

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 000604-TL

In the Matter of:
REQUEST FOR REVIEW OF
PROPOSED NUMBERING PLAN
RELIEF FOR THE 941 AREA
CODE.



ELECTRONIC VERSIONS (WORDPERFECT AND PDF
FORMAT) OF THIS TRANSCRIPT ARE CONVENIENCE
COPIES ONLY AND NOT THE OFFICIAL TRANSCRIPT.
THE WORDPERFECT VERSION OF THE TRANSCRIPT
DOES NOT CONTAIN PREFILED TESTIMONY

PROCEEDINGS: FORT MYERS, FLORIDA SERVICE HEARING

BEFORE: CHAIRMAN E. LEON JACOBS, JR.
COMMISSIONER J. TERRY DEASON
COMMISSIONER MICHAEL A. PALECKI

DATE: Friday, May 25, 2001

TIME: Commenced at 12:02 p.m.
Concluded at 1:30 p.m.

PLACE: Fort Myers City Council Chambers
2200 2nd Street
Fort Myers, Florida

REPORTED BY: KORETTA E. STANFORD, RPR
Official FPSC Reporter

1 APPEARANCES:

2 THOMAS FOLEY, NeuStar, Inc., NPA Relief Planner, 1120
3 Vermont Avenue, N.W., Suite 550, Washington, DC 20005,
4 appearing on behalf of the North American Numbering Plan
5 Administration.

6 SUSAN MASTERTON and SANDY KHAZRAEE, 1313 Blirstone,
7 Tallahassee, Florida 32316, appearing on behalf of Sprint.

8 EARL POUCHER, Office of Public Counsel, 111 W. Madison,
9 Suite 812, Tallahassee, Florida 32399, appearing on behalf of
10 the public.

11 C. LEE FORDHAM, Florida Public Service
12 Commission, Division of Legal Services, 2540 Shumard
13 Oak Boulevard, Tallahassee, Florida 32399-0870,
14 appearing on behalf of the Commission Staff.

15

16

17

18

19

20

21

22

23

24

25

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN JACOBS: Good morning or good afternoon, actually. We'll call this hearing to order. Counsel, read the notice.

MR. FORDHAM: Pursuant to notice published May 3rd, 2001, this time and place has been set for a public hearing in docket numbers 000604-TL, a request for review of proposed numbering plan relief for the 941 area code for the purposes set forth in the notice.

CHAIRMAN JACOBS: Take appearances.

MR. POUCHER: Earl Poucher, Office of Public Counsel in Tallahassee.

MR. FORDHAM: Lee Fordham, staff counsel for the Florida Public Service Commission.

CHAIRMAN JACOBS: Good afternoon. My name is Leon Jacobs. I'm chairman of the Florida Public Service Commission, and I'd like to welcome you to our hearing this afternoon. We're here for the purpose of taking public input on proposals to relieve numbering -- possible numbering exhaust in the 941 area code.

Before we begin, let me introduce my colleagues who are here with me today. To my right is Commissioner Terry Deason, and to my left is Commissioner Michael Palecki. We're here as a panel of five Commissioners to receive your comments and your thoughts on proposals for dealing with the 941 area

FLORIDA PUBLIC SERVICE COMMISSION

1 code issues.

2 Let me first state that this is the beginning of a
3 long process. We're anticipating making a final decision
4 sometime before the end of the year, and we're here today
5 primarily to hear your thoughts and comments on what options,
6 if at all, you prefer, your communities of interests that are
7 important to maintain, and other issues that you think are
8 important regarding this issue. Before we begin, we have with
9 us Mr. Thomas Foley. He's with the North American Numbering
10 Plan Administration. He's going to give us a brief background
11 presentation on our process.

12 Thank you.

13 MR. FOLEY: Thank you, Chairman Jacobs and
14 Commissioners.

15 Back in July of '95, the Federal Communications
16 Commission took an important step to foster competition and
17 develop a new model for the Administration of the North
18 American Numbering Plan. Under this new model, the FCC formed
19 what is known as North American Numbering Council, and that
20 group, when they met, formed a number of, excuse me,
21 specifications and guidelines under which the North American
22 Numbering Plan or the assignment of area codes, if you will, is
23 administered and run.

24 Back in late '97, Lockheed Martin IMS group was
25 awarded the contract to be the North American Numbering Plan

1 Administrator. However, due to some conflicts of interest, in
2 '99, the FCC approved the transfer of communications industry
3 service group of Lockheed Martin IMS to a company called
4 NeuStar, Incorporated. I am an employee of NeuStar, and I'm a
5 relief planner with the North American Numbering Plan
6 Administration.

7 NANPA or North American Numbering Plan's relief
8 planning responsibilities include the following: We determine
9 the need for relief and the timing of that relief as
10 appropriate. We take the lead and prepare several relief
11 options, which you'll see here in a few moments, and we convene
12 a meeting of the industry and other interested groups to
13 facilitate a consensus on a single alternative to recommend to
14 the Florida Public Service Commission as a relief alternative.

15 We also compile and file all the necessary legal
16 documents that the Public Service Commission requires detailing
17 the status and, in this case, beginning this docket. Once
18 approval is received on a relief plan, NANPA coordinates
19 amongst industries -- the industry and other parties, such as
20 governmental bodies and things like that, the initial industry
21 activities for implementation to ensure that there's a smooth
22 transition to whatever plan is approved.

23 Currently, guidelines allow for three different types
24 of area code or NPA relief. The first one is the geographic
25 split. That's where the area code is split into two or more

1 distinct geographic areas where one area receives the existing
2 NPA and another or other areas get new NPAs.

3 The second method is an overlay. Now, that's where
4 one or more area codes serves the same geographic area.

5 The third is not used very often, but it's called a
6 boundary realignment, and that's where numbering resources from
7 an adjacent NPA are absorbed into the exhausting NPA; in this
8 case, the 941 NPA, and you do that only if you have no
9 conflicts with dialing and you have sufficient resources and
10 that other NPA. That's not used very often, like I said. And,
11 of course, there can be combinations of the methods that are
12 used.

13 Some attributes of an area code split are as follows:
14 A single split provides for a single area code in each
15 geographic area. This could minimize confusion for customers
16 outside the area and implementation is generally understood, as
17 this has been the historic way of providing relief in the past.

