

SARASOTA COUNTY GOVERNMENT

Office of the County Attorney

1660 Ringling Blvd.
Second Floor
Sarasota, Florida 34236

ORIGINAL

Jorge L. Fernández
County Attorney

May 15, 1999

VIA FEDERAL EXPRESS

Ms. Blanca Bayo, Director
Division of Records and Reporting
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket Nos. 981941-TL, 990184-TL, and 99-0222-TL

Dear Ms. Bayo:

Enclosed is the original and fifteen(15) copies of the Joint Supplemental Posthearing Statement of Sarasota County, Florida and Charlotte County, Florida, parties in the above-referenced proceedings.

Please indicate receipt of this filing on the enclosed copy of this letter and return to the undersigned in the enclosed stamped envelope. Thank you for your attention to this matter.

99 MAY 17 11:10:04
MAIL ROOM
PUBLIC SERVICE COMMISSION

- AFA
APP
CAF
CMU
CTR
EAG
LEG
MAS
OPC
RRR
SEC
WAW
OTH

KFS:arb
cc: Service List

Enclosures

Sincerely,

[Handwritten signature of Kathleen F. Schneider]

Kathleen F. Schneider
Assistant County Attorney

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Telephone: (941) 316-7272 Fax: (941) 316-7267

DOCUMENT NUMBER-DATE

06184 MAY 17 99

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Investigation into telephone exchange boundary issues in South Polk County (Ft. Meade area).	DOCKET NO. 981941-TL
Investigation into boundary issue in South Sarasota and North Charlotte Counties (Englewood area).	DOCKET NO. 990184-TL
Request for review of proposed numbering plan relief for the 941 area code.	DOCKET NO. 990223-TL

**JOINT SUPPLEMENTAL POSTHEARING STATEMENT
OF SARASOTA COUNTY, FLORIDA
AND CHARLOTTE COUNTY, FLORIDA**

Sarasota County, Florida, and Charlotte County, Florida, political subdivisions of the State of Florida (the "Counties"), through their undersigned counsel, hereby file their Joint Supplemental Posthearing Statement in this matter. The Counties recognize that this filing is unconventional. However, the Counties concur with GTE and Sprint that in light of the delay inherent in reconsideration, a Supplemental Posthearing Statement is necessary to bring matters to the Commission's attention that are not contained in the Staff Recommendation. Principally, this Statement addresses the three-way split alternative which was discussed extensively in the briefs filed by Sarasota County, Charlotte County and Manatee County, yet entirely ignored in the Staff

DOCUMENT NUMBER-DATE

06184 MAY 17 88

FPSC-RECORDS/REPORTING

Recommendation. This lack of discussion in the Recommendation became a matter of particular concern when the Counties were informed by Staff that the Commission will not be reviewing the briefs, but, instead will be reviewing the Staff Recommendation.

Although the Commissioners expressed significant interest in a three-way split alternative to the exhaust of the 941 Area Code at the hearing and even requested that Staff look into other cases where NANPA simultaneously issued two new area codes, the Recommendation is void of any such analysis or for that matter, any information at all. Instead, the three-way split alternatives are dismissed as not viable with the single sentence: "Although the projected exhaust years are reasonable, NANPA may not be willing to issue two new area codes."¹ As argued extensively in their briefs, the Counties submit that the simultaneous issuance of two new area codes is specifically contemplated by the NANPA Guidelines and is particularly applicable in this situation.²

It is not the intent of the Counties to re-argue the issues in this Supplemental Statement. Rather, the Counties respectfully request that the Commission review the Posthearing Brief filed by Sarasota County and Charlotte County in this matter and consider the three-way split advocated therein (properly numbered as Alternative 12.) A copy of the respective Posthearing Briefs are attached to this filing.

Finally, the Counties gratefully acknowledge Staff's consideration of the extensive testimony advocating a 941 split which keeps Manatee County, Sarasota County and Charlotte County together because of the substantial community of interests

¹ The County understands that Staff was at a disadvantage in drafting its Recommendation in that Staff Legal Counsel, June McKinney, who was intimately involved in the proceedings, left the PSC staff before the Recommendation was written.

² In its brief, Sarasota County expressly advocated for Alternative 11. However, as evidenced in Staff's Recommendation, the split advocated by Sarasota County is actually Alternative 12. According to Staff, Alternative 12 was incorrectly referred to as Alternative 11 at the hearings. Thus, reference to Alternative 11 in the transcripts and in Sarasota's brief should actually be read as a reference to Alternative 12.

among the three counties. The Counties are also appreciative of the longer exhaust period which results. However, the Counties contend that this and more can be accomplished with the alternative advocated in the Posthearing Brief, i.e., Charlotte, Sarasota and Manatee Counties in one area code (7.9-year exhaust period), Polk, Hardee, DeSoto, Highlands and Okeechobee Counties in one area code (9.6-year exhaust period), and Lee, Glades, Hendry, Collier and Monroe Counties in one area code (8.3-year exhaust period) In this alternative, the 941 area code would be retained by Charlotte/Manatee and Sarasota as the most populous area..

