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April 30, 1998

EX PARTE

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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APR 30 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: NSD File No. L-98-03, CC Docket No. 96-98

Dear Ms. Salas:

I am writing to advise the Commission of recent developments in connection with the 212 area code in New York City.

As the Commission is aware, the New York PSC originally ordered area code relief in Manhattan, in the form of an overlay of a new area code, to be effective on April 1, 1998. The PSC's plan included seven-digit dialing for calls within these area codes, in violation of section 52.19(c)(3)(ii) of the Commission's Rules, and the New York DPS asked the Commission for a waiver of that rule.

Because of the pendency of that waiver request, on March 25, 1998, the New York PSC ordered that "The activation date of the 646 area code is hereby postponed, pending a resolution of the 7-digit/10-digit dialing requirements for intra-area code calls."

Section 52.19(c)(3)(iii) of the Commission's Rules provides:

"No area code overlay may be implemented unless every telecommunications carrier, including CMRS providers, authorized to provide telephone exchange service, exchange access, or paging service in that NPA 90 days before introduction of the new overlay area code, is assigned during that 90 day period at least one central office code in the existing area code."

The industry has been concerned that the delay in implementing any area code relief would jeopardize its ability to comply with this regulation. For this reason, at an April 6th industry meeting of 212 and 917 NXX code holders, the industry agreed to set aside all the remaining NXX codes in 212 for assignment to carriers under this provision. As a

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result, there are now no 212 NXX codes left to be assigned to existing carriers in Manhattan.

In order to provide additional numbering resources to allow carriers to serve their customers, the industry and the NYPCS have also been discussing the assignment of NXXs in the 917 area code to landline carriers.¹ The industry has agreed that any plan to open the 917 code for both wireline and wireless use would be done under a rationing scheme to prevent immediate code exhaust. While there has been no agreement to open 917 to landline uses generally, at the April 15th 212/917 NXX code holders meeting, the NYPCS staff approved allocating three 917 NXX codes for assignment to landline carriers in May. The industry and the NYPCS are scheduled to meet again on May 7th to further consider this subject.

Please include a copy of this correspondence in the public record of the above-captioned proceeding.

Sincerely,

A handwritten signature in cursive script that reads "Marie Breslin".

cc: G. Matisse
G. Radley Teicher

¹ The New York PSC had originally established 917 to serve wireless carriers, as well as certain landline services.