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November 20, 2000

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VIA HAND DELIVERY

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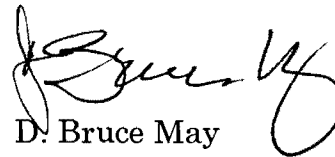
Re: Docket No. 990455-TL, In re: Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region
Docket No. 990456-TL, In re: Request for review of proposed numbering plan relief for the 561 area code
Docket No. 990457-TL, In re: Request for review of proposed numbering plan relief for the 954 area code
Docket No. 990517-TL, In re: Request for review of proposed numbering plan relief for the 904 area code

Dear Ms. Bayo:

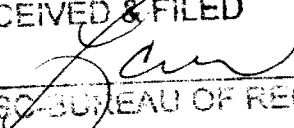
Enclosed for filing is the original of Cingular Wireless LLC's Notice of Appeal of the Commission's Order No. PSC-00-1937-PAA-TL. For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP


D. Bruce May

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Blanca Bayo
November 20, 2000
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Enclosure

cc: Clerk, Florida Supreme Court (w/enclosure)
All Parties of Record (w/enclosure)

TAL1 #226823 v1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

CINGULAR WIRELESS LCC,

Intervenor, Appellant

vs.

Case No. _____

J. TERRY DEASON, as Chair,
FLORIDA PUBLIC SERVICE COMMISSION,

Appellee.
_____ /

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

DOCKET NO. 990455-TL

In re: Request for review of
proposed numbering plan relief
for the 561 area code.

DOCKET NO. 990456-TL

In re: Request for review of
proposed numbering plan relief
for the 954 area code.

DOCKET NO. 990457-TL

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

DOCKET NO. 990517-TL

NOTICE OF APPEAL

NOTICE IS GIVEN that Intervenor, CINGULAR WIRELESS LLC
("Cingular"), formerly Florida Cellular Service, Inc. d/b/a BellSouth Mobility,
appeals to the Florida Supreme Court Order No. PSC-00-1937-PAA-TL issued by

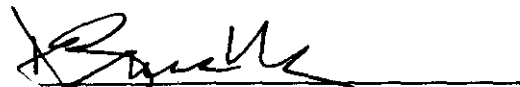
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the Florida Public Service Commission on October 20, 2000, a copy of which is attached. The nature of the Order is a Final Order approving a numbering relief plan for the 305/786 area code, the 561 area code, the 954 area code, and the 904 area code, and requiring a customer survey for a number change.

Contemporaneously with filing this Notice of Appeal, Cingular is filing with the Commission a Motion for Reconsideration of the Order as amended by Order No. PSC-00-1937A-PAA-TL issued by the Commission on November 3, 2000. Cingular believes that its Motion for Reconsideration is timely filed, and therefore, tolls the time for appealing the Order. Thus, Cingular is only filing this Notice of Appeal out of an abundance of caution in order to preserve its right to appeal the Order in the event that the Commission deems Cingular's Motion for Reconsideration untimely.



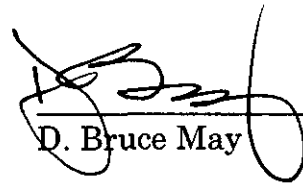
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by hand-delivery to: Michael Barrett, Levent Ileri, Timothy Vaccaro, Beth Keating, Jonathan Andu, and Carris Fordham, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida; and by U.S. Mail to: AT&T Communications of the Southern States, Inc., Tracy Hatch and Marsha Rule, 101 North Monroe Street, Suite 700, Tallahassee, FL 32301; BellSouth Telecommunications, Inc., Ms. Nancy B. White, c/o Nancy H. Sims 150 South Monroe Street, Suite 400, Tallahassee, FL 32301-1556; Michael A. Gross, 310 N. Monroe St., Tallahassee, FL 32301; Angela Green, General Counsel, 125 S. Gadsden St., #200, Tallahassee, FL 32301-1525; MCI WorldCom, Ms. Donna C. McNulty, 325 John Knox Road, Suite 105, Tallahassee, FL 32303-4131; Mr. Brian Sulmonetti, Six Concourse Parkway, Suite 3200, Atlanta, GA 30328; Floyd Self, 215 S. Monroe Street, Suite 701, Tallahassee, FL 32301-1876; Morrison & Foerster Law Firm, Kimberly D. Wheeler, 2000 Pennsylvania Avenue, NW, Washington, DC 20006-1888; NeuStar, Inc., Thomas C. Foley, 820 Riverbend Blvd., Longwood, FL 32779; Omnipoint Communications, 600 Ansin Blvd., Hallandale, FL 33009; Kenneth Hoffman and John Ellis, P.O. Box 551, Tallahassee, FL 32302; Sprint PCS, Joe Assenzo, Legal Department, 4900 Main Street, 11th Floor, Kansas City, MO 64112; Sprint-Florida, Incorporated, Charles J. Rehwinkel and Susan Masterton, P.O. Box 2214, Tallahassee, FL 32316-2214; Verizon Florida Inc., Kimberly Caswell, P.O. Box 110, FLTC0007, Tampa, FL 33601-0110; ALLTEL Florida, Inc., Mr. Richard H.

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D. Bruce May

TAL1 #226021 v1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 990455-TL

In re: Request for review of proposed numbering plan relief for the 561 area code.

DOCKET NO. 990456-TL

In re: Request for review of proposed numbering plan relief for the 954 area code.

DOCKET NO. 990457-TL

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

DOCKET NO. 990517-TL
ORDER NO. PSC-00-1937-PAA-TL
ISSUED: October 20, 2000

The following Commissioners participated in the disposition of this matter:

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

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ORDER NO. PSC-00-1937-PAA-TL

DOCKETS NOS. 990455-TL, 990456-TL, 990457-TL, 990517-TL

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Omnipoint Communications

BETH KEATING, Esquire, C. LEE FORDHAM, Esquire, and
TIM VACCARO, Esquire, Florida Public Service Commission, 2540
Shumard Oak Boulevard, Tallahassee, Florida 32399
On behalf of Commission Staff

FINAL ORDER APPROVING NUMBERING-PLAN RELIEF
FOR THE 305/786 AREA CODE, THE 561 AREA CODE,
THE 954 AREA CODE, AND THE 904 AREA CODE,
REQUIRING CUSTOMER SURVEY FOR A NUMBER CHANGE,
AND NOTICE OF PROPOSED AGENCY ORDER IMPLEMENTING RATE CENTER
CONSOLIDATION AND CODE SHARING IN CERTAIN AREAS AND REQUIRING
CUSTOMER SURVEY FOR COST RECOVERY

BY THE COMMISSION:

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ACRONYMS

1KNP	Thousand-block Number Pooling
ALEC	Alternative Local Exchange Carrier
AT&T	AT&T Communications of the Southern States, Inc.
CO	Central Office
COC	Central Office Code or NXX or Prefix
Commission	Florida Public Service Commission
FCC	Federal Communications Commission
FCCA	Florida Competitive Carriers Association
FCTA	Florida Cable Telecommunications Association
FPSC	Florida Public Service Commission
ILEC	Incumbent Local Exchange Carrier
INC	Industry Numbering Committee
LATA	Local Access and Transport Area
MCI	MCI WorldCom, Inc.
MDF	Main Distribution Frame
MTE	Months-To-Exhaust
MSA	Metropolitan Statistical Area
NANP	North American Numbering Plan
NANPA	North American Numbering Plan Administration
NANPE	North American Numbering Plan Expansion
NXX	Central Office Code or Prefix
NPA	Numbering Plan Area or Area Code
NRO	Number Resource Optimization

RCC	Rate Center Consolidation
SMR	Specialized Mobile Radio
UPDO	Unified Dialing Plans for Overlays

I. CASE BACKGROUND

Advances in telecommunications services, as well as increased competition in local exchange markets, have led to an explosion in the demand for new telephone numbers, thereby escalating the exhaustion rate of area codes in Florida. As a result, numbering plan area (NPA or area code) exhaustion has become particularly problematic. This Order addresses NPA relief plans for the 305/786, 561, 954, and 904 area codes.

305/786 Area Codes

On January 6, 1998, in Docket No. 971058-TL, we issued Order PSC-98-0040-FOF-TL, in which we required that 20 of the remaining Central Office Codes¹ (COCs or NXXs) in the 305 area code be reserved for use in Monroe County. The Order stated that these 20 NXXs were calculated at a usage rate of 1.2 NXXs per year to last until the year 2012 for the residents of the Keys. In early 1999, the North American Numbering Plan Administration (NANPA or NeuStar) informed our staff that it had already assigned approximately nine of the 20 NXXs in only 13 months. This accelerated assignment of NXXs, which far exceeded the usage rate contemplated in the Order, forced an extraordinary jeopardy situation in the 305 Keys area.

At our March 30, 1999, Agenda Conference, in Docket No. 990373-TP, NANPA indicated that all the NXXs in the Keys were assigned to telecommunications carriers. Therefore, by Order No. PSC-99-0606-PCO-TP, issued April 2, 1999, we set for hearing the issue of whether code holders should be required to distribute telephone numbers consecutively. Later, the industry voluntarily donated some unused NXXs back to NANPA. At the same time, NANPA released the reserved NXX codes from the 305/786 area (Dade County). Thus, the Keys had a total of 20 remaining NXXs in mid-April of 1999.

¹ Central Office Codes or NXXs are defined as the first three digits of a telephone number or the prefix. N can take any integer digit from 2 to 9, and X can take any integer digit from 0 to 9.

The industry planned to meet on April 23, 1999, to discuss the jeopardy procedures to distribute the last remaining 20 NXXs. On April 22, 1999, our staff sent a letter to the NANPA director asking NANPA to freeze the distribution of the NXXs. On April 23, 1999, the industry met and agreed to comply with our staff's request to extend the freeze with the exception that a new carrier with no codes associated with the rate centers in the Keys would be allocated one central office code (NXX). Thus, under the direction of NANPA, the telecommunications industry NXX code holders in the 305 Keys region returned some NXX codes to NANPA and reached a consensus to institute a freeze on the distribution of the remaining NXX codes in the 305 Keys region until either further extraordinary jeopardy measures could be put in place, or the Commission could approve an NPA relief plan for the 305 Keys region. Subsequently, further jeopardy measures were implemented to preserve the remaining NXX codes. A lottery system was instituted for this region, which included the rationing of one NXX code per month. Thereafter, Docket No. 990455-TL was opened to investigate the numbering relief plans proposed for this NPA. Since NPA relief for this area would likely include or affect the portion of the 305 area code overlaid by the 786 area code (the Dade County area), we addressed NPA relief for the entire 305 area code, including both the Dade County and Keys regions.

561, 954, and 904 Area Codes

On March 8, 1999, NANPA declared extraordinary jeopardy for the 561 and 954 area codes, and notified us, as well as the industry, pursuant to Interim Jeopardy Procedures. Thereafter, on April 21, 1999, NANPA notified us that the 904 area code was also in extraordinary jeopardy. Therefore, Dockets Nos. 990456-TL, 990457-TL, and 990517-TL were opened to review the numbering relief plans proposed for these NPAs.

Under the direction of NANPA, the telecommunications industry NXX code holders in the 561, 954, and 904 NPAs adopted Final Jeopardy Procedures and reached a consensus to institute rationing of the distribution of the remaining NXX codes in these NPAs. Code rationing was set at six codes per month, beginning May 1999 for the 561 and 954 area codes, and July 1999 for the 904 area code. On October 21, 1999, the FCC issued FCC 99-243 in Docket No. 96-98; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996. In this Order, the FCC revised the guidelines "by eliminating the requirement that an area code overlay plan include the assignment of at least one central office code (NXX code) to each new entrant that had no NXX codes in the

original area code 90 days before introduction of the new overlay code." NANPA then conducted another meeting to release the reserved codes. As a result, the new rationing procedures for the 954, 561, and 904 area codes call for the release of six, seven, and seven NXX codes per month, respectively. These rationing procedures have remained in place pending our decisions in these dockets.

Pursuant to the NPA Code Relief Planning and Notification Guidelines (INC 97-0404-016), the NPA Relief Planner for the Eastern Region of the North American Numbering Plan (NANP), notified our staff, the code holders and other industry members, and hosted an industry meeting to review the alternative relief plans. The industry reached a consensus to recommend Alternative Relief Plan #1, an all-services overlay, as the method of relief for each of the area codes. NANPA notified us regarding the industry's recommended alternative plan for all the area codes in this proceeding.

In response, we scheduled several service hearings in each docket. The notice of service hearings and the industry's consensus plan were printed in the news media, attracting a great deal of public interest in this matter. Based on public input, the list of alternative relief plans for all of the area codes in this proceeding expanded significantly. The specifics of the various alternatives are discussed in Section V of this Order.

In view of the related subject matter of these dockets and in the interest of administrative efficiency, these dockets were consolidated for hearing purposes only. A technical hearing was held on May 18 and 19, 2000. The parties agreed that the exhibits, and prefiled testimonies for the technical hearing could be entered into the record by stipulation and that cross-examination of witnesses would be waived. We accepted this suggestion and concluded the technical hearing on May 18, 2000.

II. JURISDICTION AND FEDERAL BACKGROUND

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

The Commission (FCC) shall have exclusive authority over those portions of the North American Numbering

Plan (NANP) that pertain to the United States. The Commission may delegate to the States or other entities any portion of such jurisdiction.

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

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

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

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

On September 15, 1999, the FCC issued an Order (FCC 99-249, Florida Order) granting our Petition for Delegation of Additional Authority to Implement Number Conservation Measures.² In its Order, the FCC granted us interim authority to:

² Florida Public Service Commission Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures, Order, CC Docket No. 96-98, NSF File No. L-99-23 (rel. September 15, 1999)

- (1) Institute thousand-block pooling (1KNP) by all LNP³-capable carriers in Florida;
- (2) Reclaim unused and reserved NXX codes;
- (3) Maintain rationing procedures for six months following area code relief;
- (4) Set numbering allocation standards;
- (5) Request number utilization data from all carriers;
- (6) Implement NXX code sharing; and
- (7) Implement rate center consolidation.

We note that in Dockets Nos. 990373-TP and 981444-TP, we have investigated and continue to review various number conservation measures.

III. SELECTION CRITERIA

We have identified various useful measures for the selection of possible area code relief alternatives, and have used the following criteria to identify and analyze all reasonable relief alternatives in this proceeding:

1. Severe imbalances in projected life exhaustion should be avoided, pursuant to the INC Guidelines.
2. Relief plans involving splitting rate centers should also be avoided, pursuant to INC Guidelines.
3. Area code life projections with less than five years are also not preferred, pursuant to INC Guidelines.
4. In the case of split relief plans, consideration may be given to alternatives with approximately equal lives, not exceeding 15 years⁶ pursuant to INC Guidelines.
5. Public input within a particular area code is considered.
6. Severe disruption of community of interest or calling scope in relief plans is generally avoided.

³ LNP (Local Number Portability) is a service that provides residential and business telephone customers with the ability to retain, at the same location, their existing local telephone numbers when switching from one local telephone service provider to another.

7. Use of more than one area code is generally not an efficient use of numbering resources, and, therefore, we have avoided such alternatives, unless there is no other means to provide the numbering relief in an area.
8. Implementation of various number conservation measures in conjunction with area code relief plans are generally considered helpful.
9. Alternatives with less impact on customers and industry are considered preferable.

IV. TYPES OF RELIEF

Commissions across the country have struggled 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 of providing relief from the exhaustion of telephone numbers within an area code. This proceeding is the most complex to date in Florida given the number of alternatives considered.

The NANPA and the industry utilize the NPA Code Relief Planning and Notification Guidelines to identify relief alternatives for area codes nearing exhaustion. The INC currently identifies the following relief alternatives:

A. 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 greatest number of customers so as to minimize number changes, and assigning a new NPA code to the remaining area. This method divides the old and new NPA areas by jurisdictional, natural or physical boundaries.

This method had been the alternative chosen for most NPA relief plans prior to 1995 and has occurred with sufficient frequency that the technical aspects and established implementation procedures are generally understood. Likewise, public education and acceptance of the process has been made easier because of the numerous NPA splits that have occurred. This method generally provides long term relief for an area.

B. Boundary Realignment Method

In an NPA boundary realignment, the NPA requiring relief is adjacent to an NPA, within the same state, that has spare NXX code capacity. A boundary shift occurs so that spare NXX 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 applicable only to states that have more than one NPA. It could provide for a better balance of central office (NXX) code utilization in the affected NPAs. This method is viewed as an interim measure because it tends to provide shorter term relief compared to implementing a new NPA code.

C. Overlay Method

An NPA overlay occurs when more than one NPA code serves the same geographic area. Code relief is provided by opening up a new NPA code within the same geographic area as the 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. Since the overlay relief method could result in unequal dialing for those customers served out of the overlay NPA, the FCC⁴ 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 competitors, including small entities, do not suffer competitive disadvantages. The FCC also requires that every carrier authorized to provide telephone service in the affected area code has the ability to be assigned at least one NXX in the existing area code during the 90-day period preceding the introduction of the overlay.

The overlay method reduces or eliminates the need for customer number changes like those required under the split and realignment methods. It also provides the option of eliminating the permissive dialing period as part of implementation. This method, however, will necessitate 10-digit dialing of local calls between the old and new NPAs as central office (NXX) codes are implemented in the new NPA. Four potential implementation strategies have been identified for an NPA overlay. They are:

⁴ Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, FCC Order No. 96-333, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996)

1) Distributed Overlay - The distributed overlay strategy may be considered when growth in telephone numbers is expected to be more or less evenly distributed throughout the existing NPA requiring relief. The new NPA is added to the NPA requiring relief and shares exactly the same geographic boundaries. When growth telephone numbers are required, they are assigned from the new NPA.