In conclusion, Sarasota County and Charlotte County appreciate consideration of this filing. Although unconventional, the Counties believe it is warranted given the unusual circumstances in this case. All parties will be served this filing, without attachment, by facsimile.

Respectfully submitted this 15th day of May, 1999.

Office of the County Attorney
Jorge L. Fernández, County Attorney
Kathleen F. Schneider,
Assistant County Attorney
1660 Ringling Blvd., 2nd Floor
Sarasota, Florida 34236
(941) 316-7272

By: *Kathleen F. Schneider*
Kathleen F. Schneider, Esq.
Fla. Bar No. 0873306
(direct all future correspondence to
Attorney Schneider)

Martha Young Burton,
Assistant County Attorney
Charlotte County Attorney's Office
18500 Murdock Circle
Port Charlotte, FL 33948-1094
(941) 743-1330

By: *Kathleen F. Schneider* for
Martha Young Burton, Esq. *Martha Y. Burton*
Fl. Bar No. 398179
(by telephonic approval)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Supplemental Posthearing Statement of Sarasota County, Florida was served by Facsimile or U.S. Mail this 15th day of May, 1999 to the following:

Charles J. Beck, Esq.
Office of Public Counsel
The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Charles J. Rehwinkel, Esq.
Post Office Box 221
Tallahassee, FL 32316-2214

Kimberly Caswell, Esq.
Post Office Box 110
Tampa, FL 33601-0110

Martha Young Burton, Esq.
Charlotte County Attorney's Office
18500 Murdock Circle
Port Charlotte, FL 33948-1094

D. Bruce May, Jr., Esq.
Holland & Knight LLP
Post Office Drawer 810
Tallahassee, FL 32302-0810

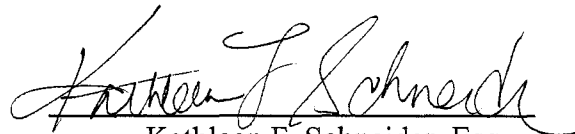
Mr. Frank Heaton
Cellular One
2100 Electronics Lane
Fort Myers, FL 33912

James A. Minix, Esq.
Senior Assistant County Attorney
Office of the County Attorney
Manatee County
1112 Manatee Ave. West, Suite 969
Bradenton, FL 34205

Mark R. Carpanini, Esq.
Post Office Box 9005
Drawer AT01
Bartow, FL 33831

June McKinney
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0863

Kimberly D. Wheeler, Esq.
Morrison & Foerster LLP
2000 Pennsylvania Avenue, NW
Washington, DC 20006-1888


Kathleen F. Schneider, Esq.

Pleed

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

Investigation into telephone
exchange boundary issues in
South Polk County (Ft. Meade
area).

DOCKET NO. 981941-TL

Investigation into boundary
issue in South Sarasota and
North Charlotte Counties
(Englewood area).

DOCKET NO. 990184-TL

Request for review of proposed
numbering plan relief for the
941 area code.

DOCKET NO. 990223-TL

POSTHEARING BRIEF OF SARASOTA COUNTY, FLORIDA

Sarasota County, Florida, a political subdivision of the State of Florida, through its undersigned counsel, hereby files its Posthearing Brief in this matter. This brief will address the issues as set out in the Prehearing Order, stating the issues and position, followed by argument.

I. STATEMENT OF BASIC POSITION

The Board of County Commissioners (the "Board"), and the residents and businesses of Sarasota County are very concerned about the geographic split of the 941 service area proposed by NANPA and endorsed by the industry (Alternative 1). Ex. 2, Alt. 1. Pursuant to Alternative 1, the current 941 service area would be split into two sections, with Polk, Manatee and Sarasota counties retaining the 941 area code and the remaining 10 counties being given a new area code.

This split divides the Englewood community which transverses the Sarasota-Charlotte county line. The proposed exhaust periods would be 5.2 years and 5.9 years, respectively.

It is Sarasota County's position that this alternative does not meet the needs of the residents and businesses of the County and, in fact, undermines the efforts of the Englewood community to function as one community and the efforts of Sarasota County as a whole to work together with its neighboring counties to the north and south to provide better services to its citizens and to equitably share natural resources. Moreover, based on past projections of exhaust periods which were greatly overestimated, it is very likely that the exhaust period would be closer to 3 years. That's how long Sarasota County has had its current area code. Thus, if Alternative 1 were selected, under its own guidelines, NANPA should start planning for the next split of the service area now.

