

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Investigation into
telephone exchange boundary issues in
South Polk County (Fort Meade area).

Docket No. 981941-TL

In re: Investigation into boundary issues
in South Sarasota and North Charlotte
Counties (Englewood area).

Docket No. 990184-TL

In Re: Request for review of
proposed number plan relief
for 941 area code.

Docket No. 990223-TL

Filed: April 23, 1999

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BELLSOUTH MOBILITY'S POST HEARING BRIEF

Florida Cellular Service, Inc. d/b/a/ BellSouth Mobility ("BellSouth Mobility") hereby files its post hearing brief, and respectfully requests that the Commission quickly approve an all-services overlay plan to relieve the imminent exhaust of number codes in the 941 Numbering Plan Area ("NPA").

BACKGROUND

On July 8, 1998, the North American Numbering Plan Administration ("NANPA") conducted an industry meeting in Tampa, Florida, to address the imminent exhaust of NXX codes in the 941 NPA, and reach collective opinion on a single area code relief plan to be presented to the Commission. Two alternative relief plans were evaluated: (i) an all services overlay whereby all existing customers would retain the 941 NPA and new growth within the same geographical area would be assigned a new NPA on a carrier-neutral basis; and (ii) a geographic split plan that would divide the existing 941 NPA into a northwest sector (which would retain the 941 NPA) and a

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southwest sector (which would be assigned a new NPA). Although both alternatives were deemed viable, the industry group eventually settled on presenting the Commission with a geographic split plan as its primary recommendation. The industry elected not to present an overlay on the recommendation of a Commission staff member attending the meeting who suggested that, because of 10-digit dialing, the Commission would find it difficult to adopt overlay relief. [Tr. 238 (Foley)].¹

By letter dated August 14, 1998, NANPA notified the Commission that the 941 area code would exhaust its remaining available numbers in the last quarter of 1999. NANPA's letter proposed a geographic split area code relief plan with a defined implementation schedule, including a six month permissive dialing period. The Commission thereafter set the matter for administrative hearing and consolidated two other related dockets: Docket No. 990184, involving boundary issues in the Englewood area of South Sarasota and North Charlotte Counties; and, Docket No. 981941, involving NPA boundary issues in the Fort Meade area of South Polk County.

By letter dated March 16, 1999, NANPA notified the Commission that there was an Extraordinary Jeopardy for the 941 NPA and warned that available telephone numbers in the 941 area code were subject to imminent exhaust. In response to this exhaust emergency, the industry convened on April 6, 1999 and adopted extraordinary conservation measures, including NXX code rationing.

¹ Citations to the record herein are as follows. Testimony in the official transcript of the hearing is referred to as "Tr. ____ (name of witness)". Exhibits are referred to as "Ex. ____."

The Commission conducted a series of customer hearings on April 8, 1999, in Sarasota, Florida, and on April 9, 1999, in Fort Myers, Florida. On April 8, 1999, the Commission conducted a technical evidentiary hearing to address the appropriate relief plan to be implemented in the 941 NPA.

STANDARD OF REVIEW

Testimony at the hearing addressed two general alternatives for number relief in the 941 NPA: (i) an all-services overlay plan; and, (ii) several variations of a geographic split plan.² The Commission addresses area code relief alternatives by relying on the NPA Relief Planning Guidelines ("Guidelines") [Ex. 3], and by evaluating each alternative under four criteria: (1) competitive concerns; (2) customer impacts; (3) carrier impacts; and, (4) length of relief.³ When the 941 NPA relief alternatives are reviewed under these standards, the Commission should immediately implement an all-services overlay relief plan.

² Six geographic split variations were addressed at the hearing. Each of the variations along with the overlay alternative are set forth in Table I on page 12 *infra*.

