



Michael O. Leavitt
Governor

State of Utah

PUBLIC SERVICE COMMISSION OF UTAH

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April 26, 2000

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Secretary
Federal Communications Commission
445 12th, SW - TW - A325
Washington, D.C. 20554

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Dear Ms. Salas:

The Utah Public Service Commission (UPSC) hereby files the attached supplemental petition pursuant to ¶170 of the Report and Order and Further Notice of Proposed Rule Making in CC Docket No. 99-200 released March 31, 2000 (*Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rule Making, CC Docket No. 99-200/FCC 00-104 (rel. March 31, 2000)(Numbering Resource Optimization Notice)*).

The UPSC, on April 26, 2000, ordered code holders to issue telephone numbers consecutively. On April 26, 2000, the UPSC ruled that the number relief plan for the 801 area code will be a two way split. Due to the extenuating circumstances, we reiterate our request for an accelerated approval for number conservation including 1000 block number pooling.

Enclosed are an original and 6 copies of the supplemental petition. Please date-stamp and return one copy to the UPSC in the enclosed self-addressed envelope.

Sincerely,

Stephen F. Mecham
Chairman

SM:joh
Enclosure
cc: Chairman Kennard
Commissioner Ness

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Commissioner Tristani
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Brad Ramsay, National Association of Regulatory Utility Commissioners
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**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of
Utah Public Service Commission's
Petition for Expedited Delegation
of Additional Authority to
Implement Number Conservation
Measures

NSD File No. L-99-89

In the Matter of Implementation
of the Local Competition Provisions
of the Telecommunications Act of 1996

CC Docket No. 96-98

**SUPPLEMENTAL PETITION TO FEDERAL COMMUNICATIONS COMMISSION
FOR ACCELERATED DECISION FOR GRANT OF AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES**

The Utah Public Service Commission (UPSC) hereby files this supplemental petition to the originally filed petition of October 27, 1999, and requests authority to fashion a Utah specific solution to our state's existing number crisis. Our efforts will be consistent with Federal Communications Commission (FCC) policy, by ensuring that number resources are made available in an equitable, efficient and timely basis to all carriers. Our efforts will not unduly favor or disfavor any particular segment or group of telecommunications consumers, nor will our efforts unduly favor one telecommunications technology over another.

Utah's circumstances are comparable to those in Florida. We similarly are seeking a letter endorsing a grant of authority to fashion a Utah specific solution to the existing number crisis. We are also looking to the telecommunications industry (the Industry), and to the February, 1999, Illinois number pooling plan to design a workable solution.

The facts substantiating our request are as follows:

1) The North American Numbering Plan Administrator (NANPA) on September 22, 1999, declared extraordinary jeopardy in the 801 area code. This notice of extraordinary jeopardy was issued even though the UPSC believes the number blocks currently distributed in the 801 area code have been underutilized. This situation is a natural consequence of the present system of issuing telephone numbers in blocks of ten-thousand, but is nonetheless very inefficient and troubling, causing new area codes to be introduced at a faster rate than the growth in demand for telephone numbers.

2) The UPSC is now beginning to address number conservation. An audit of the area code holders was conducted by the investigative agency for the UPSC, the Utah Division of Public Utilities (UDPU), the findings of which indicated that upon being granted authority to implement number conservation measures including 1000 block number pooling, the exhaust date for the 801 NPA can be extended two years past the NANPA forecasted exhaust date.

3) On September 23, 1999, Lockheed Martin's Bruce Armstrong, as NANPA's numbering relief planner, held a relief industry planning meeting in Salt Lake City. The industry participants at this meeting voted and agreed to submit to the UPSC only one area code relief plan, the overlay. The industry, through Lockheed Martin, filed their consensus opinion with the UPSC on November 4, 1999, recommending the overlay. Per Bruce Armstrong, exhaust of the 801 area code is projected in the First Quarter, 2001. In this November 4, 1999, filing, the industry set a start date of April 8, 2000, for Permissive 10-Digit Dialing in the 801 area code; the start date of October 14, 2000, was set for Mandatory 10-Digit Dialing; and,

