

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

In the Matter of)
)
)
The State Of New York) CC Docket 96-98
Department of Public Service) NSD File No. L-00-161
Request for the Release of a)
New Area Code to Provide Relief)
for the 716 Numbering Plan Area)

MEMORANDUM OPINION AND ORDER

Adopted: March 16, 2001

Released: March 20, 2001

By the Chief, Common Carrier Bureau:

I. INTRODUCTION

1. On June 20, 2000, the State of New York Department of Public Service (NYDPS) requested that the Common Carrier Bureau direct the North American Numbering Plan Administrator (NANPA) to release a new area code to provide relief for the 716 area code.¹ The NANPA, by letter dated June 12, 2000,² had declined to release an area code because the relief plan adopted by the NYDPS resulted in the splitting of certain rate centers; such rate center splitting is not consistent with industry guidelines.³

¹ See Letter from Lawrence G. Malone, General Counsel, NYDPS, to Lawrence E. Strickling, Chief, Common Carrier Bureau, dated June 20, 2000 (Malone Letter).

² See Letter from Ronald R. Conners, Director, North American Numbering Plan Administrator, to Janet Deixler, Secretary, NYDPS, dated June 12, 2000 (Conners Letter).

³ NPA Code Relief Planning & Notification Guidelines (INC 97-0404-016 Nov. 8, 1999) (NPA Relief Guidelines).

In this Memorandum Opinion and Order, we grant the request of the NYDPS and direct the NANPA to release an area code to relieve the 716 NPA.

II. BACKGROUND

2. The Telecommunications Act of 1996 gives the Federal Communications Commission (Commission) exclusive jurisdiction over the North American Numbering Plan (NANP) in the United States, and permits the Commission to delegate any portion of that jurisdiction to state regulatory commissions (state commissions) or other entities.⁴ The Commission, recognizing that state commissions are uniquely positioned to understand local conditions and the potential effects associated with new area code or numbering plan area (NPA) implementation, has authorized the states to resolve various matters involving the implementation of new area codes, subject to Commission rules and guidelines governing the administration of telephone numbers.⁵

3. The specific authority delegated to the states includes determining the boundaries of a new area code, the time frame for its introduction, and the mechanism for introducing the new area code.⁶ Under Commission rules,⁷ states can introduce new area codes through the use of a geographic split, an area code boundary realignment, or an all-services area code overlay.⁸ The Common Carrier Bureau has urged states to conform to the industry's area code relief planning guidelines, and has stated that it may review plans that are clearly inconsistent with them.⁹

4. On February 23, 1999, the NANPA announced that the 716 area code was in jeopardy of exhaust and established code conservation measures that were to be in effect during the development of a relief plan.¹⁰ On May 22, 2000, after a public proceeding in which various relief proposals were

⁴ 47 U.S.C. § 251(e)(1).

⁵ See *Implementation of the Local Competition Provision of the Telecommunications Act of 1996*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392, 19512-16 (1996) (*Local Competition Second Report and Order*).

⁶ *Id.*

⁷ See 47 C.F.R. § 52.19.

⁸ With a geographic split, the region served by an area code is split into two or more parts, one maintaining the old area code and one (or more) receiving a new one. With a boundary realignment, the boundary line between two adjacent area codes is shifted to allow the transfer of some central office codes from one area code to another. With an overlay, a new area code is introduced to serve the same region as one or more existing area codes.

⁹ See Letter from Lawrence E. Strickling, Chief, Common Carrier Bureau, to Lawrence G. Malone, General Counsel, NYDPS, dated December 3, 1999 at 2 (Strickling Letter).

¹⁰ See Planning Letter from North American Numbering Plan Administrator, Number: PL-NANP-162, (Feb. 23, 1999).

considered, the NYDPS issued an Opinion and Order directing implementation of a geographic split of the existing 716 NPA along county boundaries.¹¹

5. Because the NYDPS relief plan would split 14 rate centers between the old and new area codes, the NANPA determined that releasing the requested code would violate the industry's area code relief guidelines.¹² These guidelines, developed by the Industry Numbering Committee (INC) of the Alliance for Telecommunications Industry Solutions (ATIS), provide that in a geographic NPA split, "the actual boundaries must conform to existing rate center boundaries."¹³ On June 12, 2000, the NANPA informed the NYDPS that its request for a new area code was denied.¹⁴ On June 20, 2000, the NYDPS requested that the Commission direct the NANPA to release a new area code to facilitate implementation of its relief plan for the 716 NPA.¹⁵