The Board advocates an alternative that would accomplish two major objectives: (1) retain Sarasota, Manatee and Charlotte Counties in the same area code; and (2) provide longer exhaust periods with a three-way split. This can be accomplished within the NPA Code Relief Planning and Notification Guidelines (the "NPA Guidelines").

The demographics, geography and community needs demonstrate that Sarasota County, Manatee County and Charlotte County must retain the same area code, and that the expansive 13-county 941 service area should be split into three sections to allow for a longer exhaust period. The Guidelines contemplate the allocation of more than one new area code as long as the codes are added simultaneously. This is exactly what Sarasota County is advocating be done. It is the Board's position that a 3-way split of the current 941 service area is an effective utilization of area codes in a manner that will result in the least disruption to the local governments and its

citizens, as well as conserve on utilization of the resources of the PSC by eliminating the necessity to be back here again in 3 years.

II. ISSUES

Issue 1:

Should the Commission approve the proposed geographic split plan (Alternative 1 for the 941 area code relief, and, if not, what relief plan should the Commission approve?

Position:

No. Alternative 1 does not address the unique characteristics of the tri-county area comprised of Sarasota County, Manatee County and Charlotte County with regard to demographics and community of interests. In fact, it splits the Englewood community which has invested a significant amount of money and time to remain as a single community although divided by the Sarasota-Charlotte county line. The most appropriate relief plan is a 3-way split of the 941 service area with Sarasota, Manatee and Charlotte counties in one section, Polk, Hardee, DeSoto, Highlands and Okeechobee in another, and Glades, Hendry, Lee, Collier and Monroe in a third section (Alternative 11, Tr. 523). This 3-way split would recognize the community of interests between the various counties, avoid a confusing overlay for the predominantly senior population in the Sarasota/Manatee/Charlotte area, and provide longer exhaust periods which are nearly uniform in length.

Issue 2:

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

Position:

In implementing the 3-way split (Alternative 11), the Commission should avoid splitting exchanges so as not to cause existing customers to obtain an entirely new phone number. In

addition, pursuant to section 6.1 of the NPA Code Relief Planning and Notification Guidelines (the “Guidelines”), Ex. 3, the current 941 area code should remain with the Sarasota/Manatee/Charlotte split on the ground that it has the shortest exhaust period. Finally, the Commission should avoid assigning new area codes to the splits that are so similar to 941 as to cause additional confusion, i.e., 241.

III. ARGUMENT

As indicated in Sarasota County’s Basic Position, the County believes that a 3-way split of the 941 service area with Sarasota County, Manatee County and Charlotte County in one service area would best address the unique characteristics of that tri-county area while maintaining compliance with the NPA Guidelines. Specifically, the 3-way split discussed at the hearings as Alternative 11 (Tr. 523), addresses the community of interest needs expressed by the witnesses for Sarasota, Manatee and Charlotte, and also provides similar exhaust periods for the newly-split 941 service area. As explained by Chairman Garcia during the public hearing, the exhaust period for Manatee/Charlotte/Sarasota would be 7.9 years; the exhaust period for Polk/Hardee/DeSoto, Highlands and Okeechobee would be 8.3 years and the exhaust period for Glades/Hendry/Lee/ Collier and Monroe would be 9.7 years. (Tr. 533).

a. The community of interests mandates that Sarasota, Manatee and Charlotte counties remain in the same area code.

As provided in section 6.4 of the NPA Guidelines, “Each NPA requiring relief must be analyzed on the basis of its own unique characteristics with regard to demographics, geography, regulatory climate, technological considerations and community needs and requirements.” Sarasota/Manatee/Charlotte have a unique interrelationship which mandates a common area code for all three counties. With respect to Sarasota and Charlotte counties, not only does the

Englewood Community straddle the county line, there are numerous county services which transverse county boundaries. First, the Englewood Water District, a political subdivision of the State of Florida created in 1959, provides water and sewer service to residents and businesses in both Sarasota and Charlotte counties. In fact, the water plant is in one county and the sewer plant in another. (TR. 36-37).

In addition, pursuant to an interlocal agreement entered into in the 1960's, students residing in both Charlotte and Sarasota counties attend L.A. Ainger and Lemon Bay High Schools, located in Charlotte County and elementary schools located in Sarasota County. (Tr. 89). As testified to by Mr. William Strickland, principal of Lemon Bay High School, to divide Charlotte and Sarasota along the LATA line as indicated in Alternative 1, would be very confusing to students, parents and the school itself. (Tr. 90). For these reasons, Mr. Strickland strongly advocated keeping Charlotte and Sarasota in one area code. (Tr. 92).