18 Splits require an area code change for approximately
19 half of the customers in a two-way split; of course, two-thirds
20 in a three-way split. Geographic splits do permit 7-digit
21 local dialing within the area code to remain. Stationery,
22 business cards, advertising media, et cetera, will need to be
23 changed to reflect the new area code. Additional future splits
24 will further reduce the geographic area of the area code.

25 Some attributes of an overlay. And with an overlay,

1 there's more than one area code serving a geographic area.
2 Where the overlay is somewhat of a new concept, there are
3 currently 110 area codes in the United States that are in an
4 overlay situation. An overlay will not require existing
5 customers to change their phone number. Overlays do, however,
6 require 10 digits for all calls, including local calls --
7 excuse me, for all local calls. Toll calls would still remain
8 dialed as they are. There's no need to revise stationery,
9 business cards, advertising media or the like unless it
10 contains only a 7-digit phone number. An overlay will end
11 further geographic shrinking of the size of the area code,
12 because subsequent relief will ultimately be another overlay.

13 Currently, the 941 area code or NPA includes Lee,
14 Sarasota, Charlotte, Collier, Manatee and part of Monroe
15 Counties. The current configuration of 941 was created in 2000
16 when the 863 area code was split from 941. This existing
17 configuration of 941, including counties I just mentioned, is
18 projected to exhaust sometime in the first quarter of 2003.
19 Like I said, this NPA was currently born on May 22nd when the
20 mandatory dialing became effective last year, so it's about a
21 year and three days old.

22 The initial invitation to the planning meeting went
23 out in May of 2000 to the industry, and the industry held a
24 planning meeting on July 11th. The result of that planning
25 meeting recommendations were made and the Florida Public

1 Service Commission filing was made on September 18th. That
2 opened this docket.

3 Four alternatives considered at that meeting was the
4 first alternative, Alternative 1, was the geographic overlay.
5 This overlay would place a second area code over the entire
6 geography of the 941 area code. The projected life of the area
7 code would be approximately eight years. However, 10-digit
8 local dialing would be required per FCC order. Codes in the
9 overlay would be assigned upon request of the new area, okay?

10 Alternative Number 2 would cause a split to occur
11 along what is known as a LATA line. This would be between
12 Manatee -- excuse me, between Venice and Port Charlotte in the
13 area shown on the line and when shown on a county map you can
14 see that line now. The life of Alternative 2 would be Area "B"
15 or the southern half would be approximately six years and Area
16 "A" would have ten years life before additional relief would be
17 required.

18 Alternative 3, which is up there now, was another
19 geographic split that's where the split line is placed along
20 the Myakka River. The life there for Area "B" is nine years
21 and Area "A," the northern area, would be seven years. And you
22 can see the split on the county -- or excuse me, on the county
23 map there now.

24 Alternative Number 4, the last alternative considered
25 would place the split, basically, at the Lee/Charlotte County

1 line and approximate the county line. The Boca Grande exchange
2 would be on the northern side or in Area "A." The projected
3 life of this split would be approximately ten years for Area
4 "B" and seven years for Area "A."

5 At the meeting, there were no other plans that were
6 considered by the industry. At the meeting, the participants
7 reached consensus to recommend Alternative Number 1, a
8 distributed all-services overlay. This recommendation was made
9 to the Florida Public Service Commission with the caveat that
10 in the event that the Public Service Commission chose not to do
11 an overlay, that the best alternative for a split was
12 Alternative 4.

13 Thank you.

14 CHAIRMAN JACOBS: Thank you, Mr. Foley.

15 At this point in our proceeding, we'd now like to
16 move to receive your comments. Because this proceeding will
17 ultimately be a formal proceeding and we'll develop a formal
18 record from which we'll make our decision, we are swearing in
19 our witnesses so that your testimony is formal and sworn. So,
20 at this time, I'd like to ask all those who have come today to
21 give their testimony to stand and raise your right hand. If
22 you would stand, please.

23 In this matter before the Florida Public Service
24 Commission do you swear or affirm that the testimony you're
25 about to give is the truth, the whole truth and nothing but the

FLORIDA PUBLIC SERVICE COMMISSION

1 truth?

2 ALL: I do.

3 CHAIRMAN JACOBS: Thank you very much; you may be
4 seated.

5 Mr. Earl Poucher is here from the Office of the
6 Public Counsel, as he indicated earlier. The Office of the
7 Public Counsel generally represents consumers in proceedings
8 before us, and he will call you up. And so, Mr. Poucher.

9 MR. POUCHER: Howard L. Peterson.

10 HOWARD L. PETERSON

11 appeared as a witness and, swearing to tell the truth,
12 testified as follows:

13 DIRECT STATEMENT

14 MR. PETERSON: Is this where you would prefer to have
15 me stand?

16 CHAIRMAN JACOBS: Yes, I believe, that's a good
17 place.

18 MR. PETERSON: Good morning, Mr. Chairman, fellow
19 Commissioners; not my fellow Commissioners, but his fellow
20 Commissioners, Staff and visitors and guests and city officials
21 from Fort Myers, I hope.

22 This morning, the news press published just opposite
23 their opinion page the story titled, "Make Your Dialing
24 Choice." That happens to be one that I wrote. I'd like to
25 read that into the record.

FLORIDA PUBLIC SERVICE COMMISSION

1 "You Make The Choice. Southwest Florida is faced
2 with growing pains. The telephone company says that another
3 area code is needed to accommodate a growing number of users.
4 Now the big question is how will that area code be implemented?
5 Would you prefer temporary inconvenience or perpetual
6 aggravation? There seems to be only two ways in which an
7 additional area code can be implemented to solve the pending
8 problem.

9 A look back into history is always a good idea. In
10 1990, area code 813 served everything on the gulf coast from
11 Tampa southward to Naples. Soon, another area code was needed.
12 The gulf coast area was divided, and the northern portion from
13 Tampa to Sarasota retained the 813 designation.

14 We, here from Naples northward to Sarasota, were
15 assigned a new area code, 941. Yes, we did have a temporary
16 inconvenience. We had to notify all our telephone contacts
17 that our new area code was now 941. We had to change
18 stationery and bank accounts, et cetera.

