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Decision 96-11-061 November 26, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The City of Monterey Park,

Complainant,

vs.

Pacific Bell (U 1001 C),

Defendant.

Case 95-12-084
(Filed December 28, 1995)

City of Burbank, California,
and City of Glendale,
California,

Complainants,

vs.

Pacific Bell,

Defendant.

Case 96-03-006
(Filed March 4, 1996;
amended August 16, 1996)

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O.P.I.N.I.O.N

The Commission has determined that the relief will not be used within the time frame of the 818 NPA.

I. Summary and Conclusion

We are presented with two complaints challenging the area code relief plan put forward by the California Code Administrator (CCA)/Pacific Bell for the 818 Number Plan Area (NPA). Each

complaint would, if granted individually, have the effect of retaining the 818 NPA for the complainants' communities.

The City of Monterey Park (Monterey Park) asks that the assignment of the 818 and new 626 NPAs be reversed in a proposed geographic split to retain the 818 NPA on the eastern/San Gabriel Valley side of the split boundary. Their request is based on a perception that growth is greater on their side of the split and retention of the 818 NPA would reduce impacts. They also desire retention of the 818 NPA due to its numerological significance to the residents in their area who are Chinese or of Chinese ancestry.

The Cities of Burbank and Glendale (Burbank/Glendale) jointly ask that the proposed split boundary be shifted to allow inclusion of their communities in the western/San Fernando Valley side of the split boundary, or alternatively that an overlay be authorized. Their request is premised on the community of interest which they contend makes their communities' association with the San Fernando Valley far stronger than with the San Gabriel Valley.

Each of the requests, while technically feasible, would have their own impacts by accelerating the need for additional future number exhaust relief. However, we will grant the relief requested by Burbank/Glendale due to the consideration of their strong community of interest and economic affiliation with the San Fernando Valley communities and because their inclusion in the 818 area code will generally minimize the number of people that will be impacted by the split.

Pacific Bell on March 4, 1996. Their complaint takes issue with

the location at which the geographic split takes place, objecting to the exclusion of Burbank and Glendale from the San Fernando Valley (and therefore 818) side of the CCA proposed split.

Burbank/Glendale allege that based on geography and communities of interest, it is more logical to include Burbank, Glendale and the Crescenta Valley with the other communities of the San Fernando Valley rather than with the San Gabriel Valley. They also allege that this will also have the effect of prolonging the projected life of the new 626 area code by 25%, with a projected life for the new 818 area somewhat shorter than under the CCA proposed split.

On August 16, 1996, Burbank/Glendale filed a motion requesting permission to amend their application to allow for consideration of an overlay relief plan, instead of a split. They tendered the requested amendment at the same time. They also filed a petition for modification of Decision (D.) 96-08-028 in our consolidated rulemaking and investigation into competition for local exchange service (R.95-04-043/I.95-04-044) to obtain relief from criteria we adopted for the consideration of overlays which effectively prohibits consideration of an overlay in the time frame applicable to the need for 818 area code relief.

C. Procedural History

The public process of dealing with the impending exhaustion of available numbers in the 818 area code began in early 1995 with the creation of a planning team consisting of the CCA, which has been Pacific Bell during all aspects of this proceeding, various other telecommunications companies, and a representative of this Commission. As noted by complainants, there were no other representatives of the public nor representatives of municipalities or local public agencies on this team.¹ This group met over a period of months and evaluated several potential means

¹ By action of the Executive Director, the Division of Ratepayer Advocates, a list of the planning team members are contained in the Burbank/Glendale Opening Brief as Appendix A. The functions of the team are to provide input to the Commission's Office of Ratepayer Advocates.

CORRECTION !!

*THE PREVIOUS DOCUMENT(S) MAY HAVE
BEEN FILMED INCORRECTLY*

RESHOOT FOLLOWS

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I. Summary and Conclusion

We are presented with two complaints challenging the area code relief plan put forward by the California Code Administrator (CCA)/Pacific Bell for the 818 Number Plan Area (NPA). Each complaint would, if granted individually, have the effect of retaining the 818 NPA for the complainants' communities.