November 18, 2000, was set for Overlay Activation. On December 8, 1999, the UDPU recommended to the UPSC that a two way split be implemented. Since that time, jeopardy procedures have gone into affect concerning the 801 NPA, with an 11 per month code assignment limitation set, so as to safeguard the distribution of codes until a number relief plan is in place and number conservation authority is granted to the UPSC by the FCC. On April 26, 2000, the UPSC decided that a 2 way split is the relief plan that will be used in the 801 NPA jeopardy area. The expected code usage has not materialized. In fact, to date, there are 113 codes still available including 38 carryover codes not utilized from the December, 1999, through April, 2000, timeframe. The 38 carryover codes are indicative of the fact that code usage has not been as heavy as was predicted by NANPA. Because the expected code usage has not materialized during the jeopardy time period, the expected exhaust date of the 801 NPA will be pushed to the end of the Second Quarter of 2001, or even into the 3rd Quarter of 2001. Therefore, the 801 NPA in question meets the FCC requirement of having a remaining life span of at least one year in order to be considered for 1000 block number pooling.

4) The NANPA projected exhaust in the First Quarter, 2001, of the 801 area code, will be reevaluated in June, 2000, after the latest COCUS numbers are published. Too, on April 18, 2000, the Industry and NANPA reassessed the prevalent code requests and conceded that if this trend continues, the original exhaust date could possibly be pushed out four months into Third Quarter, 2001. The fact that this trend pushes out the exhaust date thereby meeting FCC criteria, coupled with the UPSC's concern that exhaust may be exacerbated by the

early-on telecommunications demands of the 2002 Winter Olympics, causes the UPSC to request permission to act now with 1000 block number pooling and other number conservation measures.

5) Although the 801 NPA is not one of the largest 100 MSAs, the 801 NPA does meet the alternative FCC requirement that the majority of the wireline carriers in the NPA are Line Number Pooling (LNP)-capable. The UDPU performed an audit in February, 2000, and found the 801 NPA meets the FCC requirement in that all wireline carriers in the 801 NPA are LPN-capable. Therefore, the 801 NPA should be considered a good candidate for the implementation of 1000 block number pooling.

The UPSC has reviewed other measures which have been implemented around the country and has approached Neustar to be state number administrator in the event the FCC grants authority to implement 1000 block number pooling in Utah. The UPSC also requests authority for the right to institute its own number conservation measures as follows:

- Institute mandatory thousand-block number pooling.
- Implement sharing of NXX codes in rate centers.
- Reclaim unused and reserved central office codes. Code conservation measures are essential in Utah in order to extend the lives of the current area codes. The UPSC would like additional authority to investigate whether any of these reserved central office codes can be reclaimed for future distribution, without causing disruption to carriers' network operations.

- Maintain the current central office code rationing measures for at least six months after the implementation of all area code relief plans. Once area code relief plan is announced, the demand for the remaining NXXs is accelerated in the old area code. By using code rationing as a supply constraint, this controls the artificial increase in demand.
- Expand deployment of permanent number portability.
- Implement unassigned number porting. The UPSC requests additional authority to implement Unassigned Number Porting (“UNP”). The UPSC understands that UNP is already being used by certain carriers during rationing periods. The UPSC requests additional authority to implement UNP as an additional tool to conserve numbering resources.
- Implement rate center consolidation.

We also request that the FCC direct NANPA to do the following:

- Update the Central Office Code Utilization Survey (COCUS) report quarterly, instead of annually. Quarterly data would provide a much more current basis for planning area code relief, which is very important since the data can change dramatically in a short span of time.
- Establish code allocation standards to more efficiently manage numbering resources. This would include a requirement that NANPA consult with the UPSC prior to issuance of additional NXX codes.

In addition, we request the FCC expressly grant the UPSC authority to require wireless

carriers to provide the necessary COCUS and other information needed to carry out our responsibilities. In order to investigate the feasibility of various pooling scenarios, the UPSC will need utilization data at the block level, for all code holders, wireline and wireless alike.