19 For its part, the telephone company provided our new
20 area code number on their map and listings. But when all that
21 was done, in less than a year, everything was over. A call to
22 anyone in our area was just 7 digits, and that 7-digit number
23 calling is still in effect today. Yes, it was a temporary
24 inconvenience.

25 What is the alternative? The eastern shore portion

1 of Maryland, the Delmarva peninsula, was assigned a new area
2 code several years ago, but the telephone company instituted a
3 different system. Everyone with an existing telephone retained
4 their same Maryland 410 area code. But if you added a second
5 telephone in your home, you were assigned a new area code, 219.
6 And because of this overlay of area codes, you now needed to
7 use either the area code 410 or 219 for every telephone call.
8 This is perpetual aggravation, but the telephone company calls
9 it 10-digit dialing. Do you want this kind of perpetual
10 aggravation?

11 Another alternative that has never been suggested to
12 date is to use three area codes." I was pleased to see that
13 the NANPA has acknowledged that this is a possible solution.
14 "That alternative would require not one, but two new area codes
15 for southwest Florida. For example, from Sarasota south to
16 Charlotte County, with Port Charlotte and Punta Gorda, could be
17 one geographic area and have its own area code. To the south,
18 Naples and northward, could be another geographic area with its
19 distinctive area code. The third geographic area could be Fort
20 Myers, Cape Coral, or Lehigh Acres. This would be the third
21 area code. Knowledgeable people would have to decide where
22 Bonita Springs should be placed, Naples or Fort Myers.

23 What would be the result of adding two new area codes
24 rather than the one new area code now under consideration?
25 First, one of the three geographic areas I just described would

1 retain its present area code. Residents and businesses there
2 would have to do nothing. Second, the other two geographic
3 areas would have to undergo the temporary inconvenience of
4 notifying other correspondence of their new area code. But
5 after that notification, no one needs to do anything. For all
6 calls in your area, you continue dialing just seven digits; not
7 ten digits, just seven digits. If you want to add another
8 telephone in your home, it will have the same area code as your
9 other telephone and the same area code of your neighbors and
10 the same area code of all the people and businesses in your
11 geographic area.

12 The alternative is to let the telephone company
13 steamroller you into 10-digit dialing where you must use the
14 area code to call across the street or call next door. Do you
15 want that perpetual aggravation?

16 The telephone company will tell you that different
17 geographic areas for area codes are very expensive. That could
18 be true, but the initial expenses will be spread among all
19 users. And what is your time worth when you are forced to dial
20 10 digits everytime you want to make call? Also, remember,
21 dialing 10 digits will lead to many more mistakes than when you
22 only have to dial seven digits, but the most important
23 advantage to adding two new area codes at this time is that it
24 would delay for years the necessity of adding another new area
25 code for southwest Florida.

1 Just for background information, the current
2 telephone directory lists 207 area codes in the lower 48
3 states." I could be corrected on that, because there's a new
4 one in Hendry County that may not have showed up. "California
5 leads with 24, Texas is next with 18, and Florida follows with
6 12 area codes, so two more area codes will not precipitate
7 disaster or else the entire telephone numbering system will
8 need to be scrapped.

9 Thank you, Mr. Chairman.

10 CHAIRMAN JACOBS: Thank you very much.

11 Commissioners, do you have any questions? Mr. Peterson, we
12 have a couple questions for you?

13 COMMISSIONER PALECKI: I don't have any questions. I
14 just wanted to thank Mr. Peterson for providing us with a raw
15 copy of the statement.

16 CHAIRMAN JACOBS: Mr. Peterson -- I take it from your
17 comments, Mr. Peterson, that you just favor the 10-digit
18 dialing and the overlay.

19 MR. PETERSON: Very definitely. When we visit our
20 daughter in Maryland, we dial 10 digits. She's next door.
21 That's stupid. And don't forget, any expenses that the
22 telephone company incurs are not out of the telephone company's
23 pocket, they're out of our pockets, because they are allowed to
24 make a certain percentage of profit and the consumers, the
25 users of the telephone system, are the ones that pay the money

1 in that gives them that percentage of profit.

2 COMMISSIONER DEASON: I have a question, sir.

3 MR. PETERSON: Yes, sir.

4 COMMISSIONER DEASON: I appreciate your comments and
5 coming forth with the idea that there are other alternatives
6 out there that we need to look at, but I have a question for
7 you. If we are to make a geographic split and only divide it
8 into two areas as opposed to three, do you believe that the
9 Charlotte County/Lee County line is a proper dividing line?

10 MR. PETERSON: I think, that your people have already
11 answered that when you look at the alternatives in here and one
12 gives you maybe ten years one way and seven another or
13 something like that. They've already done a lot more
14 groundwork than I've done on this.

15 COMMISSIONER DEASON: Okay. But you -- I assume
16 you're a resident of Fort Myers.

17 MR. PETERSON: I live in north Fort Myers.

18 COMMISSIONER DEASON: Do you have any idea whether
19 that is a good and natural dividing line, the Charlotte
20 County/Lee County line?

21 MR. PETERSON: I looked at this on the basis of
22 population centers. That's why I lumped Fort Myers, Lehigh
23 Acres, and Cape Coral together. I lumped -- essentially,
24 Charlotte County there is a large shopping center up there at a
25 place called Murdock, but I don't know that that's an

1 incorporated area like Port Charlotte and Punta Gorda are.
2 And, of course, Naples is an entity unto itself. And very
3 honestly, Bonita Springs is a fast-growing area around here.
4 Although they are in Lee County or mostly in Lee County, I
5 don't know whether they should be apportioned to the Fort
6 Myers, Cape Coral, Lehigh Acres part if you split it into three
7 areas or whether they would be better off to be with the Naples
8 part. I don't know the answer to that.

9 COMMISSIONER DEASON: Thank you, sir. Appreciate it.

10 MR. PETERSON: You're welcome.

11 CHAIRMAN JACOBS: Thank you.

12 MR. PETERSON: Thank you.

13 COMMISSIONER PALECKI: Thank you.

14 MR. POUCHER: Mr. Chairman, I wanted to make note of
15 two special guests that we have here today. Sydney Joyce who
16 works for Representative Jeff Kottkamp is here.