The Englewood Fire District also provides services in both Sarasota and Charlotte counties. (Tr. 311). As stated by Shannon Staub, Chair of the Sarasota County Board of County Commissioners, "The citizens in [Englewood] don't know, when they turn on their tap, where the water comes from. They don't care. It happens to come from a special district. When they get emergency services, all they know is they want the emergency services. They don't care if it comes from Sarasota, Charlotte or a special district." (Tr. 311). Imagine the difficulty to the resident or business owner in a time of stress to remember not only that they have to call a different area code, but what that area code is.

In addition, one hospital serves residents in both Sarasota and Charlotte counties. (Tr. 311). Also, Charlotte County tax dollars are being used to help build a \$60 million hurricane evacuation route in Sarasota County. (Tr. 312). With respect to the Englewood business community, the Englewood Chamber of Commerce is made up of businesses in both counties. (Tr. 312). As stated by Chair Staub, "They don't know where they cross the line, when they spend their money on one side of the county line or the other." (Tr. 312).

There is also a strong community of interest between Sarasota County and Manatee County to the north. First, the Town of Longboat Key straddles the county line. The Sarasota-Bradenton International Airport services both Sarasota and Manatee counties and Manatee County provides water service to Sarasota County residents. Moreover, the Metropolitan Planning Organization is the only one in the state that is bi-county. It is, in fact, a Sarasota-Manatee metropolitan area. (Tr. 312). In addition, the Schroeder-Manatee Ranch, a large holding of 28,000 acres, with interests in farming, sod, cattle, citrus, mining and real estate development, crosses the county line. (Tr. 22-23). In addition, as explained by Chair Staub, "If you drive down University Parkway, which is the northernmost Sarasota County road, on the north side you live in Manatee County, but your address is Sarasota County. Your telephone exchange number is Sarasota County." (Tr. 313).

Not only does Sarasota County have individual community of interests with Charlotte County and Manatee County, all three counties have substantial interaction. The Peace River Authority, a major water source initiative, services all three counties. In addition, Sarasota, Manatee and Charlotte are part of the Charlotte Harbor Estuary Program and the Inland Navigational authority. (Tr. 313-14).

As indicated, Sarasota, Manatee and Charlotte counties have a unique symbiotic relationship which would be substantially undermined by an artificial division by area code. The confusion would impact communication with schools, hospitals, water and sewer utilities and emergency management services. Moreover, a division of the Englewood community along county lines would fragment a community that has been striving toward a unification of services and businesses for years and is just recently reaching its goal. Speaker after speaker requested that the three counties maintain the same area code. By contrast, no one spoke or advocated that a split of the three counties would create any beneficial result. Business owners, elected officials and retirees alike are united in their desire to keep Sarasota, Manatee and Charlotte counties in the same area code. Alternative 11 accomplishes this result and complies with the NPA guidelines regarding similarity of exhaust periods in the geographic split.

b. The size and growth patterns of the 941 service area mandate a 3-way geographic split.

The NPA Guidelines contemplate a 3-way geographic split in an NPA service area. Specifically, Section 5.0 of the NPA Guidelines provides that: “Normally, only one code will be assigned per request unless the codes are to be introduced simultaneously.” Thus, not only do the Guidelines not disallow a 3-way geographic split, they expressly contemplate a situation when it would be appropriate. The only concern expressed at the hearing as to a 3-way split was the fact that there are so few NXX codes available nationwide that the FCC would not look favorably on assigning two new NXX codes in one split. However, considering the predicted exhaust periods for a 2-way split (5.2 or less), there really is no difference between assigning two new area codes which will last 8 to 9 years and assigning one new code that will have to be split in 3 to 4 years. Utilization of a 3-way split will result in the least disruption to the local governments and its citizens, as well as conserve on the resources of the Public Service Commission by eliminating the necessity to consider new splits every three or four years.

As testified at the hearing by numerous individuals and representatives of businesses and civic organizations, the public wants longer exhaust periods. The 941 area code was put in place approximately three years ago, although predicted by the NANPA to last longer. (Tr. 537). The expense, confusion and frustration of the residents and businesses can be defused substantially with utilization of a 3-way split. It is clear from the testimony that the current 941 service area is growing at a steady pace. (Customer Service Exhibits of Tim Tilton and Frank Heaton). If the service area is divided into only two sections, it is likely that each resulting area code will split again in 3 to 5 years, requiring two additional area codes. This would be a total of three new area codes in approximately a five-year period: one now and two in 3 to 5 years. By dividing the service area into three sections now with 8 to 10-year exhaust periods, area codes are actually

conserved. Moreover, with new conservation measures in place, the exhaust period for the Alternative 11 three-way geographic split would likely be substantially longer.