³ See In re: Request for review of proposed numbering plan relief for 305 area code, 98 F.P.S.C. 1:170, Docket No. 971058-TL, Order No. PSC-98-0040-FOF-TL (Jan. 6, 1998); In re: Petition for numbering plan area relief for 904 area code by BellSouth Telecommunications, Inc., 97 F.P.S.C. 6:12, Docket No. 961153-TL, Order No. PSC-97-0637-FOF-TL (June 3, 1997); In re: Petition for numbering plan area relief for 904 area code, by BellSouth Telecommunications, Inc., 97 F.P.S.C. 128, Docket No. 961153-TL, Order No. PSC-97-0138-FOF-TL (Feb. 10, 1997); In re: Petition for approval of numbering plan area relief for 305 area code by BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraphs Company, 95 F.P.S.C. 8:424, Docket No. 941272-TL, Order No. PFC-95-1048-FOF-TL (Aug. 23, 1995).

THE GUIDELINES

The adoption of an all-services overlay to relieve the number exhaust emergency in the 941 NPA is consistent with the Guidelines. The Guidelines were developed by the telecommunications industry and delineate the assumptions, constraints, and principles used in NPA code relief planning. The Guidelines also set forth the steps to be followed in the NPA code relief process and describe the alternative methods of providing such relief. [Ex. 3; Tr. 16 (Kenworthy).]

An overlay relief plan is described in the Guidelines as follows:

6.3 Overlay Method - An NPA 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 NPA(s) requiring 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....

A geographic NPA split plan is described in the Guidelines as follows:

6.1 NPA Split Method - By this method, 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 (in order to minimize the number changes) and assigning a new NPA code to the remaining area. This method divides areas by jurisdictional, natural, or physical boundaries (counties, boroughs, cities, rivers, etc.) between old and new NPAs.

Section 6.3 of the Guidelines compares the merits of overlay relief with that of a geographic split :

The overlay method reduces or eliminates the need for customer number changes like those required under the split and realignment methods. It also allows the option to eliminate the permissive dialing period as part of implementation.

The relative merits of an overlay as described in the Guidelines were echoed in testimony at the hearing. A geographic split requires approximately half of existing customers to change the area code portion of their phone numbers, often at a significant expense to the customer. [Tr. 189 (Foley); Tr. 17-20 (Kenworthy); Tr. 261-262 (Scobie); Tr. 355, 357-359 (Brown)]. An overlay does not require any customer to change his or her area code or the 7-digit portion of the telephone number thus allowing customers to forego the disruption and expense associated with a number change. [Tr. 190 (Foley); Tr. 358-359 (Brown); Tr. 269 (Scobie)]. An overlay can be activated much more rapidly than a geographic split. [Tr. 358 (Brown); Ex. 3]. Consequently, numbering relief can be achieved sooner under an overlay than under a geographic split. This is particularly important in the 941 NPA, given NANPA's declaration of Extraordinary Jeopardy and the need for immediate number relief. [Tr. 357-358 (Brown)]. For many of these reasons the Industry Numbering Council has recommended that, in the future, all area code relief be accomplished through overlays. [Tr. 222-223 (Foley)].

The Commission has recently acknowledged the merits of overlay relief plans, and has adopted overlay plans in two out of the its last three numbering relief proceedings. In Docket No. 971058-TL, the Commission found 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." In re: Request for review of proposed numbering plan

relief for the 305 area code, 98 F.P.S.C. 1:170, 173, Docket No. 971058-TL, Order No. PSC-98-0040-FOF-TL (Jan. 6, 1998). In Docket No. 980671-TL, the Commission determined that a split boundary extension overlay would best meet the customers' interests. In re: Request for review of proposed numbering plan relief for the 407 area code., 98 F.P.S.C. 12:557, 571 Docket No. 980671-TL, Order No. PSC-98-1761-FOF-TL (Dec. 29, 1998).

COMPETITIVE CONCERNS

An all-services overlay relief plan allows the Commission to rapidly redress the 941 NPA exhaust dilemma without impeding competition. The same cannot be said for the geographic split plans considered at the hearings.

By letter to the Commission dated March 16, 1999, NANPA has declared an Extraordinary Jeopardy in the 941 NPA. In order to protect against imminent number exhaust, the industry has adopted extraordinary conservation measures, including rationing blocks of NXX codes at a rate of seven code blocks per month. [Tr.160-161 (Kenworthy); Tr. 227-228 (Foley)]. The Commission has recognized that this type of code rationing presents serious competitive concerns:

We are concerned that with rationing, telecommunications carriers may not receive NXXs necessary to provide competitive local exchange service or to provide service due to normal growth.

