

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of
proposed numbering plan relief
for 305 area code.

DOCKET NO. 971058-TL
ORDER NO. PSC-98-0040-FOF-TL
ISSUED: January 6, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

BY THE COMMISSION:

**ORDER APPROVING CONCENTRATED GROWTH OVERLAY TO PROVIDE NUMBERING
PLAN RELIEF FOR THE 813 AREA CODE**

APPEARANCES:

Nancy B. White, Esquire, c/o Nancy Sims, 150 South Monroe Street,
Suite 400, Tallahassee, Florida 32301
On behalf of BellSouth Telecommunications, Inc.

Martha Carter Brown, Esquire, and John R. Bowman, Florida Public
Service Commission, 2540 Shumard Oak Boulevard, Tallahassee,
Florida 32399-0850
On behalf of the Commission Staff.

BACKGROUND

The North American Numbering Plan (NANP), which governs the
assignment and use of telephone numbers in North America and other
World Zone 1¹ Countries, was introduced in 1947 by AT&T. The plan

¹ World Zone 1 Countries consist of Anguilla, Antigua and Barbuda,
Commonwealth of the Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman
Islands, Canada, Dominican Republic, Grenada, Jamaica, Montserrat, Saint Kitts

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is based on a destination code in which each main telephone number in the NANP is assigned a specific address or destination code. The destination codes are commonly referred to as telephone numbers. NANP telephone numbers are in a 10-digit format, consisting of a 3-digit Numbering Plan Area (NPA) code, a 3-digit Central Office code, and a 4-digit station address code. The NPA code is commonly known as the area code, and the Central Office Code is commonly known as the NXX code. BellCore is currently the code administrator with the responsibility of assigning area codes within the NANP, but this responsibility is currently being transferred to Lockheed Martin. Generally, the Regional Bell Operating Company (RBOC) or large independent in a specific area code is responsible for the assignment of central offices codes within that NPA. This responsibility will also be transferred to Lockheed Martin in the near future. The code administrators are required to follow guidelines approved by BellCore and the telecommunications industry when assigning either NPAs or Central Office Codes.

In the late 1950s it became apparent that NPAs were being assigned at a rate significantly higher than originally anticipated. Out of that early concern came a plan to expand the supply of numbers through the introduction of interchangeable codes. The introduction of interchangeable codes modifies the format previously used for area codes and central office codes. The previous format for area codes was N,0/1,X, while the central office code format was N,N,X.² Currently, the interchangeable area codes and central office codes take the format of N,X,X. The industry began the implementation of interchangeable Central Office codes in 1974. In January, 1992, BellCore notified the telecommunications industry that interchangeable NPAs would be introduced in early 1995. Prior to the introduction of interchangeable NPAs, the NANP had 160 NPAs, which provided a total of 1.28 billion available telephone numbers for assignment. The introduction of interchangeable NPA codes provided an additional

and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Turks and Caicos Islands, Trinidad and Tobago, and the United States of America, including Puerto Rico and the Virgin Islands.

²N is defined as any number from 2 through 9 and X is defined as any number from 0 through 9.

640 NPAs, which provide a total of 6.4 billion telephone numbers available for assignment.

The Industry Carriers Compatibility Forum Guidelines identify three possible alternatives to provide relief to an area code when it has exhausted all available NXXs: a geographic split; a boundary realignment; or several variations of an overlay. The guidelines state that a geographic split occurs when the exhausting NPA is split into two geographic areas, leaving the existing NPA code to serve, for example, an area with the highest customer density. This method divides areas by jurisdictional, natural, or physical boundaries between the old and new NPAs. A geographic split has been the relief of choice for virtually all NPA relief plans prior to 1995. NPA splits have occurred with enough frequency so that technical aspects have been addressed and established implementation procedures are generally understood. Public education and acceptance of the process have been made easier because of the numerous NPA splits that have occurred.