In summary, the NPA Guidelines do not prohibit 3-way splits. In fact, they have been utilized throughout the country. (Ex. 4). The fact that the 941 service area is only 3 to 4 years old demonstrates special circumstances to warrant a 3-way split. It is obvious that a 13-county service area in the fastest growing area of the State was not the best solution for the residents, businesses or local governments. A three county/ten county split (Alt. 1) is equally inappropriate. Finally, neither NANPA nor any industry provider objected to a 3-way split. In fact, when asked, they said they would support it, provided exchanges were kept intact. (Tr. 132; Tr. 211-212; Tr. 265). For all these reasons, Sarasota County requests that the Commission adopt Alternative 11 as the appropriate geographic split for the 941 service area, and retain the 941 area code in the Sarasota/Manatee/Charlotte section, which would have the lowest exhaust period.

- c. **An overlay would cause unnecessary confusion to the predominantly senior population of Sarasota County and undermine the effectiveness of the emergency services system.**

Citizens, businesses, civic organizations and elected officials are unanimous in their position that a distributed overlay is an unacceptable relief plan for Sarasota County. (Tr. 27; Tr. 33; Tr. 45; Tr. 53; Tr. 59; Tr. 69; Tr. 77; Tr. 80; Tr. 322; Tr. 348). The opposition to the overlay is predicated primarily on the County's demographics. As testified by numerous individuals, Sarasota County has a substantial senior population which would find an overlay confusing and frustrating. It is not just the concept of 10-digit dialing which causes concern. It is the fragmentation of a community by multiple area codes. With a geographic split, there is a physical basis for an area code change, i.e., a different city, a different county, even a river or a

mountain range. For example, when a Sarasota County resident calls to Hillsborough County, the mere geographic distance suggests an area code change. That is not the case if he is calling his neighbor, his doctor who works in the next block or the community hospital. Thus, it's not just the concept of 10-digit dialing; it's remembering what those ten digits are. While it is true that telephones can be programmed, there is a limited space for programmed numbers. The new neighbor's number or the new pharmacy or the new medical center may not be one of those programmed numbers. The confusion wrought by an overlay is compounded when the caller is a senior citizen with a failing memory or even a young school child. Those Florida communities where an overlay has been implemented are distinguishable demographically and should not be considered as models for Sarasota County.

Moreover, the problems caused by an overlay for the emergency management services is multi-fold. For example, when computers fail in times of an emergency, reliance is placed on a manual system to get emergency response units out into the field to the right locations. The introduction of multiple area codes would not only necessitate an increase in contact time, but there is a risk that persons may be missed. (Tr. 334). Moreover, if a hurricane is threatening the barrier islands, approximately ten thousand residents are individually contacted by the emergency services staff. Use of an overlay would increase response time and impair the department's ability to reach these people (Tr. 326-27). Contrary to statements made by the industry, overlays are not gaining acceptance in Florida. They are simply being implemented by the Commission as a means of solving particular problems. Clearly, once they are implemented, there is no recourse to the resident or the business but to accept it. The only real beneficiary of an overlay is the wireless provider. It is the least expensive alternative for them. (Tr. 379). They


do not have to reprogram any phones. They simply continue with business as usual while citizens, businesses and local governments learn to live with the confusion. (Tr. 389-90).

IV. CONCLUSION

In conclusion, the extensive community of interest between Sarasota County, Manatee County and Charlotte County demonstrates that it is in the best interests of the citizens and businesses of these three counties to remain in the same area code, with minor adjustments to accommodate exchanges which overlap county boundaries. Further, the short exhaust periods which result from a 2-way split of the current 941 service area create needless financial hardship and general confusion. Whereas, implementation of a 3-way split as indicated in Alternative 11 provides longer exhaust periods which act to minimize financial hardship and confusion. Moreover, because of the population density as well as the fact Sarasota/Manatee/Charlotte would have the shortest exhaust period in the split, Sarasota/Manatee/Charlotte should retain the 941 area code. Special circumstances such as a recent area code change, the size of the current service area, and the projected growth warrant a deviation from the customary 2-way split. Universally, the residents, business owners, civic organizations and local governments requested that the Commission recognize the community of interest among the counties, recognize the need for longer exhaust periods, and avoid an overlay. Alternative 11 accomplishes all of that within the parameters of the NPA Guidelines.

Respectfully submitted this 23rd day of April, 1999.

