



Attorney General  
Betty D. Montgomery

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September 10, 1999

*Via Overnight Mail*

Office of the Secretary  
Magalie Salas  
Federal Communications Commission  
445 12<sup>th</sup> St. S.W.  
Portals II Building  
Washington, D.C. 20554

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SEP 13 1999

FCC MAIL ROOM

Re: *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Code 412, 610, 215 and 717.*

Dear Mr. Salas:

Enclosed please find the original and seventeen copies including attachments of the above captioned matter in CC Docket No. 96-98. The enclosed documents were also filed electronically today via the FCC's electronic filing system. Please return a time-stamped copy to me in the enclosed stamped, self-addressed envelope.

Thank you for your assistance in this matter.

Respectfully submitted,

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
)  
Petition for Declaratory Ruling and )  
Request for Expedited Action on )  
July 15, 1997 Order of the Pennsylvania )  
Public Utility Commission Regarding )  
Area Codes 412, 610, 215 and 717 )  
)  
)  
Implementation of the Local Competition )  
Provisions of the Telecommunications )  
Act of 1996 )  
)

NSD File No. L-97-42

**RECEIVED**

SEP 13 1999

**FCC MAIL ROOM**

CC Docket No. 96-98

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**PUBLIC UTILITIES COMMISSION OF OHIO EMERGENCY PETITION FOR  
ADDITIONAL DELEGATED AUTHORITY TO IMPLEMENT NUMBER  
CONSERVATION MEASURES**

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The Public Utilities Commission of Ohio (PUCO) submits to the Federal Communications Commission (FCC) this emergency petition for additional delegated authority pertaining to number conservation measures. Pursuant to paragraphs 30 and 31 of the FCC's September 28, 1998, Memorandum Opinion and Order and Order on Reconsideration in NSD File No. L-97-42,<sup>1</sup> the PUCO requests authority to implement various number conservation measures.

It is imperative that the FCC expeditiously grant Ohio the requested authority. Ohio is already in the relief planning stages for four prematurely exhausting area codes. If there is to be any hope of forestalling the existing area code exhausts, the requested tools must be made immediately available. Even if the pending exhausts cannot be

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<sup>1</sup> Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717.

forestalled, the requested authority must be available in order to prevent the premature exhaust of the soon to be assigned new area codes. The measures for which the PUCO seeks authority would conserve numbers, thereby slowing the pace of area code relief, without having anticompetitive consequences or favoring one segment of the industry over another. They would also help protect Ohio against the disruption as well as the economic and social costs of new area codes.

Specifically, the PUCO respectfully requests that the FCC grant it the authority to:

1. Enforce current standards for number allocation, or to set and enforce new standards and requirements.
2. Order the return of unused, improperly used, reserved, and/or protected NXX codes (and/or thousand blocks if number pooling is implemented).
3. Order efficient number use practices within NXX codes.
4. Investigate and order additional rationing measures.
5. Require number pooling where and when the state determines it to be appropriate.
6. Implement technology- and/or service-specific overlays<sup>2</sup>

## **BACKGROUND**

Since 1996, Ohio has gone from four area codes to eight codes. Ohio currently has four area codes in the relief planning stages. Two of these codes are less than four years old. In 1997 the PUCO opened an investigation into area code relief procedures and number administration. In that case, Case No. 97-884-TP-COI, the PUCO

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<sup>2</sup> The PUCO staff conducted an extensive survey of business and residential customers in Ohio. See Attachment. This survey demonstrates an overwhelming acceptability of a technology- or service-specific overlay by customers with and without wireless service. The survey results would seem to clearly indicate that any claims of competitive disadvantages are without merit since most customers indicated that a wireless overlay would not be unacceptable.

determined that it would be appropriate to wait and see if the FCC's and the North American Numbering Council's (NANC) efforts brought about desired changes in Ohio before implementing Ohio specific requirements. Unfortunately, there has been no real developments on the federal front and we no longer believe it would be prudent to await those developments.