17 CHAIRMAN JACOBS: Welcome, Ms. Joyce.

18 MR. POUCHER: Along with Terry Tallent who is in
19 Senator Saunders' office.

20 CHAIRMAN JACOBS: Welcome, Mr. Tallent.

21 MR. POUCHER: The Office of the Public Counsel works
22 for the legislature, so welcome, boss.

23 Ron Brown, please.

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RON BROWN

appeared as a witness and, swearing to tell the truth,
testified as follows:

DIRECT STATEMENT

MR. BROWN: Greetings. Hello, Commissioners, PSC Staff, ladies and gentlemen. I agree totally probably with everything Mr. Peterson said. I just wanted to bring up a point that affects my business, being in the alarm business, security control panels, most of -- all of my alarm panels, which are in the thousands and a lot of other company's alarm panels, are all dialing seven digits.

Digitally, we dial a remote call forwarding number who in turn dials my monitoring station. That's done because of natural disaster, we can change monitoring companies by simply calling the phone company, telling them to change my remote call forward number to another number. That's why we didn't go with 800 numbers years ago, because you're locked into that same station. You can't give your customers continued service in case of a disaster.

In fact, during Andrew, my station had its roof blown off, Hurricane Andrew, and I was able to change some of my customers to another station, by the way. The 10-digit dialing would cause every alarm panel that has 7-digit programmed into it to be reprogrammed which, in most cases, would allow -- I shouldn't say would allow, would cause us to go to people's

1 homes, which would be a major convenience for not only people,
2 but the alarm company and a major expense as well. That's
3 actually why I came to make you aware. I didn't know if anyone
4 is actually aware of the way some of these alarm panels are
5 working, but the inconvenience would be for the people and the
6 various companies.

7 COMMISSIONER PALECKI: Mr. Brown, we've heard from
8 alarm company owners in Sarasota and in Naples, and their
9 testimony was consistent with what you're telling us.

10 MR. BROWN: Okay. Thank you very much.

11 CHAIRMAN JACOBS: Thank you for coming.

12 MR. POUCHER: The Office of the Public Counsel
13 represents the citizens, as Mr. Chairman mentioned. This
14 decision that the Commissioners are going to make affects well
15 over a million of them from Tampa Bay all the way down to
16 Flamingo, I think. This is the only opportunity for the
17 citizens in this area to make their desires known to the
18 Commissioners, and if you don't speak up, then they're going to
19 lose -- you're going to lose a big opportunity to provide input
20 to a very important decision. Are there any other people that
21 have not spoken who would like to speak at this time?

22 CHAIRMAN JACOBS: Let me say that if you have
23 comments and you just simply don't like public speaking, feel
24 free to submit written comments to the Commission, and the
25 contact information is located, the information, on the table

1 outside. I assume that there are no other witnesses who are
2 present that would like to speak today? Let the record reflect
3 that none have come forward. If that is the case -- I'm sorry.

4 MS. JOYCE: There's a large meeting going on just
5 south of town where a lot of officials are. Would it be
6 possible to recess for 30 minutes to see if any of them are
7 going to try to make this meeting or is that totally out of the
8 question?

9 CHAIRMAN JACOBS: Do you have information that some
10 of the public officials would like to come and speak?

11 MS. JOYCE: Last night I heard that there were some
12 that would like to try to make it. It was an important meeting
13 in Bonita, and it had been on the books for a very long time.

14 CHAIRMAN JACOBS: Okay.

15 MS. JOYCE: I can't promise they'll make it. I was
16 just wondering if you could recess.

17 CHAIRMAN JACOBS: I think, we can accommodate that.
18 Let the record reflect that -- I'm sorry--

19 MS. JOYCE: That's all right. Sydney Joyce.

20 CHAIRMAN JACOBS: Ms. Joyce indicates that there is
21 another meeting under way where many of the local public
22 officials are in attendance and several had expressions or
23 desire to come to speak to us today, so with the consensus of
24 the Commissioners, we can recess and we'll recess for one half
25 hour.

1 MS. JOYCE: Thank you very much.

2 COMMISSIONER PALECKI: Ms. Joyce, I have a very close
3 plane connection. I hope you don't mind if the other two
4 Commissioners remain and I promise you that I will read the
5 comments and will consider them as if I was here at the
6 meeting, but --

7 MS. JOYCE: Do you want me to take you to the
8 airport? I can take you.

9 COMMISSIONER PALECKI: I have to drive all the way to
10 Tampa Airport, unfortunately. I was unable to find a flight
11 out of the Fort Myers Airport.

12 MS. JOYCE: That's fine, thank you.

13 COMMISSIONER PALECKI: Thank you.

14 CHAIRMAN JACOBS: So, if there are no other witnesses
15 here to speak now -- Mr. Brown.

16 MR. BROWN: May I ask one question.

17 CHAIRMAN JACOBS: We probably need you to come to the
18 microphone. My apology.

19 MR. BROWN: No problem. I can make it. One thing I
20 did fail to ask, a technical question, if the overlay, the
21 10-digit dialing is put in place, is it possible to maintain a
22 -- for certain instances like ourselves, a 7-digit number those
23 stations would accept? I mean, certainly we aren't going to be
24 able to dial 911, so there is some concessions that phone
25 companies can make to allow certain numbers to pass their

1 equipment. So, is that a possibility that seven numbers could
2 still be dialed in some instances, in certain changes?

3 COMMISSIONER DEASON: I believe that in some other
4 situations, we have allowed additional time for alarm companies
5 to make the necessary changes, but it was required that they
6 make those changes, but we realized that it was a monumental
7 undertaking, and there were special accommodations made with
8 the telephone companies to allow your service to continue for a
9 period of time such that you would be able to make all of the
10 changes, but I think those changes were required. You were not
11 allowed to retain 7-digit dialing indefinitely. And if I'm not
12 mistaken, there are a number of representatives from Staff and
13 from companies. If I'm giving you bad information, I'll ask
14 them to correct me, but I think that's the situation.