The City of Monterey Park (Monterey Park) asks that the assignment of the 818 and new 626 NPAs be reversed in a proposed geographic split to retain the 818 NPA on the eastern/San Gabriel Valley side of the split boundary. Their request is based on a perception that growth is greater on their side of the split and retention of the 818 NPA would reduce impacts. They also desire retention of the 818 NPA due to its numerological significance to the residents in their area who are Chinese or of Chinese ancestry.

The Cities of Burbank and Glendale (Burbank/Glendale) jointly ask that the proposed split boundary be shifted to allow inclusion of their communities in the western/San Fernando Valley side of the split boundary, or alternatively that an overlay be authorized. Their request is premised on the community of interest which they contend makes their communities' association with the San Fernando Valley far stronger than with the San Gabriel Valley.

Each of the requests, while technically feasible, would have their own impacts by accelerating the need for additional future number exhaust relief. However, we will grant the relief requested by Burbank/Glendale due to the consideration of their strong community of interest and economic affiliation with the San Fernando Valley communities and because their inclusion in the 818 area code will generally minimize the number of people that will be impacted by the split.

Pacific Bell on March 4, 1996. Their complaint takes issue with

The Commission has previously determined that overlays will not be used within the time frame for relief of the 818 NPA and has explicitly decided not to modify that determination in the context of these specific cases.

II. Background of the Complaints

A. Description of the Monterey Park Complaint

Monterey Park filed its complaint against Pacific Bell on December 28, 1995. Monterey Park requests that the Commission prevent implementation of any area code relief plan that does not allow retention of the 818 area code by the San Gabriel Valley, the geographic region which includes Monterey Park. Specifically, Monterey Park asks that the Commission prevent either imposition of a split which applies the new 626 area code to the San Gabriel Valley or use of an overlay which would have the effect of applying the 626 area code to new customers in the San Gabriel Valley area.

The reasons given by Monterey Park are based on its demographics, including its allegation that its relatively greater concentration of business customers, and the corresponding greater impact on business customers than residential, will cause greater overall public costs if it receives the new area code. Monterey Park also raises the issue of a locally unique situation, i.e., its large Chinese-American community. Monterey Park contends that this particular group "associates the number '8' with good fortune, happiness, and prosperity" and therefore changing the local area code to 626 from 818 will "cause a detrimental cultural impact unique to the San Gabriel Valley." (Complaint of City of Monterey Park at 2.)

B. Description of the Burbank/Glendale Complaint

Burbank/Glendale jointly filed a complaint against Pacific Bell on March 4, 1996. Their complaint takes issue with

the location at which the geographic split takes place, objecting to the exclusion of Burbank and Glendale from the San Fernando Valley (and therefore 818) side of the CCA proposed split.

Burbank/Glendale allege that based on geography and communities of interest, it is more logical to include Burbank, Glendale and the Crescenta Valley with the other communities of the San Fernando Valley rather than with the San Gabriel Valley. They also allege that this will also have the effect of prolonging the projected life of the new 626 area code by 25%, with a projected life for the new 818 area somewhat shorter than under the CCA proposed split.

On August 16, 1996, Burbank/Glendale filed a motion requesting permission to amend their application to allow for consideration of an overlay relief plan, instead of a split. They tendered the requested amendment at the same time. They also filed a petition for modification of Decision (D.) 96-08-028 in our consolidated rulemaking and investigation into competition for local exchange service (R.95-04-043/I.95-04-044) to obtain relief from criteria we adopted for the consideration of overlays which effectively prohibits consideration of an overlay in the time frame applicable to the need for 818 area code relief.

C. Procedural History

The public process of dealing with the impending exhaustion of available numbers in the 818 area code began in early 1995 with the creation of a planning team consisting of the CCA, which has been Pacific Bell during all aspects of this proceeding, various other telecommunications companies, and a representative of this Commission. As noted by complainants, there were no other representatives of the public nor representatives of municipalities or local public agencies on this team.¹ This group met over a period of months and evaluated several potential means

¹ By action of the Executive Director, the Division of Ratepayer Advocates, a list of the planning team members are contained in the Burbank/Glendale Opening Brief as Appendix A. The functions it performs in this proceeding now reside with the Commission's Office of Ratepayer Advocates.

implementing a new area code including both an overlay and a variety of geographic splits.