Office of the County Attorney
Jorge L. Fernández, County Attorney
Kathleen F. Schneider,
Assistant County Attorney
1660 Ringling Blvd., 2nd Floor
Sarasota, Florida 34236
(941) 316-7272

By: 
Kathleen F. Schneider, Esq.
Fla. Bar No. 0873306
(direct all future correspondence to
Attorney Schneider)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the Posthearing Brief of Sarasota County, Florida was served by U.S. Mail, this 23rd day of April, 1999 to the following:

Charles J. Beck, Esq.
Office of Public Counsel
The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400

Charles J. Rehwinkel, Esq.
Post Office Box 221
Tallahassee, FL 32316-2214

Kimberly Caswell, Esq.
Post Office Box 110
Tampa, FL 33601-0110

Martha Young Burton, Esq.
Charlotte County Attorney's Office
18500 Murdock Circle
Port Charlotte, FL 33948-1094

D. Bruce May, Jr., Esq.
Holland & Knight LLP
Post Office Drawer 810
Tallahassee, FL 32302-0810

Mr. Frank Heaton
Cellular One
2100 Electronics Lane
Fort Myers, FL 33912

James A. Minix, Esq.
Senior Assistant County Attorney
Office of the County Attorney
Manatee County
1112 Manatee Ave. West, Suite 969
Bradenton, FL 34205

Mark R. Carpanini, Esq.
Post Office Box 9005
Drawer AT01
Bartow, FL 33831

June McKinney
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0863

Kimberly D. Wheeler, Esq.
Morrison & Foerster LLP
2000 Pennsylvania Avenue, NW
Washington, DC 20006-1888


Kathleen F. Schneider, Esq.

Pleading

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Review of
Proposed Numbering Plan
Relief for the 941 Area Code

DOCKET NO. 990223-TL

FILED: April 23, 1999

CHARLOTTE COUNTY'S POSTHEARING STATEMENT

Charlotte County ("Charlotte") hereby files its posthearing statement in the above-referenced consolidated docket, which includes three related 941 area code cases (Fort Meade area, Englewood area, and 941 area code).

I. Statement of Basic Position

Charlotte County strongly opposes the proposed geographic split plan for the 941 area code relief and believes that special circumstances exist that warrant dividing the 941 NPA into three NPAs. Further, the proposed geographic split plan for the 941 area code relief divides Englewood, located in both Charlotte and Sarasota Counties, and would unfairly burden the local community. The Florida Public Service Commission ("Commission") should consider southwest Florida's unique characteristics, demographics, and needs, as suggested by NPA Guidelines (Exh. 3, p.11), and keep Charlotte, Sarasota, and Manatee Counties in the same area code, without the use of an overlay.

II. Issues

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?

Position:

No. The proposed split will be extremely detrimental to the citizens, businesses, and government of Charlotte County, especially the Englewood community. The Commission should split the 941 NPA into three balanced NPAs, allowing longer exhaust periods. Charlotte, Sarasota, and Manatee Counties should remain together, without the use of an overlay.

Issue 2: What implementation issues, if any, should be addressed by the Commission?

Position:

The Commission should consider current and planned population centers, demographics, and calling patterns of 941 NPA communities. The Commission should also continue its number conservation efforts to lengthen exhaust periods, including its "establishment of a statewide emergency area code relief plan" requiring the sequential distribution of telephone numbers by code holders.

III. Argument

A. Introduction

The proposed geographic split relief plan for the 941 NPA would unnecessarily split the Englewood community, located in both Charlotte and Sarasota Counties, and would also divide Charlotte from its shared interests in Sarasota and Manatee Counties. Although the proposed geographic split plan for the 941 area code relief represents an industry consensus achieved through the process administered by Lockheed Martin acting as the North American Numbering Plan Administrator ("NANPA") (Tr. 116) and conveniently

follows the LATA boundaries between Sprint and GTE, there are special circumstances in this case that warrant the assigning of a third area code, resulting in a three-way geographic split of the present 941 NPA. In addition, the sizable population of elderly residents in the 941 NPA would find an overlay system difficult and confusing.

B. Discussion of Issue 1

Charlotte's main goal in the Englewood area docket was to protect the Englewood community, which straddles both Charlotte and Sarasota Counties, from being split in half. The overwhelming majority of witnesses who addressed Englewood's concerns were undisputed in their descriptions of shared governmental programs, emergency and law enforcement services, educational facilities, and infrastructure. (Tr. 30, 76, 82, 89, 293, 311, 327, 430) In Englewood, citizens of both Charlotte and Sarasota Counties share public schools, hurricane and medical emergency services, water and fire districts, evacuation routes, and even a Chamber of Commerce. (Tr. 25, 45, 77, 293, 311) With the consolidation of the Englewood area docket with the 941 area code relief docket, Charlotte's concern grew to encompass preventing the County itself from being split in two.