6. In its request to the Commission, the NYDPS states that the impact of rate center splits is minimal in this case, resulting in the duplication of about 29 central office (CO) codes.¹⁶ The NYDPS points out that it has implemented thousands-block number pooling in the 716 NPA, already resulting in the preservation of 60 CO codes, and is also engaged in CO code reclamation activities.¹⁷ In light of its aggressive efforts to conserve numbering resources, the NYDPS argues that the guidelines should be administered flexibly to accommodate its proposed area code relief plan.¹⁸ The NYDPS contends, moreover, that its decision reflects local consumer and government viewpoints not represented in the development of the industry's area code relief guidelines, and therefore, the Commission should defer to the NYDPS decision as consistent with the area code relief authority that the Commission has delegated to states.¹⁹

7. In a public notice released on August 9, 2000, the Common Carrier Bureau sought

¹¹ *In the Matter of an Investigation of the Efficient Usage of Telephone Numbering Resources and Evaluation of the Options for Making Additional Central Office Codes and/or Area Codes Available in New York State*, Opinion and Order Directing a Geographic Split of the 716 NPA, Case 99-C-0800, Opinion No. 00-06 (May 22, 2000) (716 Order).

¹² NPA Relief Guidelines, *supra* note 3.

¹³ NPA Relief Guidelines at 11.

¹⁴ Connors Letter, *supra* note 2.

¹⁵ Malone Letter, *supra* note 1.

¹⁶ Malone Letter at 2.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 3.

comment on the NYDPS's request for a new area code to relieve the 716 NPA.²⁰ The Bureau also sought comment generally on the issue of rate center splitting, and on the relationship between the area code relief authority delegated to the states and the area code relief guidelines developed by industry. Furthermore, the Bureau sought comment on the tension between the policy against splitting rate centers and the Commission's encouragement to consolidate rate centers.

III. DISCUSSION

8. In determining whether to direct the NANPA to release an area code to the NYDPS to implement its adopted relief plan, we consider the policy underlying the industry guideline prohibiting the splitting of rate centers. We also consider the impact of the relief plan, and whether the number of CO codes that must be duplicated in the new area code is significant. Finally, we consider, in deference to the states and their delegated authority to implement area code relief, additional factors such as states' unique knowledge of local conditions and the importance of maintaining geographic and community identity, which are important factors in determining the appropriate relief plan. For the reasons described below, we grant the request of the NYDPS and direct the NANPA to release an area code to relieve the 716 NPA.

9. The industry guideline and the underlying policy against splitting rate centers when establishing area code boundaries seeks primarily to address the negative impact of area code relief on numbering resource optimization. To ensure that carriers can continue to serve existing customers within the rate center in both area codes without requiring a change of their seven-digit telephone numbers, duplicate central office (CO) codes must be assigned in the new area code. Thus, some codes in the new area code are immediately unavailable upon release of the new area code. Depending on how many codes must be duplicated, the impact on number exhaust in the new area code can be significant. Some carriers assert that the splitting of rate centers also significantly impacts them by imposing additional implementation requirements, many of which must be accomplished manually at the individual line level.²¹ These include geographically mapping individual customer telephone numbers and service addresses against the new boundaries to determine in which area code the customer will reside, and changing provisioning and operating support systems (OSS) to ensure that all new customers are correctly mapped to the appropriate area code.²² Some carriers opine that the need for such labor-intensive, manual adjustments carries with it a high probability that mistakes will be made,²³ which could result in interruptions of telephone service to end users. The splitting of rate centers can also affect the implementation of local number portability (LNP) and cause other technical problems such as complicating the mapping of direct

²⁰ *Common Carrier Bureau Seeks Comment on the State of New York Department of Public Service Request for the Release of a New Area Code to Provide Relief for the 716 Numbering Plan Area*, Public Notice, CC Docket 96-98, NSD File No. L-00-161, DA 00-1806 (rel. Aug. 9, 2000) (*716 Public Notice*).

²¹ *See generally* MCI Comments at 6-9.

²² MCI Comments at 6.