By acting right now the PUCO believes it may be able to forestall some of the pending exhaust. Granting the requested authority to the PUCO such that we can act immediately will certainly help to lengthen the lives of any new codes added in Ohio. If we are unable to act in the near term, our fear is that the new codes that will shortly be introduced will also exhaust prematurely.

One need only examine the change in the Central Office Code Utilization Survey forecast results between 1998 and 1999 to clearly understand that the current system is of little value. According to the 1998 results no Ohio codes should have been in relief planning stages at this time. The 1999 results indicated that one code (330) was already past the optimal advance planning stage and that 3 other codes (440, 419, and 513) needed to begin relief planning. The PUCO needs the tools to confront these problems before they escalate further out of control. It is widely recognized that it is at such early points that the implementation of number conservation efforts such as thousand block pooling can have the greatest impact. If the PUCO is granted the authority to implement number conservation methods, it will be able to help check the flow of a precious national resource, as well as save Ohio's citizens and telecommunications companies from the ordeal and expense of repeated area code relief measures.

#### **AUTHORITY REQUESTED**

The PUCO requests the authority to investigate and undertake all or some of a variety of number conservation measures. These measures will conserve numbers

without anticompetitive consequences and without favoring one type of provider or technology over another. The PUCO is aware of and involved in efforts to develop national number conservation guidelines and does not wish to undermine those efforts. Further, the PUCO is mindful of the fact that any Ohio measures may have to be modified as national guidelines are developed. However, much of the authority that the PUCO seeks merely involves strict enforcement of existing industry guidelines. Additionally, as Ohio measures are developed, care will be taken to minimize differences with what is being considered on a national level so that if any modifications are necessary later they will be minimal. Finally, while agreeing that national guidelines in this area are optimal, the PUCO is keenly aware of the need to act quickly to avoid the escalation of area code difficulties already being experienced in Ohio, and the explosion of those which loom on the horizon. We are further of the opinion that states should have a strong role in numbering even when national guidelines are put in place.

Details concerning the number conservation methods that the PUCO requests authority to implement follow.

- (1) Authority to enforce current standards for number allocation or to set and enforce new standards and requirements. (2) Order the return of unused, improperly used, reserved, and/or protected NXX codes (and/or thousand blocks if number pooling is implemented).**

Although guidelines for the allocation of NXXs have been established, the code administrator (Lockheed Martin, the North American Numbering Plan Administrator) has little or no authority to enforce the requirements contained therein. The system was set up to be self-enforcing; companies were to certify that they meet certain

requirements, but no efforts were made to verify those representations. Although the code administrator has begun taking some steps in this direction, it still has little or no authority and no efficient enforcement system. The PUCO seeks authority, at a minimum, to enforce the standards already in the guidelines such as the requirement that the requesting company be certified to provide service in the area and that a forecasted need for the new NXX is demonstrated in a months-to-exhaust report. The PUCO seeks and would prefer the broader authority to set and enforce additional standards, such as a fill rate that must be met before a growth NXX can be granted and demonstration of readiness to provide service before an initial NXX can be granted. Such authority would allow the PUCO to order that an NXX be returned to the code or pooling administrator if the standards were not met.

Similarly, the PUCO seeks authority, at a minimum, to order the return of initial and growth NXXs if they are not activated in accordance with the existing guidelines. The PUCO seeks and would prefer the broader authority to set and enforce additional standards, such as requiring that in order for a company to retain a newly obtained NXX, it must not only be “activated” within six months but numbers must actually have been assigned to end users within that time.

Finally, the PUCO seeks authority to investigate and order the return of unused, improperly used, reserved, and/or protected NXX codes (and/or thousand blocks if number pooling is implemented) if it becomes necessary and can be done without causing disruption to network operations.

