by Commissioner E. Leon Jacobs, Jr., 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 E. Leon Jacobs, Jr., as Prehearing Officer, this 24th day of July, 1998.



E. Leon Jacobs, Jr., Commissioner
and Prehearing Officer

(S E A L)

WPC

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