15 But if there is an overlay, you will be -- we're on
16 the front end of this at this point. The numbers here do not
17 exhaust until first quarter of 2003, and so we're trying to get
18 a handle on this as quickly as possible, but there were some
19 unique circumstances in different parts of the state where we
20 would work with the telephone companies and the alarm companies
21 and accommodation was reached. So, hopefully, we won't have to
22 do that here but, obviously, we realize that alarm service is a
23 vital service and we don't want anyone's service to be
24 interrupted.

25 MR. BROWN: It's interesting that they can do it, but

1 don't want to allow you to do it for a length of time.

2 COMMISSIONER DEASON: Well, I think what it is, is
3 that there was some of the available numbers, there was some
4 codes that were set aside and -- but at some point the numbers
5 are going to exhaust and it has to, at some point, be converted
6 over. That's my understanding. And Staff, am I basically
7 correct? I'm getting nods yes, so I'm telling you correct
8 information.

9 MR. BROWN: Okay.

10 COMMISSIONER PALECKI: And I would tell you, we still
11 have the evidentiary portion of this hearing, the technical
12 portion, but just for your information the customer comments
13 that we've received in the six meetings we've attended over the
14 last three days have overwhelmingly been against the overlay
15 and the 10-digit dialing, so I wanted you to be aware of that.

16 MR. BROWN: Thank you very much.

17 CHAIRMAN JACOBS: And Commissioner Palecki speaks
18 about the other process. If you'd like to track how that
19 process comes out, feel free to do so on our Internet web site.
20 We'll have information posted or you can call the Commission to
21 find out.

22 MR. BROWN: I know the web site. It's very helpful.
23 Thank you.

24 CHAIRMAN JACOBS: You're welcome. And with that
25 we'll stand in recess until 1:00 p.m.

1 (Recess taken.)

2 CHAIRMAN JACOBS: We'll re-adjourn the hearing. We
3 were in recess briefly and we have at least one additional
4 speaker and we have councilman Randall Henderson, from the city
5 of Fort Myers, welcome. Before we begin, our comments are
6 going to become a part of a formal docket. And for that
7 reason, we had asked all of the witnesses who testified for us
8 today to be sworn in, and so if it would be okay right now.

9 In this matter before the Florida Public Service
10 Commission, do you swear or firm the testimony you're about to
11 give is the truth, the whole truth and nothing but the truth?

12 MR.HENDERSON: I do.

13 CHAIRMAN JACOBS: Thank you very much. You may
14 begin.

15 RANDALL HENDERSON
16 appeared as a witness and, swearing to tell the truth,
17 testified as follows:

18 DIRECT STATEMENT

19 MR. HENDERSON: Well, thank you, kindly. My name is
20 Randall Henderson, for the record, Fort Myers City Councilman
21 for our Ward 5, which is situated over here to the west of our
22 great city. And I respect the fact that you are sacrificing
23 your holiday weekend to be here to engage us in this dialogue,
24 and I thank you for that.

25 However, I also would hasten to say that it may also

FLORIDA PUBLIC SERVICE COMMISSION

1 represent why we are so poorly attended here, as I am
2 suspicious that many of our local constituents and residents of
3 our area are away on family vacation. So, I would point that
4 out for your consideration and, Leon, thank you for giving me a
5 heads-up on how we can follow-up after this meeting via the
6 Internet and other written opportunities to express our views
7 on this matter, and we appreciate that opportunity, too.

8 CHAIRMAN JACOBS: Very well.

9 MR. HENDERSON: Naturally, we hope that you will
10 support Alternative 4, for the record. And I think that I
11 should also hasten to say that there's good reason to do this
12 in that we have certainly one of the largest cities in
13 southwest Florida and Cape Coral. Our own city of Fort Myers,
14 of course, is situated in the heart and is the government and
15 financial center of Lee County and, I think, would give you
16 good reason to give consideration to Alternative 4.

17 Also, it's been evident that with Area "A," which I
18 will refer to on Alternative 4 here being there, Charlotte
19 County to the north, of course, and Lee County to the south,
20 that they're going to be going through this process, it looks
21 like in seven years versus the ten years that we'll have. It
22 would seem logical to me that given that scenario that it would
23 be the best alternative, because they're going to have to
24 revisit this in seven years and then, of course, we could then
25 look at our long-minute planning in year ten. So, that would

1 also seem to lend support to Alternative 4.

2 I did have occasion last night to see on the news the
3 well-attended hearings that you held to the north of us, and I
4 was impressed by their turnout, and I just really regret that
5 this fell on a Friday afternoon on our weekend, because I feel
6 like this is a passionate issue, of course, for our entire
7 area.

8 Naturally, we are way north of 485,000 residents in
9 this area. A large percentage of this is, of course, is going
10 to be the senior citizen community, and we would respectfully
11 request your attention be given to that area of concern. That
12 doesn't include another 1.8 million that's going to come to us
13 by way of tourism in this area. And it does impact our area
14 dramatically on the telecommunications front, there's no doubt.
15 I can tell you that many times this past winter I, myself,
16 encountered an extraordinarily high number of occasions of
17 getting the recording that all circuits are busy at this time.
18 I know this is a critical issue before you.

19 We're, of course, supporting the largest
20 international airport on this coast. I think, that's a
21 critical issue that I would call to your attention, and it is
22 growing with enormous pace, so please give consideration to the
23 fact that we do have the southwest Florida international
24 jetport right here in our community.

25 CHAIRMAN JACOBS: Councilman, I would want to give

FLORIDA PUBLIC SERVICE COMMISSION

1 you some background as well. Throughout the state we are
2 undertaking some conservation measures which we hope will
3 preserve some of the numbers so that we don't have to implement
4 any numbering relief as soon as we -- as projected here. We
5 have a proposal that has been put before the -- I'm sorry, the
6 Federal Communications Commission to institute a trial in the
7 941 area code of only distributing block -- numbers in blocks
8 of 1,000 versus 10,000 as they are done now.

9 MR. HENDERSON: Yes, sir.

10 CHAIRMAN JACOBS: We may want to have you contact our
11 Staff, because it may be useful for your body and other local
12 government bodies to support that petition at the FCC, because
13 what will happen then is we'll hopefully be able to reduce --
14 slow, at least, the pace of the numbering exhaust. And so,
15 we'll probably, if that is the case, delay the time beyond the
16 date that is projected now when the 941 would have to be dealt
17 with is the first quarter of 2003.