For a boundary realignment, the guidelines require that the NPA requiring relief be adjacent to an NPA within the same state or province that has spare Central Office code capacity. A boundary shift occurs so that spare codes in the adjacent NPA can be used in the NPA requiring relief. As a result, the geographic area of the exhausting NPA shrinks, and the geographic area of the NPA with spare capacity expands. Only the customers in the geographic area between the old and new boundaries are directly affected by this change. This method is viewed as an interim measure because it tends to provide shorter term relief than a new NPA code.

An overlay occurs when more than one NPA code serves the same geographic area. In an NPA overlay, code relief is provided by opening up a new NPA code within the same geographic area as the NPA(s) that requires relief. Numbers from this new NPA are assigned to new growth on a carrier neutral basis; i.e., first come first served. Mandatory customer number changes within the affected overlay relief area are eliminated. With the overlay relief method, the FCC requires 10-digit dialing for all of the affected customers' local calls within and between the old and new NPAs in order to ensure that competing telecommunications carriers, who would most likely receive the NXX's in the new area code for their customers, do not suffer competitive disadvantages. In addition to requiring 10-digit dialing for all local calls, the FCC

requires that at least one NXX in the existing area code must be available to every carrier authorized to provide telephone service in the affected area code during the 90-day period preceding the introduction of the overlay. The overlay method eliminates the need for customer number changes like those required under the geographic split and realignment methods. It also allows the option to eliminate or shorten the permissive dialing period as a part of implementation, because existing customers do not have to change their telephone numbers.

On July 15, 1997, BellSouth Telecommunications, Inc. (BellSouth), the numbering administrator for the 305 area code, notified the Commission that the 305 area code would exhaust its remaining available NXXs sooner than expected. BellSouth reported that representatives of South Florida's telecommunications service providers had agreed that relief from the imminent exhaustion should be accomplished through an overlay relief plan. The overlay relief plan would encompass the same geographic area as the current 305 area code. All new NXXs issued after July 1, 1998, would receive the new area code. Old NXXs would retain 305. Under the overlay plan, current customers would not be required to change their area code, but all customers would be required to dial all local calls as ten digits, within and between area codes as FCC Order No. 96-333 requires. BellSouth has informed the Commission that the new area code selected to relieve 305 is 786 (SUN).

Usually, the Commission does not formally review area code relief plans unless a specific dispute over what plan should be implemented arises between affected members of the industry. The Commission will defer to the industry consensus. In this case, however, we received several objections to the proposed plan from members of the public, asking that the Commission review the 305 relief plan. Because the overlay will require ten digit dialing of all local calls, which may be confusing to customers, we determined that it was in the public interest to review this particular plan. We conducted service hearings in Miami and Key West on October 1 and 3, 1997, and a technical hearing in Tallahassee on October 13, 1997.

Four companies; BellSouth, AT&T, MCI, and TCG, filed testimony in this proceeding either supporting the industry relief plan or opposing it. Prior to the beginning of the technical hearing, all

of the companies that filed testimony entered a stipulation that contained the following three (3) conditions:

1. There would be no slippage due to action or inaction by BellSouth in its timetable for implementing local number portability.
2. Mandatory ten digit dialing would be implemented for all calls within and between the 305 area code and the new area code, effective on the date the new area code is activated.
3. The parties acknowledged that the Commission staff had committed to investigate methods of conserving numbering resources in Florida and that BellSouth agreed not to delay, or not to advocate delaying implementation of any Florida-specific mechanism pending national action, unless national action appears to be imminent.

AT&T, MCI and TCG agreed to withdraw their testimony in opposition to the proposed overlay, since the stipulation conditions would either eliminate or minimize the concerns associated with an overlay relief plan. We approved the stipulation at the commencement of the hearing.