²³ *See, e.g.*, MCI Comments at 9, Winstar Comments at 3.

911 calls.²⁴

10. It is estimated that the area code relief plan proposed by the NYDPS would result in the splitting of 14 rate centers, and the duplication of 29 CO codes. In the *716 Order*, the NYDPS correctly noted that the Bureau, in its letter directing the NANPA to release an area code to relieve the 914 NPA, approved an area code relief plan that resulted in the splitting of 5 rate centers and the duplication of 10 to 20 CO codes.²⁵ The Bureau did so after considering the effect of the area code relief plan on numbering resource usage, and the other efforts undertaken by the NYDPS to conserve numbering resources. Moreover, the Bureau determined that granting the NYDPS's request was in the public interest because the area code relief plan was developed only after extensive industry and consumer input, which balanced a number of competing goals and interests. The Bureau also stated, however, that it would carefully and critically review any future area code relief plans that are clearly outside the industry guidelines,²⁶ which, in this instance, reflect the Bureau's stated preference that state commissions avoid adopting area code splits that do not follow rate center boundaries.²⁷

11. In this instance, we find that the number of rate centers that will be split and the number of CO codes that will likely have to be duplicated raises some concerns from a number conservation perspective. Moreover, we recognize and appreciate the concerns raised by carriers regarding the technical difficulties inherent with an area code relief plan that results in the splitting of rate centers. We must balance these concerns, however, with the state commissions' delegated authority to make certain area code implementation decisions, and with their unique knowledge of the local conditions which necessarily informs and affects area code implementation decisions. Despite the Commission's responsibility to ensure the proper administration of the NANP's resources overall, the Bureau is mindful of the states' delegated responsibilities over implementing new area codes, and we try to give deference to the states' determinations except in instances in which national goals and policies are significantly undermined by the states' actions. Further, we agree that evidence of other number conservation efforts should be considered, and indeed weighs in favor of states, when deciding whether the number inefficiency resulting from a particular area code relief plan is acceptable. By rewarding state efforts to conserve numbers in this manner, we hope to achieve our nationwide goal of prolonging the life of the NANP.

12. We find that the splitting of 14 rate centers and the duplication of 29 CO codes, in this instance, will neither severely impact the life of the new area code, nor the life of the NANP as a whole. Both represent a relatively small proportion of the rate centers and available CO codes in the 716 NPA. Moreover, we commend the NYDPS on its successful efforts to date in conserving numbering resources through the use of thousands-block number pooling in the 716 NPA and other number conservation measures under delegated authority. These efforts persuade us to allow the NYDPS to proceed with its adopted area code relief plan. The Bureau therefore directs the NANPA to release a new area code to

²⁴ See, e.g., Winstar Comments at 3-4.

²⁵ *716 Order* at 28.

²⁶ Strickling Letter at 2.

²⁷ *Id.*

relieve the 716 NPA in accordance with the NYDPS's adopted area code relief plan. We reiterate, however, that states should continue to adhere to the industry guidelines in making future area code relief decisions to the extent that they serve to further the Commission's national numbering administration goals.

13. Finally, we encourage states to continue to consider and implement rate center consolidation in conjunction with other number conservation measures. We are mindful that consolidating rate centers may make it more difficult in the future to avoid splitting rate centers, but believe that the benefits of fewer and larger rate centers, which include eliminating the need for carriers to acquire multiple CO codes to establish a "footprint" in a given area, can far outweigh the problems inherent in splitting rate centers. Therefore, the NANPA need not be bound by the industry guideline requiring that area code split boundaries conform to existing rate center boundaries when responding to requests for relief NPAs where the state has successfully undertaken rate center consolidation in the affected geographic area and so certifies to the NANPA.

IV. CONCLUSION AND ORDERING CLAUSES

14. Based on the foregoing, we direct the NANPA to release an area code for the purpose of relieving the 716 NPA in accordance with the area code relief plan adopted by the NYDPS.

15. Accordingly, pursuant to sections 4(i) and 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 251, and section 0.91 of the Commission's Rules, 47 C.F.R. § 0.91, IT IS ORDERED, that the request of the State of New York Department of Public Service for the release of a new area code is granted.

FEDERAL COMMUNICATIONS COMMISSION

Dorothy T. Attwood
Chief, Common Carrier Bureau