2) Concentrated Growth Overlay - A concentrated growth overlay may be considered in situations when the majority of the new telephone numbers are expected to be concentrated in one section of the existing NPA. For example, a fast growing metropolitan area and a sparsely populated rural area could exist within the same NPA. The overlay NPA would be assigned initially to the section of the NPA experiencing the fastest growth, and new phone numbers in that section would be assigned from the new NPA. As more relief is required, the geographic area served by multiple NPAs could expand.

3) Boundary Extension Overlay - With a boundary extension overlay, the NPA requiring relief is adjacent to an NPA with spare capacity. The boundary between these two NPAs is eliminated, and spare NXX codes from the adjacent NPA are assigned within the original NPA boundary where relief is required. An appropriate use of boundary extension might be in a state consisting of two NPAs, where one NPA has spare capacity. This solution has the advantage of not requiring a new NPA code, but it also has the same limitation as a boundary realignment in that it provides less long term relief.

4) Multiple Overlay - The multiple overlay strategy may be considered where relief is required in two or more NPAs. For example, this solution may be appropriate in a metropolitan area where two or more NPAs cover a small geographic area and where it would be difficult to implement another kind of relief, i.e., a split or a distributed overlay. The new NPA would be assigned to overlay the multiple existing NPAs serving the entire metropolitan area. As another example, a new NPA could be assigned for new growth within an entire state where more than one NPA exists.

D. Other Methods

A combination of the methods described above may be used. For example, a concentrated growth overlay could be assigned initially to a section of an NPA experiencing fast growth, and as more relief is required, the section served by two NPAs could expand into a distributed or multiple overlay as demand requires. Other combinations of relief methods may be appropriate. 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. Therefore, our staff's witness Fulwood introduced the following additional concepts:

- 1) Spotted Overlay: Under this scenario, an overlay occurs in various segments within an area. All local calls within the overlay area are made by dialing the area code and the 7-digit telephone number, a total of 10 digits. All surrounding areas dial 7 digits. Across the boundary, all calls are 10 digits.
- 2) Expanded Split: Under this proposal, the area code of a region is changed and replaced by extending an existing surrounding area code over this area. All Central Office Codes (COCs or NXXs) are used in the originating area.
- 3) Expanded Overlay: With this concept, the area code of a region is overlaid by an existing overlay area. Customers do not change area codes except that new customers and business get the new area code and all local calls are made using 10 digits.

In prior area code decisions in Dockets Nos. 990223-TL and 980671-TL, this Commission identified several advantages and disadvantages of geographic split and overlay relief plans as follows:

E. Advantages of Overlay Plan

1. Customers in the overlay area can retain their telephone numbers.
2. Customers are not required to change advertisements containing the old area code telephone numbers.
3. Cellular carriers are not required to reprogram their customers' cellular telephones.
4. Costs to customers and carriers are minimized.

5. This method is the best and simplest migration path to future NPA relief by assuring the elimination of number changes and confusion.
6. This method is easy to implement from the telecommunications network perspective.

F. 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.
4. Alarm monitoring companies will be required to reprogram their equipment to comply with the 10-digit dialing requirement.

G. Advantages of Geographic Split

1. 7-digit dialing would remain for intra-NPA local calls. (This may or may not include ECS calls depending on whether there is IXC competition)

H. Disadvantages of Geographic Split

1. Customers served by the new area code must change the area code portion of their telephone numbers.
2. Customers served by the new area code must change advertisements which included the 3-digit area code.
3. InterNPA EAS/ECS routes will require 10-digit dialing.

V. RELIEF PLANS

We conducted numerous service hearings in the 305/786, 561, 954, and 904 area codes to review and discuss the alternative relief plans with the affected customers.

NANPA witness Tom Foley indicates that the first consideration in area code relief planning is to review the projected exhaust dates of NXX codes and to evaluate possible alternative means of providing relief. In his testimony, witness Foley states that NANPA filed petitions for the 305/786, 561, 954, and 904 area codes with this Commission on July 6, 1999, August 11, 1999, and August 16, 1999, respectively. In these petitions, NANPA states that the

industry's proposal for all the area codes in this proceeding is Alternative #1, which is an all services, distributed overlay relief plan in which all locals calls will be 10-digit dialed.

During this proceeding, we considered 46 area code relief options for the relief of the 305/786, 561, 954, and 904 area codes. Each alternative plan is presented, along with a brief description including the expected life in years based on Assumption #1⁵ as presented by NANPA.

A. The 305/786 Area Codes

1. Approved Relief plan

Before the service hearings for the 305/786 area codes took place, there were five alternative relief plans. The majority of the public testimony indicated that the residents of the Keys, which for our consideration in this proceeding include North Key Largo, Key Largo, Islamorada, Marathon, Big Pine Key, Sugar Loaf Key, and Key West exchanges, would prefer to retain the 305 area code for tourism reasons and keep 7-digit local dialing. To incorporate customers' concerns, our staff's witness Lennie Fulwood introduced eight additional alternatives for a total of 13 relief plan alternatives for this area. The alternatives considered are briefly outlined below.

Alternative #1 is the industry consensus relief plan. This plan is an all services expanded overlay and does not require a new area code, but rather, extends the existing 786 area code from the Miami-Dade area to include the entire region. This plan would not involve any number changes for existing subscribers. All customers in the Keys region would have to dial 10 digits for all of their local calls, as in Miami. The projected exhaust for this plan is 3.4 years.

In FCC 96-333, CC Docket No. 92-237, ¶280, released August 8, 1996, the FCC determined that certain regions have unique characteristics which cause area code split plans to be more damaging and more confusing to customers than the overlays.

⁵ Assumption #1 is that the current demand for central office codes will continue at approximately the same rate.

BellSouth witness Daniel M. Baeza states that instituting 10-digit dialing for the entire area would maintain the dialing parity. Witness Baeza further states:

. . . [a]n overlay allows for the easiest and most expeditious implementation method from both a technical perspective and a customer education perspective and the best and simplest migration path to future NPA relief by assuming the elimination of number changes and the associated costs and confusion.

In his testimony, BellSouth witness Stan Greer states that:

[T]he disadvantage of the geographic split, you have a shrinkage of geography and a smaller and smaller area that maintains an area code increasing interNPA dialing with surrounding areas, which is done on a ten-digit basis.

Based on this testimony, we believe that while a geographic split relief plan could be the more effective alternative for larger geographic areas, it would not be the ideal solution for smaller geographic areas such as that covered by the 305/786 NPAs. It appears, based on the record, that the industry's consensus relief plan is the most reasonable means of providing numbering relief in this area.

We acknowledge that during the service hearings, customers stated that they would prefer a plan in which they would retain their area code in conjunction with their 7-digit local dialing, which cannot be accomplished through an overlay plan. Furthermore, because the life of this overlay plan is only 3.4 years, additional relief may be required sometime in 2001, and the evidence of record suggests that the high influx of local and long distance companies in the Miami-Dade and the Keys areas could further decrease the expected life of the 786 area code. Nevertheless, as emphasized by BellSouth's witness Baeza, this plan will allow quicker implementation of relief and is more easily conveyed to customers. Also, given the economic status of the Keys region and their dependence on tourism, we believe that the benefit of permanently retaining the existing 305 telephone numbers outweighs the inconvenience of a change in the dialing pattern.

CONCLUSION

Upon consideration, we hereby select as the appropriate relief plan for the 305/786 area codes Alternative #1, which is the industry's consensus relief plan. We emphasize, however, that this plan will not be implemented immediately. Instead, as set forth in subsections V.(A)(3) and (4) of this Order, we believe that the implementation of certain specific number conservation measures may delay the implementation of this plan.

2. Other Relief Plans Considered

Although we believe that Alternative #1 is the most reasonable plan for the 305/786 region, we include a brief analysis of the other alternatives that we considered. We note that with regard to the calculation of the exhaust dates indicated herein, NANPA witness Tom Foley states that the approximations are not accurate and should not be relied upon in rendering our decision. Witness Foley further states:

As with all forecasting tools that are available, they are subject to a lot of error, especially out in the later years. This is the best tool that we have. It is the tool that the industry has used for quite a while for forecasting. It does have its shortcomings, but this is the only tool that the industry has approved for use right now as far as forecasting goes. And yes, there could be discrepancies in the later years.

We agree that the assumptions used are not accurate and do not reflect the real demand. Witness Foley also claims that the way in which the alternatives were eliminated at the Initial Planning Meetings may not be accurate. Furthermore, witness Tom Foley indicates that number conservation measures would have an impact on the life of the NANP, but the specifics of those impacts are undeterminable.

Alternative #2 is similar to Alternative #1. The present 786 NPA code is extended to the Keys region as an expanded overlay, but upon the exhaust of the 786 NPA, a new NPA code would be overlaid over the entire region. This plan would not involve any number changes for existing subscribers. All customers in the Keys region would have to dial 10 digits for all of their local calls, as in Miami. The projected exhaust for this plan is 7.8 years.

NANPA witness Tom Foley states that the industry, by consensus, eliminated this alternative because it required that relief be provided in two phases. Witness Foley defines this alternative as an "all services expanded overlay," which would impose an additional overlay in the future to cover the entire expanded area. He further states that this alternative would commit the telecommunications industry members to a relief plan that could be rendered inappropriate by this Commission's future implementation of number conservation measures.

We disagree with witness Foley's statements, because it appears that this plan can accommodate any number conservation measures. Furthermore, the evidence suggests that rate center consolidation and number pooling could be implemented in any area code relief plan, because number conservation measures are not affected by the type of area code relief. During the service hearings, however, customers stated that they would prefer a plan in which they would retain their area code in conjunction with their 7-digit local dialing. Furthermore, this alternative would impose two new area codes, 786 and a new NPA, on Keys' customers, and this plan does not use number conservation measures. Therefore, we do not find this alternative acceptable.

Alternative #3 is a combination split and expanded overlay relief plan. The Miami-Dade region is split from the Keys region. The NXX codes within the new area code would be allocated between the two regions, with the Keys region receiving 225 NXX codes, and the remainder going to the Miami-Dade region. This plan would not involve any number changes for existing subscribers in the Miami-Dade region, but would require an area code change for the residents of the Keys. The projected exhaust for this plan is 7.8 years for the Miami-Dade region, and 8 years for the Keys region.

In his testimony, NANPA witness Foley states that this alternative was eliminated by the industry for a number of reasons. First, witness Foley states that existing customers would be required to change their number. We disagree, however, because only the area code of existing customers in the Keys would change from 305 to a new NPA with this plan.

Witness Foley also states that this alternative would take longer to implement. While we also do not believe that this reason to eliminate this alternative is legitimate, we do have real concern with this alternative due to the area code change in the Keys region and the allocation of 225 NXXs. A potential problem with this plan is the allocation of NXX codes between the regions,

because one or more regions may consume NXXs much faster than forecasted. We note that the allocation scheme did not work for this area in the past, as demonstrated by our decision in Order No. PSC-98-0812-FOF-TL. Thus, we find no evidence to suggest that it would work this time. Therefore, we do not find this alternative acceptable.

Alternative #4 is similar to Alternative #3, with a modified allocation in which 297 NXX codes would be used in the Keys region and the remainder for the Miami-Dade region. This plan would not involve any number changes for existing subscribers in the Miami-Dade region, but would require an NPA change for the Keys region. The projected exhaust for this plan is 7.3 years for the Miami-Dade region and 12 years for the Keys region.

NANPA witness Foley states that this alternative would take longer to implement, given the low number of NXXs available in the Keys. We also note that another potential problem with this plan is the allocation of NXX codes between the regions, because one or more regions may consume NXXs much faster than forecasted. This type of allocation scheme has not worked for this area in the past, as demonstrated by our decision in Order No. PSC-98-0812-FOF-TL. Thus, due to the allocation of NXXs, we find that this alternative is not acceptable.

Alternative #5 is a split plan, which divides the Miami-Dade region and the Keys region, allocating a new NPA exclusively for the Keys region. This plan would not involve any number changes for existing subscribers in the Miami-Dade region, but would require an NPA change for the Keys region. The projected exhaust for this plan is 4.3 years for the Miami-Dade region, and 38 years for the Keys region.

NANPA witness Foley states that the reason why the industry eliminated this alternative was because this plan required the assignment of an area code to the Keys region. The life of this area code for this region would be about 38 years. Ideally, all of the area codes in a given region should exhaust about the same time in the case of geographic splits. According to these guidelines, severe imbalances, for example, a difference in area code lifetimes of more than 15 years, should be avoided. Since this plan greatly exceeds the guidelines and requires the assignment of an entirely new area code to the Keys region, we find that this alternative is not acceptable.

Alternative #6 is a split and expanded overlay combination plan that utilizes two new NPAs. A new NPA for the Miami-Dade region would be an expanded overlay and would be implemented upon the exhaust of the 786 NPA. The Keys region would get a second new NPA with an approximate exhaust of 38 years. This plan would not involve any number changes for existing subscribers in the Miami-Dade region, but would require an NPA change for the Keys region. The projected exhaust for this plan is 9.3 years for the Miami-Dade region.

Upon consideration, we find that this alternative is not acceptable because it requires two new NPAs. In addition, the plan strays significantly from the INC guidelines. Ideally, all of the area codes in a given region should exhaust about the same time in the case of geographic splits. According to these guidelines, severe imbalances, for example, a difference in area code lifetimes of more than 15 years, should be avoided.

Alternative #7 is a combination of split and double expanded overlay relief plans. Currently, Miami-Dade uses the 305 and 786 area codes as an overlay. The Keys region uses only the 305 area code. This plan proposes that the Miami and North Dade exchanges are overlaid with a new NPA. The approximate exhaust for this region is 9.4 years. The Perrine and Homestead exchanges are overlaid with a different new NPA, and the approximate exhaust for this region is 23.2 years. The Keys region uses some of the NXXs from NPA₂, and its approximate exhaust is 22.5 years.

BellSouth witness Stan L. Greer states that a split and double expanded overlay relief plan would be very confusing for consumers in Dade County because this plan would offset the benefit needed in the Keys. We agree. Furthermore, similar to Alternative #6, this alternative uses two new NPAs whose lifetimes exceed 15 years. Thus, we do not find that this alternative is acceptable.

Alternative #8 is an expanded split plan, which divides the Miami-Dade region and the Keys region. This plan does not require a new NPA, but rather changes the NPA for the Keys region to 941, which is the NPA for the mainland region of Monroe County. This plan would not involve any number changes for existing subscribers in the Miami-Dade region, but would require an NPA change for the Keys region. The approximate exhaust for this plan is 4.3 years for the Miami-Dade region, and 2.5 years for the Keys region.

Upon consideration, we find that the relief provided by using the 941 area code would be too short. In addition, the Keys' customers indicated that they would want to keep the 305 area code for tourism reasons. Therefore, we find this alternative unacceptable.

Alternative #9 is similar to Alternative #8; however, it uses the existing 863 NPA, instead of the 941 NPA. The approximate exhaust for this plan is 4.3 years for the Miami-Dade region, and 6.1 years for the Keys region.

Although this may be a workable solution, the 305 NXXs in the Keys must be replaced by the equivalent 863 NXXs. In addition, NANPA witness Tom Foley states that this plan may result in central office code (NXX) conflicts. Therefore, based on the record, we find this alternative unacceptable.

Alternative #10 is similar to Alternatives #8 and #9; however, the Keys region would use a portion of the 786 NXXs from the Miami-Dade overlay region. The approximate exhaust for this plan is 3 years for the Miami-Dade and the Keys regions.

For the same reasons set forth above with regard to Alternatives #8 and #9, we find this alternative unacceptable.

Alternative #11 is a combination of split and overlay plans, which is similar to Alternative #6, but uses only one NPA. This plan divides the NXX codes between the two regions and also uses number conservation measures, as discussed in Section VI of this Order. The approximate exhaust for this plan is 14.7 years for the Miami-Dade region, and 24 years for the Keys region.

With this alternative, the existing customers in the Keys area would have to change their area code, while the customers in the Miami-Dade region would not. During the service hearings, customers stated that they would prefer a plan in which they would retain their area code in conjunction with their 7-digit local dialing. In addition, a potential problem with this plan is the allocation of NXX codes between the regions, because one or more regions may consume NXXs much faster than forecasted. Therefore, based on the record, we find this alternative unacceptable.

Alternative #12 is identical to Alternative #2, but incorporates number conservation measures. The approximate exhaust for this plan is 15.6 years. We note that the current INC Guidelines do not take into account the effect of number

conservation measures, and therefore, 15.6 years would be acceptable.

During the service hearings, customers stated that they would prefer a plan in which they would retain their area code in conjunction with their 7-digit local dialing. Although this alternative would impose two new area codes (786 and a new NPA) and 10-digit dialing on Keys' customers, this plan uses number conservation measures and allows existing customers to retain their 305 area code.