In September and October 1995 two of these plans were presented to the public in a series of meetings. The two proposals presented were "Alternative 5," the geographic split dividing Burbank and Glendale from the San Fernando Valley area with 818 being retained by the San Fernando Valley side of the split, and "Alternative 6," an overlay of the existing 818 area code with a new 626 area code.

In November 1995, following the public meetings, the planning team recommended that Alternative 5 be the preferred plan for relief of the 818 area code.

Monterey Park filed their complaint on December 28, 1995. Pacific Bell filed its answer on February 8, 1996.

Burbank/Glendale filed their complaint on March 4, 1996. Pacific Bell filed its answer to the Burbank/Glendale complaint on April 15, 1996, and requested that the two complaints be consolidated. Burbank/Glendale responded to the request for consolidation with a request that the matters not be consolidated, but that if they were, recognition be given to the fact that they had very different factual bases.

A prehearing conference in this matter was held in Pasadena, California, on July 22, 1996. That prehearing conference was attended by not only the complainants and defendant, but also by GTE California Incorporated (GTEC), AT&T Communications of California, Inc. (AT&T), the Commission's Office of Ratepayer Advocates (ORA), the California Cable Television Association, and representatives of the public and representatives of municipalities.

² Maps showing each of the alternatives proposed in these proceedings are contained in the Appendix to this decision.

³ By action of the Executive Director, the Division of Ratepayer Advocates ceased to exist as a staff unit on September 10, 1996. The functions it performed as a participant in this proceeding now reside with the Commission's Office of Ratepayer Advocates.

the Valley Industry and Commerce Association. Following extensive discussion at the prehearing conference, and with the agreement of the parties, the assigned administrative law judge (ALJ) made several rulings confirmed in an ALJ Ruling of July 26, 1996. The ALJ ruled that the matters would be consolidated since, although factually distinct in the bases for the complaints, we would necessarily have to render one decision for implementation of area code relief. It was also ruled that this matter would be determined on a paper record, that is, parties would submit briefs and supporting affidavits rather than witnesses presenting testimony in hearings. The purpose of doing so was to permit this matter to be concluded as expeditiously as possible. Opening briefs and affidavits were filed and served on August 29, 1996.

On August 16, 1996, Burbank/Glendale filed a motion to amend their complaint, tendered the requested amendment to the complaint and, concurrently, filed in R.95-04-043/Y.95-04-044 a petition for modification of D.96-08-028. These filings were for the purpose of facilitating consideration of an overlay in this proceeding. Reply briefs were filed and served on September 9, 1996.

A draft decision by the ALJ was circulated for comment on November 8, 1996. Opening comments were filed on November 19, 1996, by Pacific Bell, Monterey Park, Burbank/Glendale, ORA, GTEC, and AT&T. Reply Comments were served on November 22, 1996, by Pacific Bell, Burbank/Glendale, and GTEC.

Opening briefs were filed by Monterey Park, Burbank/Glendale, Pacific Bell, and ORA. Burbank/Glendale served their brief in a timely fashion, but was unable to file it until one day late and filed a motion requesting relief to file one day late. That was granted by the ALJ.

Reply briefs were filed by Monterey Park, Burbank/Glendale, Pacific Bell, ORA, GTEC, AT&T, and the Valley Industry and Commerce Association.

We have reviewed the comments and the reply comments filed on the draft decision and have made changes to the draft decision where appropriate.

III. Preliminary Procedural Matters

A. Motion of Burbank/Glendale to

Amend Complaint Regarding Split

On August 16, 1996, Burbank/Glendale filed a motion for leave to amend their complaint. At the same time, they tendered the requested amendment and filed a petition for modification of D.96-08-028 in R.95-04-043/I.95-04-044, our local exchange competition proceeding. These filings were all aimed at allowing an overlay to be considered as an option in this proceeding.