FPSC Order No. PSC-97-0637-FOF-TL, at 15. This concern was reiterated at the hearing. [Tr. 375 (Brown); Tr. 239 (Foley)]. Sprint witness Foley testified that code rationing would impose additional and unreasonable burdens on new market entrants

and fast growing wireless providers who require NXX codes to compete. [Tr. 239 (Foley)].

Until a 941 NPA relief plan is implemented, code rationing and the impediments to competition associated with rationing will continue. Thus, in the interest of full and fair competition, it is important that the Commission order a relief plan that can be activated most expeditiously. An all-services overlay is that plan.

An overlay can be activated more rapidly than a geographic split plan. [Tr.196 (Foley); Tr. 358 (Brown)]. This is because the Guidelines require that a geographic split plan provide a permissive dialing period (typically 6-12 months) to allow customers and carriers to revise printed material to reflect the new number, reprogram PBXs, cellular handsets, modems, etc., update directory listings, notify customers and business associates, and change advertising. [Ex. 3, §§ 7.3 & 10; Tr. 18 (Kenworthy)]. During this permissive dialing period, number relief is not available. [Tr. 376 (Brown)].

In contrast, an overlay enables existing customers to retain their numbers and eliminates the need for any number changes. This allows for the elimination of a permissive dialing period and accelerates the actual start of relief. [Tr. 376 (Brown); Ex. 3, §6.3]. Because an overlay plan can be rapidly activated, it will abbreviate the period for code rationing and thus foster the Commission's goal for enhancing competition.

CUSTOMER IMPACTS

When one takes into account the disruption, confusion, and costs imposed on customers by geographic area code splits, an overlay is clearly the most effective alternative to provide the 941 NPA exhaust relief. This is particularly true in the 941

NPA where customers have recently undergone an area code split and would be required to repeat the difficult effort again if a geographic split were now to be adopted. [Tr. 359 (Brown)].

Clearly, there is no customer consensus on a specific number relief plan for the 941 NPA. In Sarasota, a number of customers expressed support for a geographic split that allowed customers in Sarasota, Manatee, and Charlotte Counties to retain the 941 NPA. [Tr. 24 (Brown), Tr.25 (Hazeltine), Tr. 32 (Coy), Tr. 38 (Becker), Tr. 41 (Lane), Tr. 45 (Frantz), Tr. 47 (Leah), Tr. 49 (Wright), Tr. 52 (Garbode), Tr. Tr. 55 (Stephens, Tr. 61 (Popescu), Tr. 66 (Ewing), Tr. 74 (Tisdale), Tr. 80 (Amodeo); Tr. 83 (Tilton).] On the other hand, in Ft. Myers a number of customers at the Fort Myers service hearing supported an overlay. [Tr. 414 (Heaton), Tr. 419 (Wroten), Tr. 424 (Swienton), Tr. 450 (Kelmar), Tr. 458 (Buckley), Tr. 481-482 (Nolte), Tr. 486 (Neville), Tr. 497 (Dwyer)] Other witnesses advanced other geographic split variations, including three-way splits, requiring more than one additional NPA. [Tr. 285-286 (Horton).] Although there was no customer accord on a specific relief plan, there was customer consensus on one important point. Every customer who testified wanted to retain his or her existing telephone number. An overlay plan is the only relief alternative considered at the hearings that enables all existing customers to retain their existing telephone numbers.

A geographic split plan is disruptive, expensive, divisive, and confusing to customers. Numbering relief is achieved by creating a boundary which divides communities and customers previously assigned the 941 area code. [Ex. 3, §6.1].

