

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.

DOCKET NO. 990455-TL

In re: Request for review of proposed numbering plan relief for the 904 area code.

DOCKET NO. 990517-TL
ORDER NO. PSC-00-2055-PAA-TL
ISSUED: October 27, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION ORDER ESTABLISHING
BALLOTING CRITERIA AND PROCEDURES

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.

Background

At the September 29, 2000 Special Agenda Conference, we approved relief plans for the 305/786, 561, 904, and 954 area codes. During this conference, we voted to approve a geographic split for the 904 area code. Under the chosen plan, customers in the proposed Sanford exception area would be required to change their full seven digit telephone numbers and would be reassigned to the area code of the remaining portions of Volusia County. To allow customers in the proposed Sanford exception area to voice their preference of remaining in the 407/321 area codes and maintaining their current telephone numbers or moving into the area

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code of the remaining portions of Volusia County and changing their phone numbers, we voted to approve a balloting process.

In addition, we stated that to conserve the available telephone numbers in the Keys and Miami-Dade regions, we voted to implement rate center consolidation and code sharing. Because implementing rate center consolidation and code sharing will result in a revenue loss to the industry, we voted to ballot the affected customers.

Two balloting initiatives would be conducted. The first would be for the customers in the Keys region to determine whether they would be willing to pay an additional fixed monthly amount to have seven digit local dialing and an expanded local calling area. The second would ballot the customers in the Miami-Dade region, to determine whether those customers would be willing to pay an additional fixed monthly amount in return for a possible delay in imposing an additional area code and an expanded toll free calling area.

We note that we did not address the criteria for the ballot, the pass/fail ratio, the appropriate monthly amount to bill the customers, and appropriate time frame and procedures for the ballots. Accordingly, we now address these issues.

JURISDICTION

We have jurisdiction to address these issues pursuant to and in accordance with 47 U.S.C. §151 et. seq., 47 C.F.R. §§ 52.3 and 52.19, FCC Order 99-249, and FCC Order 00-104.
In accordance with 47 C.F.R. §52.3:

The Commission (FCC) shall have exclusive authority over those portions of the North American Numbering Plan (NANP) that pertain to the United States. The Commission may delegate to the States or other entities any portion of such jurisdiction.

Furthermore, 47 C.F.R. § 52.19 provides, in part, that:

(a) State commissions may resolve matters involving the introduction of new area codes within their

states. Such matters may include, but are not limited to: Directing whether area code relief will take the form of a geographic split, an overlay area code, or a boundary realignment; establishing new area code boundaries; establishing necessary dates for the implementation of area code relief plans; and directing public education and notification efforts regarding area code changes.

(b) State commissions may perform any or all functions related to initiation and development of area code relief plans, so long as they act consistently with the guidelines enumerated in this part, and subject to paragraph (b)(2) of this section. For the purposes of this paragraph, initiation and development of area code relief planning encompasses all functions related to the implementation of new area codes that were performed by central office code administrators prior to February 8, 1996. Such functions may include: declaring that the area code relief planning process should begin; convening and conducting meetings to which the telecommunications industry and the public are invited on area code relief for a particular area code; and developing the details of a proposed area code relief plan or plans.

In addition, as part of our ongoing effort to conserve area codes, on April 2, 1999, we filed a petition with the Federal Communications Commission (FCC) seeking authority to implement number conservation measures, which could help minimize consumer confusion and expenses associated with imposing new area codes too frequently.

On September 15, 1999, the FCC issued an Order (FCC 99-249, Florida Order) granting our Petition for Delegation of Additional

Authority to Implement Number Conservation Measures.¹ In its Order, the FCC granted us interim authority to:

- (1) Institute thousand-block pooling (1KNP) by all LNP²-capable carriers in Florida;
- (2) Reclaim unused and reserved NXX codes;
- (3) Maintain rationing procedures for six months following area code relief;
- (4) Set numbering allocation standards;
- (5) Request number utilization data from all carriers;
- (6) Implement NXX code sharing; and
- (7) Implement rate center consolidation.

Criteria

Rule 25-4.063, Florida Administrative Code, addresses survey criteria for extended area service (EAS). While this is not an EAS proceeding, we note that we have used this rule as a guideline in prior balloting of non-EAS issues, with the exception of subsection (6) of the Rule. Subsection (6) of the Rule addresses the pass/fail ratio. The balloting issues in the proposed Sanford exception area are, however, unlike prior balloted issues addressed by us. This survey differs from previous surveys in that only the customers' telephone numbers are subject to change, and not their calling scope. Accordingly, EAS guidelines will not be applied in this ballot. We will not require any minimum percentage of return of ballots in the Sanford exception area. A majority (50% plus 1) of the ballots returned must vote in favor of a telephone number change in that area for this measure to pass.

For the Miami-Dade and Keys regions, however, it would be appropriate to use the survey criteria in the rule as balloting guidelines. Accordingly, in order to be valid, not less than 40% of the ballots must be returned, and a simple majority of those

¹ Florida Public Service Commission Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures, Order, CC Docket No. 96-98, NSF File No. L-99-23 (rel. September 15, 1999)

ballots must vote in favor of the proposed action. In the Keys area, if approved, that action would result in an increase in monthly rates in exchange for one rate center for all of the Keys and the possibility of retaining their 305 area code for a longer period of time. In the Miami-Dade region, if approved, the proposed action would result in an increase in monthly rates in exchange for the proposed rate center consolidation.

Rate Increase

BellSouth has provided the approximate revenue loss from rate center consolidation in these respective areas. BellSouth, however, has indicated that there will be costs associated with rate center consolidation in addition to the extended calling service revenue loss. BellSouth urges consideration of the following items: revenue impacts of modifying a pre-calculated rate center consolidation plan (e.g., converting four rate centers into one or two); cost impacts due to increased local trunking requirements; and investments for central office, outside plan, trunking, and expenses for translations, directory, customer education, administration, and billing system changes.

We find that balloting should not be initiated until all costs associated with rate center consolidation and code sharing are identified. Therefore, we will require BellSouth to itemize all costs associated with rate center consolidation and code sharing, including the rates per month per line, which will be used in the balloting process. These costs shall be provided to our staff, no later than November 13, 2000, for their review.

Time Frame

The proposed Sanford exception area survey shall be conducted in an expedited manner, so that the ballots are mailed to the customers by December 1, 2000. The ballot should advise the subscribers that their seven digit telephone number would change, as well as their area code, from 407/321 to the area code of the remaining portions of Volusia County. The customers must respond by January 5, 2001, in order for their ballots to be counted. The survey letter and ballot shall be submitted to our staff by November 3, 2000, to allow time for review prior to distribution to the affected customers.

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For the Keys region and Miami-Dade area surveys, the surveys shall be conducted in an expedited manner, so that the ballots are mailed by January 8, 2000. The ballots shall advise the subscribers that there would be an additional charge added to their monthly bills. The customers should also be informed that this change in rates is to conserve the available telephone numbers. The customers must respond by February 15, 2001, in order for their ballots to be counted. The survey letter and ballot shall be submitted to our staff by December 15, 2000, to allow time for review prior to distribution to the affected customers.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the balloting criteria and procedures for the surveys ordered in Order No. PSC-00-1937-PAA-TL shall be those established in the body of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that this Docket shall remain open pending Completion of the surveys ordered in Order No. PSC-00-1937-PAA-TL, and implementation of the various number conservation measures in these area codes.

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By ORDER of the Florida Public Service Commission this 27th
Day of October, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

CLF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 17, 2000.

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In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.