BellSouth witness Daniel M. Baeza states that implementing an overlay plan is the easiest and most expeditious implementation method from a technical and a customer education point of view. Witness Baeza further states that any future NPA relief for an overlay area is another overlay, and, therefore, the costs associated with area code changes, as well as customer confusion, would be eliminated. We disagree, however, with witness Baeza, in part, because of BellSouth witness Stan Greer's assertion that "[T]he disadvantage of the geographic split, you have a shrinkage of geography and a smaller and smaller area that maintains an area code increasing interNPA dialing with surrounding areas, which is done on a ten-digit basis." This statement suggests to us that a geographic split relief plan could be the best alternative for larger areas so that the customers could still retain 7-digit local dialing without any confusion, while for small areas, geographic split relief plans may not be an ideal solution.

Omnipoint believes that Alternative #12 is the best option, because Omnipoint believes that the industry's recommended solution has a limited life span. While we agree that Alternative #1 may have a limited life span, we are hopeful that the additional conservation measures we propose herein will at least postpone the need to implement a relief plan, in effect extending the life of the plan ultimately implemented.

While we do agree that Alternative #12 is a workable relief plan, we do not find it preferable to Alternative #1. We are particularly concerned with the introduction of a third NPA into this region as part of the plan. As such, we do not accept this alternative.

Alternative #13 is a combination of split and overlay relief plans which divides the Miami-Dade region from the Keys region. The Miami-Dade region uses the 305 and 786 NPAs, and a new NPA. The remainder of the 786 NXXs are distributed over the Keys area to

last for 18.2 years. The Miami-Dade region has an approximate exhaust of 5.3 years.

With this alternative, the residents of the Keys region would have to change their area code, but would keep this area code through an allocation process for 18.2 years. The Miami-Dade region would not face a number change. The disadvantage of this plan is that the allocation process is not proven and may not work properly. Experience in this region has shown that the demand may exceed the allocation rate, resulting in the premature exhaustion of this area code. Thus, upon consideration, we find that this alternative is unacceptable.

We note that customer witness Virginia A. Panico indicated that the Keys' area would have liked to retain the 786 (SUN) area code during the last area code proceeding regarding the Keys (Docket No. 971058-TL), if it could not have the 305 area code only. Obviously, due to imbalances in area code lives, we designated this area code as an overlay for the Miami-Dade region by Order No. PSC-PSC-98-0812-FOF-TL, issued June 19, 1998. During the service hearing in Key West, however, NANPA witness Tom Foley distributed a special report which stated that the reserved area code for the relief of this region is 645, provided that there are no code conflicts. During the service hearing, no one objected to the use of this area code.

3. PROPOSED AGENCY ACTION - Rate Center Consolidation and Code Sharing

During the Key West service hearing, customer witness Mary K. Reich proposed that the residents of the Keys should be able to call each other on a local basis. Witness Reich submitted a petition with over 300 signatures to the Commission. This proposal appears to be related to the issue of rate center consolidation, which is a type of number conservation measure. In this section, we address our proposal to implement two specific types of number conservation measures, which we hope will provide additional numbering relief in this area.

One method of number conservation is referred to as code sharing. NXX code sharing is the process whereby an NPA-NXX associated with a specific rate center is distributed among the service providers that serve that rate center. For instance, if there were ten carriers serving customers in a given rate center, the NPA-NXX would be assigned by 1000 blocks to a specific switch

in each service provider's network. Accordingly, switches are identified by 7 digits (NPA-NXX-X), rather than the current 6 digit (NPA-NXX) identification. Code sharing differs from 1000 block pooling, because pooling utilizes the existing LNP technology to share the numbers.

Another conservation measure that we believe may be effective is known as rate center consolidation (RCC). By FCC Order 99-249, ¶ 20, the FCC indicated that "[f]ewer, larger pools logically increase the effectiveness of thousand-block pooling." In ¶ 38 of FCC Order 99-249, the FCC also explained that state commissions do not need to obtain FCC authority to implement RCC. The FCC stated that RCC is within the authority of state commissions, and strongly encouraged the Florida Commission to proceed as expeditiously as possible to consolidate as many rate centers as possible.

Sprint witness Ludwikowski also testified at hearing that RCC can result in significant efficiency gains, with or without pooling. The witness indicated that this can be even more effective in areas that have a large number of rate centers. Witness Ludwikowski recommends that we focus our initial efforts on areas where the RCC can be implemented easily and effectively provided that this consolidation does not affect consumer rates. Witness Ludwikowski adds that RCC will take a considerable amount of time to implement. AT&T witness Richard Guepe also believes that we should take steps to implement RCC as soon as RCC can be designed and implemented.

In response to our staff's discovery requests regarding RCC and its possible implementation in the 305 area code, BellSouth stated that the estimated annual revenue effect of consolidating the seven rate centers of the Keys region into one, two, and three rate centers would be \$757,525, \$757,525, and \$546,563, respectively. BellSouth witness Stan L. Greer contends, however, that we lack authority to require companies who are subject to price regulation to implement RCC in Florida. However, witness Greer states that BellSouth would voluntarily implement RCC, provided that we allow BellSouth to recover the cost of implementation on a revenue neutral basis. In addition, during the public hearings in the Keys, witness Greer stated that RCC would extend the life expectancy of area codes. BellSouth also stated that "[S]ince number pooling is at the rate center level, reducing the number of rate centers prior to number pooling should result in more efficient pools."

a. The Keys

This Commission requested authority from the FCC to implement code sharing, and was granted that authority by FCC Order No. 99-249, issued on September 15, 1999. In order to exercise the FCC's delegation of authority regarding various number conservation measures, our staff, the industry, and certain members of the public formed a code sharing group as a part of the Numbering Steering Committee. Based on the discussions, our staff has indicated that NXX code sharing is apparently technically feasible and economically viable. However, since the FCC's Order authorizing us to conduct pooling trials was issued, and our subsequent Order requiring number pooling for the 561, 904, and 954 area codes, little action has been undertaken by the working group. In addition, we note that the record in this proceeding is quite limited with respect to code sharing. As such, we expect that this issue will be dealt with to a greater extent in Docket No. 981444-TP. We do, nevertheless, believe that code sharing may be particularly effective in the Keys portion of the 305/786 region and that implementation of this measure may provide significant relief from the exhaustion of NXXs in this rapidly growing region. Therefore, we shall require the implementation of code sharing in the Keys portion of the 305/786 region.

In ¶ 38 of FCC Order 99-249, the FCC also explained that state commissions do not need to obtain FCC authority to implement RCC. The FCC stated that RCC is within the authority of state commissions, and strongly encouraged this Commission to proceed as expeditiously as possible to consolidate as many rate centers as possible. While we note that RCC will also be addressed more extensively in Docket No. 981444-TP, we believe it is important to take action now with regard to RCC with the hope that RCC will also provide significant assistance on a going-forward basis with the exhaustion of NXXs in this rapidly growing region. Therefore, we shall require the implementation of RCC in the Keys portion of the 305/786 region.

We do acknowledge that BellSouth has indicated that the estimated annual revenue effect of consolidating the seven rate centers of the Keys region into one, two, and three rate centers would be \$757,525, \$757,525, and \$546,563, respectively. Witness Greer has further indicated that BellSouth would voluntarily implement RCC, provided that we allow BellSouth to recover the foregone revenue on a revenue neutral basis. We believe that revenue neutral cost recovery would be appropriate for the implementation of RCC. However, because this would have an impact

on customers in this region, we shall require BellSouth to ballot the customers in the Keys to determine if they are willing to pay a rate additive to implement rate center consolidation in this region. We will render a decision as to the specifics of the ballot by separate order.

b. Miami-Dade

As with the Keys region, code sharing will be dealt with to a greater extent in Docket No. 981444-TP and we understand that the rate center consolidation working group is preparing a comprehensive proposal on rate center consolidation for our consideration in Docket No. 981444-TP. We do, nevertheless, believe that code sharing and RCC may also be effective in the Miami-Dade portion of the 305/786 region and that implementation of these measures may provide significant relief from the exhaustion of NXXs in this rapidly growing region. Therefore, we shall require the implementation of code sharing and rate center consolidation in the Miami-Dade portion of the 305/786 region.

Again, we acknowledge that revenue neutral cost recovery would be appropriate for the implementation of RCC in the Miami-Dade region as well. However, because this would have an impact on customers in this region, we shall require BellSouth to ballot the customers in the Miami-Dade region to determine if they are willing to pay a rate additive to implement rate center consolidation in this region. We will render a decision as to the specifics of the ballot by separate order.

B. The 561 Area Code

1. Approved Relief Plan

Before the service hearings for the 561 area code took place, there were five alternatives numbering relief plans. During the industry planning meeting, a sixth alternative was proposed to implement a state-wide wireless only overlay. This alternative was eliminated because a service-specific overlay violates FCC Rules. Based on public testimony, staff witness Lennie Fulwood introduced seven additional alternatives.

Only one of those options enjoyed overwhelming support from all segments of the affected community. Alternative #4 is a geographic split relief plan, with the Jupiter, Pahokee, Belle Glade, Boynton Beach, Delray Beach, Boca Raton, and West Palm Beach exchanges split to form Region B. Region A covers the remaining

exchanges. The approximate exhaust is 24.6 years for Region A, and 3.1 years for Region B.

As witnesses stated during the service hearings, Indian River, St. Lucie, and Martin Counties are growing rapidly. Therefore, we believe that the numbering resources will be used at a faster rate than that indicated by the current projections. NANPA witness Foley even testified that the projections of area code exhaust may not be accurate. Furthermore, we note that in previous area code cases addressing area code relief for the 941 and 407 area codes, we approved relief plans with about the same life expectancy as that indicated for Alternative #4. As such, we consider this a viable relief plan.

Customer witness Patrick Miller also prefers Alternative #4, provided that the 561 area code is retained in West Palm Beach County. Similarly, customer witness Gwynne Gonzales, a representative from State Senator Ron Klein's office, prefers Alternative #4, provided that the 561 area code is retained in Palm Beach County. The residents of the 561 area code also expressed their preference to keep their present 7-digit local dialing pattern and also keep the 561 area code. Almost all of the witnesses during the service hearings preferred Alternative #4. Furthermore, customer witness Gidion emphasizes that if another area code change occurs, this will be her fourth new area code since she started living in Florida.

Customer witness Walsh, president of the St. Lucie County Chamber of Commerce, testifies:

. . . our goal as a Chamber of Commerce and the business organization in St. Lucie County is to attract new businesses to our area, to retain the businesses that we have, to assist our businesses, and to protect and improve the quality of life for our residents. Anything that makes doing business in St. Lucie County easier, certainly is what we would support. Ten-digit dialing is not something we would like to see happen in our area. The creation of a new area code is something that the Chamber of Commerce would support.

We note that this alternative provides only limited relief for the most congested region, which may necessitate new relief within 3.1 years in the West Palm Beach region. Furthermore, the projected lives of the two regions appear to be contrary to the INC guidelines, although we again emphasize that these projected lives

are likely not accurate. Nevertheless, based on the record, we believe that this alternative provides the most appropriate relief for the 561 area code, particularly in view of the wealth of customer testimony in favor of a geographic split. Therefore, Alternative #4 is approved.

CONCLUSION

Upon consideration, we hereby select as the appropriate relief plan for the 561 area code Alternative #4, which is a geographic split relief plan, with the Jupiter, Pahokee, Belle Glade, Boynton Beach, Delray Beach, Boca Raton, and West Palm Beach exchanges split to form Region B. Region A covers the remaining exchanges. Implementation of this plan is addressed in Section VIII of this Order.

2. Other Relief Plans Considered

Although we believe that Alternative #4 is the most reasonable plan for the 561 region, we include a brief analysis of the other alternatives that we considered. We again note that with regard to the calculation of the exhaust dates indicated herein, NANPA witness Tom Foley states that the approximations are not accurate and should not be relied upon in rendering our decision.

Alternative #1 is an overlay relief plan for the entire area, in which 10-digit local dialing would be required for all local calls. No telephone number or area code changes would be required for current subscribers, and the approximate exhaust for this relief plan is 8.8 years.

This alternative was proposed by the industry members as their recommended alternative. NANPA witness Tom Foley states that this plan is projected to last 8.8 to 17.6 years. During the service hearings, customers stated that they would want to retain the 561 area code, but also stated that they would not want to change the area code if a split would occur. BellSouth witness Greer asserts, however, that multiple local dialing patterns could be confusing to customers, offering support to a distributed overlay relief. In addition, witness Greer affirms that a distributed overlay would have a lesser impact on business customers as well.

Although this plan has some merit, we are concerned that it is contrary to customers' concerns regarding 10-digit dialing. Although witness Greer has indicated that the dialing patterns of a split may be more confusing, the customers at the service

hearings have strongly opposed 10-digit dialing. In addition, this alternative does not use number conservation mechanisms. Therefore, upon consideration, we do not find this alternative acceptable.

Alternative #2 is a geographic split relief plan, with the Stuart, Hobe Sound, Jupiter, and West Palm Beach exchanges split to form Region B. Region A covers the remaining exchanges. The approximate exhaust for Region A is 8.1 years, and 9.5 years for Region B.

MCI WorldCom witness Suzanne Brooks states that MCI WorldCom supports this alternative provided that Region A retains the 561 area code. Witness Brooks further states that implementing geographic splits is the most appropriate, competitively neutral method of relief for the 561 area code.

According to the 1999 Commission Comparative Cost Statistics, however, there is local calling between West Palm Beach and Boynton Beach. Thus, the local calling between the two exchanges would be interNPA, requiring 10-digit dialing. Furthermore, during the service hearings, customers indicated that they would prefer not to change their area code. Therefore, upon consideration, we find this plan unacceptable.

Alternative #3 is another geographic split relief plan, with the Boynton Beach, Delray Beach, and West Palm Beach exchanges split to form Region B. Region A covers the remaining exchanges. The approximate exhaust is 9.5 years for Region A, and 8.1 years for Region B. Due to similar divisions of community of interest and calling scope as those raised with regard to Alternative #2, we also find Alternative #3 unacceptable.

Alternative #5 combines the split and overlay relief methods, with a similar split as that used for Alternative 4, but with a concentrated growth overlay deployed in Region B. The approximate exhaust is 10 years for Region A, and 2.0 years for Region B. While we agree that the geographic split portion of this plan is acceptable, the overlay would require 10-digit dialing, which is contrary to customer testimony in this proceeding. This plan is not preferable to Alternative #4; therefore, we do not accept it.

Alternative #6 is a geographic split and overlay plan which uses two new NPAs. The Boca Raton, Delray Beach, Boynton Beach, and West Palm Beach exchanges are split to form Region B. Region A covers the remaining exchanges. An area code change would be

necessary for current subscribers in Region A, which would be assigned the first new NPA. Region B utilizes a second new NPA. The approximate exhaust is 18.1 years for Region A, and 17.3 years for Region B.

This alternative uses two new NPAs with life spans exceeding the 15-year limit, as indicated by the INC guidelines. We believe that using two new area codes is an inefficient way of providing numbering resources to the 561 area code when relief can be achieved by using one area code only. Furthermore, we find this to be a rather significant deviation from the INC guidelines. As such, based upon the record, we find this alternative unacceptable.

Alternative #7 is another geographic split relief plan, with the West Palm Beach exchange split to form Region B. Region A covers the remaining exchanges. The approximate exhaust is 5.3 years for Region A, and 14.7 years for Region B. An area code change would be necessary for the region that gets the new NPA.

According to the 1999 Commission Comparative Cost Statistics, there is local calling between West Palm Beach and Boynton Beach. Thus, the local calling between the two exchanges would be interNPA, requiring 10-digit dialing. Furthermore, during the service hearings, customers indicated that they would prefer not to change their area code. Therefore, we find this alternative unacceptable.

Alternative #8 is a combination of split and overlay relief plans in which the West Palm Beach exchange forms Region B. This region retains the 561 area code and a new NPA. The remaining exchanges form Region A with a second new NPA. The approximate exhaust is 19.3 years for Region A, and 14.7 years for Region B.

We note that the INC guidelines require that a new area code must have a projected life of at least 5 years, and at the most 15 years. The projected life for Region A exceeds 15. In addition, according to the 1999 Commission Comparative Cost Statistics, there is local calling between West Palm Beach and Boynton Beach. Thus, the local calling between the two exchanges would be interNPA, requiring 10-digit dialing. Furthermore, during the service hearings, customers indicated that they would prefer not to change their area code. In view of the fact that this not only deviates from the INC guidelines, but also requires 10-digit dialing on local routes and is contrary to customer testimony, we find this alternative unacceptable.

Alternative #9 is a geographic split relief plan, with the Port St. Lucie, Jensen Beach, Stuart, Hobe Sound, Jupiter, and West Palm Beach exchanges split to form Region B. Region A covers the remaining exchanges. The approximate exhaust is 10.5 years for Region A, and 7.3 years for Region B.

Again, according to the 1999 Commission Comparative Cost Statistics, there is local calling between West Palm Beach and Boynton Beach. Thus, the local calling between the two exchanges would be interNPA, requiring 10-digit dialing. Also, as previously noted, during the service hearings, customers indicated that they would prefer not to change their area code. Therefore, upon consideration, we find this alternative unacceptable.

Alternative #10 is a combination of split and overlay relief plans in which all of exchanges would retain the 561 area code. All of the exchanges except the Boynton Beach, Jupiter, and West Palm Beach exchanges (Region B) would be overlaid with a new area code (Region A). The approximate exhaust is 26.2 years for Region A, and 7.6 years for Region B.