**(3) Authority to order efficient number use practices within NXX codes.**

The PUCO seeks the authority to order sequential use of numbers within an NXX or thousand-block. This will help preserve blocks of numbers for eventual pooling, whether under an Ohio pooling measure or a national pooling plan.

**(4) Authority to investigate and order additional rationing measures.**

The PUCO seeks authority to investigate and order number rationing if an area code nears a jeopardy situation. The PUCO would strive for consensus with and among the industry as to the rationing process, but this authority would allow rationing to be implemented sooner than under current guidelines in an attempt to help delay the need for area code relief.

**(5) Authority to require number pooling where and when the state determines it to be appropriate.**

The PUCO seeks the authority to implement number pooling. The PUCO believes that number pooling can provide significant benefits in certain situations. Although only available in exchanges where local number portability (LNP) has been deployed, these are also often the exchanges where competition has developed and increased the need for NXX assignments for that exchange. The PUCO needs the authority to implement number pooling in those areas where number pooling passes an appropriate benefit/cost analysis.

**(6) Authority to implement technology- and/or technology-specific overlays.**

The PUCO seeks the authority to implement service-specific and technology-specific NPA overlays where such overlays are found to be in the public interest. The PUCO continues to believe that the prohibition on service- and technology-specific overlays serves only to harm the public interest. The PUCO understands the arguments that service- and/or technology-specific overlays may place certain carriers or technologies at a competitive disadvantage. The PUCO believes there is no evidence to support these arguments. In fact, we recently conducted an extensive survey of residential and business telecommunications customers. The survey included customers with and without wireless telephone service. The responses to the survey show an overwhelming willingness (by customers with and without wireless service) to accept wireless only overlays. Certainly, if the existing and potential customer base of the wireless industry finds a wireless overlay acceptable, then it follows that the existing and potential customer base would not be lead to discontinue wireless service or not subscribe to new wireless service by the existence of a wireless only overlay.

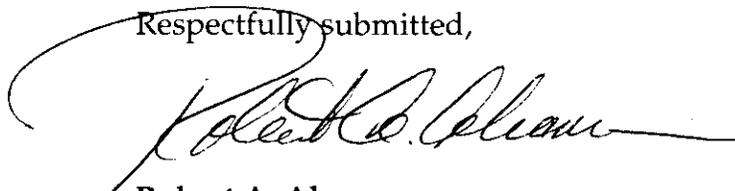
In addition to a wireless only overlays, service-specific or technology-specific overlays could be used to place all lines without public telephone number associations such as point-of-sale terminals, remote automatic teller machines, coin-operated telephones, and known data only lines in separate area code. Clearly, service-specific and technology-specific overlays could be used to extend the lives of the area codes. Such overlays if properly applied could even increase the ease of number identification for end use customers.

## CONCLUSION

Ohio's numbering problems are escalating. The existing mechanisms for coping with such problems are clearly inadequate. Due to its current area code situation, it is imperative that Ohio be given the necessary tools immediately. Therefore, the PUCO respectfully requests that the FCC grant this Petition for Additional Authority pertaining to number conservation measures so that the PUCO can ensure more efficient number resource utilization and thereby protect Ohio telecommunications consumers and companies from the ordeal and expense of repeated area code relief measures. Further, through the exercise of the additional authority Ohio can more effectively participate in the ongoing efforts to preserve the dwindling national resources of area codes and telephone numbers.

The Public Utilities Commission of Ohio would like to thank the FCC for its prompt and careful consideration of this petition.

Respectfully submitted,



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# ATTACHMENT

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PUCO

# AREA CODE RELIEF SURVEY REPORT

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PREPARED BY THE STAFF OF THE  
PUBLIC UTILITIES COMMISSION OF OHIO

August 30, 1999

## INTRODUCTION

The staff of the Public Utilities Commission of Ohio, recognizing the need to allow for input from the citizens of Ohio and the telecommunications industry just as they are about to confront a series of area code exhaust scenarios, has set out to independently survey a sample customer base of their preferences regarding new area code implementation. The survey was administered to residential and business customers who have the 330, 440, 419, and 513 area codes.