No party filed any opposition to the motion requesting amendment of the complaint. In fact, Pacific Bell has endorsed the overlay as an option to be considered. Therefore, there is no basis to not grant the motion and permit Burbank/Glendale to amend their complaint. The amendment will be accepted. However, that is not the same as saying we will adopt the request contained in the amendment. Elsewhere in this decision we will discuss the appropriateness of considering overlays in this proceeding. The petition for modification of D.96-08-028 was separately addressed in the docket in which it was rendered and was recently denied in D.96-10-087.

B. Motions to Intervene

On September 9, 1996, National Broadcasting Company, Inc. (NBC) filed a motion to intervene. NBC's motion describes the locations of its major production facility in Burbank and the number of telephone numbers it has in the present 818 area code.

It describes itself as being considered a part of the San Fernando Valley community and part of a media cluster in the Burbank, Glendale, and North Hollywood area.

It indicates its support for the relief sought by Burbank/Glendale in terms of the preferred location for a geographic split. As a secondary, but less preferable alternative, NBC recommends adoption of an overlay, again the position taken by Burbank/Glendale.

On September 26, 1996, Walt Disney Company (Disney) also filed a motion to intervene. Disney notes its significant operations and numbers of employees and telephone lines in the 818 NPA, particularly in Burbank and Glendale. It too notes the existence of a media cluster. Disney describes the changes it would have to undertake if the NPA for a substantial portion of its operations were to change and be different from other Disney facilities in the area. Disney supports the same relief being requested by Burbank/Glendale. ORA filed a response to the Disney Motion on October 3, 1996, opposing its request.

This matter has been pending for several months. NBC and Disney did not previously indicated a desire for a formal involvement in this matter, did not participate at the prehearing conference, did not file a brief and, even at this point, provide no input to our record other than an endorsement of the Burbank/Glendale position. In fact, in its own brief, Burbank/Glendale note their authorization to state that Disney, NBC, and others support the Burbank/Glendale positions. (Burbank/Glendale Opening Brief (OB) at 2.)

The only reason to intervene at this late stage is to indicate their support for the Burbank/Glendale position (which is duly noted) and preserve options for potential legal challenges to any decision that might be rendered. It seems inappropriate to grant such an opportunity to any organization or individual that has not participated in the record development. Therefore, while we encourage NBC and Disney to provide any assistance they desire to Burbank/Glendale in support of their complaint, we will not grant the motions to intervene.

It indicates its support for the relief sought by

IV, Criteria For Relief Plan Selection

geographic split. As a secondary, but less preferable alternative

In D.95-12-043, we relied on the following five criteria to select the appropriate geographic split boundary for the 310

NPA:⁶

1. Minimize the impact to existing customers in the exhausting NPA, operations and numbers of employees and telephone lines in the

2. Optimize the life of the old and new NPAs in the

3. Meet the projected exhaustion date and notification requirements in the

4. Balance the impact of the telecommunications industry. facilities in the area. the relief being

5. Have an equitable impact on all existing and potential NXX code holders. Notion on October 3, 1995

This matter has been pending for several months. We have utilized these criteria in evaluating other area

code relief situations as well (see, e.g., D.96-08-042, resolving the 415 and 916 area code disputes) and will utilize them in this decision as well. However, as we noted in D.96-08-042, a

modification is required with respect to Criterion 3 which refers to "notification requirements." Since notification requirements

are set forth in various statutes, and since there are other

statutes relevant to deciding on the appropriate boundaries for a

geographic split, we will use the broader term of "statutory

requirement" as part of Criterion 3.

Section 2887 of the Public Utilities (PU) Code

establishes one statutory standard for evaluating new area code boundaries. It states in part:

(a) Whenever a telephone corporation

has not participated in the process of establishing boundaries for a new

we encourage NRC and Disney to provide any assistance they desire

to Burbank/Glendale in support of their 2-0-0-1-5-6-0

grant the notions to intervene.

area code, the boundaries shall coincide with the boundaries of a city, or, if the area code is to include less than the entire area of a city, the corporation shall consider, among other things, the criteria set forth in Section 21601 of the Elections Code in determining those boundaries." (PU Code § 2887(a)).

