

Decision 96-11-010 November 6, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service

Filed April 26, 1995

ORIGINAL

Order Instituting Investigation on the Commission's Own Motion into Competition for Local Exchange Service

Filed April 26, 1995

Introduction
On October 8, 1996, the California Cable Television Association, Time Warner Axs of California L.P., and Cox California Telecom Inc., (collectively petitioners) filed a Petition to Modify Decision (D.) 96-09-087 (the Decision). Specifically, the petitioners requested that the Commission modify that portion of the decision concerning the acceleration of numbering plan area (NPA) relief implementation to require that Pacific Bell (Pacific) and GTE California Incorporated (GTEC) consider the feasibility of accelerating the implementation date of the 619 NPA Relief Plan, in addition to the 310 NPA, as a means of averting premature exhaustion in that area, and to report their efforts to the Commission.

By Administrative Law Judge (ALJ) ruling dated October 10, 1996, petitioners' motion for a shortening of the comment period was granted. Comments in response to the motion were received by the Office of Ratepayer Advocates, Pacific, and GTEC. No party opposes the modification, although Pacific and GTEC note that all carriers must provide input to determine the feasibility of changing the NPA relief implementation date.

While the decision currently requires such action for the 310 NPA only, petitioners believe the exclusion of the 619 NPA was an oversight in light of findings and direction set forth in the decision. Petitioners believe the requested modification would clarify that the Commission seeks to assure that all potentially viable means for averting premature exhaust are considered for the 619 NPA, as is already being considered for the 415 NPA in D.96-08-042 and for the 310 NPA in the Decision.

Background

D.96-09-087 adopted specific guidelines regarding a contingency plan for conducting a lottery of NXX Codes in the 310, 415, and/or 619 NPAs in the event that other measures cannot prevent premature exhaust.<sup>2</sup> The decision also noted that in D.96-08-042, the Commission had facilitated the accelerated implementation of relief in the 415 NPA by specifically limiting the customer notice period for the 415 NPA relief plan to only 12 months in the interest of avoiding premature exhaust in that NPA.<sup>3</sup> Similarly, the decision considered expedited implementation for the 310 NPA by directing Pacific and GTEC to review their resource constraints to determine the technical feasibility of expediting the present 310 NPA relief to avoid premature exhaust. While the Commission has directed the expedited implementation of area code relief for the 415 NPA, and directed Pacific and GTEC to review the technical feasibility of expedited implementation for the 310 NPA, the decision was silent on whether expedited implementation should be considered for the 619 NPA.

1 Decision, mimeo, at 27.

2 Decision at 3.

3 Decision at 27.

**Parties' Position**

Pacific does not object to the proposed... Petitioners believe the Commission's direction that Pacific and GTEC review the possibility of expediting implementation only for the 310 NPA is, in part, based on a misinterpretation of the California Telecommunications Coalition's (Coalition) pleading concerning expedited implementation of NPA relief. The decision states that "the Coalition advocates expedited implementation of the 310/562 NPA split as a remedy against premature code exhaust." In fact, the petitioners point out that the Coalition urged the Commission to explore expedited implementation for all area codes facing exhaust. While the Coalition cited D.95-08-052 (the 310 Area Code decision) to support the proposition that the Commission had the authority to reduce notice requirements by ordering relief sooner than the 24 months after the local exchange company's (LXC) first notice of relief, its request for expedited implementation was not limited to the 310 NPA.

Moreover, petitioners believe the Commission's reasoning upon which it considered expediting implementation for the 310 NPA is equally applicable to the 619 NPA. The 619 NPA, like the 310 and 415 NPA, requires measures that if possible will prevent premature exhaust. Petitioners argue that based on the Commission's direction concerning the 310 and 415 NPAs, the Commission appears to recognize that a potentially viable way to address a number exhaust crisis is to avoid that crisis altogether by considering expedited implementation.

within their service territory, as directed in the order below.