According to the 1999 Commission Comparative Cost Statistics, there is local calling between Delray Beach and Boynton Beach. Thus, the local calling between the two exchanges would be interNPA, requiring 10-digit dialing. Also, during the service hearings, customers indicated that they would prefer not to change their area code. Based on the record, we find, therefore, that this plan is not preferable to Alternative #4.

Alternative #11 is similar to Alternative #1, but employs number conservation measures, as discussed in Section VI of this Order. The approximate exhaust for this relief plan is 20 years. As previously noted, the INC guidelines do not take into account the effect of number conservation measures. Thus, the assumptions in determining the projected exhaust of this plan may vary anywhere from 10 to 20 years. There are no proven techniques to estimate the exhaust of an area code when number conservation measures are implemented. As such, even though the INC guidelines provide that a plan should not have a life longer than 15 years, number conservation measures are allowed to further extend the life of the plan beyond 15 years. According to NANPA witness Foley and Commission staff witness Fulwood, the projected lives of area codes could double if number conservation measures are used.

This alternative meets the needs of the customers in that everyone would retain their current area code. However, certain dialing changes would be necessary. We also note that with this alternative, the community of interest and calling scope would not be divided. However, this plan would require 10-digit dialing and there is little testimony in the record supporting this proposal. Therefore, Alternative #11 is not approved.

Alternative #12 is a split relief plan similar to Alternative #9, except that it employs number conservation measures. The approximate exhaust is 21 years for Region A, and 14.8 years for Region B.

Although this alternative uses number conservation measures, the introduction of a new area code would divide the community of interest as in Alternatives #2 and #3. Therefore, upon consideration, we reject this alternative.

C. The 954 Area Code

1. Approved Relief Plan

Before the service hearings took place, there were two alternatives. The majority of the public testimony at the service hearings, however, indicated that customers would prefer to retain the 954 area code and 7-digit local dialing because the 954 area code was only adopted on August 1, 1996. As a result, Commission staff witness Lennie Fulwood introduced two additional alternatives.

Alternative #1 is a distributed (all services) overlay relief plan. A new area code would be implemented on top of the existing area code. All local calls would be dialed on a 10-digit basis. The approximate life expectancy of this plan is 9.5 years.

The industry recommended this alternative to us as the best alternative. Due to the small geographic size of the 954 area code, BellSouth witness Stan Greer believes that the dialing patterns would be much more problematic if a geographic split plan is implemented, as opposed to this overlay plan.

Upon consideration, we agree that the only way to provide additional numbering resources without confusion in this area code is to implement an overlay relief plan. As previously stated, testimony during the service hearing indicated that residents would want to retain their 954 area code since it was only recently

implemented. This plan will allow all customers to retain their area code, although it will require 10-digit dialing. Based upon the record, we find that this plan is acceptable and shall be implemented in the 954 area code.

CONCLUSION

Upon consideration, we hereby select as the appropriate relief plan for the 954 area code Alternative #1, which is a distributed (all services) overlay relief plan. A new area code will be implemented on top of the existing area code. All local calls will be dialed on a 10-digit basis. Implementation of this plan is addressed in Section VIII of this Order.

2. Other Relief Plans Considered

Although we believe that Alternative #1 is the most reasonable plan for the 954 region, we include a brief analysis of the other alternatives that we considered. Once again, we note that with regard to the calculation of the exhaust dates indicated herein, NANPA witness Tom Foley states that the approximations are not accurate and should not be relied upon in rendering our decision.

Alternative #2 is a geographic split plan in which Region A consists of the Deerfield Beach, Coral Springs, and Pompano Beach exchanges and a portion of the Ft. Lauderdale exchange. Region B consists of the Hollywood exchange and the remaining portion of the Ft. Lauderdale exchange. The approximate life expectancy is 9.9 years for Region A and 9.2 years for Region B. All local calls within each region require the dialing of only 7 digits.

The evidence demonstrates that this split plan divides the community of interest between Pompano Beach and Ft. Lauderdale. In addition, pursuant to the INC guidelines, INC 97-404-016, issued November 8, 1999, the division of rate centers is not allowed. NANPA witness Tom Foley stated that the split plan would divide a rate center and would, therefore, create customer confusion in dialing patterns. We see little evidence supporting this plan; therefore, based on the record, we hereby reject it.

Alternative #3 is a combination of split and overlay relief plans in which the Pompano Beach, Coral Springs, and Deerfield Beach exchanges would retain the 954 area code and some portion of the new NPA's NXXs (Region A). The Ft. Lauderdale and Hollywood exchanges would receive the remaining NXXs of the new area code

(Region B). The approximate life expectancy is 14.6 years for Region A and 7.3 years for Region B.

The record shows that this alternative divides the 954 area code in such a way that almost all local calls would become InterNPA, thus, requiring 10-digit dialing. We believe that this would cause customer confusion. Furthermore, there is little record evidence in support of this plan. As such, upon consideration, we find this plan is unacceptable.

Alternative #4 is a geographic split plan. Region B includes the Ft. Lauderdale exchange. The remainder of the exchanges are located in Region A. The approximate life expectancy is 15.3 years for Region A and 5.9 years for Region B.

Customer witness Margaret Bates, a commissioner with the City of Lauderdale, presented a resolution from the City at the service hearing, in which the City expressed its preference for a geographic split relief plan in lieu of 10-digit local dialing. BellSouth witness Stan Greer's summary about dialing patterns for geographic split plans for the 954 area code indicates, however, BellSouth's belief that 10-digit local dialing is unavoidable.

The evidence of record clearly demonstrates that this alternative divides the community of interest. Therefore, we believe implementation of this plan would cause customer confusion because most local calls would become interNPA. In addition, BellSouth witness Greer argues that implementation of any geographic split relief plan in the 954 NPA would divide a major local calling scope within the county, stating that with a geographic split relief plan,

. . . BellSouth will have no option but to implement a dialing delay of 4-6 seconds for most, if not all, switches in the 954 area. This delay would allow for the customer to complete their dialing before the switch began to route the call.

Therefore, upon consideration, Alternative #4 is hereby rejected. While the customers have indicated a preference to avoid 10-digit dialing, it appears that even with a geographic split plan, most customers would be subject to 10-digit dialing within their local calling scope. As such, Alternative #1 appears to be preferable to any of the geographic split plans.

D. The 904 Area Code

1. Approved Relief Plan

Before the service hearings took place, there were five alternatives. Our staff sent out a data request to county officials in the summer of 1999 to solicit additional input. Based on the responses, Commission staff witness Lennie Fulwood introduced a few more alternatives. During the service hearings, various alternatives were discussed and analyzed. Since there was considerable testimony regarding the importance of keeping Flagler and Volusia Counties together, the technical feasibility of this and other approaches was analyzed, and additional alternatives were presented in an attempt to determine the best option to meet the needs of customers in the 904 area code. Based on the input received from the industry, as well as county officials and customers, a total of 17 relief plans were considered.

Alternative #6 is a geographic split which groups rate centers predominantly located in Nassau, Duval, Clay, and St. Johns Counties as Region A. Region B groups rate centers in the remaining counties. Region B would have a life of 17 years, and Region A would have a life of 5.8 years. This alternative proposes a discontinuous area code distribution, which some customers may find confusing.

BellSouth witness Stan L. Greer states that if a split plan is preferred, BellSouth recommends choosing Alternative #6. Based on the testimony at the service hearings, witness Greer asserts that this relief plan would group regions that have a strong community of interest.

Although this alternative has merit, there were several objections both from the industry and the public since this alternative divides the community of interest between Baker and Duval Counties. Nevertheless, Northeast witness Deborah L. Nobles states that in the event the Commission does not approve Alternative #1, her company would prefer Alternative #6, provided that Baker County is included within Region A. Witness Nobles indicates that because of the significant amount of local calling from Northeast's exchanges in Baker County to Jacksonville, Northeast believes that a modified version of Alternative #6 would be the next best area code relief solution for its customers. Witness Nobles further explains that a modified version of Alternative #6 would allow Northeast's customers to retain 7-digit local dialing from Northeast's exchanges to 148 NXXs in

Jacksonville. In addition, witness Nobles states that Northeast has only three NXXs in Baker County, and these NXXs have a slow growth rate. Thus, it appears that adding these three NXXs to the Jacksonville region would not materially decrease the life of Region A.

Sprint witness Sandra A. Khazraee also pointed out several problems associated with this alternative. Witness Khazraee states that implementing Alternative #6 would divide the Kingsley Lake and parts of the Starke exchanges into different NPAs. Witness Khazraee further states that splitting these communities in this manner would require these communities to use 10-digit dialing to reach nearby communities. Thus, witness Khazraee suggests that problems associated with a split could be avoided if the ". . . Commission avoids drawing any NPA line east of the westernmost Starke, Kingsley, and Lawtey boundaries within the Sprint service territory." We agree and emphasize that there is no evidence in this proceeding which would demonstrate that locating an NPA boundary strictly along the county line would outweigh the cost and inconvenience imposed on customers and companies. Furthermore, Witness Khazraee concedes that by implementing the industry consensus overlay relief plan, ". . . all of these calls would also have to be dialed with ten digits" Thus, the witness indicated that if this alternative were modified to include the Starke, Lawtey, and Kingsley Lake exchanges from Bradford County in Region A, Sprint would support this alternative.

In addition, several county officials and residents of Volusia and Flagler Counties recommend this plan, as long as all of Volusia County is included in this plan.

NANPA witness Tom Foley addressed what would happen to the lives of the area codes if Baker County were included in Region A. Witness Foley indicated that including Baker County exchanges would affect the exhaust date by only months rather than years. This seems reasonable because it does not appear that three NXXs would significantly affect the projected life of an area code. Furthermore, number conservation measures employed in the 904 area code may further increase the life expectancy of this plan.

Based on the foregoing, we find sufficient support in the record to modify this plan in an effort to meet the stated concerns of customers and the industry. A modified version of Alternative #6 will better accommodate some of the concerns raised.

In modifying Alternative #6, we have included Baker County's exchanges and Bradford County's Starke, Lawtey, and Kingsley Lake exchanges in Region A. With these modifications, Region A would have an approximate life expectancy of 5.2 years. We have also included the Debary exchange in Region B and established an exception area of the Sanford exchange, which shall be referred to as the Osteen exception. By including this exchange and the Osteen exception within Region B, Region B's life expectancy becomes 19.1 years. We note that the 13.9 years difference between 19.1 and 5.2 years is acceptable based upon INC Guidelines.

Although the preferred industry NPA relief plan is an all services overlay plan, various parties have indicated their second best choice is a geographic split relief plan, as noted in ALLTEL's, BellSouth's, and Northeast's briefs. In addition, testimony from the service hearings, along with other record evidence such as numerous letters and comments, has shown an overwhelming preference for a geographic split NPA relief plan, particularly one which will unite the citizens of Volusia County.

In particular, Volusia County witness Robert M. Weiss summarized the area code dilemma in his county. He states:

Volusia County has been arbitrarily and inconveniently split for telephone calling purposes since the AT&T modified final judgement (MFJ) which established rules and calling areas subsequently to the breakup of the Bell system in the 1984 time frame. The local access and transport area (LATA) boundary dividing the Daytona Beach calling area of [sic] LATA from the Orlando LATA goes right through Southwest Volusia County without any respect for, or consideration of, political boundaries. Since the time of this division, Volusia County's southwest sector has increased in population dramatically. Particularly of note is the incorporation of the second largest city in the County, as well as one of the fastest growing areas of the state in Deltona. The present situation, therefore, has over one-third of the citizens of the County separated from the other two-thirds by a LATA boundary.

Customer witness Weiss further states that the City of Deltona is served by two LECs, three exchanges, and two area codes. Inclusion of a new area code would result in three area codes for the City of

Deltona and four area codes for Volusia County. Witness Weiss also acknowledges the problems associated with assigning a single area code only to Flagler and Volusia Counties. He states:

We understand that the county alone may not have enough subscribers to warrant our own exclusive NPA but may have to share with neighboring counties. That situation is acceptable, although our own exclusive NPA would be preferred.

We agree with this assessment in view of the fact that pursuant to industry guidelines, all of the area codes in a given region should exhaust about the same time in the case of geographic splits. According to these guidelines, severe imbalances, for example, a difference in area code lifetimes of more than 15 years, should be avoided.

City of Deltona witness Wayne Gardner states that keeping Volusia and Flagler Counties together by uniting them under one area code is in the best interest of the tourism industry. Witness Gardner further states that "[P]resently Volusia County has an emerging echo [sic] tourism within the west Volusia area, and of course we have a beach tourism area, and racing tourism area in the Daytona Beach area." Witness Gardner asserts that five area codes within the same county would cause an adverse economic impact upon all of the residents because the tourism industry would suffer. Visitors would not know what area code to dial and use, and what dialing pattern to use. Witness Gardner further explains this problem as "[T]his decrease in tourism would have a 'trickle-down' effect upon any and all other industries within Volusia County."

BellSouth witness Stan Greer acknowledges that the Debary exchange and the Osteen area in or near Volusia County provide certain challenges, depending on how the 904 NPA relief is provided. Witness Greer testifies that BellSouth would agree to move the Debary exchange to a Volusia County area code, provided that is what the customers desire. Witness Greer states that there is a possibility of code conflicts with the current NXXs assigned in the Debary exchange. Witness Greer asserts that, "[I]f that is the case, then the customers in Debary would need to make a full 10-digit number change." The record indicates, however, that the customers in the Debary exchange should only be subject to an NPA change. It does not appear that a full 10-digit number change should be required.

With respect to the Osteen area, witness Greer testifies that in a previous proceeding, a balloting program was initiated to address their situation and

. . . Sprint and BellSouth did everything possible, including an offer to implement EAS between Osteen and Orange City, to assist the county in their efforts. However, given all of the efforts of Volusia County, Sprint and BellSouth, the ballot failed.

We note that this earlier ballot failed due to lack of response from the subscribers. The ballot initiative taken in Docket No. 981795-TL and the attributes of modified Alternative #6 are, however, significantly different. The balloting in the named docket proposed a changed calling scope, a new exchange rate for subscribers, and a full 7-digit number change. The modified Alternative #6 relief option addresses the concerns of customers in the Debary exchange and Osteen exception areas without an adjustment to calling scopes and exchange rates. The Debary exchange customers would undergo an NPA change, however, the Osteen exception area customers would bear a new NPA and full 7-digit number change due to possible code conflicts. It appears, nevertheless, that no other alternative meets the needs of customers in the 904 area code. Testimony in this proceeding from the service hearings, city and county resolutions, along with other record evidence such as letters and other comments, indicate a keen interest in providing Volusia County with an area code that encompasses the entire county, even if it means incurring a full 7-digit number change. However, based on the previous balloting analysis, it is possible that there may be some customers that do not want this change.

In his testimony, BellSouth witness Stan Greer concedes that due to the sheer geographic size of the 904 NPA, implementation of a geographic split plan is viable. Witness Greer indicates that implementing Alternative #6 would seem to keep together the regions that expressed strong community of interest at the various service hearings. Witness Greer further states that this proposal is consistent with prior Commission decisions in implementing geographic split relief plans.

We note that within the geographic limits of the city of Deltona, various local calling routes are either intra or interNPA, and require 7-digit or 10-digit dialing, and certain routes within the County are short-haul toll routes. While we are concerned that

Section 364.051, Florida Statutes, limits our specific authority to expand or improve the local calling scopes, we believe that the issue of area code relief is, however, quite different from the issue of expanded calling scopes. Furthermore, from the perspective of establishing a "united" Volusia County, we believe that modified Alternative #6 is the best option based on the record. Nothing in this plan actually increases or decreases the calling scope of any exchange. Instead, it simply transfers an exchange and an exception area into a new NPA. If the NPA for Area B included the Debary exchange and the Osteen exception area, all of the area encompassing the geographic limits of the city of Deltona would be intranPA, and therefore portions of this area would not be included in the 407/321 NPA overlay.

We acknowledge that moving the Debary exchange will require the affected subscribers to change their NPA, and are encouraged by BellSouth's expressed willingness to do so. We note, however, that we disagree with BellSouth witness Greer's assertion that ". . . the customers in Debary would need to make a full 10-digit number change." The record demonstrates that the NXX and full seven-digit number (NXX-XXXX) currently assigned to the Debary exchange customers could be directly assigned to the new NPA in Area B, thereby negating the requirement of a 10-digit number change. As such, the likelihood of code conflicts would be diminished as well because the new NPA would be utilized. Only the customers in the Osteen exception area would require a full 10-digit number change to be included in the new area code with the rest of Volusia County. Thus, we find it necessary to ballot only these customers regarding the proposed inclusion of the Osteen exception area with the rest of Volusia County.

Implementation of modified Alternative #6 should not have any rate impact for the affected subscribers, based upon the similar calling scopes between the "old" exchange and the "new" exception area. The calling scope for the Osteen exception area mirror that of the existing Sanford exchange, with a slight variation to account for two-way EAS between the two areas.

The following table sets forth the routes and type of calling on the routes affected by Alternative #6. The Sanford exchange, noted in italics, is included by the modified version of Alternative #6, but otherwise, the local calling scopes for the Sanford exchange and the Osteen exception area are identical.

ONE-WAY EAS	NONE
TWO-WAY EAS	DEBARY, GENEVA, OVIEDO, WINTER PARK, and SANFORD
ONE-WAY ECS	NONE
TWO-WAY ECS	ORLANDO and ORANGE CITY

With no change in the local calling scope, no rate impact whatsoever should result for the affected subscribers because the BellSouth rate groups should be the same for the Osteen exception as that for the Sanford exchange.

