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Federal Communications Commission

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DA 02-42

Released: January 10, 2002

## COMMON CARRIER BUREAU SEEKS COMMENT ON THE NEW YORK STATE PUBLIC SERVICE COMMISSION'S REQUEST FOR DELEGATED AUTHORITY FOR JURISDICTION OVER AREA CODE CHANGES PURSUANT TO 47 U.S.C. § 251(e)(1)

NSD File No. L-01-159  
CC Docket 96-98

Pleading Cycle Established

COMMENTS: January 30, 2002

REPLY COMMENTS: February 11, 2002

On August 8, 1996, the Federal Communications Commission (Commission) released the *Local Competition Second Report and Order*,<sup>1</sup> which delegated authority to state commissions to implement area code relief in the form of (1) an area code overlay; (2) a geographic split; or (3) an area code boundary realignment.<sup>2</sup> The Commission noted that states were uniquely positioned to determine which type of area code relief would best serve local needs.<sup>3</sup>

On October 15, 2001, the New York State Public Service Commission (New York Commission or Petitioner) filed a petition requesting delegated authority to change existing area code boundaries outside

<sup>1</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, et. al.*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) (*Local Competition Second Report and Order*). Section 251(e)(1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, gives the Commission plenary jurisdiction over numbering administration and allows the Commission to delegate to state commissions or other entities all or any portion of that jurisdiction. 47 U.S.C. § 251(e)(1).

<sup>2</sup> See 47 C.F.R. § 52.19(c)(1)-(3).

<sup>3</sup> *Local Competition Second Report and Order*, 11 FCC Rcd at 19512, para. 272.

the context of area code relief planning.<sup>4</sup> Petitioner stated that it had received numerous requests from local communities to change their respective area codes for reasons unrelated to area code relief, such as a desire to be associated with the area code where a community has close political and economic ties.<sup>5</sup>

We hereby seek comment on the New York Commission's request for delegated authority to modify area codes outside the context of area code relief. A copy of the petition will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the petition may also be found by searching on the Commission's Electronic Comment Filing System (ECFS) at <<http://www.fcc.gov/e-file/ecfs.html>> (insert 96-98 into the Proceeding block). Interested parties may file, electronically or by paper, comments concerning this matter on or before **January 30, 2002**, and reply comments on or before **February 11, 2002**. All filings must reference **File No. NSD-L-01-159 and CC Docket No. 96-98**. If filing paper copies, send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, SW, Suite TW-A325, Washington, D.C. 20554 and two copies to Carmell Weathers, Network Services Division, Portals II, 445 12th Street, S.W., Room 6-B153, Washington, D.C. 20554.

Comments may be filed using the ECFS. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. If using this method, please reference the docket number, **96-98** in the Proceeding block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number(s). Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Carmell Weathers, [cweather@fcc.gov](mailto:cweather@fcc.gov), indicating that comments have been filed.

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.<sup>6</sup> As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.<sup>7</sup>

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.<sup>8</sup> Other rules pertaining to oral and written presentations are set forth in Section

<sup>4</sup> *Petition of the New York Public Service Commission's Request for Delegated Authority for Jurisdiction Over Area Code Changes Pursuant to 47 U.S.C. § 251(e)(1)*, filed Oct. 15, 2001.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> See generally 47 C.F.R. §§ 1.1200-1.1216.

<sup>7</sup> 47 C.F.R. § 1.1206.

<sup>8</sup> 47 C.F.R. § 1.1206(b)(2).

1.1206(b) as well.

For further information contact Jennifer Gorny of the Common Carrier Bureau, Network Services Division, at (202) 418-2320 or [jgorny@fcc.gov](mailto:jgorny@fcc.gov). The TTY number is (202) 418-0484.

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