The goal in conducting this research is to obtain information, which will assist the Commission as it considers area code relief and number administration issues in the state of Ohio. This information will also assist the Commission as it works with the Federal Communications Commission and the North American Numbering Council to develop new numbering systems and requirements.

## METHODOLOGY

This section of the report describes the basic methodologies employed in the area code research project. For a complete discussion and explanation of each of these methodological techniques, procedures and issues, please refer to the Methodology chapter in Public Input Research of the Customers in The Cincinnati Bell Telephone Company Service Territory, prepared by Commission Staff and published in November, 1997.

The area code study covers the geographic regions of four area codes and includes both residential and business customers. The four area codes are 513, 419, 330 and 440. It was determined that a cold mail survey would be administered to the local telephone customers in each region.

One survey was designed and administered to both residential and business customers. The residential and business results have been entered separately within each area code for the purpose of the analysis and comparison of data. The survey instrument included only closed-ended questions. The survey is included at the end of the report. The respondents were guaranteed anonymity and there were no identifying marks of any kind on either the surveys or the envelopes. The surveys were mailed during the week of July 19, 1999. A deadline date was placed on the survey to encourage a rapid return. Given the time constraints involved in the area code decision-making process, a deadline of August 6, 1999 was established and printed on the survey. The first surveys were received on July 22, 1999. Every attempt was made to accept as many surveys as possible before closing the sample. The decision to end the acceptance of surveys is determined by a consideration of the following issues: achieving the minimum sample size requirement for the specified confidence level and margin of error; the recognition of the customers' efforts in completing and returning the surveys; the value of the customers' perceptions and opinions in the evaluation and implementation of policies and programs; and the time required to enter and analyze the data and information. The last survey was accepted on August 9, 1999.

The study involves the residential and business local telephone customers who have the 330, 440, 419 and 513 area codes. It was decided that in order to achieve the research goals defined for this project, the survey instruments would be administered to a random sample of each of these populations. Consistent with the conventions in social science research, it was decided that the research results should be based on a confidence interval of 95% and a margin of error of plus or minus 5%. It is necessary to define a confidence interval and margin of error in order to determine the required size of the sample. Employing these criteria and assuming an infinite population, the sample size for each of the residential and business populations in each of the four area codes is 384.2 people. To achieve a return of 385 respondents, it is necessary to determine a response rate for each of the eight populations. The respondent numbers in each case were rounded up to 400 for the purpose of determining the size of the mailing. Based upon experience, a minimum response rate of 10% was assumed for each of the populations for a cold mail survey with no pre-administration or post-administration contacts. Consequently, it was

determined that 4,000 surveys would be mailed to the populations in order to meet the research goals. The local telephone companies serving each area code provided the customer labels for the mailing. In order to achieve a random sample that accurately represented the residential and business customer base of each area code, a calculation was made of the proportionate number of residential and business customers being served by each of the companies for each area code. This proportion was based on numbers of access lines. Once arriving at this value for each company, this proportion was applied to the 4000 residential and 4000 business customers in each area code to determine the numbers of residential and business customers each company would need to randomly draw to reflect their proportion of customers. Companies serving less than one percent of the residential or business customers in an area code region were not included in the study. The local telephone companies drew their random samples during the first couple of weeks in July 1999.

There were 8,598 surveys completed and returned for residential and business customers in the four area code regions. In the 330 area code, there were 985 residential and 1,295 business surveys completed and returned. In the 419 area code, there were 820 residential and 1,218 business surveys completed and returned. In the 440 area code, there were 1,185 residential and 1,150 business surveys completed and returned. In the 513 area code, there were 924 residential and 1,021 business surveys completed and returned. Of the 32,000 surveys mailed, there was a total of 399 surveys returned with bad addresses. In the 330 area code, there were 23 residential and 71 business surveys returned because of a bad address. In the 419 area code, there were 29 residential and 80 business surveys returned because of a bad address. In the 440 area code, there were 37 residential and 71 business surveys returned because of a bad address. In the 513 area code, there were 56 residential and 32 business surveys returned because of a bad address.