Depending upon how the boundary line is drawn, certain customers would be assigned a new NPA while other customers would retain their existing telephone numbers. Customers in communities assigned the new NPA would be required to reformat and republish existing business forms, stationery, business cards, advertisements, signage, etc. [Ex. 3; Tr. 147-148 (Kenworthy); Tr. 261-262 (Scobie); Tr. 195-197 (Foley); Tr. 357-359 (Brown)]. Not only is this disruptive to the customer, it is extremely expensive as well. One customer conservatively estimated that a number change would cause his company to incur an additional \$50,000 in printing costs alone. [Tr. 86-87 (Greenfield)]. Charlotte County Witness Wishard, who serves as President of the Charlotte County Chamber of Commerce, conducted a survey of small businesses in Charlotte County and found that the costs of simply changing the invoicing, business cards, and stationery would range from \$1,000 (for a small real estate office with 4 employees) to \$ 10,000 (for a small community bank). [Tr. 302 (Wishard)].

Customers fortunate enough to be located in areas designated to retain the 941 code would avoid these costs and disruptions. Business customers in these areas would enjoy significant advantages over similarly situated business competitors in the new NPA. An overlay carries none of these anti-competitive and discriminatory features. An overlay treats all customers alike. All existing customers would retain their 941 NPA and avoid the significant expense and disruptions associated with number changes.

At the hearing, the only customer concerns expressed with an overlay plan were those associated with 10-digit dialing. However, 10-digit dialing is not unique to

overlays and is still required under a geographic split plan. Indeed, a geographic split, by nature, creates new NPAs and thus increases inter-NPA calling which requires 10-digit dialing. [Tr.198 (Foley); Tr.18 (Kenworthy)].

The record also indicates that any perceived inconvenience associated with 10-digit dialing is insignificant when compared to the customer disruption and expense associated with a geographic area code split. [Tr. 358-359 (Brown)]. Other evidence indicates that any inconvenience associated with 10-digit dialing would be temporary because customers quickly and easily adapt to that calling pattern. [Tr. 359 (Brown)]. This was corroborated by GTE Witness Scobie who testified that GTE had implemented 10-digit dialing between Tampa and Clearwater exchanges and that he was not aware of any customer complaints regarding 10-digit dialing. [Tr. 266 (Scobie)]. Evidence also shows that eventually all local calls will require 10-digit dialing; thus, it would be sensible for customers to acclimate to that pattern now. [Tr. 198, 222-223 (Foley)]. Finally, testimony at the hearing established that 10-digit dialing will have no effect on the rates customers now pay for local calls. [Tr.198 (Foley)].

CARRIER IMPACTS

The number changes required to implement a geographic split impose network and administrative burdens on carriers that are not otherwise imposed by overlay plans. Unlike the overlay, a geographic split relief plan requires approximately half of incumbent customers to change the area code. [Tr. 189 (Foley)]. Carriers are required to execute the number change and to assist customers in the transition. Wireless carriers and wireless customers in particular are adversely affected by a geographic split

because a split requires that each customer's handset be physically reprogrammed with the new NPA. This demands that the customer make an appointment with the carrier, bring the handset to the carrier's place of business, and then wait to have the new area code programmed. [Tr. 361 (Brown); Tr. 189 (Foley)]. The customer avoids all of these disruptions with an overlay.

The Commission has acknowledged that an overlay relief plan has definite advantages for carriers. In Docket No. 971058-TL, the Commission recognized that an overlay plan provides a shortened permissive dialing period as part of the implementation because existing customers do not have to change their telephone numbers. See In re: Request for review of proposed number plan relief for 305 area code, 98 F.P.S.C. 1:170, 172, Docket No. 971058-TL, Order No. PSC-98-0040-FOF-TL (Jan. 6, 1998). In Docket No. 980671-TL, the Commission stated that the overlay method "is the best and simplest migration path to future NPA relief by assuring the elimination of number changes and confusion." In re: Request for review of proposed numbering plan relief for the 407 area code., 98 F.P.S.C. 12:557, 561, Docket No. 980671-TL, Order No. PSC-98-1761-FOF-TL (Dec. 29, 1998). The Commission further noted that the overlay method is "easy to implement from the telecommunications network perspective." Id. at 561-62.