18 Our goal would be, then, to delay that out some
19 period of time, hopefully a long period of time, but we can't
20 say right now how long it would be. So, we'll make sure that
21 you have that information and if you're so inclined, we welcome
22 your support of that petition at the FCC.

23 MR. HENDERSON: Mr. Chairman, thank you very much for
24 calling that to my attention. It sounds certainly like
25 something I, personally, would be inclined to support. And I

1 commend you for your efforts in trying to get your finger
2 around -- on the pulse and around this situation as it's
3 certainly highly complicated, and we'd love to support you in
4 any way that we can. And certainly, we want to lift up our
5 interest for your consideration. Certainly, it makes me feel
6 somewhat -- it is a selfish interest but, nonetheless, I think,
7 there are legitimate reasons to give strong weight to
8 Alternative number 4. And I would, respectfully, ask that you
9 do that.

10 CHAIRMAN JACOBS: We've heard very strong support for
11 Option 4 throughout the 941 area code, so your sentiment is
12 very consistent with what we've heard thus far.

13 MR. HENDERSON: Thank you, Mr. Chairman and other
14 Commissioners, thank you very much for indulging me. Thank
15 you.

16 COMMISSIONER DEASON: No questions.

17 CHAIRMAN JACOBS: Very well, thank you for coming.

18 MR. HENDERSON: Yes, sir.

19 CHAIRMAN JACOBS: Very well. Are there others who
20 would like to testify today? Very well. Let the record
21 reflect that none have come forward. We again, thank you all
22 for coming -- yes.

23 MR. CHAPPELLE: Let me just take a minute, I'd like
24 to go on --

25 CHAIRMAN JACOBS: We'd like to swear you in. In this

1 matter before the Florida Public Service Commission, do you
2 swear or affirm the testimony you're about to give is the
3 truth, the whole truth and nothing but the truth?

4 MR. CHAPPELLE: Yes, I do.

5 RICHARD CHAPPELLE

6 appeared as a witness and, swearing to tell the truth,
7 testified as follows:

8 DIRECT STATEMENT

9 CHAIRMAN JACOBS: Would you give us your name for the
10 record, please.

11 MR. CHAPPELLE: Yes. My name is Richard Chappelle.
12 I'm the Fire Chief and Emergency Management Director for the
13 city of Fort Myers, and I would like to just go on record, as
14 Councilman Henderson just did, in support of Alternative 4.
15 I've never liked overlays.

16 I don't think we're going that way, in listening to
17 your statements with the testimony you've taken throughout our
18 area, and to just echo what Councilman Henderson said about the
19 growth of our county, the cities in our county, the jetport,
20 and the number of visitors that we have come here every year
21 and more of them are staying each year. So, we'd like to keep
22 Alternative 4 as the recommended solution to this issue.

23 CHAIRMAN JACOBS: Very well. We thank you very much,
24 again.

25 MR. POUCHER: Chief, could you spell your last name?

FLORIDA PUBLIC SERVICE COMMISSION

1 MR. CHAPPELLE: Sure will. It's C-h-a-p-p-e-l-l-e.

2 MR. POUCHER: Thank you.

3 CHAIRMAN JACOBS: Thank you for coming. Very well.

4 Are there any others who'd like to testify? Yes, sir. Were
5 you sworn earlier, sir?

6 MR. RECHKEMMER: No, I wasn't.

7 CHAIRMAN JACOBS: Would you raise your right hand,
8 please? In this matter before the Florida Public Service
9 Commission, do you wear or affirm the testimony you're about to
10 give is the truth, the whole truth and nothing but the truth?

11 MR. RECHKEMMER: I do.

12 MATT RECHKEMMER

13 appeared as a witness and, swearing to tell the truth,
14 testified as follows:

15 DIRECT STATEMENT

16 CHAIRMAN JACOBS: Could you give us your name for the
17 record, please.

18 MR. RECHKEMMER: For the record, my name is Matt
19 Rechkemmer. I'm the 911 program manager for Lee County Public
20 Safety. I came here today in support of Alternative Number 4
21 for technical reasons for the 911 system, because the overlay
22 would have caused us some expense and also compromised
23 integrity of the data flow of the 911 system.

24 So, it looks like Alternative Number 4 is probably
25 the consensus of the county area that is under consideration.

FLORIDA PUBLIC SERVICE COMMISSION

1 I guess, my question to the board today is how are you going to
2 make your decision on which area, if we do choose Alternative
3 Number 4, which area would get the 941 area code?

4 CHAIRMAN JACOBS: You've asked the 65,000 dollar
5 question. There are a host of considerations; probably can't
6 list them all out for you. Certainly, there are considerations
7 for the economic development issues that are out there, there's
8 consideration for one important one is when a split is done
9 there is a projected life for the new codes, either -- in each
10 area, in this case, Area "A" and Area "B."

11 In the past, there has been some thought that for the
12 area which has the shortest projected life of the new code, you
13 don't want to subject them to a change at a fairly rapid
14 fashion. So you're trying -- there's some thought given that
15 maybe they should keep the old code in order to remove the need
16 for them to undergo two changes in rapid order. In this issue,
17 I don't know how much that will weigh in or not, but there has
18 been some thought to that in the past.

19 There are other issues out there, but it's a tough
20 call, and we've heard a lot of persuasive input as to which one
21 of these areas should keep it. And Staff will come and take
22 all the evidence, we'll have a technical hearing that we're
23 going to have in August in Tallahassee. Once we complete that,
24 we'll have a formal record. And from that formal record, our
25 Staff will develop a recommendation on that issue and we'll

1 deliberate on it sometime in October and make a decision.

2 MR. RECHKEMMER: Okay. It appears that some
3 decision-making has already occurred, if you look at Area "A"
4 having seven years and Area "B," ten years, choosing the
5 Alternative 4 split. So, am I correct in assuming that you've
6 already made a decision that this would be the best
7 alternative, the best solution for one or the other --

8 CHAIRMAN JACOBS: The fact that those lines have been
9 put in place is not the determining factor. It has been a
10 consideration, but the decisions about the extended -- I mean,
11 the projected life in the new areas has more to do with
12 technical issues and logistical issues than with any particular
13 decision. In other words, it was pretty much -- and, if I'm
14 incorrect, Staff, please correct me -- pretty much that kind of
15 a fallout once you decided where the line was going to go and
16 you look at the population and projected growth of numbers in
17 the area that was left after you did the split, then the
18 projected life is pretty much a fallout after you look at those
19 statistics in those two areas. So, any decision-making was
20 probably just along those straight lines.