Establishment of the Osteen exception area will also require administrative modifications to other calling scopes as demonstrated by the 1999 Comparative Cost Statistics. The modifications simply account for the existence of the exception area. The changes will not have any impact on the rate groupings for the affected exchanges. The following table presents the other calling scope changes which result from the creation of the Osteen exception area.

ONE-WAY EAS	NONE
TWO-WAY EAS	DEBARY, GENEVA, OVIEDO, WINTER PARK, and SANFORD
ONE-WAY ECS	NONE
TWO-WAY ECS	ORLANDO and ORANGE CITY

During the technical hearing, NANPA witness Tom Foley acknowledged that the 386 (FUN) area code has been reserved to provide relief for the 904 region. We have received over 3,000 postcards from the customers in this area expressing their desire

to receive the 386 NPA. We note that, during the hearing, Sprint PCS stated that it might have some problems in using the 386 area code. Although the company stated that it would provide some information in its post-hearing statements, nothing was filed with us. Thus, there is no evidence showing that there are any problems in using the 386 area code, even for Sprint PCS.

CONCLUSION

Upon consideration, we hereby select as the appropriate relief plan for the 904 area code modified Alternative #6, which is a geographic split which groups rate centers predominantly located in Nassau, Duval, Baker, Clay, St. Johns, and portions of Bradford Counties as Region A. Region B groups rate centers in the remaining counties, and includes all of Volusia County. Customers in the Osteen exception area shall, however, be surveyed to determine if they are willing to accept a full 10-digit number change in order to be included with the rest of Volusia County in the new area code. Customers in the Osteen exception area will only be included in the new area code with the rest of Volusia County if the survey passes. We will render a separate decision setting forth the specific requirements of the ballot at a later date. Implementation of this plan is addressed in Section VIII of this Order.

2. Other Relief Plans Considered

Although we believe that modified Alternative #6 is the most reasonable plan for the 904 region, we include a brief analysis of the other alternatives that we considered. Once again, we note that with regard to the calculation of the exhaust dates indicated herein, NANPA witness Tom Foley states that the approximations are not accurate and should not be relied upon in rendering our decision.

Alternative #1 is a distributed, all services overlay relief plan recommended by the industry. In this plan, all local calls are dialed on a 10-digit basis. The approximate life expectancy is 10.1 years (Region A).

Although this alternative was the industry's proposed alternative to the Commission, the customers in the 904 area code strongly objected to this plan. The majority of the public witnesses indicated that they would prefer a split which would keep Flagler and Volusia Counties together and united with one area code regardless of what the new area code might be. City of Deltona

witness Wayne Gardner summarized the problems associated with the area codes in Volusia County. He stated that an additional area code for Volusia County would result in the county having four area codes, because portions of Volusia County currently use the 407/321 overlay combination, and other portions are using the 904 area code. Witness Gardner further indicates that when the 407/321 area codes exhaust within three to four years, an additional area code would be required. Consequently, this would bring a fifth area code to the county. Most customers preferred, instead, a geographic split plan, which would allow them either to retain the 904 area code or receive a new area code, consistent with the community of interest.

Based upon the record, we do not find this alternative acceptable. It simply seems unreasonable to require the application of four to five area codes within one county, particularly when there is a much more viable alternative, that being modified Alternative #6.

Alternative #2 is a concentrated growth overlay relief plan in which the exchanges predominantly located within Nassau, Duval, and St. Johns counties would receive an additional area code as an overlay (Region A), and the remaining exchanges throughout the geographic area would also utilize prefixes of a new NPA for relief (Region B). Any unassigned 904 NXXs would be used only to extend the life of Region A. Customers in the concentrated overlay region would retain their current telephone numbers; however, they would be required to dial local calls on a ten-digit basis. Customers in Region B would have seven-digit local dialing. This plan is estimated to provide 11.4 years of relief in the overlay region, but only 4.1 years of relief in the other region. Consequently, the overlay would need to be extended in 4.1 years, creating the same result as in Alternative #1.

In addition, the community of interest and local calling would be divided. With this alternative, we believe that there would be considerable customer confusion about dialing patterns for local calls.

NANPA witness Tom Foley states that Alternative #2 was eliminated by the industry for several reasons. First, the unaffected portion of the 904 area code would have a short life span. Second, no administrative tools have been developed to monitor the exhaust of concentrated growth overlays. Third, local calling areas would be divided, resulting in customer confusion.

Lastly, the projected life span could be dramatically reduced by NXX code requests from new market entrants.

Upon consideration, we are persuaded by witness Foley's assessment of this plan. Therefore, we hereby reject Alternative #2.

Alternative #3 is a geographic split. The split boundary runs along rate center boundaries in Nassau, Duval, and St. Johns Counties. The area north and east of the boundary is Region A. The remaining area is Region B. The life for Region A would be 7 years, and the life for Region B would be about 14.3 years.

This alternative would divide the community of interest between Clay and Duval counties. Based upon the letters from the customers and county officials entered in the record, and statements made during the service hearings, we do not believe that a community of interest should be divided. With no record support for this plan, we find that this plan shall be rejected.

Alternative #4 is another geographic split plan. This plan groups rate centers predominantly located in Nassau, Duval, Baker, Bradford, Union, Alachua, Columbia, Gilchrist, Lafayette, Suwannee, and Hamilton Counties in one geographic region, Region A. These 11 counties would have a life of approximately 6 years. Region B, which comprises the remaining counties, would have a life of about 17.3 years.

Due to the community of interest between St. Johns and Duval Counties, we find this alternative problematic. With no record support for this plan, we find this alternative shall be rejected.

Alternative #5 is called the Nassau/Duval Counties relief plan. This is a geographic split plan which groups the exchanges predominantly located in Nassau and Duval Counties in one geographic region (Region A), while the remaining counties make up a second area (Region B). The projected lives are 9.5 for Region A, and 10.7 years for Region B. This alternative allows seven-digit local dialing within each of the regions, and ten-digit local dialing across the boundary.

In its brief, ALLTEL states that in the event we do not approve Alternative #1, ALLTEL would prefer Alternative #5, because this plan would have the least impact on its customers. ALLTEL further states that this plan would allow the Callahan and Hilliard exchanges, which are located in Nassau County, to retain 7-digit local or ECS calling between each other and to Jacksonville.

While this alternative does have merit, there were several objections both from the industry, particularly Northeast, and the public since this alternative divides the community of interest between Baker and Duval Counties, and Clay and Duval Counties. Again, where possible, it is preferable to avoid dividing communities of interest, because it causes confusion for customers regarding dialing patterns. The record supports that dividing Baker and Clay from Duval is contrary to the community of interest. Therefore, we do not find this alternative acceptable.

Alternative #7 is a geographic split relief plan along the coastline (Region A). Region A has an approximate life expectancy of 2.3 years. The remaining area (Region B) would have a life expectancy of 36.2 years.

ALLTEL states, in its brief, that we should not approve this alternative, because this geographic split plan would result in Clay and Putnam Counties having two area codes. ALLTEL witness Harriet E. Eudy further states that this would also divide numerous local calling areas and would result in NPAs with unbalanced lives. We agree and note that Section 5.0(h) of NPA Code Relief Planning and Notification Guidelines provides that the newly created geographic regions should have projected lives of approximately the same number of years. This plan deviates significantly from this requirement.

We also note that this alternative divides many of the local calling areas within and among the regions. In addition, according to the Industry Numbering Committee's guidelines, ideally, all of the area codes in a given region should exhaust at about the same time in the case of geographic splits. According to these guidelines, severe imbalances, for example, a difference in area code lifetimes of more than 15 years, should be avoided. This plan deviates significantly from this criteria. Therefore, based on record, we find this plan unacceptable.

Alternative #8 is a combination of an overlay and geographic split relief plans utilizing two new area codes. Portions of Flagler and Volusia Counties (Region B) would receive a new area code, having a life expectancy of 39 years. The remaining counties (Region A) would utilize 904 and a second NPA and require relief in approximately 15.4 years.

This alternative was not favored by the residents of Volusia County because it does not unite all of Volusia County. This plan uses two NPAs and also has similar imbalance problems as those

mentioned with regard to Alternative #7, which we find problematic. We believe that this plan not only requires the inefficient use of an extra NPA, but also deviates significantly from the INC guidelines regarding the difference in projected lives when a split is implemented. Therefore, we find this plan unacceptable.

Alternative #9 is a combination of a spotted overlay and geographic split relief plans, in which an overlay occurs in various regions. Certain areas would retain 904 and new NPA would be overlaid on these areas (Region A), and other areas would receive yet another new NPA (Region B). The approximate life expectancy is 15.5 years for Region A and 36.3 years for Region B.

We note that this alternative divides the coastal residents from the inland customers, and that exhibits presented in this proceeding indicate that the dialing pattern necessitated by this plan could be very confusing to customers. There was no record evidence supporting this plan; therefore, we find that this plan is unacceptable.

Alternative #10 is a geographic split/boundary extension/overlay plan that groups the exchanges predominantly located in Nassau, Duval, and St. Johns Counties to form an area (Region A). This region would utilize two area codes and have an approximate life of 10.1 years. The remaining exchanges are located in Region B. This region would have an approximate life expectancy of 10.2 years.

Although this alternative split plan has nearly equal life spans for both regions, the community of interest and local calling scope between Clay and Duval Counties would be divided, thus, raising the same concerns identified with regard to Alternative #7. Therefore, upon consideration, we hereby reject this plan.

Alternative #11 is an overlay and geographic split relief plan that utilizes two new NPAs. The coastline customers (Region A) utilize the 904 NPA and one additional NPA as an overlay relief plan. Region A will have an approximate life of 15.5 years. The remaining area, Region B, utilizes a second new area code with an approximate life of 36.2 years.

We emphasize, however, that using two or more new NPAs is not an efficient way to provide relief for this region, pursuant to INC Guidelines. Thus, due to similar reasons in Alternatives #8 and #9, disruption of community of interest and use of two NPAs, we hereby reject this plan.

Alternative #12 is another geographic split/boundary extension/ overlay plan in which the coastline counties (Region A) would utilize two area codes (904 NPA and one new NPA) as overlay area codes, and the remaining customers in Region B would share the prefixes of the new code used in Region A. The approximate lives are 10.0 and 10.6 years, respectively.

This alternative is similar to Alternative #7. There is little record evidence to support this option, and it splits several communities of interest, which could result in customer confusion. Thus, we find this alternative unacceptable.

Alternative #13 is similar to alternative #12, except that it includes all of Volusia County. This plan includes the Debary exchange and a part of the Sanford exchange, which are currently part of the 407/321 area code. The approximate life of the plan is 10 years for the coastline (Region A), and 10.3 years for the interior (Region B).

The record demonstrates that this plan disrupts several communities of interest, as in Alternatives #7 and #12. There is no record support for this plan. As such, we hereby reject this plan.

Alternative #14 is a three-way split proposal in which the exchanges predominantly located in Nassau and Duval Counties would utilize one area code (Region A) with an approximate life of 9.5 years. The exchanges predominantly located in Flagler and Volusia Counties (Region C) would exhaust in approximately 39 years, while Region B (the remaining exchanges) would exhaust in approximately 25.4 years. This alternative excludes the Debary exchange and a portion of the Sanford exchange, referred to as the proposed Osteen exception area.

In its brief, ALLTEL states that we should not approve this alternative because this plan requires the use of two new area codes. ALLTEL witness Harriet E. Eudy further states that this plan would divide numerous local calling areas and would result in NPAs with unbalanced lives. Again, we note that Section 5.0(h) of NPA Code Relief Planning and Notification Guidelines provides that the newly created geographic regions should have projected lives of approximately the same number of years, which is not the case with this plan.

Similar to Alternatives #7, #8 and #9, all of the area codes in a given region should exhaust at approximately the same time in

the case of geographic splits. According to the INC guidelines, severe imbalances, for example, a difference in area code lifetimes of more than 15 years, should be avoided, if possible. Because this plan would not only divide communities of interest, but also would require not one, but two new area codes and deviates significantly from the INC guidelines, we find this plan unacceptable.

Alternative #15 is identical to Alternative #14; however, this alternative includes the Debary exchange and the proposed Osteen exception area. Regions A, B, and C are expected to exhaust in 9.5, 25.4, and 36.9 years, respectively.

Similar to Alternatives #7, #8, #9, and #14, all of the area codes in a given region should exhaust about the same time in the case of geographic splits. According to the INC guidelines, severe imbalances, for example, a difference in area code lifetimes of more than 15 years, should be avoided, if possible. As with Alternative #14, because this plan would not only divide communities of interest, but also would require not one, but two new area codes and deviates significantly from the INC guidelines, we find this plan unacceptable.

Alternative #16 is a staggered geographic split plan, which uses two implementation phases. In the first implementation phase, Flagler and Volusia Counties are assigned a new area code with an approximate life of 36.9 years (Region B). The remaining counties, Region A, would retain the 904 area code with an approximate life of 2.7 years.

In the second implementation phase, Flagler and Volusia Counties would share their area code with the exchanges predominantly located in Putnam, Hamilton, Suwannee, Lafayette, Gilchrist, Alachua, Union, Bradford, Columbia, and Baker Counties (Region B). The approximate exhaust life of Region B is 14 years. The shaded area (Region A) could have two options. The first option is that they would retain the 904 area code with an approximate exhaust life of 3.1 years. The second option is that this region would be overlaid with a new area code that would have an approximate life of 22.4 years. The time between implementation of the two phases would be approximately 2.7 years.

Conceptually, this alternative is very similar to Alternative #6. Residents and County officials from Volusia and Flagler Counties indicated that this alternative was as appealing to them

as Alternative #6, provided that Alternative #6 included all of Volusia County.

While this plan has some merit, the implementation appears somewhat complicated. Furthermore, this plan does not appear to be preferable to modified Alternative #6. Therefore, we hereby reject this plan.

Alternative #17 is a geographic split plan in which the exchanges predominantly located in Nassau, Duval, St. Johns, and portions of Clay Counties are split to form Region A. The remaining exchanges are grouped to form Region B. The approximate life for Region A is 6.9 years, and 14.4 years for Region B.

In its brief, Northeast indicates that this plan disrupts the community of interest between Baker and Duval Counties. Again, we try to avoid splitting communities of interest where possible, particularly when there is little to support a plan otherwise. This plan not only splits communities of interest, but also has little record support. As such, we do not find it preferable to modified Alternative #6.

VI. CONSERVATION MEASURES

As discussed earlier in this Order, as part of our ongoing effort to conserve area codes, on April 2, 1999, we filed a petition with the FCC seeking authority to implement number conservation measures, which would help minimize consumer confusion and costs associated with imposing new area codes too frequently. This section addresses measures beyond rate center consolidation and code sharing, which are discussed in Section V(A) of this Order.

On September 15, 1999, the FCC issued Order FCC 99-249, granting our petition. In its Order, the FCC granted us interim authority to: (1) institute thousand-block pooling (1KNP) by all LNP-capable carriers in Florida; (2) reclaim unused and reserved NXX codes; (3) maintain rationing procedures for six months following area code relief; (4) set numbering allocation standards; (5) request number utilization data from all carriers; (6) implement NXX code sharing; and (7) implement rate center consolidation.

On October 20, 1999, a staff workshop was held to discuss these measures. A Florida Numbering Steering Committee was formed to address numbering issues. This committee created five working

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groups: 1KNP; short term efficiency measures; code sharing; rate center consolidation; and legal issues.

On March 31, 2000, the FCC issued Order FCC 00-104, a Report and Order and Further Notice of Proposed Rule Making, in the matter of Number Resource Optimization. We do not find that this Order affects our delegated authority nor has any party made such suggestion. In FCC 00-104 at paragraph 4, the FCC addressed the two major factors that contribute to number resource exhaustion: 1) the absence of regulatory, industry, or economic control over requests for numbering resources, permitting carriers to abuse the allocation system and stockpile numbers; and 2) the allocation of numbers in blocks of 10,000, regardless of the carrier's actual need for new numbers.

The FCC also addressed other number conservation measures, as well as issues related to the future implementation of thousand-block number pooling on a national basis.

ALLTEL witness Harriet E. Eudy claims that we should consider implementing number conservation measures for the 904 area code on a "prospective basis" or, in other words, that number conservation measures should be implemented after providing area code relief for the area. Witness Eudy also indicates that using number conservation measures on a "retroactive basis" will cause confusion and will not significantly lengthen the life of the existing area code. Northeast witness Deborah L. Nobles supports ALLTEL witness Eudy's position. We are not persuaded by this testimony, because the witnesses do not explain how customers would even be aware of the conservation measures. Moreover, experience in other states has shown that implementing number conservation measures on a retroactive basis does extend the life of the existing area code.

AT&T witness Richard Guepe states that any number conservation that we implement should be in compliance with the FCC 00-104. We agree with witness Guepe's statement. MCI WorldCom witness Greg Darnell argues that the problem of premature exhaustion cannot be solved without addressing the inefficiencies in the assignment and use of NXX codes. We agree as set forth in our findings below.