Elections Code § 21601 in turn establishes the following factor to be considered: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts. We will consider these criteria as well.

V. Options Recommended by Parties

A. Monterey Park

Monterey Park does not take issue with the geographic dividing line for the CCA proposed split. However, it challenges the proposed retention of the 818 area code by the San Fernando Valley side of the split line. Monterey Park believes the 818 area code should be kept on the San Gabriel Valley side of the split line, the area in which Monterey Park is located.

It is the position of Monterey Park that in developing the list of options to be considered, the industry study group invested its time in determining where the split line should be placed but that "[a]bsolutely no time, energy or analysis, however, was spent by the Industry team determining which side of a geographic split would retain the 818 area code and which would be assigned the 626 area code." (Monterey Park OB at 12.)

Monterey Park asserts that the sole reason given for assigning 818 to the San Fernando Valley side of the split is the presence within that area of the only tandem switch serving the 818 area code and the attendant difficulties that were cited for reprogramming the wireless devices, such as cellular telephones

which were served directly by that tandem. Monterey Park notes a recent Commission decision in which a comparable problem involving the reprogramming of wireless customers in another area code split situation was avoided by permitting the wireless customers to retain their current code assignments. (Id. at 6-8,18; D.96-08-028 mimeo. at 31.)

Monterey Park contends that the burden and impact of the split is greater on the San Gabriel Valley than on the San Fernando Valley, based on: the San Gabriel Valley having a greater population of residents and employees than the San Fernando Valley; the San Gabriel Valley having faster population and employment growth rates; a significant, detrimental cultural impact on the large Chinese population in the San Gabriel Valley; and giving the San Gabriel Valley a new 626 area code will cause confusion by being adjacent to a new 562 area code as well. Monterey Park contends that if the industry team that developed the area code relief alternatives had considered the relief planning standards this Commission has previously articulated, 818 would have been assigned to the San Gabriel Valley side of the split.

Monterey Park further contends that the public input opportunities were not well handled. Its concerns include poor notice and poor attendance at the hearings, as well as a claimed failure of the industry team to address citizens' reactions to the proposals.

Monterey Park asserts that there are multiple reasons that justify the San Gabriel Valley side of the split line retaining the 818 NPA.

According to Monterey Park, its retention of the 818 NPA would result in fewer businesses and residences needing to change their numbers, based on a larger customer base on the San Gabriel Valley side of the split. Their figures are as follows:

area code and the attendant difficulties that were cited for reprogramming the wireless devices, such as cellular telephones

the 10,000 potential numbers utilized in the NXX codes would have

	Residents	Employees
San Gabriel Valley	1,555,982	769,748
San Fernando Valley	1,284,511	668,197

conclude that there is a significant difference in the

Monterey Park asserts that the San Gabriel Valley has been indirectly impacted by NPA changes more times than the San Fernando Valley, although the communities indicated as being impacted by prior changes are not communities impacted by this change. They are communities associated with the San Gabriel Valley, but not located in the 818 NPA. It is an element to bear in mind in considering the positions of all parties that references to impacts alleged and populations affected should be references to those explicitly impacted.

Monterey Park suggests that consideration should be taken of post-split exhaustion projections, i.e., how soon after a split each side will take until the next NPA exhaustion occurs. Using that criterion with reference to Commission decisions in which the area with the shorter post-split exhaustion projection was allowed to keep the old NPA, Monterey Park asserts that the San Gabriel Valley should keep 818. (Monterey Park OB at 11.) Monterey Park contends that the employment growth rate for the San Gabriel Valley is three times greater than the San Fernando Valley. It also takes issue with Pacific Bell's exhaustion date projections which it contends have varied over time, but show the next San Gabriel Valley side exhaustion date as either very similar to or later than that of the San Fernando Valley. Monterey Park contends that because Pacific Bell's post-split exhaustion dates have varied, the projections are inherently unreliable.