Findings of Fact

I. D.95-09-087 adopted guidelines regarding a contingency

plan to avert premature exhaust in the 310, 415 and 619 NPAs. Decision at 25.

for which a freeze had been declared. 5 Comments of California Telecommunications Coalition Concerning NXX Code Extraordinary Conservation Measures dated July 15, 1996, at 3 and 5. to review resource constraints to assess the technical feasibility

Pacific does not object to the proposed modification with two exceptions. First, the modified decision would require (in a new Interim Ordering Paragraph) that the California Codification Administrator (CCA) file a status report on acceleration of the implementation of the 619 NPA Relief Plan "no later than 10 working days following the effective date of this Order." Pacific is not prepared at this time to provide information on such acceleration to the CCA so that he can file such a report, but can do so by 10:00 October 25, 1996. Therefore, Pacific would like to clarify that any report on acceleration of 619 NPA relief would not be due until October 25, 1996, or later.

Second, any acceleration of 619 NPA relief cannot be accomplished unless all industry members are able to accelerate their implementations according to Pacific and GTEC. This is an issue that should consider input from all industry members.

**Discussion**

We conclude that the Petition to Modify should be granted. There is no opposition to granting the requested modification. As Petitioners point out, the reasons for directing Pacific and GTEC to assess the feasibility of accelerating implementation of NPA relief in the 310 NPA apply equally well to the 619 NPA. In recognition of Pacific's and GTEC's observation that the feasibility of relief plan acceleration depends upon the capabilities of all industry members competing in the region, we shall solicit a status report on technical feasibility from all competing local exchange carriers intending to include the 619 NPA within their service territory, as directed in the order below.

**Findings of Fact**

1. D.96-09-087 adopted guidelines regarding a contingency plan to avert premature exhaust in the 310, 415, and 619 area codes for which a freeze had been declared.

2. The decision specifically directed Pacific and GTEC to review resource constraints to assess the technical feasibility

of accelerating the implementation date for the 310 area code, but was silent as to whether the same direction should also apply to the 619 area code.

3. The Coalition's request in its comments filed July 15, 1996, for further consideration of expedited implementation of area code relief plans was not limited to the 310 area code, but applied to all area codes facing future exhaustion.

4. The reasons for directing Pacific and GTEC to consider expedited implementation of the 310 area code apply equally to the 619 area code.

5. No party filed an opposition to the Petition for Modification of D.96-09-087, but Pacific and GTEC noted that any accelerated implementation depends on the capabilities of all local industry members, not just the two incumbent LECs.

6. Pacific stated that it could file a report on the feasibility of accelerating the implementation of the 619 area code by October 25, 1996.

7. GTEC recommended that the date of November 15, 1996, be set for the filing of a status report on the feasibility of accelerating the 619 area code relief plan implementation to provide time for all carriers to investigate and prepare an appropriate status report.

Conclusions of Law

1. The Petition to Modify D.96-09-087 as filed by Petitioners should be granted, as set forth in the order below.

2. Because accelerated implementation of the 619 area code depends upon capabilities of other competing carriers, as well as Pacific and GTEC, a status report on the feasibility of accelerated implementation of the 619 area code relief plan should be solicited from all competing LECs and competitive local carriers.

to accelerating the implementation of the 619 area code relief plan, which would apply to whether the decision should also apply to the 619 area code.

**ORDER**  
IT IS ORDERED that the Petition to Modify Decision 96-09-087 is granted. The Conclusion of Law 20 should be modified to include reference to the 619 numbering plans area (NPA) Relief Plan in addition to that of the 310 NPA for purposes of assessing the feasibility of accelerating the NPA relief plan schedule.

3. A status report is solicited from Pacific Bell and California Incorporated, as well as from competitive local carriers who intend to compete in the 619 NPA regarding the feasibility of accelerating the implementation of the relief plan as a means of averting premature code exhaust in that NPA. The report shall be due on November 15, 1996.

This order is effective today.

Dated November 6, 1996, at San Francisco, California.

P. GREGORY CONLON  
President  
DANIEL W. FESSLER  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners

The petition to modify D.96-09-087 as filed by Petitioners should be granted, as set forth in the order below. Because accelerated implementation of the 619 area code depends upon capabilities of other competing carriers, as well as Pacific and GTE, a status report on the feasibility of accelerated implementation of the 619 area code relief plan should be solicited from all competing LSCs and competitive local carriers.