21 Now, to what extent that factor that I cited has an
22 impact on the ultimate decision is not determined yet. As I
23 indicated, in the past has been, but in no way could be said to
24 absolutely define what we'll decide in this case. So, to
25 answer your question; yes, there has been a number put there,

1 but that was a fallout. And how that plays into the final
2 decision is yet to be determined.

3 MR. RECHKEMMER: Okay, so --

4 MR. POUCHER: I might add to that. The historical
5 formula for area code splits has been to keep the area code
6 with the area that had the largest number of telephone access
7 lines. And I don't believe we've ever split an area code that
8 did not conform to that formula, but that doesn't mean that it
9 could not change here, especially where it's so close.

10 MR. RECHKEMMER: So, the area with the most access
11 lines would more than likely keep the 941; is that right?

12 MR. POUCHER: That's the historical formula used by
13 Staff.

14 MR. RECHKEMMER: Okay, well, that would be Lee County
15 and Collier and Monroe?

16 MR. POUCHER: I'm not sure. It's very, very close.

17 MS. BANKS: There's a difference between -- this is
18 Cheryl Banks. There's a difference between --

19 CHAIRMAN JACOBS: You may want to come to the
20 microphone. Ms. Banks is with the PSC Staff.

21 MS. BANKS: There's a difference between if you're
22 looking at access lines or population. The population figures
23 show that the southern counties do have the heavier population
24 but the northern counties so far that we've looked at have the
25 higher access lines, but we're going to verify those numbers

1 and cross examine during the hearings so that we can get the
2 most valid information. Those are just preliminary figures
3 we've gotten.

4 MR. RECHKEMMER: Okay. And would we have input into
5 those records, as far as what you're taking into consideration?
6 Obviously, we would want to keep the 941 --

7 CHAIRMAN JACOBS: We understand.

8 MR. RECHKEMMER: -- area code for Area "B."

9 CHAIRMAN JACOBS: I'm not sure if Lee County has
10 intervened in that docket or not. I know that other counties
11 have. You certainly can monitor and observe what goes on, and
12 I'll leave it to -- you have your legal staff call our legal
13 staff and figure out exactly what your rights are in terms of
14 participation. I'm sure that that data, though, the actual
15 data that was just spoken of is probably public data, so you
16 could probably get access to that, so I don't think it would be
17 anything --

18 MR. RECHKEMMER: For access lines and our population
19 and our projected growth figures, we would want to compare
20 those against what you would suggest. Who would be my contact
21 person on the board for exchanging that information?

22 CHAIRMAN JACOBS: If you would check with Ms. Cheryl
23 Bulecza-Banks, she can get you the contact information. She
24 probably is the contact.

25 MR. POUCHER: And could you spell your last name for

1 the reporter.

2 MR. RECHKEMMER: It's R-e-c-h-k-e-m-m-e-r. Thank
3 you.

4 CHAIRMAN JACOBS: Thank you.

5 MR. POUCHER: Mr. Chairman, we have one other
6 witness.

7 CHAIRMAN JACOBS: Very well.

8 MR. POUCHER: Mary Scofic.

9 CHAIRMAN JACOBS: Good afternoon, Ms. Scofic. You
10 weren't sworn previously?

11 MS. SCOFIC: I beg your pardon?

12 CHAIRMAN JACOBS: You weren't sworn previously, were
13 you?

14 MS. SCOFIC: No.

15 CHAIRMAN JACOBS: Very well. Because your testimony
16 will become a part of a formal docket, we ask that you be sworn
17 in for your testimony. If you would raise your right hand. In
18 this matter before the Florida Public Service Commission, do
19 you swear or affirm that the testimony you're about to give is
20 the truth, the whole truth and nothing but the truth?

21 MS. SCOFIC: I do.

22 CHAIRMAN JACOBS: Thank you very much. You may
23 begin.

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MARY SCOFIC

appeared as a witness and, swearing to tell the truth,
testified as follows:

DIRECT STATEMENT

CHAIRMAN JACOBS: Could you give us your name and
spelling, please, for the record?

MS. SCOFIC: Mary Scofic, S-c-o-f-i-c. I'm only here
briefly, so what I'm about to say may have already been
covered. If it is, just stop me and I'll excuse myself.

I understand the whole purpose of this meeting is a
new area code. My suggestion, as the census has just been
completed and you can almost project what it will be another 20
years from now, just take the 941, put it in the smallest area;
if you need one, two, or three, whatever it is to project,
like, for the next 20 years, because everyone has a telephone,
they have a beeper, they have a handheld, a palm code, and
apparently everything needs a phone number, and put it where
the biggest growth is projected.

I don't know if this is practical or not, but I
understand, like, say I wanted to have a pager system, I could
have 10,000 numbers assigned to me. So just like that, that
many is gone. What this is, I don't know, but I'm sure it must
work for them. But in places like Fort Myers, don't divide it
up into six area codes. And I live in Lehigh. You know, we
would like access to stuff, too, but everything seems to be

1 exploding along the coast, so that's kind of self-explanatory,
2 I would think. Well, basically that's it.

3 CHAIRMAN JACOBS: Okay. Thank you very much. Any
4 questions?

5 COMMISSIONER DEASON: No questions.

6 CHAIRMAN JACOBS: Thank you very much, Ms. Scofic.
7 Is there anyone else who'd like to testify? Before we begin,
8 Mr. Neville, your testimony will be part of a formal docket, so
9 we would ask that you be sworn in.

10 MR. NEVILLE: Surely.

11 CHAIRMAN JACOBS: If you would raise your right hand.
12 In this matter before the Florida Public Service Commission, do
13 you swear or affirm the testimony you're about to give is the
14 truth, the whole truth and nothing but the truth?