A. Number Pooling

Thousand-block number pooling involves the allocation of blocks of one thousand sequential telephone numbers within the same NXX code to different service providers. Sprint witness Scott Ludwikowski states that any number conservation measure that we implement will affect Sprint's network system. Witness Ludwikowski discusses five number conservation measures, one of which is number pooling. Witness Ludwikowski states that for number pooling to take place, carriers must have the technical local number portability (LNP) capability so that telephone numbers can be ported and distributed in blocks of 1,000. Witness Ludwikowski further states that according to FCC Rule 52.23(b) and (c), all wireline carriers were required to provide LNP capability in at least the 100 most populous Metropolitan Statistical Areas (MSAs) by December 31, 1998. Those carriers unable to provide LNP capability at this time include the wireless carriers and some LECs with territory outside the 100 most populous MSAs. Witness Ludwikowski states that while the wireless industry is not required to implement number pooling at this time, network modifications are needed so that calls made by their customers to persons with assigned pooled numbers can be successfully routed.

Witness Ludwikowski also indicates that pooling is possible when there are plenty of uncontaminated 1,000 blocks. We note that pursuant to the INC thousand-block number pooling guidelines, carriers may return blocks with less than 10% contamination.

City of Deltona witness Wayne Gardner states that we should require allocation of NXXs in smaller blocks to extend the life of area codes. Witness Gardner states that LNP should be required by all carriers, including cellular phone and pager companies. We note that the FCC already determined in FCC 99-286 that the cellular phone companies, broadband PCS and covered specialized mobile radio (SMR) providers would be exempt from implementing LNP; however, they must provide LNP capability by November 24, 2002, pursuant to FCC Rule 52.31(a).

AT&T witness Richard Guepe indicates that number pooling would help extend the lives of the 561, 954, and 904 area codes. We agree, because NXX codes would be assigned in blocks of 1,000 to multiple carriers.

FCC 99-249 and FCC 00-104 clearly acknowledged that 1,000-block number pooling trials will aid in developing national pooling implementation, architecture and administrative standards. The FCC

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also concluded in numerous orders such as FCC 99-122, FCC 99-249, and FCC 00-104, that number pooling is an important and necessary numbering resource optimization methodology, designed to extend the life of the NANP. Based on the FCC's delegation of authority in numbering resources, we ordered the implementation of three pooling trials in the 954, 561, and 904 area codes to begin on January 22, February 5, and April 2, 2000, respectively, by Order No. PSC-00-1046-PAA-TP, in Docket No. 981444-TP.

These pooling trials, however, only include the Ft. Lauderdale, West Palm Beach, and Jacksonville MSAs. Based upon the evidence in support of number pooling, we find that for number pooling to be more effective in the 561 and 904 area codes, it is appropriate to include the Daytona Beach MSA in the 904 area code and the Fort Pierce-Port St. Lucie MSA in the 561 area code.

The FCC states that the state commissions, including Florida, must allow sufficient transition time between pooling trials. Specifically, ¶ 19 of FCC 99-249 states:

After having implemented a thousands-block number pooling trial in one MSA, the Florida Commission may wish to expand to another MSA. Should it wish to do so, we direct the Florida Commission to allow sufficient transition time for carriers to undertake any necessary steps, such as modifying databases and upgrading switch software, to prepare for an expansion of thousands-block pooling to another MSA. In other words, start dates for thousands-block pooling trials in different MSAs should be appropriately staggered to permit the industry to undertake all necessary steps. The purpose of a staggered roll-out is to provide carriers time to upgrade or replace their SCPs and other components of their network, as necessary, if the increased volume of ported numbers as a result of the pooling trial requires them to do so.

Therefore, we find it appropriate to adopt the number pooling implementation time line set forth below for the Daytona Beach and Fort Pierce-Port St. Lucie MSAs.

For the Daytona Beach MSA, we adopt the following schedule: 1) Regulatory Mandate-October 2, 2000; 2) First Implementation Meeting-October 23, 2000; 3) Forecast/Utilization Report-November 6, 2000; 4) Block Protection Date-December 4, 2000; 5) Block Donation Identification Date-December 6, 2000; 6) PA Assessment of

Industry Inventory Surplus/Deficiency-December 27, 2000; 7) Block Donation Date: SP Updates LERG on Donated Blocks-February 26, 2001; 8) Pool Start/Allocation Date: PA updates LERG on Allocated Blocks-March 12, 2001; 9) Mandated Implementation Date-March 12, 2001; and 10) Telephone Number Assignment from 1K Block-April 9, 2001.

For the Fort Pierce-St. Lucie MSA, we adopt the following schedule: 1) Regulatory Mandate-October 2, 2000; 2) First Implementation Meeting-November 20, 2000; 3) Forecast/Utilization Report-December 4, 2000; 4) Block Protection Date-January 5, 2001; 5) Block Donation Identification Date-January 8, 2001; 6) PA Assessment of Industry Inventory Surplus/Deficiency-January 29, 2001; 7) Block Donation Date: SP Updates LERG on Donated Blocks-April 9, 2001; 8) Pool Start/Allocation Date: PA updates LERG on Allocated Blocks-April 30, 2001; 9) Mandated Implementation Date-April 30, 2001; and 10) Telephone Number Assignment from 1K Block-May 13, 2001.

These time lines provide sufficient intervals for the necessary activities, and are comparable to the time lines prescribed in Order No. PSC-00-1046-PAA-TP, issued May 30, 2000, in Docket No. 981444-TP, for the other Florida pooling trials. We find that this is an achievable and effective track that the industry should be able to follow, based on PSC-00-1046-PAA-TP and other state orders. We find it appropriate that the industry use the most current 1,000-block pooling INC Guidelines, because the INC Guidelines are updated frequently to incorporate the FCC's decisions.

Any cost issues shall be investigated in a separate docket pursuant to PSC-00-1046-PAA-TP. In that order, we acknowledged the FCC's rules and orders requiring us to resolve any matters related to cost recovery under the federal law, and agreed to open a docket to address this issue.

B. Guidelines for Managing and Obtaining Thousand-Blocks

Sprint witness Ludwikowski describes thousand-block number management guidelines as an internal process that carriers can utilize in assigning available numbers to their customers. Witness Ludwikowski states that when a carrier begins to manage its available numbering resources in blocks of 1,000, it separates contaminated blocks from uncontaminated blocks. We note that the INC Thousand Block Pooling Guidelines define a contaminated block as a block of one thousand telephone numbers in which at least one telephone number is in any of the following categories:

administrative numbers, aging numbers, assigned numbers, or reserved numbers.

Once the blocks are separated, the carrier assigns numbers from the contaminated blocks first. This enables a carrier to assign numbers only from contaminated blocks until the carrier's inventory of numbers falls below the projected demand for numbers over a specified period of time. Witness Ludwikowski claims that the carrier does not necessarily have to assign numbers sequentially within each block.

Witness Ludwikowski states that the benefit of thousand-block number management guidelines is that it minimizes the number of 1,000 blocks that are contaminated so that more blocks can be contributed to the pool once pooling begins. Witness Ludwikowski further states that these guidelines make it possible for a carrier to satisfy bona fide customer requests for particular numbers within thousand blocks, unlike sequential numbering. Witness Ludwikowski does not, however, address the issue of how long the life of an area code could be extended through these measures.

By Order No. PSC-00-0543-PAA-TP, issued March 16, 2000, we mandated the implementation of certain 1,000-block number management requirements. Those number management requirements are consistent with the authority delegated by the FCC in FCC 99-249. Although the requirements may limit a customer's choice for specific numbers or specific ranges of numbers, we do not find that the requirements deprive customers of their choice of carriers or prevent the carriers from requesting additional numbering resources. We agree with witness Ludwikowski that this requirement maximizes the number of 1,000 blocks that can be contributed to the pool, thereby making pooling even more effective.

We note that in certain rate centers, several carriers have assigned one number out of a thousand number block to a customer and allocated 100 numbers for administrative purposes. Because 101 out of the 1,000 numbers in the block are then deemed unavailable, the block is reported contaminated beyond the 10% threshold, even though only one number has actually been assigned to a customer. For LNP capable carriers, this means that such blocks will be ineligible for donation to the 954, 561, and 904 pooling trials. To prevent this problem from occurring, we find it appropriate to implement efficiency measures such as sequential number management guidelines and fill rates, which are discussed later in this Order.

In addition to the existing 1,000-block management number management guidelines, we find it appropriate to adopt criteria for opening and obtaining additional numbering resources, including thousand-blocks. These criteria are discussed below.

1. Guidelines for Opening New Thousand-Blocks Within an Assigned NXX

Sequential numbering minimizes contamination of NXX codes and 1,000-blocks by requiring carriers to use blocks in a systematic order. We note that in situations where carriers have significant numbers available in a given rate center, sequential numbering measures may prevent the opening of new blocks or NXX codes.

Sprint witness Ludwikowski states that 1,000-block management guidelines are similar to sequential numbering. Witness Ludwikowski reasons that with sequential numbering, carriers would be required to assign telephone numbers one after the other - for example, NXX-2001, NXX-2002, NXX-2003. With 1000-block management rules, however, carriers would have the flexibility to assign numbers within 1,000 blocks - for example, NXX-2056, NXX-2783, NXX-2122.

We note that there are valid reasons why numbers cannot always be assigned consecutively. Witness Ludwikowski explains that it would be difficult to administer strict sequential number assignment, especially for the wireless carriers. He states that wireless carriers should be able to distinguish pre-paid customers from ordinary, post-billed customers. Witness Ludwikowski indicates that some wireless carriers obtain a separate NXX code just for their pre-paid service. He calls this NXX a special code. Witness Ludwikowski claims that it would be very costly and time consuming to make changes. Therefore, he believes that such modifications would be uneconomical and unprofitable.

City of Deltona witness Wayne Gardner states that systematic number assignments would be an effective number conservation measure. We agree, as discussed below.

In FCC 00-104, the FCC required a form of sequential numbering, while acknowledging that strict sequential numbering would be too prescriptive to accommodate customer demand. In ¶ 245 of this order, the FCC states that there is an exception which is intended to address customer requests for blocks of numbers that cannot be filled from the carrier's open blocks, rather than for a specified individual number. The FCC states:

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Under our requirement, a carrier that opens a clean block prior to utilizing in its entirety a previously-opened thousands-block should be prepared to demonstrate to the state commission: (1) a genuine request from a customer detailing the specific need for telephone numbers; (2) the inability on the part of the carrier to meet the specific customer request for telephone numbers from the surplus of numbers within the carrier's currently activated thousands-block. We believe that this requirement will improve carrier efficiency in utilizing numbering resources, while maintaining carrier flexibility in meeting customer demand. We also acknowledge that this requirement has the potential to forestall other thousands blocks from becoming contaminated - and thus ineligible for possible donation to a pool. We also find that sequential number assignment may improve carrier efficiency in utilizing numbering resources, regardless of whether pooling is implemented.

In addition, the FCC established Rule 52.15 (3)(j) in the same order which provides the following:

Sequential Number Assignment.

- (1) All service providers shall assign all available telephone numbers within an opened thousands-block before assigning telephone numbers from an uncontaminated thousands-block, unless the available numbers in the opened thousands-block are not sufficient to meet a specific customer request. This requirement shall apply to a service provider's existing numbering resources as well as any new numbering resources it obtains in the future.
- (2) A service provider that opens an uncontaminated thousands-block prior to assigning all available telephone numbers within an opened thousands-block should be prepared to demonstrate to the state commission:
 - (i) A genuine request from a customer detailing the specific need for telephone numbers; and

(ii) The service provider's inability to meet the specific customer request for telephone numbers from the available numbers within the service provider's opened thousands-blocks.

(3) Upon a finding by a state commission that a service provider inappropriately assigned telephone numbers from an uncontaminated thousands-block, the NANPA or the Pooling Administrator shall suspend assignment or allocation of any additional numbering resources to that service provider in the applicable NPA until the service provider demonstrates that it does not have sufficient numbering resources to meet a specific customer request.

By Order No. PSC-00-1046-PAA-TP, in Docket No. 981444-TP, we acknowledged the Joint Petitioners' Offer of Settlement to Resolve the Number Pooling Implementation Protest of Order No. PSC-00-0543-PAA-TP. The stipulation states that most affected carriers have been managing thousands-blocks consistently with the PAA Order for nearly a year under the voluntary measures, and all are now required to do so. The stipulation also states that under the terms of FCC Order 00-104, additional number allocation requirements will be effective that should serve to further conserve numbers and blocks.

Order No. PSC-00-1046-PAA-TP adopts the FCC's process for sequential number management. Therefore, we find that it is unnecessary to establish additional guidelines to control the opening of new thousand-blocks within an assigned NXX.

2. Criteria for Obtaining Additional Numbering Resources

The industry currently has no fill, i.e., utilization, rate requirement for NXXs or thousand-blocks, but rather employs a months-to-exhaust (MTE) calculation for purposes of determining when to request another NXX. MCI WorldCom witness Greg Darnell claims that the forecasted MTE process which is currently in place is the best way to effectively manage number utilization. We disagree and note that state commissions have not been satisfied that the MTE calculation by itself is a sufficient test for determining the need for new numbering resources. Thus, the states have investigated whether the combination of a utilization rate and MTE calculation is a more accurate determination of need.

Fill rates or utilization thresholds improve the efficiency with which numbers are used by requiring carriers to use contaminated blocks up to a specified percentage before they can receive and use additional blocks. NANPA witness Tom Foley states that utilization thresholds are applied in other states and are considered a conservation measure. In fact, California and other state commissions are using a 75% fill-rate requirement as a means of number conservation. In his deposition, BellSouth witness Stan Greer stated that utilization thresholds could be a technique for number conservation. We agree with both witnesses.

Further, paragraph 29 of FCC Order 99-249 specifically provides, in part, that we may require that carriers achieve a certain fill rate in growth NXX codes and within thousands blocks, in areas where we have implemented thousands-block pooling. In paragraph 31 of the same Order the FCC requested that we "consult and coordinate" with other state commissions that may obtain authority to impose fill rates to establish fill or utilization rates that are consistent with those imposed by other states. Since October 1999, our staff has participated, via conference calls, in a multi-state working group whose purpose is to coordinate the efforts of states having authority or awaiting the delegation of numbering authority from the FCC.

One of the primary reasons why we petitioned the FCC for authority to impose a utilization rate was because some carriers who have been assigned NXXs do not have an existing or projected need for the 10,000 telephone numbers available in an NXX. Thus, many numbers remain unused and unavailable for assignment to any other carrier. In addition, current INC guidelines allow carriers to assign numbers throughout the entire 10,000 block if there is a bona fide number request from a customer, thereby reducing the opportunity to impose any sort of sequential number management and number utilization criteria. This situation can be particularly troublesome to carriers who are unable to obtain NXXs in a timely manner due to NXX rationing brought on by premature area code exhaust.

Bell Atlantic filed comments in FCC CC Docket 99-200 recommending the establishment of utilization thresholds as a substitute for requiring wireless carriers to participate in pooling. In paragraph 103 of FCC 00-104, issued in that docket, the FCC indicated that the current MTE Worksheet provides limited information by which to evaluate a carrier's "need" for numbers. To ensure that carriers obtain numbering resources when and where they are needed to provide service, the FCC indicated that it would

require carriers to provide evidence that, given their current utilization and recent historical growth, they need additional numbering resources. The FCC also required that NANPA verify carriers' need. The FCC further indicated in paragraph 103 that it was adopting a minimum utilization threshold that non-pooling carriers must satisfy before obtaining additional numbering resources. The FCC also noted that it would seek comment in a *Further Notice* on the precise level of the utilization threshold. The FCC exempted pooling carriers from this additional utilization threshold requirement in recognition of their requirement to donate to the pool uncontaminated and lightly contaminated thousands-blocks that are not needed to maintain short-term inventory levels. The FCC indicated, however, that it may revisit the question of whether all carriers should be subject to meeting a utilization threshold to obtain growth numbering resources if it finds that such thresholds significantly increase numbering use efficiency. FCC 00-104 at paragraph 103.

In other words, the FCC has required that NANPA verify a carrier's need by checking the carrier's current utilization threshold level in the MTE Worksheet, and then comparing it to a minimum utilization threshold. According to the FCC, these are the only requirements that must be met for carriers to receive growth numbering resources. We find that this utilization threshold criteria shall only apply to non-pooling carriers in both jeopardy and non-jeopardy area codes.

The FCC also acknowledged in Order No. 00-104 the state commissions' ability to set a utilization threshold.

In paragraph 115 of that order, the FCC states:

We are convinced that requiring carriers not participating in pooling to meet a utilization threshold before they receive a growth code is an equitable way to make sure that carrier requests are needs-based. We therefore adopt a nationwide utilization threshold for non-pooling carriers beginning January 1, 2001. We are less certain, however, at what level the threshold should be set. Parties that commented on a specific utilization rate all suggested thresholds within 60-90% range. We believe, however, that most of the suggested utilization thresholds included in the numerator were based on additional categories besides assigned numbers. Additionally, state commissions

are in the process of conducting or completing utilization studies for specific NPAs and we hope to examine the results of those studies and learn what actual utilization levels carriers are now achieving.

In April 2000, we filed a petition for reconsideration and comments to the FCC. We stated that the utilization rates in Florida vary by area code, by rate center, and by carrier. We suggested that a higher fill rate requirement be imposed for major market areas and extraordinary jeopardy areas than non-jeopardy areas. Thus, we recommended that the FCC adopt an acceptable range and allow state commissions to set target utilization thresholds within that range.