Monterey Park takes issue with Pacific Bell's number of NXX codes on each side of a split line as an indicator of customers affected. It is Monterey Park's contention that while some NXX codes are filled out with most of

the 10,000 potential numbers utilized, newer NXX codes would have relatively few of the numbers used. (Monterey Park RB at 4-5.) Monterey Park also presents a local-specific impact. It contends that there is a large resident Chinese community in the San Gabriel Valley area and that the number "8" has unique cultural significance. It relates that "8" is associated with good fortune, happiness, and prosperity and that local communities go to some lengths to accommodate desires to include 8s in addresses, including adjusting street numbers. Monterey Park further offers that the numerology value of 626 is "guaranteed death." (Monterey Park OB at 15-16.)

Finally, Monterey Park asserts that a guideline of the North American Numbering Plan is violated by assignment of the 626 NPA to the San Gabriel Valley but would be avoided by assignment of the 818 NPA. The guideline requires similar NPA numbers to not be adjacent to each other in order to avoid customer confusion. Monterey Park believes that having 626 adjacent to a new 562 NPA and having 805 close to 818 would be such a violation. (Monterey Park OB at 17.) We would observe that the proximity of 805 and 818 exists today.

B. Burbank/Glendale

Burbank/Glendale recommend adoption of a geographic split described as Alternate 4 of the 818 Area Code relief plan, in which the split occurs at the boundary between Pasadena and Glendale in the San Rafael Hills. Burbank/Glendale believe this more properly splits the San Fernando Valley and San Gabriel Valley. As a second, less preferable alternative, Burbank/Glendale propose the adoption of an overlay for the entire 818 NPA.

Burbank/Glendale contend there is overwhelming support for these alternatives. They note that they are authorized to represent that The Walt Disney Company, Warner Bros., NBC, and the Los Angeles County Board of Supervisors support their position (Burbank/Glendale OB at 2.)

NPA (Proposed but Split Line Moves East to Include all of Burbank and Glendale)

Burbank/Glendale describe the CCA's proposed split as dividing the existing 818 NPA into two areas, with the western two-thirds of the San Fernando Valley retaining the 818 area code and the eastern one-third of the San Fernando Valley being included with the San Gabriel Valley in the new 626 NPA. Per Burbank/Glendale the CCA indicated the proposal had good balance with 54% of the current central office (CO) codes west of the split and 46% east of the split, with the expected life of each side being approximately eight years, or until approximately 2006. According to Burbank/Glendale, Alternate 4 which it advocates, was described by the CCA as too imbalanced, with 66% of the CO codes west of the split and 34% east. (Burbank/Glendale OB at 5-6.)

According to Burbank/Glendale, their proposed boundary for the split coincides with the border between Glendale on the west and Pasadena on the east as well as the border between the Glendale and Pasadena telephone exchanges. (OB at 10.)

Burbank/Glendale contend that Alternate 4 would result in a 25% longer projected life for the new 626 side of the split. While acknowledging the projected life of the new 818 NPA would be shorter than Alternate 5, Burbank/Glendale contend it would still be twice as long as the projected life of the new 310 NPA being implemented in the impending 310/562 split. (Burbank/Glendale OB at 10.)

Burbank/Glendale contend that no party would be worse off under their recommended alternative and all parties would be better off than under the CCA's proposed Alternate 5 due to greater correspondence with community relationships and a longer life for the 626 NPA. (Id.)

Burbank/Glendale argue that statutory standards applicable to new area codes mandate a careful consideration of the community of interest concerns were repeatedly conveyed to

impact on communities. They cite PUA Code § 2887(a) which requires that if new area code boundaries are not able to coincide with the boundaries of a city (the preferred arrangement), this Commission is to consider the criteria set out in § 21601 of the Election Code. Section 21601 requires taking account of "(a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts." Burbank/Glendale state that while the statute explicitly addresses the situation involving the splitting of a city, they believe the same criteria should be considered when deciding which of several competing city boundaries should be selected as a point of division between NPAs. (Burbank/Glendale, OB at 15-16.)

Burbank/Glendale make a strong plea that based on a consideration of topography/geography in setting the boundary for an area code split, that the San Rafael hills should be considered the dividing line between the San Fernando Valley and the San Gabriel Valley. They cite the physical presence of the hills between Glendale and Pasadena and the absence of significant surface street linkages across those hills. They argue that the split line utilized in the CCA recommended split cuts through communities which are fully integrated across the split line with a common street grid.

