

## PUBLIC UTILITIES COMMISSION

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SAN FRANCISCO, CA 94102-3298

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May 7, 1999

FCC MAIL ROOM

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**Re: FCC Docket 96-98**

Dear Ms. Salas:

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, the California Public Utilities Commission (CPUC) and the People of the State of California submit for filing two copies of this letter, plus two copies of a briefing package used in oral presentations to FCC staff and Commissioners as set forth below.

On Monday, April 26, 1999, from 3:00 to 5:00 p.m., CPUC staff analyst Risa Hernandez and CPUC staff counsel Helen Mickiewicz met with the following FCC staff members: Yog Varma, Jeannie Grimes, Jared Carlson, and Blase Scinto. Also present were Jim Deak and Michael Dorian of Lockheed Martin, the North American Numbering Plan Administrator. We discussed California's concerns about numbering issues and the limited authority state commissions have to address those issues. The matters addressed are set forth in the enclosed briefing package.

On Tuesday, April 27, 1999, a CPUC delegation met with four FCC Commissioners' offices. The CPUC delegation in each meeting consisted of the following individuals: CPUC President Richard Bilas, Risa Hernandez, staff analyst Jonathan Lakritz, and Helen Mickiewicz. The first meeting, from 10:00 to 11:00 a.m., was with Chairman William Kennard and his advisor, Tom Power, in Chairman Kennard's offices. The second meeting, from 11:00 to 11:30 a.m., was with Sarah Whitesell, advisor to Commissioner Gloria Tristani, in Commissioner Tristani's offices. The third meeting, from 1:50 to 2:30 p.m. was with Paul Meisner and Kevin Martin, advisors to Comr. Harold Furchtgott-Roth, in the Commissioner's office. And the fourth meeting on April 27<sup>th</sup> was from 2:30 to 3:30 p.m. in the offices of Commissioner Michael Powell, with the Commissioner and his advisor, Kyle Dixon.

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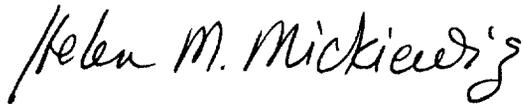
Ms. Salas:  
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On Wednesday, April 28<sup>th</sup>, Risa Hernandez, Jonathan Lakritz, and Helen Mickiewicz met with Linda Kinney, advisor to Commissioner Susan Ness, in the Commissioner's offices.

In each meeting, the members of the California delegation addressed concerns about area code relief planning and implementation, and specifically, about the fact that state's lack authority to order many number conservation measures. In addition, the California delegation discussed with each office the respective Commissioner's views on OSS testing in relation to an RBOC application pursuant to § 271 of the 1996 Telecommunications Act. In each meeting, the CPUC representatives asked for that Commissioner's views on the need for third-party OSS testing in conjunction with a § 271 application to a state commission.

Thank you for your assistance in making these materials part of the record.

Sincerely,

A handwritten signature in cursive script that reads "Helen M. Mickiewicz".

Helen M. Mickiewicz  
Senior Staff Counsel

HMM:mal

# **BRIEFING ON NUMBERING ISSUES**

**Presented to:  
THE FEDERAL COMMUNICATIONS COMMISSION**

**By:  
THE CALIFORNIA PUBLIC UTILITIES COMMISSION**

**Washington D.C.  
April 1999**

## AREA CODE CRISIS IN CALIFORNIA

### ❖ California is adding area codes at an exponential rate.

- California was assigned 3 area codes in 1947 when the North American Numbering Plan was established: 213, 415, and 916.
- By the end of 1992, California had a total of 13 area codes in use in the state.
- From January 1997 through the end of 1999, California will have added 13 more for a total of 26 area codes in the state.
- In the last 10 months, the California Public Utilities Commission (CPUC) has approved relief plans for 7 new area codes, which, when implemented, will raise the total number to 33 by the first quarter of 2001.
- Currently, various stages of relief planning are underway for another 8 area codes by the end of 2002. At that point, California will have **41 area codes**, unless we slow the rate of implementation.