A single utilization rate may not be applicable to all states, given that some states have only one area code, NXX growth varies between rural and urban areas, and the number and type of new entrants is not predictable. The states do agree, however, that the utilization rate should require that a carrier use a significant percentage of the available numbers before filing a request for a new NXX. Many states including Florida, California, Maine, New Hampshire, Massachusetts, and New York have concluded that a 75% utilization rate, in combination with the MTE calculation, is a reasonable combination of criteria to be employed when assessing a request for numbering resources. Currently, the 75% utilization rate is used in California, Maine, New Hampshire, Massachusetts, and New York.

In his testimony, Sprint witness Ludwikowski pointed out four problems related to fill-rate requirements: 1) The FCC has ruled that fill rates cannot be used for the assignment of initial codes; 2) use of a fill rate by itself may result in the assignment of numbers to a carrier that does not need them; 3) the fill rate procedure may not adequately address fast growing carriers; and 4) the fill rate procedure does not address the assignment of a special use code.

Witness Ludwikowski believes that wireless carriers have a higher utilization rate; therefore, they should not be required to meet a utilization threshold. He further explains that the wireless carriers do not require a separate NXX for each landline rate center. Witness Ludwikowski states that wireless carriers have obtained NXX codes in only 14% of all incumbent LEC rate centers.

Witness Ludwikowski states that implementation of a utilization criteria would take 30 to 60 days upon the issuance of this Commission's order. He further indicates that Sprint PCS does not oppose establishment of fill rates - so long as we establish a "safety valve" procedure for rapidly growing carriers. FCC 99-249, paragraph 30, indicates that we should allow some flexibility in establishing fill rates and applying them to carriers to accommodate the unique situations that invariably arise.

Nevertheless, as discussed earlier, by FCC 99-249, the FCC directed us to consult and coordinate with other state commissions to establish fill or utilization rates that are consistent with those imposed by other states. Therefore, we find it appropriate to establish the number utilization threshold at 75% for all non-pooling carriers in the 305, 561, 786, 904, and 954 area codes, to be consistent with decisions by other state commissions such as California, Maine, Massachusetts, New Hampshire, and New York. Once non-pooling carriers achieve a 75% overall utilization rate within the NXX, the carrier can request the assignment of a new NXX in the same rate center.

Based on the evidence, we also find that there are other number conservation measures that the industry could use to improve the available numbering resources. As discussed below, special, aging, and administrative numbers may be better utilized to improve the numbering resources in Florida.

i. Special Use Numbers or Codes

We plan to initiate an investigation into the broader use of the special codes such as 555 NXXs in all of Florida's area codes. Presently, only one number out of 10,000 is used to provide inter-area code directory assistance. We will explore our options for establishing standard numbers in the 555 NXX for providing time, emergency preparedness, and weather information services. Similarly, broader use of the 555 NXX throughout the state may result in return of NXX codes in other area codes for reallocation. The California Public Utilities Commission is currently investigating this issue.

ii. Aging Numbers

As stated in the California Commission's 310 Area Code report, numbers "age" between disconnection of one customer's service and the start of service for the next customer assigned the same number. We find that the aging process helps to reduce customer

confusion which would occur if a number is reassigned too soon. Carriers in Florida, however, have number aging policies which are neither consistent across carriers, nor consistent with industry guidelines. Therefore, in non-jeopardy situations we find it appropriate to adopt guidelines developed by the INC for aging of disconnected numbers. Thus, residential telephone numbers shall be aged no less than 30 days and no longer than 90 days from the subscriber-specific disconnect date. Business telephone numbers shall be aged no less than 90 days and no longer than 365 days from the subscriber disconnect date.

Further, in jeopardy situations, we find it appropriate to adopt the same aging period for the residential telephone numbers set forth above. For business telephone numbers, however, the aging period shall be no less than 60 days and not more than 180 days. As demonstrated by the California Commission, these aging periods will free up more numbers which can be reassigned to others who need them.

iii. Administrative Numbers

The California Commission's 310 Area Code report states that carriers use "administrative" numbers for internal purposes. Carriers reported to us in Docket No. 981444-TP that there are mainly three subcategories: 1) employee/official numbers; 2) test numbers; and 3) other numbers such as location routing numbers, wireless E911 numbers, and temporary local directory numbers.

We agree with the conclusions in the California Commission's 310 Area Code report, and find it appropriate to limit the ability of code holders to assign administrative numbers to multiple 1,000 blocks. For maximum efficiency, administrative numbers that do not require assignment to specific 1,000 blocks for technical reasons shall be assigned to a single 1,000 block within each NXX.

C. Reclamation of Unused and Reserved NXXs

In the FCC's Florida Order, FCC 99-249, at paragraph 22, the FCC stated:

Reclaiming NXX codes that are not in use may serve to prolong the life of an area code, because these codes are added to the total inventory of assignable NXX codes in the area code. Therefore, we grant authority to the Florida Commission to investigate whether code

holders have activated NXXs assigned to them within the time frames specified in the CO Code Assignment Guidelines, and to direct the NANPA to reclaim NXXs that the Florida Commission determines have not been activated in a timely manner. This authority necessarily implies that the Florida Commission may request proof from all code holders that NXX codes have been "placed in service" according to the CO Code Assignment Guidelines. We further direct the NANPA to abide by the Florida Commission's determination to reclaim an NXX code if the Florida Commission is satisfied that the code holder has not activated the code within the time specified by the CO Code Assignment Guidelines.

AT&T witness Richard Guepe testifies that the return of unused and reserved NXX codes that are older than six months provides an immediate benefit which is consistent with FCC Order 00-104. Witness Guepe states that AT&T has returned approximately 20 NXX codes.

MCI WorldCom witness Greg Darnell testifies that the industry has established "strict" guidelines for NXX code reclamation and reservation. Witness Darnell states that we should ensure that NANPA is effectively implementing these guidelines. We agree, but we do not believe that this process has been effective in Florida.

For example, pursuant to Order No. PSC-00-0543-PAA-TP, issued March 16, 2000, in Docket No. 981444-TP, and the FCC's delegation of authority in FCC 99-249, our staff identified more than 200 NXX codes to be reclaimed. NANPA witness Tom Foley states that as of May 10, 2000, only 53 codes were returned.

By Order No. PSC-00-0543-PAA-TP, we directed the NANPA to provide monthly LERG reports to us by area code, including the code assignment and activation dates. We also directed our staff, after it evaluates the reports, to contact NANPA to reclaim unused and reserved NXXs in all of Florida NPAs from all carriers who have not met the applicable INC 95-0407-008 guidelines. Our directives were consistent with the FCC's Florida Order.

We note that NANPA provided the current assignment of NPA-NXXs for each state on its web site. In accordance with our decisions

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in Docket No. 981444-TP, our staff will inform NANPA of any codes which should be reclaimed.

The job of distributing NXX codes has been delegated by the FCC to NANPA. Reclamation of codes involves the return of NXX codes to NANPA when they have not been activated within the required time frame.⁶ As noted by the FCC in FCC 00-104 and FCC 99-249, reclamation is one of the quickest and easiest number conservation measures to implement. By reclaiming NXX codes that are not in use, the life of an area code is prolonged, because the reclaimed codes are added to the total inventory of assignable NXX codes within area codes.

All requests for NXX codes are made directly to NANPA, pursuant to INC Guidelines. According to these guidelines, after an NXX code is given to a carrier and made available for use⁷, the carrier then has six months to activate the code and submit verification to NANPA that the code is activated.⁸ This verification is satisfied when the carrier submits a "Part 4" form to NANPA. Prior to the FCC Numbering Order, state commissions, except Florida, played no role in the process of code reclamation. Once a reasonable time was given to carriers to submit their Part 4 form verifications or request an extension of time within which to activate their NXX code, NANPA was supposed to recommend to the Industry Numbering Committee (INC)⁹ which NXX codes should be

⁶ Pursuant to FCC Order 00-104, the Central Office Code Guidelines were modified to require code holders to return an NXX code if no numbers in the code are in service within 6 months after the effective published date of the NXX code. *Central Office Code (NXX) Assignment Guidelines*, INC 95-0407-009 (rev. June 19, 2000 effective July 16, 2000) at § 8.1. Further, the FCC Order requires that code reclamation procedures begin within 60 days after this 6-month deadline to ensure that NXX codes are returned in a timely manner.

⁷ According to the INC Guidelines, there is a 66-day waiting period after assignment of an NXX code to a carrier by the NANPA and the ability of the carrier to provide the code to an end user. *Central Office Code (NXX) Assignment Guidelines*, INC 95-0407-008 (rev. June 19, 2000 effective July 16, 2000) at §6.1.2.

⁸ See *Central Office Code (NXX) Assignment Guidelines*, INC 95-0407-008 (rev. June 19, 2000 effective July 16, 2000) at §6.3.3.

⁹ The Industry Numbering Committee is a committee of the Alliance For Telecommunications Industry Solutions (ATIS) which attempts to address and resolve industry-wide issues associated with the planning, administration, allocation, assignment and use of numbering resources. ATIS is a North American standards body concerned with the development of telecommunications standards, operating procedures and guidelines.

reclaimed. The INC would then make a final decision regarding whether or not the codes should be reclaimed.

The FCC Numbering Order 00-104 redesigned this process and gave state commissions the ability to take an active role in the reclamation process. Pursuant to this grant of authority from the FCC, state commissions can investigate and determine whether code holders have activated NXX codes within six months of the codes being available for use by the carrier. Further, state commissions may request proof from all code holders that NXX codes have been activated and assignment of the numbers has commenced. State commissions are required to accord the code holder an opportunity to explain the circumstances causing any delay in activating NXX codes in a timely manner. The FCC directed NANPA to abide by the state commission's determination to reclaim an NXX code if the state commission is satisfied that the code holder has not activated the code within the time specified in the FCC Numbering Order.

As a result of this new ability for state involvement in the reclamation process, our staff is developing a procedure regarding the review of Part 4 forms to be implemented between this Commission and NANPA, pursuant to the FCC's Numbering Order 00-104. Our staff will bring this process to us for review and approval upon its completion. We note that we have filed Florida's Aggregated Utilization Information with the FCC.

We also note that MCI WorldCom witness Greg Darnell states that his company supports the Number Resource Optimization working group's recommendation for federal guidelines to modify the number allocation process so that fees may be assessed on carriers when numbers are kept in reserve status for more than a year. We agree, because in jeopardy situations, due to the rationing process, some carriers may not obtain numbering resources when they actually need them.

D. Maintaining Rationing Procedures for Six Months Following Area Code Relief

MCI WorldCom witness Greg Darnell states that maintaining rationing procedures for six months following area code relief is not beneficial. Witness Darnell believes that only the life of the new area code will be extended. Witness Darnell states that maintaining rationing procedures after a new area code is implemented creates a "pent up" demand for new telephone numbers.

We disagree with witness Darnell's statements, because maintaining rationing procedures for six months following area code relief implementation does not necessarily imply that a new area code has been put in place. In some situations, there may be enough NXX codes from the old NPA to meet a reasonable level of demand, with the new NPA available as a "safety net." This time interval may vary, and in some cases it may be about six months. We find it appropriate that the six-month rationing period for the old NPA begin on the permissive dialing date. We note that carriers will still be able to get NXX codes using the new NPA. We also find it appropriate that the time interval for rationing be predicated on the specific, adopted area code relief plan as discussed below.

E. Limiting the Allocation of NXX Codes Through Rationing

NANPA witness Tom Foley stated in his deposition that, in order to have number pooling take effect or be in place, the area code lives would have to be extended due to their projected exhaust dates, despite current rationing. Witness Foley indicated that further industry rationing procedures would be necessary. We agree, and note that the current rationing procedures for the 561, 954, and 904 area codes allow six or seven NXXs to be distributed. These numbers were reached by industry consensus.

We also note that in California's 310 area code, a large variance occurred with respect to forecasted NXX and NXX-X 1,000-block demand. The California Public Utilities Commission's analysis showed that the industry's initial forecasted demand for NXX-Xs versus what NeuStar - the current pooling administrator - actually assigned to the industry was approximately 7 to 1. In other words, the industry over-projected their demand. This situation clearly indicates that a stricter rationing procedure will enable carriers to obtain blocks when they actually need them, either from the old or new NPA.

We believe that once pooling takes place in the 561, 954, and 904 area codes, the demand for 1,000-blocks will decline. We therefore find it appropriate to limit the allocation of NXX codes through rationing to three NXXs - 30 1,000-blocks - per month in the 561, 954, and 904 area codes until all the NXXs in the 561, 954, and 904 area codes exhaust, pursuant to NANPA witness Foley's statement.

Based on the foregoing, we find the following dates appropriate for implementation of the stricter rationing procedures: 1) 954-February 1, 2001; 2) 561-March 1, 2001; and 3)

904-April 1, 2001. We find that this time-line will not affect carriers' ability to obtain codes during the holiday seasons.

Due to non-participating - or non-LNP - carriers, the rationing process must differentiate between pooling and non-pooling carriers. Similar to procedures in California and other states, we find it appropriate that these carriers be assigned a full NXX provided that they meet the requirements discussed earlier in this Order. Thus, we find it appropriate that one of three NXXs in the old NPA be assigned to the non-LNP carriers per month, and the remaining two NXXs in the old NPA be assigned to the participating LNP capable carriers.

F. Unified Dialing Plans for Overlays (UDPO)

During the service hearings in Ft. Lauderdale, Sun-Sentinel witness Leslie Hillman raised the question of why telephone numbers cannot be increased to eight digits to provide more numbering resources. In preparation for the hearing in this docket, our staff sent out interrogatories to the industry to find out the technical aspects of this methodology. BellSouth defined UDPO as an abbreviated local dialing system which allows eight-digit dialing between overlay NPAs. BellSouth stated that eight-digit UDPO also provides for one, consistent dialing pattern on local calls and assists customers by eliminating the need for both seven and 10-digit local dialing.

The suffix represents one of the 10 overlaid area codes, where 0 is the original area code. For example, in an overlay situation where an old NPA and a new NPA are used, all existing customers in the old NPA would have NPA-NXX-XXXX-0, and the new customers would have NPA-NXX-XXXX-1 as their telephone numbers.

BellSouth also stated that the UDPO was submitted in July, 1998, as Issue #141 to the INC for examination. The INC expressed concerns, however, and reviewed the analysis done by the California telecommunications industry. The INC concluded that the proposal was unworkable due to technical, regulatory, competitive dialing (10-digit dialing requirement by the FCC), network timing (delay in routing calls) and customer education issues. BellSouth did not address any technical issues in its discovery response.

Information filed by Mr. Gilbert Yablon, a California expert who is proposing new dialing systems, was entered into the record for Docket No. 990457-TL. According to Mr. Yablon, the UDPO does comply with the FCC's 10-digit requirement for overlays. According

to Mr. Yablon this plan introduces new ideas which challenge the necessity of using 1+10-digits in order to maintain dialing parity in an overlay situation. In the Unified Dialing Plan, dialing parity is provided with only eight-digits. Mr. Yablon indicates that the INC's work in promoting uniform 10-digit dialing as a standard ensures that one method of dialing will work for all calls anywhere in the North American Numbering Plan. Mr. Yablon further indicates, however, that it does not exclude other methods of dialing from co-existing with it. He states that the UDPO does transparently co-exist with 1+10 digit dialing.

Mr. Yablon also indicates that the 12-digit format that is planned for the future does not necessarily render this plan unusable and unworkable. In addition, Mr. Yablon states LNP and other actions to conserve the existing resource should delay expansion until well into the next century. He indicates, however, that even with expansion, if thought is given to maintaining the same backward compatibility that the Unified Dialing Plan offers for overlays, this plan can very likely co-exist with a plan requiring any number of digits.

We agree with Mr. Yablon's analysis that any expansion in the NANP (NANPE) would require new network structuring. This method may have merit. Due to lack of evidence in this proceeding, however, this issue shall be addressed in Docket No. 981444-TP.

G. Unassigned Number Porting

The concept and technical feasibility of unassigned number porting has been discussed at various meetings with the state commission staffs. Due to lack of evidence in this proceeding, however, this issue shall be addressed in Docket No. 981444-TP.

CONCLUSION

Based on the foregoing, we hereby adopt and order the foregoing conservation measures. First, thousand-block number pooling shall be implemented in the Daytona Beach MSA in the 904 area code, and the Fort Pierce-Port St. Lucie MSAs in the 561 area code with the time lines set forth in this Order. Second, a 75% utilization threshold shall be implemented at the NXX level for all non-pooling carriers in the 305, 561, 786, 904, and 954 area codes as set forth in this Order. Third, in non-jeopardy and jeopardy situations, we hereby adopt the aging periods set forth in this Order. Fourth, we hereby limit the ability of code holders to assign administrative numbers to multiple 1,000 blocks, as

described in this Order. Lastly, we hereby limit the allocation of NXX codes through rationing to three NXXs per month in the 561, 904, and 954 area codes beginning on March 1, 2001, April 1, 2001, and February 1, 2001, respectively, according to the procedure described in this Order.

VII. DIALING PATTERNS

The next issue which must be determined is what dialing patterns will be implemented in the 305/786, 561, 954 and 904 NPAs, consistent with our earlier findings in this Order.

On August 8, 1996, the FCC issued its Second Report and Order in CC Docket No. 96-98 (hereafter, FCC 96-333). This document addressed several aspects relevant to area code relief in general, and dialing patterns in particular. Paragraph 278 states that the

. . . numbering administration should: 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.

