

WARNING:

Changes in appearance and in display of formulas, tables, and text may have occurred during translation of this document into an electronic medium. This HTML document may not be an accurate version of the official document and should not be relied on.

For an official paper copy, contact the Florida Public Service Commission at contact@psc.state.fl.us or call (850) 413- 6770. There may be a charge for the copy.

BEFORE THE FLORIDA PUBLIC SERVICE

COMMISSION

In re: Request for review of proposed numbering plan relief for the 941 area code. DOCKET NO. 000604-TL
ORDER NO. PSC-01-1804-FOF-TL
ISSUED: September 6, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
MICHAEL A. PALECKI

APPEARANCES:

KIMBERLY D. WHEELER, ESQUIRE, 1120 Vermont Avenue, N.W., Suite 400, Washington, D.C. 2005
On behalf of NeuStar, Inc.

SUSAN S. MASTERTON, ESQUIRE, Post Office box 2214, MC: FLTLHO0107, Tallahassee, Florida 32399-2214
On behalf of Sprint-Florida, Incorporated, Sprint Communications Company Limited Partnership and Sprint PCS.

PATRICK K. WIGGINS, ESQUIRE, AND NATALIE B. FUTCH, ESQUIRE, Katz, Kutter, Haigler, Alderman, Bryant & Yon, P.A., 106 East College Avenue, Tampa, Florida 33619
On behalf of Verizon Wireless and Verizon Florida Inc.

MARTHA YOUNG BURTON, ESQUIRE, 18500 Murdock Circle, Port Charlotte, Florida 33948-1094
On behalf of Charlotte County, Manatee County, and Sarasota County.

DAVID RAMBA, ESQUIRE, 125 South Gadsden Street, Suite 300, Tallahassee, Florida 32301, and SUSAN ISRAEL, 5565 Glenridge Connector, Room 1784F, Atlanta, Georgia 30342-4756

On behalf of Cingular Wireless

ROBERT H. BERNTSSON, ESQUIRE, City Hall, 326 West Marion Avenue, Punta Gorda, Florida 33950-4492

On behalf of City of Punta Gorda.

JIM WIGGINS, ESQUIRE, 3301 E. Tamiami Trail, Naples, Florida 33962

On behalf of Collier County

CHARLES J. BECK, ESQUIRE, c/o The Florida Legislature, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400

On behalf of The Citizens of Florida.

BETH KEATING, ESQUIRE, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

On behalf of the Commission Staff.

FINAL ORDER

ON NUMBERING PLAN RELIEF FOR THE 941 AREA CODE

BY THE COMMISSION:

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 exhaust rate of area codes in Florida. As a result, numbering plan area (NPA or area code) exhaustion has become increasingly problematic.

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. The North American Numbering Plan Administrator (NANPA) and the industry utilize the NPA Code Relief Planning and Notification Guidelines to identify relief alternatives for area codes nearing exhaustion. Two different methods of area code relief have been identified in this case:

NPA Geographic 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.

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 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 FCC¹ 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.

¹ 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) 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

In prior area code decisions, this Commission identified several advantages and disadvantages of geographic split and overlay relief plans as follows:

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.

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.

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)

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.

II. AREA CODE 941 RELIEF PLANS

By letter dated May 18, 2000, the Florida Public Service Commission (PSC) received notice from the NANPA that an industry meeting to develop a relief plan for the 941 NPA would be held July 11, 2000 in Ft. Myers. NANPA advised that the 941 NPA was projected to exhaust in the Fourth Quarter 2002.

The objective of the meeting was to reach consensus among the members of the Telecommunications Industry on a relief plan for the 941 NPA. The following four relief plans were presented at the industry meeting:

- 1) Distributed Overlay - A new area code would be assigned to the same geographic area as the existing 941 Numbering Plan Area (NPA) in Southwest Florida. Customers would retain their current telephone numbers; however, ten-digit local dialing by all customers between and within area codes in the area covered by the new area code would be required. Codes in the overlay NPA will be assigned upon request with the effective date of the new area code. Upon exhaust of the 941 NPA, all code assignments will be made in the new overlay area code. This option would provide an estimated area code life of eight years.
- 2) Geographic Split - Local Access and Transport Area (LATA) - The split boundary line runs along the LATA line between the Tampa LATA and the Fort Myers LATA. This option would provide an estimated area code life of ten years in the northern area identified as Area "A", and six years in the southern area identified as Area "B".
- 3) Geographic Split - Punta Gorda South - The split boundary line runs along the exchange boundaries between the Punta Gorda and Port Charlotte Exchanges. This option would provide an estimated area code life of seven years in the northern area identified as Area "A", and nine years in the southern area identified as Area "B".
- 4) Geographic Split - Punta Gorda North - The split boundary line runs along the boundary between the Punta Gorda and the North Fort Myers Exchanges. This line coincides with the county line boundaries of Charlotte and Lee counties. This option would provide an estimated area code life of seven years in the northern area identified as Area "A", and ten years in the southern area identified as Area "B".

