

APRIL 22, 1999

VIA FEDERAL EXPRESS

Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Fl 32399-0850

Re: Docket 990223-TL

Dear Ms. Bayo

Enclosed are 15 copies of Wireless One Network L. P.'s Post Hearing Brief in the above mentioned Docket.

A copy of all these materials was served on all parties to the proceeding this date by facsimile.

Please stamp receive and return the duplicate copy of this letter of transmittal at your earliest convenience.

Thank you for your assistance with this filing.

Sincerely,



Francis J. Heaton
Director - External Affairs

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BEFORE
THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for review of proposed) Docket 99-0223-TL
numbering plan relief for the 941 area code)

**WIRELESS ONE NETWORK, L. P. 'S
POST HEARING BRIEF**

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April 22, 1999

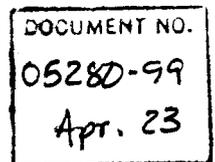


TABLE OF CONTENTS

I. Statement of Wireless One's Position..... 1

II. Issue 1.....2

III. Issue II.....4

I. Statement of Wireless One's Position

Pursuant to the Prehearing Order and Rule 25.22.056(3), Florida Administrative Code, Wireless One Network, L. P. ("Wireless One") provides the following post hearing statement of its position on the issues in this case.

ISSUE 1

Should the Commission approve the proposed geographic split plan for the 941 area code relief, and if not, what relief plan should the Commission approve?

* * * * *

The Commission should not approve the initially proposed geographic split for the 941 area code, nor any other split. Wireless One recommends the Commission approval of a fully distributed area code overlay. No geographic area is more deserving of retaining the existing code than another; no number changes are warranted.

ISSUE 2

What implementation issues, if any, should be addressed by the Commission?

* * * * *

The public requires repetitive notice of the prospective implementation of mandatory ten digit dialing throughout a year long conversion process. Instructions should emphasize: the need for reprogramming all automatic dialers programmed for seven, toll calls require eleven digits, that 941 numbers will generally remain available, and the overlaid Area Code.

II. ISSUE I

Should the Commission approve the proposed geographic split for the 941 area code

relief, and if not, what relief plan should the Commission approve?

The Commission should use a fully distributed overlay of a second area code to provide NNX availability for future requirements.

A fully distributed overlay is superior to a geographic area code split, because of the following reasons:

1. The 941 Area Code is not running out of available customer telephone numbers; the 941 Area Code is running out of NNX codes.

The evidence in the record ranges from estimates of 37-50% utilization of existing number assignments by code holders. The record also reflects the availability of at least seven additional NNX codes per month until June, 2000, or 98 remaining unassigned Codes. Upon assignment of all the 941 NNX codes, there will be an estimated 4-5 million non-working 941 area code telephone numbers. The public should not be unduly alarmed, nor should the Commission, that the introduction of an overlaid area code will result in different ten (10) digit phone numbers in the same household or business, or neighboring, homes, apartments, or businesses. The public will have potential to obtain 941 Area Code numbers for years to come; churn will prolong the availability of numbers

2. The Commission can not rely on predicted life expectancies of new geographic area code splits.

The evidence in this proceeding illustrates that any residents of the current 941 area code required to change area codes will be adversely affected. Most of the witnesses to this proceeding rightfully protested that their area of greatest influence should not be subject to a change in area code. Literally the only support for any number change was conditioned upon an expectation that such change would last a decade or more. In past Area Code relief geographic split decisions the Commission has discussed relief life expectancies that have proven unreliable. It should not make the same mistake with this decision, but follow the path of the recent Docket decisions implementing overlays; this time for the entire area.

3. The costs of Area Code changes are disproportionate to the benefit of maintaining seven digit dialing.

The public witnesses in this proceeding that addressed cost issues were not concerned for the possible inconvenience of ten digit dialing. The Greater Sarasota Chamber of Commerce indicated it's survey of small business's indicated they would incur advertising cost changes alone in the \$1,000-10,000 range. Cheetah Industries, and South

Seas Plantation indicated advertising only cost changes estimated at \$50,000 for each of their businesses. Numerous public witnesses testified to the prospect of lost business/lost revenue which would result from a change in their area code. Complainant Wireless One Network notes the Docket 961153-TL Decision sites a \$15.00 average cost per wireless phone that requires re-programming. This represents a prospective eight figure cost to Wireless One.