Accordingly, the UPSC hereby requests a Letter Order reflecting the following: The UPSC is hereby granted authority to fashion a Utah specific solution to its existing number crisis. Utah's efforts shall be consistent with FCC policy, by ensuring that number resources are made available in an equitable, efficient and timely basis to all carriers. UPSC's efforts shall not unduly favor or disfavor any particular segment or group of telecommunications consumers, nor shall USPC's efforts unduly favor one telecommunications technology over another. The UPSC is delegated authority to gather necessary information from wireless carriers.

Letter Order Regarding Florida's Situation

Pursuant to Section 251 (e) (1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, and the authority delegated in 52.19 of the FCC's rules, the FCC granted temporary authority to the Florida Commission to continue to conduct its measures implementing area code relief. The UPSC notes that Utah's circumstances are comparable to those in Florida. The UPSC seeks a like letter order giving us an additional grant of authority.

UPSC Actions

In excess of this supplemental petition with the FCC, the UPSC is proceeding with an expedited hearing on requiring code holders to issue telephone numbers consecutively, beginning with the lowest available telephone number. This proceeding is in direct response to our concern

that code holders do not typically issue telephone numbers in any particular order. If the code holders continue in this fashion, future number pooling efforts will be frustrated. The UPSC will also urge the Industry to voluntarily take conservation measures.

Request

Therefore, the UPSC files this supplemental petition to request authority, and any necessary waiver of the FCC's rules in order to ease the extenuating circumstances we are now facing. In addition, we ask that the FCC grant the UPSC additional authority to implement various area code conservation measures including but not limited to 1000 block number pooling. The UPSC requests this additional authority as part of its ongoing area code relief. This is intended to be used to minimize consumer confusion and expenses associated with the quick imposition of new area codes.

The FCC clearly is given authority over numbering administration in Section 251 (e) (1). However, it also states, "Nothing in this paragraph shall preclude the Commission from delegating to state commissions or other entities all or any portion of such jurisdiction."

(Emphasis Added). We, therefore, request that the FCC grant such authority to the UPSC.

Conclusion

We urge that the FCC act immediately to ease this situation. Accordingly, the UPSC hereby requests an Expedited Letter Order reflecting the following: The UPSC is hereby granted authority to fashion a Utah specific solution to its existing number crisis including number conservation measures and 1000 block number pooling. Utah's efforts shall be consistent with previously approved policy, by ensuring that number resources are made available in an equitable,

efficient, and timely basis to all carriers. Utah's efforts shall not unduly favor or disfavor any particular segment or group of telecommunications consumers. Nor shall Utah's efforts unduly favor one telecommunications technology over another. Utah, for this purpose, is also delegated the authority to gather necessary information from wireless carriers.

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Request of the North)
American Numbering Plan Administrator)
for a New Area Code within the (801))
Area Code)

DOCKET NO. 99-999-05

REPORT AND ORDER

ISSUED: April 26, 2000

By the Commission:

For many years, since the introduction of direct distance dialing in the United States, long distance calls which move over the publicly available switched network have been routed over the telecommunications network through the use of 1+ a 10 digit number. The first three digits are "area codes," or "NPA codes."¹ Originally these digit codes were subject to the convention that the middle digit must be either a "1" or a "0" in order to avoid confusion with central office codes, resulting in a maximum number of available codes in North America of 152. Effective January 1, 1995, this convention was eliminated, increasing the possible number of NPA codes to 792.² The network has been managed to insure that each ten digit number, including area code, identifies a unique telephonic address within North America, so that there is no ambiguity about the routing of calls to reach the desired called party.

