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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for review of proposed numbering plan relief for the 407/321 area codes by Neustar, Inc., as North American Numbering Plan Administrator (NANPA), on behalf of Florida telecommunications industry.	DOCKET NO. 010743-TL ORDER NO. PSC-02-0405- FOF-TL ISSUED: March 25, 2002
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The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

APPEARANCES:

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

JAMES MEZA III, Esquire and NANCY B. WHITE, Esquire, 150 West Flagler Street, Suite 1910, Miami, Florida 33130
On behalf of BellSouth Telecommunications, Inc.

SUSAN S. MASTERTON, Esquire, Post Office Box 2214, Tallahassee, Florida 32316-2214

On behalf of Sprint-Florida, Incorporated, Sprint Communications Company Limited Partnership, and Sprint PCS.

FRANK GUMMEY, III, Esquire, 123 West Indiana Avenue, DeLand, Florida 32720-4613
On behalf of County of Volusia.

C. LEE FORDHAM, Esquire, and ADAM TEITZMAN, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850
On behalf of the Commission.

FINAL ORDER

ON NUMBERING PLAN RELIEF FOR THE 407/321 AREA CODE

BY THE COMMISSION:

I. CASE BACKGROUND

On May 15, 2001, NeuStar, Inc, in its role as the North American Numbering Plan Administrator (NANPA) and acting on behalf of the Florida telecommunications industry (Industry), petitioned us for approval of the Industry's consensus decision to implement an all services distributed overlay relief plan for the 407/321 Numbering Plan Areas (NPA). The Industry submitted its recommendation based upon NANPA's projections that, absent NPA relief, the supply of central office codes (NXX codes) for the 407/321 NPAs would exhaust during the second quarter of 2004. In January 2001, NANPA reviewed the forecast and subsequently revised the exhaust date to the fourth quarter of 2003. Based upon the projected exhaust date and pursuant to Industry guidelines, NANPA notified us and the Industry on January 31, 2001 that NPA relief needed to be addressed. In order to allow sufficient time for completion of the consensus plan prior to exhaust and to have sufficient 321 NXX codes to increase the Brevard County allotment, the Industry requests that we approve its recommended nine-month relief implementation schedule.

On February 20, 2002, we held public hearings in Orlando and Melbourne to receive input from end-users in the affected areas. The witnesses who addressed us in those hearings favored the consensus recommendation, alternative number three. There is an exception to the alternative, however, which will be addressed in a future order. On March 14, 2002, a technical hearing was conducted in Tallahassee, where, once again, alternative three was the consensus recommendation. The "Osteen exception," to be addressed at a later date, was again noted at that hearing. We will consider that matter at a regularly scheduled Agenda Conference.

- JURISDICTION

This Commission has 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:

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.

- DISCUSSION

In 1998, we issued an order requiring NANPA and the Industry to implement a split boundary extension concentrated overlay to relieve the 407 NPA. The plan was implemented in two phases. During the first phase, the 321 NPA was overlaid upon Orange, Osceola, and Seminole counties and parts of Volusia and Lake counties. The first phase was completed during December 1999. During the second phase, Brevard County was split from the 407 NPA and received the 321 NPA. As we ordered, 381 NXX codes were reserved for use in the Brevard County area of the 321 NPA. The second phase was completed in October 2000. As a result, both the 407 and 321 NPAs serve Orange, Osceola and Seminole counties and portions of Volusia and Lake counties. Brevard County is served only by the 321 NPA.

Following studies and meetings, the industry and NANPA developed 3 possible relief plans. The relief alternatives evaluated by Industry participants are as follows:

- Alternative #1 - An All Services Distributed Overlay: A new NPA code would be assigned to the same geographic area as the existing 407/321 NPA. The 321 only NPA covering Brevard County would not be affected. The projected life of Alternative #1 is 5 years. The 321 NPA covering Brevard County is projected to exhaust during the second quarter of 2005.
- Alternative #2 - An All Services Distributed Overlay: A new NPA would be assigned to the same geographic area as the existing 407/321 NPA and the Brevard County portion of the 321 NPA. The projected exhaust of Alternative #2 is 4 years.
- Alternative #3 - An All Services Distributed Overlay: A new NPA code would be assigned to the same geographic area as the existing 407/321 NPA. No more CO codes from the 321 NPA would be assigned to that area. The remainder of the CO codes in the 321 NPA would be reserved for use in the Brevard County area. The projected exhaust of Alternative #3 cannot be determined without knowing the date the assignment of 321 CO codes in the 407/321 NPA area will be frozen. However, a range may be provided. The projected lives of Alternative #3 are five years for Area A and four to nine years for Area B, depending upon the implementation date.

The participants in the evaluations discussed the attributes of the various alternatives and reached consensus to recommend Alternative #3, an all services distributed overlay over the 407/321 area. The Industry recommended eliminating from consideration Alternative #1 because the plan provided no relief for Brevard County, and Alternative #2 because it had the lowest projected life and it would require customers in Brevard County to dial ten digits for local calls.

IV. FINDING

Upon consideration, we find it is in the public interest and the record supports an All Services Distributed Overlay for NPA relief in the 407/321 area.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Alternative #3, an All Services Distributed Overlay, shall be implemented. A new NPA code shall be assigned to the same geographic area as the existing 407/321 NPA. No more CO codes from the 321 NPA shall be assigned to that area. The remainder of the CO codes in the 321 NPA shall be reserved for use in the Brevard County area. It is further

ORDERED that the dialing patterns to be implemented in the chosen relief plan will be as follows:

a) Local/Extended Area Service within and between area codes - 10 digits:

b) Extended Calling Service without interexchange carrier competition - 10 digits:

c) Extended Calling Service with interexchange carrier competition - 1 + 10 digits:

d) Toll - 1 + 10 digits

It is further

ORDERED that the above changes be fully implemented on Monday, July 15, 2002. It is further

ORDERED that this docket remain open, pending complete resolution of all issues presented, including the Osteen exception.

By ORDER of the Florida Public Service Commission this 25th Day of March, 2002.

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

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(S E A L)

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.

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.