At the July 11, 2000 Industry meeting, an Industry consensus was reached recommending Alternative No. 1, an all services distributed overlay relief plan. In the event that the Commission did not adopt an overlay, the industry recommended that the Commission approve Alternative No. 4, a geographic split boundary line which runs along the boundary between the Punta Gorda and the North Fort Myers Exchanges. The Industry eliminated from consideration Alternative No. 2 because the dividing boundary line would split certain communities of interest and county lines, and eliminated Alternative No. 3 because it would divide Extended Area Service (EAS) local calling areas and it would split county

boundaries.

On September 19, 2000, the North American Numbering Plan Administrator, on behalf of the telecommunications industry, filed a petition with the PSC requesting approval of a relief plan for the 941 area code.

III. JURISDICTION

We have jurisdiction to address this matter pursuant to Section 364.01, *Florida Statutes*, and has been specifically authorized to address numbering issues pursuant to 47 U.S.C. §151 et. Seq., 47 C.F.R. §§ 52.3 and 52.19, FCC Order 99-249, FCC Order 00-104, and FCC Order 00-429. In accordance with 47 C.F.R. §§ 52.3

IV. 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 will be avoided, pursuant to the INC Guidelines.
2. Relief plans involving splitting rate centers will 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 will be given to alternatives with approximately equal lives, not exceeding 15 years 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.
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.

In order to receive public input regarding the 941 area code relief, the Commission conducted six customer hearings in the affected areas:

Date	Time	Place
May 23, 2001	12:00 p.m. to 2:00 p.m.	Palmetto, Florida
May 23, 2001	6:00 p.m. to 8:00 p.m.	Sarasota, Florida
May 24, 2001	9:00 a.m. to 11:00 a.m.	Englewood, Florida

May 24, 2001	12:00 p.m. to 2:00 p.m.	Port Charlotte, Florida
May 24, 2001	6:00 p.m. to 8:00 p.m.	Naples, Florida
May 25, 2001	12:00 p.m. to 2:00 p.m.	Ft. Myers, Florida

Witnesses at the customer hearings were called forward to testify by the Office of Public Counsel. During the course of the customer hearings, 74 witnesses testified in favor of Alternative No. 4 (geographic split at the Charlotte/Lee county line), four witnesses favored an overlay relief plan, six witnesses testified that they would rather change their area code than go to 10-digit dialing, and 14 witnesses were in favor of implementing a service-specific overlay.

A technical hearing was held August 17, 2001 in Tallahassee, Florida. Based on the non-controversial nature of the testimony, and the projected lack of cross examination, all pre-filed testimony of the parties was stipulated into the record. Also, based on the apparent consensus as to the desired alternative, and the prior extensive evaluation conducted by our staff on this Docket, staff put forth its oral recommendation as to the disposition of this matter. All parties making an appearance at the hearing were in agreement with the abbreviated proceedings described herein.

We note, first, that the overwhelming majority of subscribers who appeared at the various service hearings were adamantly opposed to an overlay, with the accompanying ten-digit local dialing. The primary reason put forth for that preference was the large number of elderly residents, who may find the ten-digit dialing patterns confusing. Additionally the entire subscribership in the present geographic area would be required to update their numbers by adding the respective area code to their basic seven-digit number. Many who testified expressed concerns that oversights in such updates by the elderly population may put them in jeopardy in a medical emergency. Accordingly, the great majority of subscribers favored alternative No. four.

Though the industry consensus recommendation was for alternative No. one, the distributed overlay, the industry was also unanimous in recommending alternative No. four in the event we rejected the overlay. We note that, in prior area code dockets, we have endeavored to implement the relief plan which has inflicted the least disruption and confusion upon the users in the area, and maintains stability for the longest period of time.