Charlotte's present population and future growth areas are located toward the Gulf in Englewood and Cape Haze, around the Myakka River, and around Charlotte Harbor and the Peace River. (Tr. 429) The Englewood community extends northward across the line into Sarasota County, and the Murdock area of Port Charlotte serves as a shopping and business center for North Port, across the line in Sarasota County. (Tr. 430) Charlotte County has only one incorporated municipality, Punta Gorda, where the County Courthouse is located.

(Tr. 429) But the County Administration Center is located in the Murdock area, at the northern edge of the County. So splitting the 941 area code along either the Sprint - GTE LATA boundary, the Myakka River, or the Peace River would also split Charlotte County's most populated area, the center of its community, in half. (Tr. 283 [Horton]) This description of Charlotte County is important, since NANPA usually tries to research an area's population growth and trends. (Tr. 120 [Kenworthy])

The importance of keeping Charlotte, Sarasota, and Manatee Counties together was supported by many witnesses. (Tr. 31, 39, 61, 66, 84, 94, 174, 290, 293, 315). All three counties are gulfside and coastal, depending in large part on tourism for local revenues. (Tr. 31, 286) Charlotte and Sarasota Counties share an international marketing campaign (Tr. 168), and Sarasota and Manatee Counties share mutual transportation and planning organizations. (Tr. 72) Several witnesses said there is more interaction between the three coastal counties of Charlotte, Sarasota, and Manatee than with Polk County. (Tr. 42, 56, 59, 92, 175, 384) Charlotte requests that these three counties keep the 941 area code, recognizing that NANPA considers the issue of fairness as well as customer density in making such a determination. (Tr. 143) Charlotte suggests combining DeSoto and/or Hardee Counties if necessary to even out the respective exhaust times. (Tr. 286 [Horton])

Charlotte believes that special circumstances exist in the 941 NPA which support a geographic split into three NPAs, rather than two. Only three years ago, in 1996, Charlotte's area code changed from 813 to 941. (Tr. 319) Assigning a second new area code to the 941

NPA would result in longer projected life times and would extend exhaust times farther out into the future, closer to the eight-to-ten year time frame in the NPA Guidelines. (Exh. 3, p. 4) Many witnesses voiced their preference for whatever method provided a longer exhaust time. (Tr. 37, 67, 76, 78, 281, 302, 315, 333, 347) This is especially important considering that NANPA expects the code conservation measures which should be in place by the end of next year (2000) to result in a 50% reduction in projected exhausts. (Tr. 156) Another fact supporting special consideration for the 941 NPA is that less than ten percent (10%) of the relief plans in the eastern region have similar early exhaust problems. (Tr. 131 [Kenworthy])

Sprint's only concern with a three-way split is whether the plan is operationally feasible. (Tr. 50) In addition, Sprint will support a three-code 941 relief plan if the Commission determines it to be in the best interest of the people. (Tr. 228) GTE prefers an overlay but would agree to a three-way geographic split if it maximizes relief periods for the areas involved. (Tr. 261)

Many witnesses (including the chairmen of all three Charlotte, Sarasota, and Manatee County Commissions) spoke against the use of an overlay system, that would require ten-digit dialing. (Tr. 55 [Stephens], 277 [Horton], 315 [Staub], 59, 69, 73, 80, 178, 294, 303, 338) Charlotte has the third oldest population in the State, with 33% of its citizens in the "elderly" category. (Tr. 431) Ten-digit dialing would be difficult and confusing for these citizens, who would have a hard time figuring out which calls are long distance. An overlay

would also be costly and time consuming in emergency situations, and would hamper Charlotte's ongoing efforts to create a sense of community. (Tr. 292 [Sallade], 325 [Feagans]) Several speakers also voiced concerns about children trying to remember all ten numbers. (Tr. 74, 80)

C. Discussion of Issue 2

The main implementation issue that the Commission should address is the use of conservation methods to lengthen exhaust times. This includes issuing NXX numbers in blocks of 1,000 rather than 10,000, rate center consolidation, and number pooling. (Tr. 158) For areas that undergo number changes, a longer permissive dialing period would help residents, businesses, government, and especially the tourism industry that is so important to southwest Florida. (Tr. 176) Another aid for customers is to avoid new NPA numbers that are too similar to 941, for example, 241. (Tr. 426)

Although Charlotte desires to stay in the same area code with Sarasota and Manatee Counties, any split that follows county lines could be adjusted so that the local exchanges of Punta Gorda, North Fort Myers, and Boca Grande can stay together. Sprint already indicated no objection to this revised version of Alternative 3 from Exhibit 2. (Tr. 211)

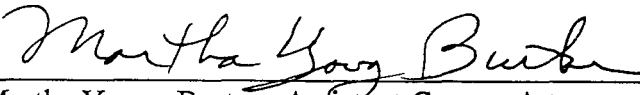
D. Conclusion

The issues in this case are of great magnitude and have significance beyond the 941 NPA. The Commission's decision will have far-reaching effects on Charlotte County, and also all of southwest Florida.