The second portion of the ten digit number, the "NXX" or central office code, identifies the switch which is physically connected to the called party. The network recognizes

¹ Numbering Plan Area

² There are still some potential codes that are excluded from the possible pool, such as 800, 888, 877, 911, 811, etc.

these codes and uses this information to route the call to its final destination. Each central office code can serve a theoretical maximum of 10,000 customers. Because of greater demand for phone lines (many residential homes have multiple lines, while large business customers may have hundreds of lines), new technologies that use the telecommunications system, and entry into the local exchange market by competitors, central office codes have become scarce along the Wasatch front area of Utah (the current 801 area code service territory). As new uses for telecommunications have been developed, such as cell phones (analog and digital), home computer connections to the Internet, pagers, facsimile machines, and so forth, more telephone numbers have been assigned. As new types of providers of telecommunications have entered the market, more central office codes have been assigned than ever before. The industry projects that at current and expected rates of consumption, the available central office codes in the 801 area code may be exhausted within approximately one year from now, during or at the end of the second quarter 2001. Once central office codes are exhausted, there is no way to accommodate demand for further numbers or central office codes, without the provision of a new area code.

Members of the industry met on August 23, 1999, in Salt Lake City, to discuss a resolution of this issue. Of the two possible methods of expansion, the industry proposed the area code overlay method. Under the overlay approach, new numbers in the entire area served by the current 801 code would be subjected to the new area code, such a system requires that all calls within the NPA be either ten digit (local calls) or 11 digit (long distance as is currently the case). Under the other relief method, the area code split, physical boundaries would be drawn within which the existing area code would continue to be used, and outside of which a new area code

would be implemented. Under the area code split approach, there would a period of several months during which calls made to numbers assigned to the new area code, would continue to connect even if they were preceded by the old or existing area code. The time for this “permissive dialing” period is limited by the forecasted exhaustion of available central office codes.

Once a decision has been made with respect to the overlay or split method, an order must be issued with sufficient lead time for the new area code to be obtained from the administrator of the North American Numbering Plan, and for notice to be given to network administrators and customers around the country, so that calls may be routed to Utah destinations using the new area code.

The Commission issued public notice and held hearings earlier this year on March 14th in Provo, March 15th in Bountiful, March 16th in Salt Lake City, and March 22nd in Ogden. The Commission heard the evidence of U.S. WEST Communications, Inc. (“U.S. West”), other interested parties, and the general public.

DISCUSSION

The Commission considered many points of view and different objectives in reaching a decision, it was primarily concerned with minimizing the impact on the general populace.

The industry’s recommendation of an overlay would have required every call placed by every customer along the Wasatch Front to be either 10 or 11 digits, even if the call was to a neighbor, or even a second phone line within a given premise. Second, it was felt that the overlay option imposed a burden in terms of the required information one needs to complete a

call. Again, every single call would require an area code so this information would need to be obtained for every call. In the event of a future numbering exhaust, the only option available would have then been another overlay, thus raising the possibility of three or more area codes serving the same geographic area. The Commission found this to be unacceptable.

This left the Commission with the job of choosing a boundary for the new and old area codes. While a simple north south split had a certain intuitive appeal, there was no boundary that could be drawn that would both (1) satisfy federal guidelines in terms of a balanced outcome for future predicted growth/exhaust, and (2) not split a significant community of interest.

Basically, Salt Lake county would have needed to have been split right down the middle, having Salt Lake City proper going with the northern half of the area and all other Salt Lake county rate centers going with the southern half of the area. The unacceptability of the foregoing option left the alternative of finding a group of core rate centers that could be combined to form an "island" that would achieve the federally mandated balance. On the southern end of the Salt Lake county, the choice was relatively straightforward as the local calling area ends at the county line. All residents of Utah county already have to dial 11 digits to reach any of the Salt Lake county rate centers, and likewise all Salt Lake county residents must dial 11 digits to reach any Utah county customer. This is true even for the contiguous rate centers of Lehi and American Fork on the Utah county side and Midvale on the Salt Lake county side. Therefore, drawing the new area code boundary at the Utah/Salt Lake county line imposed no new extra digit dialing on anyone in the Utah/Salt Lake county area.