15 MR. NEVILLE: I do.

16 CHAIRMAN JACOBS: Thank you. You may begin.

17 MR. POUCHER: Your name, for the record.

18 RICHARD O. NEVILLE

19 appeared as a witness and, swearing to tell the truth,
20 testified as follows:

21 DIRECT STATEMENT

22 MR. NEVILLE: My name is Richard, middle initial O,
23 Neville, N-e-v-i-l-l-e. And I am a management consultant here
24 in Lee County. I've been here since 1989. And I operate a
25 national consulting practice dealing primarily with lawyers in

FLORIDA PUBLIC SERVICE COMMISSION

1 other parts of the country, and they need to be able to find me
2 by telephone and other means, but principally by telephone at
3 least at the beginning of any assignment. And I addressed the
4 Commission back in 1999 when you were then considering a
5 different type of area code split, which ultimately ended up
6 with area code 863 being created, and we'd like to keep 941
7 which I was very glad of.

8 And today I'm here to tell you that I support the
9 overlay plan. And the reason for that is that that will give
10 us permanence in telephone numbers. As I mentioned, I've been
11 here since 1989, we've had the one change from 813 to 941, and
12 then the proposed change which, fortunately, didn't happen to
13 us but did happen to the inland counties.

14 And the reason I principally support the overlay idea
15 is in the interest of permanency. Now, I've done a little bit
16 of research on the number of overlays used in other parts of
17 the country, but before getting to that, I want to tell you
18 that some have testified, I saw on TV last night, in Charlotte
19 County anyway, that 10-digit dialing for local numbers is an
20 imposition upon senior citizens.

21 Well, I'm not quite a senior citizen. I was born in
22 1937, so I'm coming on that milestone, but I think it's an
23 insult to those who are senior citizens or are soon going to
24 be, to say that they can't put in 10 digits to their
25 telephones.

1 First of all, it's already necessary to compose 11
2 digits for any long-distance call outside one's home area. And
3 to put in three more digits does not strike me as a great
4 imposition. If there are numbers the person calls frequently,
5 those can be programmed into a very inexpensive programmable
6 phone, and 911 calls, as I understand it, will not be impacted
7 no matter what you do.

8 Now, I did a little research this morning on the
9 Internet, and I'll give you this document when I finish. I've
10 determined that there are 42 other metropolitan areas in the
11 United States that already use overlays; three of them, of
12 course, are in Florida, 786 overlaid on 305, 321 on 407, and
13 754 on 954.

14 And in the list I'm going to hand you, there are a
15 number indicated by the composer of this Internet site that
16 have been postponed by state regulatory authority, and I have
17 not counted those, but leaving those out there are 42 areas.
18 So, it's certainly a feasible concept and one that, in my mind,
19 works very well towards the idea of permanency in numbers.

20 I don't want to it happen that my phone number,
21 941-466-5600, which is a nice round number, is given to
22 somebody else in another county, and the next week after that
23 an individual in California tries to telephone me, calls that
24 number and is unable to get me.

25 I'll be glad to answer any questions about what I've

1 presented. Otherwise, that concludes what I have to say.

2 CHAIRMAN JACOBS: Very well. Mr. Neville, you would
3 support the 10-digit dialing, and the basis of that is,
4 basically, because you think it would not pose as much of a
5 burden as has been predicted in other instances?

6 MR. NEVILLE: That and the fact that it leads to
7 permanent telephone numbers. I think, in my mind, permanency
8 is the most important criterion when considering area code
9 splits or changes, because what is to say that we won't be back
10 here two years hence splitting up any new area code that we
11 create? If you go to an overlay plan, you won't have that
12 problem again.

13 CHAIRMAN JACOBS: Very well.

14 COMMISSIONER DEASON: Let me ask, when you
15 experienced the change from 813 to 941; is that correct?

16 MR. NEVILLE: Yeah.

17 COMMISSIONER DEASON: Did you experience any
18 particular problems with that change?

19 MR. NEVILLE: I had to go through all my contacts on
20 paper and in my computer and notify them, if I still had their
21 addresses or fax numbers or it was before e-mail was in common
22 use, this was about five years ago. I had to telephone many of
23 them and tell them this. I had to get new stationery, new
24 business cards, and the other paraphernalia that go with one's
25 phone number. So, there was some difficulty, yes.

1 COMMISSIONER DEASON: And with the overlay that would
2 be avoided.

3 MR. NEVILLE: Correct.

4 CHAIRMAN JACOBS: Thank you very much for coming.

5 MR. NEVILLE: May I submit the documents from which I
6 spoke?

7 CHAIRMAN JACOBS: Yes, if you would give it to this
8 young lady right here that would be great.

9 MR. NEVILLE: Thank you very much.

10 COURT REPORTER: Thank you.

11 CHAIRMAN JACOBS: Are there any others who are here
12 to testify today? Let the record reflect that none have come
13 forward. Well, we again thank you all for coming, and as
14 always, your comments are thoughtful. We invite you to monitor
15 the progress of this docket on the Internet, if you'd like.
16 www.floridapsc.com. And if you have any other questions,
17 please feel free to call us, we'll be happy to answer your
18 questions. If there's nothing else to come before us today.
19 This hearing is adjourned, thank you.

20 (Hearing/Deposition concluded at 1:32 p.m.)

21 - - - - -

22

23

24

25

1 STATE OF FLORIDA)
2 : CERTIFICATE OF REPORTER
3 COUNTY OF LEON)

4

5 I, KORETTA E. STANFORD, RPR, Official Commission
6 Reporter, do hereby certify that the Service Hearing in
7 docket number 000604-TL was heard by the Public Service
8 Commission at the time and place herein stated.

9

10 IT IS FURTHER CERTIFIED that I stenographically
11 reported the said proceedings; that the same has been
12 transcribed under my direct supervision; and that this
13 transcript constitutes a true transcription of my notes of said
14 proceedings.

15

16 I FURTHER CERTIFY that I am not a relative, employee,
17 attorney or counsel of any of the parties, nor am I a relative
18 or employee of any of the parties' attorneys or counsel
19 connected with the action, nor am I financially interested in
20 the action.

21

22 DATED THIS Thursday, June 14, 2001.

23

24 *Koretta E. Stanford*
25 _____
26 KORETTA E. STANFORD, RPR
27 FPSC Official Commissioner Reporter
28 (850) 413-6734

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

FLORIDA PUBLIC SERVICE COMMISSION