LENGTH OF RELIEF

An all-services overlay plan provides number exhaust relief consistent with the Guidelines. The relief periods projected under the geographical split alternatives are not consistent with the Guidelines.

The Guidelines recommend that where a geographic split relief plan is implemented, customers who undergo the number changes should not be required to change again for a period of 8-10 years. [Ex. 3, §5.0(f)]. For overlay relief plans which do not require existing number changes, the Guidelines recommend a relief period of at least 5 years from the projected date of exhaust. [Ex. 3, §5.0].

Table I delineates each number relief plan addressed at the hearing along with each plan's respective exhaust date.

TABLE I

Alternative		NPA	County/Exchanges	Exhaust (years)
1	Geographic Split	941	Manatee, Polk, and Sarasota	5.2
		New NPA	Hardee, Highlands, Okeechobee, Desoto, Charlotte, Glades, Lee, Hendry, Collier, and Monroe	5.9
2	Geographic Split	941	Polk, Manatee, and Sarasota Counties, and Cape Haze, Fort Meade, and Port Charlotte exchanges	4.6
		New NPA	Hardee, Highlands, Okeechobee, Desoto, Charlotte, Glades, Lee, Hendry, Collier, and Monroe	6.7
3	Geographic Split	941	Manatee, Polk, Sarasota, and Charlotte	4.1
		New NPA	Hardee, Okeechobee, Highlands, Desoto, Charlotte, Glades, Lee, Hendry, Collier and Monroe	7.3
4	Geographic Split/Overlay	941 and New NPA	Polk, Manatee, Sarasota, and Charlotte	12
		New NPA(2)	Okeechobee, Highlands, Glades, Hendry, Collier, Monroe, Hardee, DeSoto, and Lee	7.2
5	Overlay	941	All Counties	5.5
6	3-Way Geographic Split	941 NPA	Manatee, Sarasota, and Charlotte	?
		New NPA	Polk, Hardee, Desoto, Highlands, and Okeechobee	?
		New NPA	Glades, Lee, Hendry, Collier, and Monroe	?
7	Geographic Split	941	Manatee, Hardee, Desoto, Sarasota, and Charlotte	6
		New NPA	Highlands, Okeechobee, Glades, Hendry, Lee, Collier, and Monroe	5.6

Table I shows that none of the geographic split alternatives provide numbering relief for a period of at least 8 years as recommended by the Guidelines. The only alternative that satisfies the Guidelines with regard to the length of relief is the overlay plan set forth as Alternative 5.

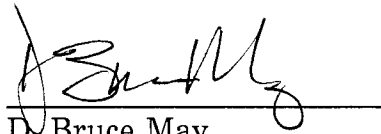
There is no projected relief period for the 3-way geographic split proposed by County Commissioner Horton (Alternative 6). [Ex.10; Tr.285-286 (Horton)]. The 3-way split is flawed for other reasons as well. A 3-way split plan by definition requires the use (and depletion) of additional NPA codes and, thus, is contrary to NANPA's stated goal of conserving NPA resources. [Late Filed Ex. 5]. A 3-way split is also contrary to the Commission's policy. In adopting a relief plan for the 904 NPA, the Commission rejected a 3-way split noting that such a split "is not in harmony with the national policy to avoid whenever possible the use of NPA codes that are not absolutely necessary." In re: Petition for numbering plan area relief for 904 area code by BellSouth Telecommunications, Inc., 97 F.P.S.C. 6:12, 21, Docket No. 961153-TL, Order No. PSC-97-0637-FOF-TL (June 3, 1997).

CONCLUSION

An all-services overlay relief plan is the most effective and efficient method to rapidly achieve number relief in the 941 NPA. It should be adopted and activated as soon as possible to address the current exhaust emergency. If the Commission orders a relief plan other than an overlay, it should pattern that plan around the earlier industry consensus depicted in Alternative Number 3, and provide BellSouth Mobility and its customers a permissive dialing period of at least six months. Other geographic

split variations, if ordered, may require a twelve-month permissive dialing period to allow BellSouth Mobility and its customers to execute required number changes and reprogramming.

Respectfully submitted,




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Certificate of Service

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