On the northern side, the situation was much more complicated. The various rate

centers between Salt Lake county and Ogden are overlapping. There is no absolute boundary as is the case on the southern side of Salt Lake county. Further complicating the process is the fact that the rate center boundaries (which determine the central office a particular customer is served from) were drawn up significantly prior to the impressive population growth the Wasatch Front has experienced in recent years. As a result, many boundaries which primarily bisected farms or open land in the past now often split communities. As the cities in Davis, Weber, and Morgan counties have grown, they have annexed new land without regard to the existing rate center boundaries. Thus, most of the potential splits were not serious contenders because of the complications involved in imposing two area codes on one or more individual cities. This left the Commission with the option of placing the boundary at the county line (between Davis and Salt Lake counties)³ or moving northward one rate center and placing the boundary through the southern tip of Farmington (imposing a new area code on all of Farmington, except for the southern-most residents, and all current 801 NPA rate centers further north).

The advantage of the county line split was minimal disruption of city boundaries, and the fact that the 801 area code would now provide specific information to callers, i.e., that they were calling a party located somewhere in Salt Lake county. The primary disadvantage was that the residents of the Bountiful rate center (including the cities of Centerville, West Bountiful, Bountiful, North Salt Lake and WoodsCross) will have to dial 10 digits to complete a toll-free call into Salt Lake county.

³ The southern and western boundaries of the Bountiful rate center closely track the Davis/Salt Lake county line, hence the option is referred to as the "county line split."

The advantage of the Farmington split would be that the residents of the Bountiful rate center would not have to dial 10 digits to reach a Salt Lake county number (studying the capacity of the network shows that a majority of the traffic from the Bountiful rate center flows south). However, the disadvantages are that Farmington would be slightly split, the community of interest between Farmington and Centerville would be split, the geographic information inherent in a county line split would be lost, and the dates of future exhaust would become more unbalanced, necessitating a split (or overlay) for the 801 area code sooner than would be the case with the county line split.

The Commission has undertaken efforts to conserve numbers to the extent allowed by federal law. It is the Commission's intention to put off the split as long as is reasonable. To accomplish this the Commission expects the industry to issue numbers within an NXX consecutively. Hence this order which approves the split as the Commission's relief plan also specifies that the split should not occur until the actual exhaust is reached. We anticipate that the Numbering administrator and the industry will soon meet to set out a schedule for implementation and education, we expect that they will also set a date for permissive dialing to start. However, we also anticipate that the end date for permissive dialing (i.e., when the split becomes effective or mandatory) will be triggered by the physical exhaust of the NXX codes available in the 801 NPA, not by an arbitrary date selected well in advance of actual exhaust.

FINDINGS AND CONCLUSIONS

Based upon the record, the Commission finds that:

1. In order that adequate facilities and services may continue to be provided to Utah

telecommunications customers, an expansion of telephone numbers and central office codes must be performed through the use of the area code split method. The Commission further determines that the least disruptive manner of performing this expansion is to establish the boundary of the existing 801 area code primarily around Salt Lake county.⁴ All other rate areas in the current 801 NPA will be served by the new area code, which will be designated by the administrator of the North American Numbering Plan.

2. New telephone numbers in the 801 area code may not be available after second quarter 2001 and the new area code will be available by the end of 2000.

3. There should be a permissive dialing period beginning December 31, 2000 and ending at the time of exhaust, currently projected to be June 2001, during which time long distance callers could dial either the new area code or the old 801 area code when placing calls to locations within the new area. After the end of this period, callers would be required to use the new area code.

Based on the foregoing findings, and being fully advised, the Commission now makes the following

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The area code for the Wasatch Front area of the state of Utah be split with the 801

⁴ Specifically, the following U.S. West rate centers will be included in the 801 NPA: Salt Lake City, Magna, Kearns, Murray, Holladay, Alta, and Midvale. All other existing 801 rate centers will be included in the new area code (NPA), these include: Ogden, Morgan, Clearfield, Kaysville, Farmington, Bountiful, Lehi, American Fork, Pleasant Grove, Provo, Goshen, Payson, Spanish Fork, Springville, and Spanish Fork Canyon.

DOCKET NO. 99-999-05

-8-

area code being assigned primarily to Salt Lake county with a new area code, to be designated by the administrator of the North American Numbering Plan, to be assigned to the remaining areas in the current 801 NPA.