Response rates are the percentage of the total number of respondents sent questionnaires that complete and return the questionnaire:

$$\text{Response Rate} = \frac{\text{number of completed questionnaires}}{\text{number of eligible respondents}}$$

The number of eligible respondents is equal to the number of questionnaires sent minus the number returned because of incorrect addresses. The total response rate for this study is 27.21%. The response rate for the 330 residential survey is 24.77%. The response rate for the 330 business survey is 32.96%. The response rate for the 419 residential survey is 20.65%. The response rate for the 419 business survey is 31.07%. The response rate for the 440 residential survey is 29.90%. The response rate for the 440 business survey is 29.27%. The response rate for the 513 residential survey is 23.43%. The response rate for the 513 business survey is 25.73%.

With a residential sample size of 4,000 drawn for each area code and a level of confidence of 95%, the data presented in this report has a margin of error of no greater than plus or minus 4.00% for the 330 area code, 4.00% for the 419 area code, 3.00% for

the 440 area code, and 4.00% for the 513 area code. With a business sample size of 4,000 drawn for each area code and a level of confidence of 95%, the data presented in this report has a margin of error of no greater than plus or minus 3.00% for the 330 area code, 3.00% for 419 area code, 3.00% for the 440 area code, and 4.00% for the 513 area code.

The data and information from the surveys were entered into a spreadsheet for analysis. A detailed statistical analysis of the data was performed employing SPSS. SPSS is a comprehensive statistical software system designed to handle all steps in an analysis ranging from data listings, tabulations, and descriptive statistics to complex statistical analyses. The questions have been analyzed employing various quantitative techniques. The presentation of the frequency analysis includes the questions verbatim as they appeared on the surveys. In each case, the number of respondents answering the question is provided, as well as the percentage this response represents of the total number of people who answered that particular question.

## RESULTS

### 330 Residential Customers

**Option 1 Geographic Split:** The area code continues to identify an exclusive geographic area. Each area would have only one area code. Using this approach, as the available telephone numbers within an area code are depleted, the geographic areas would continue to be split into smaller geographic areas and new area codes would be introduced requiring some people to change their existing area code. Local calls within the area code geographic boundary would continue to be performed by dialing seven digits (for example, 555-5555). A geographic split generally requires some communities to have more than one area code due to technical limitations of the numbering system.

**Option 2 Overlay:** All existing telephone numbers with the same area code would remain the same indefinitely; however, new telephone lines in the same area would be assigned telephone numbers with a new area code. Using this approach, it is possible that new additional telephone lines in the same house or business could receive an area code different from that of existing lines. All calls, local and long distance, would require callers to dial ten or eleven digits (for example, (555)555-5555 or 1-(555)555-5555).

Please check only one box to indicate your preference for the above two options:

**Option 1**

**Option 2**

The Federal Communications Commission currently prohibits an area code being assigned exclusively to wireless telephones. However, so that we can better understand public opinion on this issue, we ask that you respond to these additional questions regarding wireless technologies.

Would it be acceptable for all wireless numbers (e.g., pagers, cellular phones, or PCS phones) to have an area code that is different from that of landline telephone numbers?

**YES**

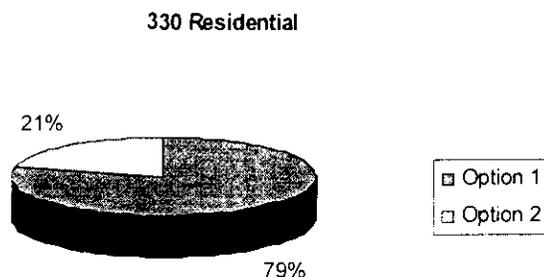
**NO**

Do you subscribe to wireless service (e.g., pager, cellular service or PCS service)?

