



N A R U C
National Association of Regulatory Utility Commissioners

November 24, 2003

Hon. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 12th Street, SW
Washington, DC 20554

RE: Written Ex Parte Comments of the National Association of Regulatory Utility Commissioners in the proceeding captioned:

***In the Matter of the Petition of the California Public Utilities Commission for Authority to Implement Specialized Overlay Area Codes;
CC Docket No. 99-200***

Dear Secretary Dortch:

The National Association of Regulatory Utility Commissioners (“NARUC”) submits these comments generally supporting the California Public Utilities Commission’s (“CPUC”) request for delegated authority to implement two permanent specialized overlays (“SOs”).

The Federal Communications Commission (“FCC” or “Commission”) asked for comment on the CPUC petition in an October 16, 2003 notice. Together, the overlays would cover the entire State of California, so as to optimize telephone number usage and extend the life of as many of the existing underlying area codes as possible. The CPUC proposes, on a prospective basis, to place services, such as fax machines and modems for larger businesses,¹ services like E-Fax and On Star, paging services, and dial-up Internet access services (e.g., America Online), in these two new area codes.² The CPUC also requests authority for “retroactive take-backs,” which would permit the reassignment of customers with these services to the new area codes; however, the CPUC indicates that, if granted such authority, it will carefully consider if and how to reassign customers. The CPUC further requests that customers in both the new SOs and the underlying geographic area codes continue to use seven digit dialing for intraLATA calling, rather than requiring ten-digit intraLATA dialing throughout the state.

¹ This will include businesses with 50 or more access lines for the serving carrier.

² The CPUC will not include cellular services nor modems (or fax machines) used by residential customers.

On its face, it appears the CPUC's solution will optimize number usage while limiting the effects of the transition to a new area code. Area code relief is a difficult transition for all stakeholders. For example, service providers must modify switch translations and permissible dialing arrangements; consumers must inform friends and families of new numbers; businesses must change stationary and advertising; and alarm companies must visit many customer locations to reprogram auto-dialers. In anticipation that the CPUC will need to resolve numerous issues regarding assignment of numbers to the new SOs, the CPUC has already met with numerous carriers and believes that they can work with them to resolve implementation issues as they develop, which should ease the transition to the new SOs.

The CPUC's proposal is consistent with the FCC's policy on the establishment of SOs as a means to provide area code relief. The Commission has delegated authority to the States to carry out area code relief, recognizing that States should have flexibility in crafting area code relief to address local needs and to mitigate transition issues. In the Number Resource Optimization Third Report and Order (CC Docket 96-98 and CC Docket 99-200), the FCC set forth eight factors that each request for delegated authority to implement an SO is to address.³ The CPUC appears to have presented a compelling case for relief specifying, in accordance with the FCC's order, its rationale for the need for the SO by responding to each factor. NARUC supported the original delegation of SO authority and we generally support favorable action on the CPUC proposal.

Very truly yours,

/S/

JAMES BRADFORD RAMSAY
General Counsel

National Association of Regulatory Utility
Commissioners

³ The Commission indicated that state commissions are to address the following: (1) the technologies or services to be included in the SO; (2) the geographic area to be covered; (3) whether the SO will be transitional; (4) when the SO will be implemented and, if a transitional SO is proposed, when it will become an all-services overlay; (5) whether the SO will include take-backs; (6) whether there will be ten-digit dialing in the SO and the underlying area code; (7) whether the SO and the underlying area code(s) will be subject to rationing; and (8) whether the SO will cover an area in which pooling is taking place.