2. The permissive dialing period begin December 31, 2000, and end at the time of exhaust, currently projected to be June 2001, during which period callers may place calls to areas in the new area code territory by dialing either the new area code or the existing 801 area code.

3. Code holders must issue telephone numbers consecutively within an NXX.

4. Following the completion of the permissive dialing period, callers desiring to place calls to locations in the new area code must use the new area code.

DATED at Salt Lake City, Utah, this 26th day of April 2000.

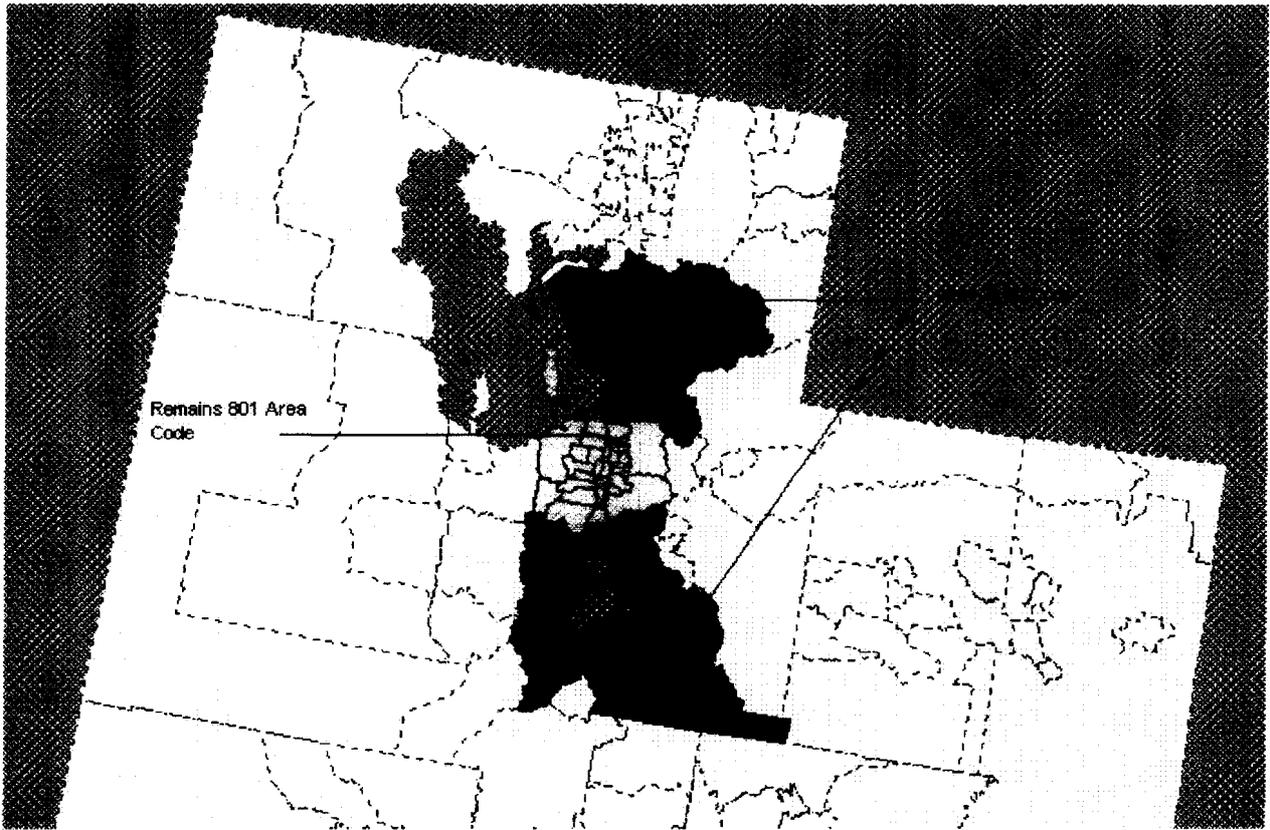
/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary



Remains 801 Area
Code