**YES**

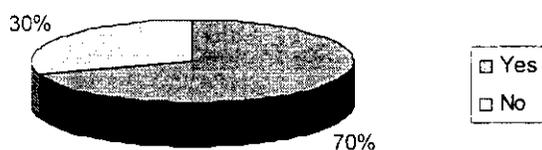
**NO**

Of the 985 residential customers in the 330 area code that responded to the survey, 940 entered an opinion for Question 1. Of the 940, 739 or 78.6% selected Option 1 and 201 or 21.4% selected Option 2.



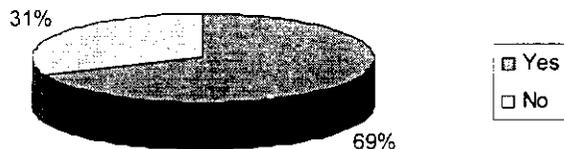
Of the 985 residential customers in the 330 area code that responded to the survey, 955 entered an opinion for Question 2. Of the 955, 668 or 69.9% answered “Yes,” it would be acceptable for all wireless telephone numbers to have an area code that is different from that of landline telephone numbers. Conversely, there were 287 or 30.1% that answered “No” to Question 2.

**Question 2**



Of the 559 residential customers who indicated that they subscribe to wireless service (Question 3), 385 or 68.9% answered that it would be acceptable for all wireless numbers to have an area code that is different from that of landline telephone numbers. There were 174 or 31.1% that responded that it would not be acceptable. Of the 377 customers who indicated that they do not subscribe to wireless service, 264 or 70.0% reported that it would be acceptable, while 113 or 30.0% responded that it would not be acceptable.

**Subscribe to Wireless**



**Do Not Subscribe to Wireless**



### 330 Business Customers

**Option 1 Geographic Split:** The area code continues to identify an exclusive geographic area. Each area would have only one area code. Using this approach, as the available telephone numbers within an area code are depleted, the geographic areas would continue to be split into smaller geographic areas and new area codes would be introduced requiring some people to change their existing area code. Local calls within the area code geographic boundary would continue to be performed by dialing seven digits (for example, 555-5555). A geographic split generally requires some communities to have more than one area code due to technical limitations of the numbering system.

**Option 2 Overlay:** All existing telephone numbers with the same area code would remain the same indefinitely; however, new telephone lines in the same area would be assigned telephone numbers with a new area code. Using this approach, it is possible that new additional telephone lines in the same house or business could receive an area code different from that of existing lines. All calls, local and long distance, would require callers to dial ten or eleven digits (for example, (555)555-5555 or 1-(555)555-5555).

Please check only one box to indicate your preference for the above two options:

**Option 1**

**Option 2**

The Federal Communications Commission currently prohibits an area code being assigned exclusively to wireless telephones. However, so that we can better understand public opinion on this issue, we ask that you respond to these additional questions regarding wireless technologies.

Would it be acceptable for all wireless numbers (e.g., pagers, cellular phones, or PCS phones) to have an area code that is different from that of landline telephone numbers?

**YES**

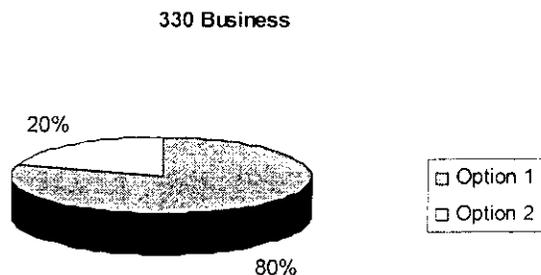
**NO**

Do you subscribe to wireless service (e.g., pager, cellular service or PCS service)?