Charlotte supports the Commission's number conservation efforts and agrees with several of the witnesses that a system-wide change is necessary in the way that area codes and numbers are assigned. It is possible that, as several witnesses stated, eventually all NPAs will go to ten-digit dialing (or more) (Tr. 198, 233), but Charlotte does not believe that southwest Florida, with its large geographic size and high percentage of elderly citizens, is the type of area best suited for the use of an overlay plan, nor does southwest Florida have the large, dense, cosmopolitan type of area where overlays may work the best.

The NANPA witness said there is always an invitation for additional alternatives, which is why the Commission has the ultimate decision. (Tr. 126) A three-way geographic split with balanced lives and the immediate implementation of number conservation methods will afford the citizens of southwest Florida more reasonable NPA exhaust periods, thus reflecting the intent of the Industry Numbering Committee in drafting the NPA Guidelines. And the NANPA witness has indicated that a three-way split is certainly possible in the 941 area code relief case. (Tr. 140)

Respectfully submitted this 23rd day of April, 1999.


Martha Young Burton, Assistant County Attorney
Charlotte County Attorney's Office
18500 Murdock Circle
Port Charlotte, FL 33948-1094
(941)743-1330

CERTIFICATE OF SERVICE
DOCKET NO. 990223-TL

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this 23rd day of April, 1999, to the following:

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

June McKinney, Esq.
Division of Legal Services
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Charles J. Rehwinkel, Esq.
Mr. F. B. (Ben) Poag
Sprint-Florida, Inc.
P. O. Box 2214
Tallahassee, FL 32316-2214

Kimberly Caswell, Esq.
GTE-Florida, Inc.
P. O. Box 110, FLTC0007
One Tampa Center
Tampa, FL 33601

Ms. Beverly Y. Menard
c/o Ms. Margo B. Hammar
GTE Florida Inc.
106 East College Ave., Ste. 810
Tallahassee, FL 32301-7704

Mr. Francis J. Heaton
Director of Planning & External Affairs
CellularOne
2100 Electronics Lane
Fort Myers, FL 33912

Angela Green, Esq., General Counsel
Fla. Public Telecommunications Assoc.
125 S. Gadsden Street, #200
Tallahassee, FL 32301-1525

Charles J. Beck, Esq.
Office of the Public Counsel
111 W. Madison St., Room 812
Tallahassee, FL 32399-1400

Kathleen F. Schneider, Esq.
Sarasota County Attorney's Office
1660 Ringling Blvd., 2nd Floor
Sarasota, FL 34236

Mark A. Carpanini, Esq., County Attorney
Polk County Board of County Commissioners
330 W. Church Street
Drawer BC01 - P. O. Box 9005
Bartow, FL 33831-9005

Mr. Fritz Behring, City Manager
City of Ft. Meade
8 West Broadway
P. O. Box 856
Ft. Meade, FL 33841-0856

Dr. Willard Coy, Vice-Chair
Area Planning Board
244 Mark Twain Lane
Rotunda West, FL 33947

Englewood Water District
P. O. Box 1399
Englewood, FL 34295-1399

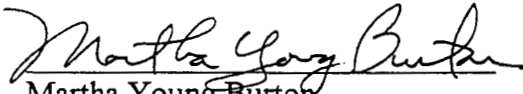
Kimberly D. Wheeler, Esq.
Morrison & Foerster LLP
2000 Pennsylvania Avenue NW
Washington, D.C. 20006-1888

D. Bruce May, Jr. Esq.
Attorney for BellSouth Mobility
Holland & Knight LLP
Post Office Drawer 810
Tallahassee, FL 32302-0810

C. Claiborne Barksdale, Esq.
Associate General Counsel
BellSouth Cellular Corp.
1100 Peachtree Street, N.E., Ste. 910
Atlanta, Georgia 30309-4599

Ms. Linda Rust Pierce, Executive Director
Englewood Area Chamber of Commerce
601 South Indiana Avenue
Englewood, FL 34223-3788

James A. Minix, Esq.
Manatee County Board of Commissioners
P. O. Box 1000
Bradenton, FL 34206-1000


Martha Young Burton
Assistant County Attorney