FCC 96-333 provides that, in order to address potential competitive disadvantages, state commissions may choose to implement an all-services overlay only when the plans include:

. . . 1) mandatory 10-digit local dialing by all customers between and within area codes in the area covered by the new code; and 2) at least one NXX is made available 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 code 90 days before the introduction of a new overlay area code.
(¶283)

In paragraph 284, the FCC determined that 10-digit local calling in the overlaid area would be required, and concluded that this dialing pattern will ". . . ensure that competition will not

be deterred in overlay area codes as a result of dialing disparity." (FCC 96-333)

BellSouth's witness Greer, though not addressing a specific NPA relief plan, acknowledges that the institution of an overlay relief plan would be "competitively neutral, provided certain criteria is [sic] implemented, such as 10-digit dialing for all local calls." The witness further states that the dialing pattern presented in his testimony, and again in BellSouth's brief, is consistent with our prior decisions and the FCC's dialing parity order. We agree with witness Greer's statements. We also believe that each NPA relief implementation will, however, have unique aspects, as demonstrated by each plan.

A. 305/786 NPA

With our adopted alternative for the 305/786 area codes, and consistent with our prior decisions and FCC Orders, the dialing pattern for some subscribers will change, as 10-digit dialing will have to be implemented for all local calls placed between and within the area codes in this relief plan.

Customer witnesses Reich and Panico, residents of the Keys region, state that they want to keep the 7-digit dialing patterns as they are today, and express a reluctance to embrace 10-digit dialing. Customer witness Reich presented 224 signed petitions on behalf of other citizens. Customer witnesses Reich and Panico also express their desire to keep the 305 NPA along with 7-digit dialing, but through the course of discussion conceded that retaining both is not an available alternative. We agree with customer witness Panico who states that the primary economic interest in the Keys region is tourism, which she described as "fragile." The witness also offers that it is "most important" to keep the 305 code in order for the visiting public to "reach us." We acknowledge that, even though the dialing pattern for subscribers placing out-going calls will change, consistent with the implementation of an overlay relief plan, the existing tourism-related businesses that have their 305 telephone numbers widely distributed will not face any changes with respect to in-bound calls.

We also believe that the Miami-Dade region of the 305/786 area code will, for the most part, be unaffected by the implementation of the approved alternative. For these subscribers, there will be no change whatsoever in their present dialing patterns. While we recognize that a dialing pattern change will be necessary for the

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Keys region, we believe that the permissive-dialing period will be sufficient for these subscribers to adapt. Furthermore, given the Keys' dependence on tourism, we believe that the benefit of retaining existing 305 telephone numbers outweighs the inconvenience of a change in the dialing pattern.

B. 561 NPA

The subscribers in the 561 NPA have expressed their strong preference to keep their present 7-digit local dialing pattern and also keep the 561 area code. Customer witness Gidion states her concern that yet another area code change may occur, her fourth since living in Florida. Customer witness Walsh, president of the St. Lucie County Chamber of Commerce, offers a contrasting view and testifies:

. . . our goal as a Chamber of Commerce and the business organization in St. Lucie County is to attract new businesses to our area, to retain the businesses that we have, to assist our businesses, and to protect and improve the quality of life for our residents. Anything that makes doing business in St. Lucie County easier, certainly is what we would support. Ten-digit dialing is not something we would like to see happen in our area. The creation of a new area code is something that the Chamber of Commerce would support.

Customer witness Gonzales, in expressing the preferences of State Senator Ron Klein, states that he ". . . would like to see Palm Beach County keep its 561 area code and not go to 10-digit dialing."

A dialing pattern change may be unavoidable, even with a "split" plan alternative. Depending upon the placement of the "split" boundary or boundaries, 7-digit local, EAS, or ECS routes closed to IXC competition could become interNPA, necessitating a 10-digit call. For the affected subscribers, this would represent a new local dialing pattern. Therefore, for some subscribers, a change in the local dialing pattern may be inevitable, even with our adoption of Alternative #4. ECS routes which are open to IXC competition and toll routes would be unaffected, and would continue to be dialed on a 1+10-digit basis, regardless of the area code relief alternative adopted. However, the vast majority of subscribers in the affected area will be able to retain 7-digit dialing under the adopted plan.

C. 954 NPA

All parties to this docket agree that, with the implementation of an overlay relief plan, the dialing patterns should be 10 digit for local, ECS and EAS calls within the overlaid area, and 1+10 digit dialing for calls on routes outside the overlaid area and on ECS routes that are opened to IXC competition.

In his testimony, BellSouth witness Baeza states that:

The overlay option provides the most cost effective arrangement in that customer number changes would not be incurred. This option offers an equal NPA relief period for all customers and the most consistent and least confusing dialing arrangement since ten-digit dialing on a local basis would be required for the entire area.

Witness Baeza further testifies that implementing 10-digit dialing in the 954 NPA will ". . . eliminate the current confusion and dialing problems associated with the conflict between the 561 area code and the 561 NXX in Ft. Lauderdale" Witness Baeza asserts that with the overlay relief plan, current 7-digit local calls will change to mandatory 10-digit dialing. He further states that all toll calls and ECS calls on routes opened to competition will be dialed using 1+10 digits.

However, Ms. Margaret Bates, a Commissioner with the City of Lauderhill, presented a resolution from the City at the service hearing, in which the City expressed its preference for a geographic split relief plan in lieu of 10-digit local dialing. BellSouth witness Greer states, however, that implementation of any geographic split relief plan in the 954 NPA will divide a major local calling scope within the county, indicating that with a geographic split relief plan

. . . BellSouth will have no option but to implement a dialing delay of 4-6 seconds for most, if not all, switches in the 954 area. This delay would allow for the customer to complete their dialing before the switch began to route the call.

Based on the record of this proceeding, we find that a 10-digit dialing pattern is necessary for all local, ECS and EAS calls within the overlaid area; and 1+10-digit dialing for calls on routes outside the overlaid area and on ECS routes that are opened to IXC competition.

D. 904 NPA

Testimony from the service hearings, along with other record evidence, such as numerous letters, comments, and other forms of communications, has shown an overwhelming preference for a geographic split NPA relief plan, retaining 7-digit dialing in all affected areas. Witnesses from both Volusia County and the City of Deltona expressed their preference for a geographic split relief plan that will bring this region under a single NPA. Furthermore, witness Gardner, a City of Deltona Commissioner, stated support for a relief plan that would not impose another overlay on his city and for 7-digit local, EAS, and ECS dialing on a county-wide basis.

The modified version of Alternative #6, which we herein adopt, accomplishes some important objectives for providing the relief needed, while addressing some keen local issues in Volusia County. However, because it is a "split plan," some customers will have to change their local dialing patterns from 7-digits to 10-digits for dialing on certain local routes. Modified Alternative #6 will create a division of the present 904 NPA that will cause certain routes that were intraNPA to become interNPA. Table 3-1 summarizes the affected routes for the modified version of Alternative #6.

ONE-WAY EAS	NONE
TWO-WAY EAS	KINGSLEY LAKE/LAWTEY
	KINGSLEY LAKE/RAIFORD
	KINGSLEY LAKE/STARKE

	SANFORD ¹⁰ /Osteen exception area ¹¹
	SANFORD/DEBARY
	GENEVA/Osteen exception area
	OVIEDO/Osteen exception area
	WINTER PARK/Osteen exception area
ONE-WAY ECS	NONE
TWO-WAY ECS	SANDERSON/LAKE CITY
	SANDERSON/MAXVILLE
	MACCLENNY/LAKE CITY
	MACCLENNY/MAXVILLE
	DEBARY/ORLANDO
	DEBARY/WINTER PARK
	ORLANDO/Osteen exception area
	ORANGE CITY/Osteen exception area

Table 3-1: Routes which change from intraNPA to interNPA with Modified Version of Alternative #6

Also, because the modified Alternative #6 features a realigned Volusia County and the creation of a new exception area, other routes which were previously interNPA will become intraNPA, as shown in Table 3-2, if the ballot required in Section V (D) of this Order is successful.

¹⁰ Sanford Exchange (Seminole County portion of current exchange)

¹¹ New Osteen exception area (Area consisting of the portion of Sanford exchange in Volusia County)

ONE-WAY EAS	NONE
TWO-WAY EAS	DEBARY/DELAND
	DEBARY/ORANGE CITY
ONE-WAY ECS	NONE
TWO-WAY ECS	Osteen exception area ²⁰ /ORANGE CITY

These changes also incorporate the establishment of the Osteen exception area, as determined earlier in this Order. Tables 3-1 and 3-2 summarize all of the routes for which a dialing pattern change would be needed in the modified version of Alternative #6.

The dialing pattern - whether an intraNPA or interNPA route - is consistent, however, with the overall dialing patterns for area code relief, as shown in Table 3-3. Therefore, the dialing patterns shown in Table 3-3 for the 904 NPA will be implemented.

CONCLUSION

The record shows that the dialing pattern for local, toll, EAS, and ECS calls for the 305/786, 561, 954, and 904 area codes should be as follows: Local, EAS, and ECS calls not subject to IXC competition should be on a 7-digit basis within a geographic area code, a 10-digit basis within an overlay area, and 10-digit basis between area codes and outside of an overlay area. Toll and ECS calling which is subject to IXC competition should be on a 1+10-digit basis. Accordingly, the dialing patterns for area code relief in the 305/786, 561, 954, and 904 NPAs are as set forth in the following Table 3-3.

Local/EAS	7	10	10
ECS Routes Closed to IXC Competition	7	10	10
ECS Routes Open to IXC Competition	1 +10	1 +10	1 +10
Toll	1 +10	1 +10	1 +10

Table 3-3: Dialing patterns for area code relief

VIII. IMPLEMENTATION SCHEDULE

FCC Rule 47 C.F.R. §52.9(a)(1) states that any NPA relief plan must be implemented in a manner that ". . . facilitates entry into the telecommunications marketplace by making telecommunications numbering resources available on an efficient, timely basis to telecommunications carriers . . ." NANPA witness Foley testifies that:

the industry recommended interval schedule for an overlay calls for NANPA to assign the relief NPA within 14 days of the release of a final order by the Commission. Transitional dialing would begin 90 days later and mandatory dialing would begin 180 days after the commencement of the transitional dialing period.

In prior NPA relief proceedings, we have instituted a permissive dialing period of approximately 8-9 months. Section 10 of the NPA Code Relief Planning and Notification Guidelines (NPA Guidelines) provides that the permissive dialing period should allow sufficient time for customers to:

- 1) revise printed materials,

- 2) reprogram equipment that stores and analyses telephone numbers,
- 3) update directory listings,
- 4) notify customers and business associates, and
- 5) change advertising.

BellSouth witness Greer testified that we have traditionally provided 12 months of permissive dialing for splits, and approximately six months of permissive dialing for overlays. He asserts that we have generally made efforts to give customers more time to make changes than is necessary for a smooth transition. However, witness Greer also testified that there are limitations on how many NPAs can be converted at any given time, and recommends that we coordinate the establishment of permissive and mandatory dialing periods with the industry. BellSouth witness Baeza asserts that we should stagger the NPA implementation dates so as to ensure each NPA is implemented smoothly. We agree.

We will, however, at this time, withhold the approval of implementation schedules for the 561, 954, and 305/786 area codes, pending the outcome of the various conservation measures. We, also, direct the affected LECs to jointly file a notice: (1) to inform the Commission of the outcome of various number conservation measures; and (2) to recommend the permissive and mandatory dialing periods for the 561, 954, and 305/786 NPAs. This notice shall be submitted to us no later than October 1, 2001. Our staff will file a recommendation for our consideration and final approval of implementation dates. We also order that, at the appropriate time, the affected LECs send a letter to alarm monitoring companies advising them of the need to reprogram their equipment, as necessary, nine months before the mandatory dialing period. The letter shall be submitted to our staff for review in an expeditious manner so as to ensure that the reprogramming activities can be completed within the respective permissive dialing period.

A. 305/786 NPA

The adopted area code relief plan does not require any number change whatsoever for any subscribers, but will require a dialing pattern change for the citizens of the Keys region. For the citizens in the remaining portion of the 305/786 NPA (the Miami-Dade mainland), a dialing pattern change is not required, as their

area had previously implemented 10-digit dialing. Accordingly, the permissive dialing window is not significant for the Miami-Dade mainland subscribers, but is for the citizens of the Keys, as subscribers need a period of time to become accustomed to their "new" dialing pattern. Business, residential, and all other subscribers may also need to update their printed material or advertising to reflect their current NPA, as the full 10-digit identity will become necessary. Therefore, it is critical that the results of the conservation measures be timely made available to us for our consideration of an implementation schedule.

B. and C. 561 and 954 NPAs

Currently, the 954 and 561 area codes are projected to exhaust on October 1, 2002. However, conservation measures have been mandated within the 954 and 561 area codes. These measures are scheduled to begin on January 22, 2001, and February 5, 2001 for the 954 and 561 area codes, respectively. It is anticipated that the number conservation measures described and discussed earlier in this Order will forestall the exhaustion of the current NPAs and extend the implementation time frame for new NPAs. Since there is ample time to assess the impact of the number conservation measures on numbering resources, we believe the implementation of area code relief should be withheld until the impact of such measures can be determined. Once the industry determines the impact of the implementation of number conservation measures upon the projected exhaust date of the 954 and 561 area codes, a joint notice should be filed with the Commission. Also, based on the projected exhaust date, the industry shall specify the appropriate permissive and mandatory dialing periods.

D. 904 NPA

We will not withhold implementation of area code relief for the 904 NPA. While number pooling has been mandated within the 904 NPA, that pooling trial is not scheduled to begin until April 2, 2001. Because the exhaust date for the 904 NPA is expected to occur on January 1, 2002, there would be insufficient time to evaluate the impact of pooling, and then provide ample time for permissive dialing. Thus, this area code relief plan will be implemented, with the permissive dialing period beginning on February 15, 2001, and the mandatory dialing period beginning on November 5, 2001.

CONCLUSION

The area code relief plan for area code 904 will be implemented, with the permissive dialing period beginning on February 15, 2001, and the mandatory dialing period beginning on November 5, 2001. For the 561, 954, and 305/786 NPAs, we hereby direct that the affected LECs jointly file a notice: (1) to inform us of the outcome of various number conservation measures; and (2) to recommend the permissive and mandatory dialing periods for these NPAs. This notice should be submitted to us no later than October 1, 2001. Our staff will then file a recommendation for our final approval of the implementation dates filed in the notice. Additionally, the affected LECs shall, at that time, send a letter to alarm monitoring companies advising them of the need to reprogram their equipment as necessary nine months before the established mandatory dialing period in each NPA.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that each of the findings made in the body of this Order is hereby approved in every respect. It is further

ORDERED that area code relief plans are approved for the 305/786, 954, 561, and 904 area codes as set forth in Section V of this Order. It is further

ORDERED that rate center consolidation and code sharing shall be implemented in the Keys region. It is further

ORDERED that rate center consolidation and code sharing shall be implemented in the Miami-Dade region. It is further

ORDERED that the customers in the Osteen exception area shall be surveyed to determine whether they are willing to accept a full 10-digit number change in order to be included in the new area code with the rest of Volusia County. It is further

ORDERED that the customers in the Keys region shall be surveyed to determine whether they are willing to pay an additional amount in order for rate center consolidation and code sharing to be implemented in this region. It is further

ORDERED that the customers in the Miami-Dade region shall be surveyed to determine whether they are willing to pay an additional

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amount in order for rate center consolidation and code sharing to be implemented in this region. It is further

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

ORDERED that any protest of the implementation of rate center consolidation and code sharing for one region shall not prevent the required implementation of these conservation measures from becoming final and effective for the other region. It is further

ORDERED that any protest of the survey requirement for either the Keys region or the Miami-Dade region shall not prevent the survey requirement from becoming final and effective for the other region. It is further

ORDERED that thousand-block number pooling shall be implemented in the Daytona Beach MSA in the 904 area code, and the Fort Pierce-Port St. Lucie MSAs in the 561 area code, with the time lines set forth in the body of this Order. It is further

ORDERED that a 75% utilization threshold shall be implemented at the NXX level for all non-pooling carriers in the 305, 561, 786, 904, and 954 area codes as set forth in the body of this Order. It is further

ORDERED that in non-jeopardy and jeopardy situations, the aging periods set forth in the body of this Order shall be adopted. It is further

ORDERED that code holders' ability to assign administrative numbers shall be limited to multiple 1,000 blocks, as set forth in the body of this Order. It is further

ORDERED that the allocation of NXX codes shall be limited through rationing to three NXXs per month in the 561, 904, and 954 area codes beginning on March 1, 2001, April 1, 2001, and February


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1, 2001, respectively, according to the procedure described in this Order. It is further

ORDERED that the dialing patterns set forth in the body of this Order are hereby approved, with the acknowledgment that the dialing pattern of the Osteen exception is dependent upon the outcome of the balloting process. It is further

ORDERED that these Dockets shall remain open pending the implementation of the approved relief plans, the implementation of the approved conservation measures, the completion of the surveys of the customers in the Osteen exception area, the Keys, and the Miami-Dade region, and the finalization of the proposed agency action process for those decisions issued as proposed agency action.

By ORDER of the Florida Public Service Commission this 20th day of October, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

BK/TV/CLF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing 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.

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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.

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

The actions proposed herein regarding the implementation of rate center consolidation and code sharing, and the surveys of the Keys region and the Miami-Dade region are preliminary in nature. Any person whose substantial interests are affected by the actions proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 10, 2000.

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

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.