At the customer hearings and the technical hearing that followed we considered four different relief mechanisms for the 305 area code: a geographic split; an overlay of the entire 305 area code; a concentrated growth overlay for Dade County; and a modified concentrated growth overlay. Upon consideration of all the testimony and evidence presented at the hearings, we find that the most reasonable and appropriate relief for the imminent exhaustion of the 305 area code is a concentrated growth overlay that superimposes the new SUN area code on the Dade County portion of 305 to accommodate the rapid growth there, with no changes for the Monroe County portion of 305. We will reserve 20 of the remaining NXXs in 305 for use in Monroe County to cover the growth there, which is expected to be minimal. The details of our decision and the reasons for it are set forth below.

DECISION

This proceeding is the third in which we have been asked to determine which relief plan should be implemented in Florida to relieve an area code from impending exhaustion. (See Docket Nos. 941272-TL and 961153-TL) Commissions across the country have struggled as we have over the past few years with the issue of whether a geographic split or some form of area code overlay is the more appropriate method to provide relief.

During this proceeding the witnesses at the customer hearings and BellSouth's witness Baeza at the technical hearing discussed four specific area code relief options:

1. A geographic split with the Dolphin expressway (Dolphin) as the boundary between the 305 and the new area codes;
2. A distributed overlay with the new area code overlaying the entire present 305 area;
3. A concentrated growth overlay with only the Dade County portion of 305 in the overlay and no changes to the Monroe County portion; and,
4. A modified concentrated growth overlay with the Dade County portion of 305 in the overlay and the Monroe County portion of the 305 area code changing its area code to the new area code.

As BellSouth's witness Baeza explained in his testimony, each type of plan (geographic split or overlay) has inherent advantages and disadvantages. Listed below are some of the advantages and disadvantages witness Baeza identified for each type of plan. See also Order No. PSC-95-1048-FOF-TL, Docket No. 941272-TL, issued August 23, 1995.

Advantages of Overlay Plan

1. Customers in the overlay area can retain their telephone numbers.
2. Customers are not required to change advertisements containing 305 area code telephone numbers.

3. Cellular carriers are not required to reprogram their customers' cellular telephones.
4. Costs to customers and carriers are minimized.

Disadvantages of Overlay Plan

1. 10-digit dialing is required for all local calls within the overlay area.
2. Directories and Directory Assistance will be required to provide 10-digit numbers.
3. All advertisements that contain 7-digit telephone numbers must be changed to 10-digit numbers.

Advantages of Geographic Split

1. 7-digit dialing would remain for intra-NPA local calls.

Disadvantages of Geographic Split

1. Customers in an area with a new area code must change the area code portion of their telephone numbers.
2. Customers in an area with a new area code must change advertisements which included the 3-digit area code.
3. A short permissive dialing period.

In addition to the advantages and disadvantages listed above that were identified at the hearing, we considered four criteria we developed in an earlier 305 area code relief proceeding that are relevant to the issue in this proceeding: 1) Competitive Concerns; 2) Impacts to Customers; 3) Impacts to Carriers; and 4) Length of Relief. (See Order No. PSC-95-1048)

Competitive Concerns

The Commission explained in Order No. PSC-95-1048 that a geographic split such as Option 1 does not cause competitive problems since all carriers are treated the same. Overlay options like Options 2-4 do not raise any competitive concerns either, since each overlay option requires 10-digit dialing for all local

calls, and, as BellSouth's witness Baeza explained, permanent number portability will be implemented in Dade county prior to the completion of any overlay within the 305 area code. Although permanent number portability is not required in Monroe County prior to the implementation of the new area code, the record shows that there does not appear to be a significant amount of competition in Monroe County at this time based on the current code usage. (See EXH 2, pp. 91,92.) Therefore, our review of the record leads us to believe that there are not any major competitive concerns for any of the relief options proposed in this case.