## HIGHLY ACCELERATED EXHAUST OF NEW AREA CODES IN CALIFORNIA

❖ **New area codes are exhausting at alarming rates:**

- *323 NPA* -- split from the 213 NPA completed in April 1999; freeze and jeopardy declared April 1999
- *562 NPA* -- split from the 310 NPA completed in October 1997; projected to exhaust in the 3rd quarter of 2001; relief planning underway
- *650 NPA* -- split from the 415 NPA completed in May 1998; projected to exhaust in the 3rd quarter of 2001; relief plan pending before the CPUC
- *760 NPA* -- split from the 619 NPA completed in December 1997; projected to exhaust in the 1st quarter of 2001; relief plan pending before the CPUC
- *925 NPA* -- split from the 510 NPA completed in January 1999; projected to exhaust in the 1st quarter of 2002; relief planning underway

## **REPEATED RELIEF REQUIRED IN EXISTING AREA CODES**

- ❖ **Customers throughout California are undergoing several area code changes in a short time period:**
  - *310 NPA* -- split (562 NPA) began January 1997 & completed October 1997; new overlay (424 NPA) in July 1999
  - *408 NPA* -- split (831 NPA) began July 1998 & completed May 1999; new overlay (669 NPA) in January 2000
  - *415 NPA* -- split (650 NPA) began August 1997 & completed May 1998; new overlay (628 NPA) in October 2000
  - *510 NPA* -- split (925 NPA) began March 1998 & completed January 1999; new overlay (341 NPA) in July 2000
  - *619 NPA* -- split (760 NPA) began March 1997 & completed December 1997; new 3-way split (858 & 935 NPAs) in June 1999 & June 2000
  - *714 NPA* -- split (949 NPA) began April 1998 & completed January 1999; new overlay (657 NPA) in October 2000
  - *818 NPA* -- split (626 NPA) began June 1997 & completed August 1998; new relief anticipated August 2000
  - *916 NPA* -- split (530 NPA) began August 1997 & completed August 1998; new relief anticipated March 2001

## RATIONING OF NUMBERING RESOURCES

- ❖ The majority of California's area codes are being rationed to facilitate relief implementation. Given the high pace at which California is implementing new area codes, rationing has typically prevented area codes from exhausting prior to the date when relief will be implemented.
- ❖ The NXX code lottery is performed in accordance with CPUC Decision (D.) 96-09-087 and subsequent amendments proposed by telecommunications industry (industry) consensus. D.96-09-087 adopted lottery procedures on which the industry reached consensus and resolved lottery procedures on which the industry could not reach consensus.
- ❖ *Rationing Snapshot: March 1999 lottery*
  - 17 California NPAs were subject to rationing
  - Telecommunications providers requested 984 NXX codes
  - Telecommunications providers were awarded 110 NXX codes
  - North American Numbering Plan Administrator (NANPA) assigned NXX codes to ILECs, CLECs, and wireless providers
- ❖ Industry considers and decides when to ration existing NPAs after new overlay area codes have been implemented and until existing NPAs exhaust.
- ❖ At recent lottery workshops, industry opposed transfer of NXX code lottery administration from CPUC to NANPA
- ❖ While providers have opposed state rationing efforts in federal filings, those same providers attending recent lottery workshops supported the CPUC's continuation of NXX code rationing and workshops in spite of the Pennsylvania Order, FCC 98-224.

# COMPETITION IN CALIFORNIA'S TELECOMMUNICATIONS MARKET

## ❖ **California Telecommunications Market is flooded with carriers needing numbering resources:**

- Large incumbent local exchange carriers (ILECs) -- Pacific Bell and GTE California, Inc.
- Midsized ILECs --Roseville Telephone Company and Citizens' Telecommunications
- 17 small ILECs
- Of the approximately 190 competitive local exchange carriers (CLECs) certified in California, roughly 94 need NXX codes to provide service
- Approximately 100 wireless providers

## ❖ **Estimates indicate that number availability in California's telecommunications market greatly outpaces number usage**

- Approximately 35 to 40 million numbers currently in use in the state<sup>1</sup>
- Approximately 206 million numbers available in California by the end of 1999

<sup>1</sup> This number is based on estimated LEC and CLEC access lines as well as estimated wireless communications use. The CPUC has not done an actual study of number utilization in California.

## CALIFORNIA'S AREA CODE RELIEF PROCESS

### ❖ California's area code relief process is industry driven:

- The NANPA declares a freeze on NXX code assignments in "at risk" NPAs
- The industry team and NANPA determine whether to place an area code into jeopardy and/ or whether to initiate NXX code rationing
- The industry team and NANPA develop area code relief proposals and proposed relief dates; CPUC informally provides technical assistance
- Pursuant to California state law, relief proposals are presented to local jurisdiction officials and the public to solicit input; CPUC helps moderate meetings which include a panel of industry members and NANPA
- The industry team and NANPA finalize recommendations on area code relief proposals and submit them to CPUC for approval
- The CPUC's formal involvement begins when it receives the industry relief plan. The CPUC determines which relief plan will be implemented and relief plan implementation dates. CPUC renders decision on any formal complaints, petitions, or protests associated with an area code relief plan, as needed.