**YES**

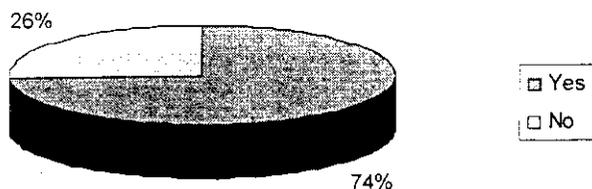
**NO**

Of the 1,295 business customers in the 330 area code that responded to the survey, 1,251 entered an opinion for Question 1. Of the 1,251, 1,001 or 80.0% selected Option 1 and 250 or 20.0% selected Option 2.



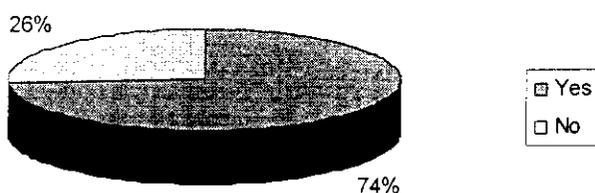
Of the 1,295 business customers in the 330 area code that responded to the survey, 1,273 entered an opinion for Question 2. Of the 1,273, 939 or 73.8% answered "Yes," it would be acceptable for all wireless telephone numbers to have an area code that is different from that of landline telephone numbers. Conversely, there were 334 or 26.2% that answered "No" to Question 2.

**Question 2**

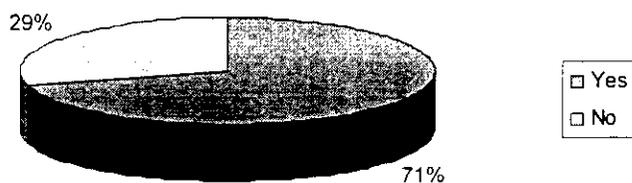


Of the 1,080 business customers who indicated that they subscribe to wireless service (Question 3), 802 or 74.3% answered that it would be acceptable for all wireless numbers to have an area code that is different from that of landline telephone numbers. There were 278 or 25.7% that responded that it would not be acceptable. Of the 191 customers who indicated that they do not subscribe to wireless service, 135 or 70.7% answered that it would be acceptable, while 56 or 29.3% responded that it would not be acceptable.

**Subscribe to Wireless**



**Do Not Subscribe to Wireless**



## 419 Residential Customers

**Option 1 Geographic Split:** The area code continues to identify an exclusive geographic area. Each area would have only one area code. Using this approach, as the available telephone numbers within an area code are depleted, the geographic areas would continue to be split into smaller geographic areas and new area codes would be introduced requiring some people to change their existing area code. Local calls within the area code geographic boundary would continue to be performed by dialing seven digits (for example, 555-5555). A geographic split generally requires some communities to have more than one area code due to technical limitations of the numbering system.

**Option 2 Overlay:** All existing telephone numbers with the same area code would remain the same indefinitely; however, new telephone lines in the same area would be assigned telephone numbers with a new area code. Using this approach, it is possible that new additional telephone lines in the same house or business could receive an area code different from that of existing lines. All calls, local and long distance, would require callers to dial ten or eleven digits (for example, (555)555-5555 or 1-(555)555-5555).

Please check only one box to indicate your preference for the above two options:

**Option 1**

**Option 2**

The Federal Communications Commission currently prohibits an area code being assigned exclusively to wireless telephones. However, so that we can better understand public opinion on this issue, we ask that you respond to these additional questions regarding wireless technologies.

Would it be acceptable for all wireless numbers (e.g., pagers, cellular phones, or PCS phones) to have an area code that is different from that of landline telephone numbers?

**YES**

**NO**

Do you subscribe to wireless service (e.g., pager, cellular service or PCS service)?

**YES**

**NO**

Of the 820 residential customers in the 419 area code that responded to the survey, 790 entered an opinion for Question 1. Of the 790, 624 or 79.0% selected Option 1 and 166 or 21.0% selected Option 2.

419 Residential