4. The Commission need not make a political decision that favors one geographic area over another.

The public of any area forced to change area codes will be skeptical of the basis for any decision making which allows another area to retain the 941 code. And they should be, for it is not necessary to force anyone to change codes at this time.

- 5 Ten digit dialing is not a major inconvenience.

Several witnesses spoke to the fact that ten digit dialing need not be disruptive. It was pointed out that the physically or mentally challenged can obtain and program (or have programmed) ten digit numbers for two digit dialing in inexpensive speed dialing telephones which are available from retail sources everywhere.

6. The 941 Area Code public will adjust to an overlaid Area Code.

As the Commission itself pointed in the record of this proceeding overlays have become a relatively common means of relieving NNX shortages. The public will become accustomed to ten digit local dialing, and familiar with the co-existence of codes within the same geographic area. An education program launched before and throughout a permissive dialing period can provide consumers sufficient information to adjust to ten digit dialing, and the prospect of an overlaid code number serving the same geographic area.

III. ISSUE 2

What implementation issues, if any, should be addressed by the Commission?

The Commission should explain it finds an overlay to provide the least worst means of relieving the prospective NNX shortage which could deny the rights of existing and prospective carriers to be able to offer services in areas where they lack assignable telephone numbers.

The public needs to be provided with direct educational messages about the consequences of a conversion to ten digit local calling, and the prospective use of an overlaid Area Code. Included in the educational messages should be the following key points.

1. There are no rate changes associated with the introduction of an additional area code.

Local calling areas, including expanded local calling areas are not effected by the introduction of a second area code. The local calling areas of the second code are identical to those of the first.

2. All local calling and expanded local calling will need to be completed on a ten digit basis; the public is encouraged to make the change immediately upon the advent of permissive dialing.

All advertising materials produced henceforth should provide the ten digit phone number of the customer. Automatic dialers in alarm systems, computer modems, fax dialers, and programmed speed dial phones or phone systems, should be re-programmed from seven to ten digit dialing, as soon as possible after the start of a permissive dialing interval.

3. Carriers are directed to insure that local calls not be charged as toll even if its' customers dial eleven digits.

Code holders should be required to inform customers they will not be charged a toll for reaching a number than can be dialed on a ten digit basis. Carriers should inform their customers how to request correction of any error to their bills.

4. Toll calling will continue to be billed for eleven digit dialing.

If local calls can be completed on an eleven digit basis, a message that it is not necessary to dial 11 digits to reach the desired party is desirable.

5. The public needs to know that the 941 area code is not running out of telephone numbers, but NNX codes.

The Commission should require code holders to explain that more than half the numbers in the 941 Area Code are unassigned. Therefore new or additional number from the original area code should continue to be available from their existing carrier during the next few years. Carriers should point out that even when new NNX codes are in use, there will always be turnover of numbers that provide a continuous flow of 941 Area Code numbers to customers insistent on avoiding number assignments in the new area code.

6. The Commission should acknowledge that competitors to the traditional carriers serving their area may be forced to open new NNX codes.

The Congress and Federal Communications Commission mandated readily available telephone numbers for new competitors. This greatly accelerated NNX code use, and has led to the need for additional codes.

7. Implementing an overlay, lets everyone in the 941 Area Code retain their existing phone number.

The overlay relief method avoids the appearance of preferential treatment for the geographic area which would have retained the 941 Area Code if a geographic split were implemented.

8. Allow 120-180 days of pre-publicity about the change before the advent of permissive dialing.

This allows time for revising any seven digit phone advertising to ten, and time to determine the procedure and cost, if any, for converting to ten digit dialing of local calls.

9. Allow 120-180 days of permissive dialing after the pre-publicity interval has expired.

This allows additional time to revise any seven digit advertising to ten, and to determine and implement the procedures for converting to ten digit local calling.

10. Maintain a notice and explanation requirement for the co-existence of two overlaid Area Codes through the end of the permissive dialing interval.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Brief was served upon the following by facsimile (fax), or overnight carrier on this 22nd day of April, 1999


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