Impacts on Customers

According to witness Baeza, the geographic split plan would require approximately half of the present 305 area code customers to change to the new area code, 786. In addition to a number change for half of the customers, witness Baeza explained that in order to give the old and the new area codes any significant relief the Miami exchange must be divided between the new and the old area codes. While this division is technically possible, witness Baeza points out that it would require 10-digit dialing for all local calls between the two area codes. The division of a major local calling area such as Miami presents a significantly different set of circumstances than we addressed in our earlier 305 proceeding when we approved a geographic split between Broward and Dade counties. (See Order No. PSC-95-1048)

According to witness Baeza, the main advantage for customers with the split plan is that 7-digit local dialing can be maintained within each area code, and 10-digit local dialing would only be required for local calling between the area codes. Also, according to witness Baeza, geographic splits have been the chosen alternative for nearly all area code relief plans occurring before 1995; therefore, the technical aspects of this method have been resolved, and implementation procedures are well understood by customers.

As witness Baeza stated in his testimony, the main advantage of providing relief with one of the overlay options is that no number changes are required, so that customer inconvenience and cost is minimized. However, the major disadvantages for customers are that 10-digit dialing is required by the FCC for all local

calls, and customer confusion may be increased by having two area codes serving the same area. Witness Baeza explained that under an overlay plan, it would be very possible that businesses or neighbors next door or across the street from each other could have different area codes. These disadvantages would be limited to the Dade County subscribers under the concentrated growth overlay plan.

At the service hearings we held in Miami and Key West to receive input from the customers in the affected areas, BellSouth and our staff made presentations explaining the relief options being considered and the advantages and disadvantages of the split and overlay plans. In Miami, 15 of the 18 public witnesses preferred the overlay plan. The witnesses represented various chambers of commerce, other citizen groups, and individual customers. In Key West, however, the witnesses objected to the overlay plan because they did not want two different area codes serving the Keys. They believed the confusion created for tourists would be very difficult to overcome. The majority of witnesses preferred to keep the 305 area code, but indicated that they would accept a new area code rather than having two.

Our review of the record shows that from the customers' perspective the concentrated growth overlay plan, with only Dade County exchanges in the overlay area, and no changes in the Monroe County exchanges, provides a solution most likely to satisfy both subscriber groups.

Impacts on Carriers

The record shows that with the implementation of a geographic split, the biggest identified impact to carriers is that the cellular carriers have to reprogram all cellular telephones in the new area code. Under either overlay plan, there are no number changes, hence no reprogramming of cellular phones. (See Order No. PSC-95-1048.) Nevertheless, as witness Baeza points out, some modifications to operational support systems are necessary in order to handle 10-digit dialing for all local calls.

Length of Area Code Relief

The projected exhaustion dates for the 305 and the new area code under the geographic split plan considered (Dolphin 3) and any overlay option are essentially the same, 2009 and 2010. Therefore, in this proceeding length of relief is not a decisive factor.

Conclusion

	Plan	NPA	County	Access Lines	Number Exch.	Existing NXXs	Exhaust
1	Split	305	Dade	719,196	2	367	2009
		786	Dade & Monroe	751,419	10	217	2010
2	Distributed Overlay	305 & 786	Dade & Monroe	1,470,615	11	584	2009
3	Concentrated Growth Overlay	305 & 786	Dade	1,396,120	4	550	2009
		305	Monroe	74,495	7	34	2014*
4	Concentrated Growth Overlay	305 & 786	Dade	1,396,120	4	550	2009
		786	Monroe	74,495	7	34	2014*

*** Calculated using 20 available NXXs at a usage of 1.2 NXXs per year.**

(EXH 1, p.25; EXH 2, p.18, p.92)

Upon full review of the testimony and evidence in the record, and full consideration of the four options for relief presented in this case, we find that Option 3, a concentrated growth overlay with only the Dade County portion of 305 in the overlay, and no changes for Monroe County, is the most appropriate plan to relieve

the impending exhaustion of the present 305 area code. No option appears to be markedly superior to other options in this proceeding, but the record clearly shows that only the concentrated growth overlay adequately meets the customers' interests as expressed at the service hearings in Miami and Key West.