Based on these considerations, and staff's recommendation, we find that Alternative No. 4, a geographic split relief plan with a line drawn between Charlotte and Lee Counties shall be the approved plan. The plan maintains the counties of Manatee, Sarasota, and Charlotte as Area A, and Lee, Collier, and Monroe (with the exception of the Keys) as Area B. Gasparilla Island, which is in both Charlotte and Lee counties, will stay with Area A. Area A will have a projected area code life of seven years, while Area B will have a projected area code life of ten years.

Also, based on subscriber input and staff's recommendation, we find that Area A consisting of Manatee, Sarasota, and Charlotte counties, shall maintain the 941 area code, and that Area B, consisting of Lee, Collier, and Monroe counties shall be issued a new area code. As expected, testimony from witnesses in Area A, and in Area B showed that consumers in each Area wanted to maintain the 941 area code if a geographic split was chosen. By Order No. PSC-99-1066-FOF-TL, issued May 25, 1999, in Docket No. 990223-TL, in reference to the previous 941 area code relief, the Commission stated:

Traditionally, the larger metropolitan area retains the area code in a geographic split. Because the metropolitan areas usually have the most numbers, there would be less

customer impact if the metropolitan area retained the existing area code.

We find that the counties of Manatee, Sarasota, and Charlotte counties have the greater number of customers, and in order to minimize number changes and cause the least disruption, the 941 area code shall be maintained in that area. The 2000 census shows that the counties of Manatee, Sarasota, and Charlotte have a population of 731,586, while the counties of Lee, Collier, and Monroe (with the exception of the Keys area which has the 305 area code) have a population of 708,943. Gasparilla Island, which is in the Boca Grande rate center, and is in both Charlotte and Lee counties, shall remain in the 941 area code in order to not violate INC guidelines which state rate centers should not be split during area code relief.

In prior NPA relief proceedings, we have instituted a permissive dialing period of approximately 8-9 months. In this case, using that time frame, the mandatory dialing period would begin during the height of the tourist season in southwest Florida. We therefore find that a 12-month permissive dialing period is appropriate in this instance. 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,(e.g., stationery, business cards, labels, bills, etc.),
- 2) reprogram equipment that stores and analyses telephone numbers,(e.g., PBXs, cellular phones, modems, speed call lists, automatic dialers),
- 3) update directory listings,
- 4) notify customers and business associates, and
- 5) change advertising (e.g., print ads, classified ads, promotional materials, etc.).

We therefore find that a permissive 7 or 10-digit dialing period beginning March 11, 2002, and becoming mandatory on March 10, 2003, will provide sufficient time to address any of the above changes.

Number conservation measures are an essential part of maximizing the life of an area code. We initiated a number reclamation program in October, 2000, which has reclaimed 120,000 telephone numbers in the 941 area code. We also have a petition pending with the Federal Communications Commission which requests authority for the PSC to conduct a number pooling trial in the 941 area code. Number pooling is the process which allows numbers to be allocated to carriers in blocks of one-thousand, rather than blocks of ten-thousand. Any further number conservation measures for the 941 area code shall be addressed in Docket No. 981444-TP, the generic number conservation docket.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Alternative #4, the geographic split relief plan with a boundary line which runs along the boundary between the Punta Gorda and the North Fort Myers Exchanges, and coincides with the county boundaries of Charlotte and Lee counties, is the appropriate relief plan for the 941 area code. It is further

ORDERED that Manatee, Sarasota, and Charlotte counties shall maintain the 941 area code. It is further

ORDERED that Gasparilla Island, which is in the Boca Grande rate center, and is in both Charlotte and Lee counties, shall remain in the 941 area code. It is further

ORDERED that Lee, Collier, and Monroe (with the exception of the Keys area which has the 305 NPA) counties shall receive a new area code which will be issued by the North American Numbering Plan Administrator. It is further

ORDERED that the permissive dialing shall begin on March 11, 2002, and become mandatory on March 10, 2003. It is further

ORDERED that any further number conservation measures for the 941 area code shall be addressed in Docket No. 981444-TP, the generic number conservation docket. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 6th Day of September, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: /s/ Kay Flynn

Kay Flynn, Chief

Bureau of Records and Hearing
Services

This is a facsimile copy. Go to the Commission's Web site, <http://www.floridapsc.com> or fax a request to 1-850-413-7118, for a copy of the order with signature.

(S E A L)

BK

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.

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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.

This document was automatically converted to HTML using a program custom-written by the FPSC. If

you have any questions or comments regarding this conversion, you can send e-mail to the programmers [Allison Orange](#) and [Chip Orange](#).