### ❖ Other state law provisions which impact the area code relief process:

- NANPA must provide written notice to the CPUC at least 30 months prior to the projected opening of a new NPA
- Telecommunications providers must provide written notice to customers at 27 months, 12 months and 3 months prior to the projected opening of a new NPA

# ROADBLOCKS TO CPUC CONSERVATION AND NUMBERING EFFORTS

## ❖ California industry's difficulty in reaching consensus

- Industry members requested that CPUC resolve how and who should handle number conservation in California
- The industry often cannot reach consensus on a single area code relief plan; CPUC makes the final determination between alternatives
- The industry is unable to reach consensus on certain NXX code lottery procedures; CPUC resolved these issues

## ❖ Mixed messages on rate center consolidation

- Some providers argue that FCC 98-224 prohibits state commissions from performing number conservation. Yet, they argue that state commissions should consolidate rate centers even though this is a number conservation measure.
- In September 1998, Pacific Bell and GTE California, Inc. reported to the CPUC that none of their rate centers could be consolidated with an adjacent rate center without serious impact.

## ❖ Obstacles to number pooling and associated measures

- In December 1998, Pacific Bell protested a CPUC provision on how NXX codes are used in a NPA subject to relief. Pacific Bell did not protest adoption of this provision prior to the issuance of the Pennsylvania Order.
- In March 1999, the California Number Pooling Task Force (Task Force) reported to the CPUC that a voluntary number pooling trial, per the Pennsylvania Order, was not viable since the largest ILECs and, consequently, most CLECs and interexchange carriers would not volunteer.
- In March 1999, the Task Force recommended against adopting any measures pertaining to how numbers within NXX codes are used by providers and, instead, recommended adoption of a broad policy that providers voluntary assign numbers efficiently.

## **CPUC'S SPECIFIC RECOMMENDATIONS IN VARIOUS FCC FILINGS**

### **❖ Petition for Reconsideration of the Pennsylvania Order**

- Explicit authority to implement NXX code rationing after jeopardy has been declared but before a relief plan has been adopted or a relief implementation date set.
- Definition of a "state-imposed code rationing plan", as the FCC intended in the Pennsylvania Order. CPUC adopted a rationing plan proposed by industry consensus, but resolved two issues at the industry's request. FCC staff expressed the view that this created a "state-imposed code rationing plan".
- Explicit authority to resolve disputes among industry participants pertaining to the terms and conditions of a code rationing plan when the industry does not reach consensus on those terms and conditions.
- Reconsideration of the FCC's decision not to allow states to order mandatory number pooling.
- Establishment of FCC guidelines for mandatory number pooling trials.
- Clarification of the Pennsylvania Order to expressly affirm state authority to implement code conservation measures such as rate center consolidation, fill rates, or sequential numbering in any NPAs in need of relief, and not just in conjunction with individual relief plans.
- FCC establishment of a regular forum, such as quarterly meetings, for the states and the FCC to communicate directly about area code relief planning and implementation, and their impacts on the public.

## **CPUC'S SPECIFIC RECOMMENDATIONS IN VARIOUS FCC FILINGS**

**(continued)**

### **❖ Petition for Delegation of Additional Authority, filed November 1998**

- Explicit authority to continue to conduct the California monthly NXX code lottery.
- Explicit authority to resolve disputes among industry participants pertaining to the terms and conditions of an NXX code rationing plan when the industry does not reach consensus on those terms and conditions.

### **❖ Petition for Delegation of Additional Authority, filed April 1999**

- Explicit authority to order a mandatory number pooling trial, which could include 1,000 block pooling and individual telephone number pooling.
- Explicit authority to order efficient number use practices within NXX codes, such as sequential numbering and "fill rates".
- Explicit authority to hear and address requests by individual carriers for assignment of codes outside the California monthly NXX code lottery. (In the Pennsylvania Order, the FCC ordered the NANC to submit, with 60 days of that order, a recommendation on this issue. The NANC has not yet submitted a recommendation.)
- Explicit authority to order carriers to return to the code administrator unused NXX codes.
- Explicit authority to order the return of unused or under-utilized portions of NXX codes to the pooling administrator when one is selected.

### **❖ Petition for Waiver, filed April 1999**

- Explicit authority to consider establishing service-specific or technology-specific area codes