Option 3 and Option 4 are very similar; but Option 4 would have some adverse impacts on the customers of the Keys with little overall benefit for any customers. First, the customers in the Keys would have to change their area code, which, as witness Baeza mentioned, is a serious concern for most businesses. Although this relief option would provide additional 305 NXXs for use in Dade County, the exhaustion date for the 305 area code would only be extended for a couple of months due to the high usage in Dade County. (See EXH. 2, p. 92) Second, we cannot provide a sufficient permissive dialing period that would allow customers to dial either 305 or the new area code to reach customers in the Keys. The Commission has required at least a 9 month permissive dialing period in the past. (See Order No. PSC-95-1048) Therefore, for these reasons we find that Option 3 is the appropriate plan to approve in this case.

We must reserve some NXXs for future growth in the Keys. There is little information in the record to provide assistance in determining the appropriate number of NXXs for future growth. However, our staff informs us that they are currently working on a utilization study of all area codes that is due to be completed prior to the mandatory dialing date of July 1, 1998. Therefore, we will reserve 20 NXXs for future use in the Keys. At the end of the utilization study, we will review our staff's recommendation on the disposition of any unassigned NXXs in the Keys. In the meantime, the 20 NXXs should come from the pool of 68 NXXs reserved due to the FCC requirement that each carrier have a code for use in an overlay area. (See FCC Order No. 96-333) We believe that 48 NXXs, rather than 68, will provide a sufficient number of codes to fulfill the FCC's requirement that each code holder will have one NXX available 90 days prior to the implementation of the overlay.

Implementation details

In its Second Report and Order No. 96-333, issued August 8, 1996, the FCC addressed certain area code implementation guidelines

for the overlay of area codes that are relevant to our decision here. Section V, Paragraph 281 of that Order states that the guidelines prohibit all service-specific or technology-specific overlays. In addition, the Order requires the numbering administration to: 1) seek to facilitate entry into the communications marketplace by making numbering resources available on an efficient and timely basis; 2) not unduly favor or disadvantage any particular industry segment or group of consumers; and 3) not unduly favor one technology over another. The Order further states that if a state Commission chooses to implement an all-services overlay plan, it may do so only if the plan includes: 1) mandatory 10-digit local dialing by all customers between and within area codes in the area covered by the new code; and 2) availability of at least one NXX in the existing area code to every telecommunications carrier, including CMRS providers, authorized to provide telephone exchange service, exchange access, or paging service in the affected area 90 days before the introduction of a new overlay area code. The NXXs should be assigned during the 90-day period preceding the introduction of the overlay.

Our implementation of a concentrated growth overlay in this proceeding must be consistent with the FCC's guidelines governing the overlay of area codes. Therefore, 10-digit dialing must be implemented for all calls placed between and within the area codes in the overlaid area. 10-digit permissive dialing shall begin on March 1, 1998, and 10-digit mandatory dialing shall begin on July 1, 1998. This schedule will allow carriers ample time to make the necessary modifications to implement 10-digit local dialing and provide their customers with sufficient notification of the dialing requirements that will affect their calls. The permissive dialing period is short, but sufficient for an overlay plan, because no numbers will change.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that a concentrated growth overlay that superimposes the new SUN area code on the Dade County portion of 305, with no changes for the Monroe County portion of 305 shall provide relief for the pending exhaustion of the present 305 area code. It is further

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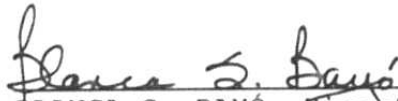
ORDERED that 10-digit dialing shall be implemented for all calls placed between and within the area codes in the overlay area. It is further

ORDERED that 10-digit permissive dialing shall begin on March 1, 1998, and 10-digit mandatory dialing shall begin on July 1, 1998. It is further

ORDERED that 20 of the remaining NXXs in the 305 area code shall be reserved for use in Monroe County. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 6th day of January, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/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 after the issuance 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.