Burbank/Glendale argue that the CCA proposed split also inappropriately divides communities of common interest. They point to such things as the Burbank and Glendale residents receiving the same newspapers and telephone directory editions as do the other communities in the San Fernando Valley; Pasadena receives the San Gabriel Valley editions. They cite the presence of certain economic ties, notably the "media cluster" of companies such as Disney, Warner Bros., and NBC located in Burbank and Glendale and others located nearby and to the west. Burbank/Glendale contend that the community of interest concerns were repeatedly conveyed to

members of the industry team that considered alternative proposals. This included letters and oral testimony at public meetings by numerous local officials of Burbank, Glendale, and Los Angeles County.

Burbank/Glendale provide data to demonstrate that their communities are closely associated with other communities of the San Fernando Valley. This included studies by the Southern California Association of Governments (SCAG) that show travel patterns between and among Glendale, Burbank, Pasadena, and other communities both to the east and west of them. Per

Burbank/Glendale this demonstrates that Glendale and Burbank have a much stronger community of interest with each other and with communities to the west of them than with those to the east; they believe Pasadena has a dominant relationship with communities of the San Gabriel Valley.

Burbank/Glendale respond to the answer to their complaint filed by Pacific Bell as CCA which lists several common organizational, political and other links between Glendale, Burbank, and Pasadena. These include such items as the joint operation of an airport, a common Congressional district, SCAG study references, joint power facilities, and others. Burbank/Glendale contend that these relate to a "secondary community of interest with Pasadena and to a lesser extent, South Pasadena." (Burbank/Glendale OB at 29, emphasis in original.) Burbank/Glendale suggest that this secondary community of interest might be a basis for moving the area code split line even further east to include Pasadena and South Pasadena in the San Fernando Valley side of the split. However, Burbank/Glendale believe that Pasadena and South Pasadena would object to such a proposal based on their community of interest with the San Gabriel Valley.

Finally, Burbank/Glendale make an argument that their proposal to use Alternative 4, rather than the CCA's proposed

Alternative 5 would result in far fewer customers incurring the costs associated with the change in an area code, particularly business customers, including the change in letterhead and notification of customers. Burbank/Glendale argue that by splitting the 818 NPA at the San Rafael Hills, the number of central office codes that would need to be shifted to a new area code would be reduced by one third. Specifically, with Alternative 5, 46% of the existing 818 central office codes would be switched to the new 626 area code, while with Alternative 4 and the San Rafael Hills split, only 34% of the existing codes would have to be shifted.

Burbank/Glendale acknowledge that making such a shift would have the effect of reducing the expected longevity of the western side of the split, i.e., by increasing the number of codes retained. They contend that the difference is not significant, reducing the expected life from 8 years to 6, while at the same time increasing the expected life of the new 626 NPA from 8 years to 10 from the projection in the CCA's plan. They contend that this Commission has found split longevity of these magnitudes acceptable in our decision splitting the 310 NPA to create a new 562 area code. They also assert that longevity is not that critical "given that it is now completely clear that there will never be another split of the 818 NPA." (Burbank/Glendale VOB at 35.) They premise this comment on reading D1960808028 as mandating that only overlays will be used after permanent LNP is established.

2. Overlay

Burbank/Glendale argue that events subsequent to the time when the CCA made its recommendations now suggest that an overlay is a realistic alternative for relief of the 818 NPA. Burbank/Glendale discuss in some detail this Commission's proposal for consideration and rejection of overlays as an option in the 310 NPA premised on the unavailability on a timely basis of permanent local number portability (LNP). Burbank/Glendale then go on to discuss

recent rulings by the Federal Communications Commission (FCC) which set timelines for the availability of permanent LNP in major metropolitan areas, including the Los Angeles metropolitan statistical area, of which the 818 NPA is a part. Based on the timing contained in the FCC orders, Burbank/Glendale assert that all of the conditions necessary to eliminate the anticompetitive effects of overlays, including permanent LNP and 1+10 digit dialing, will be available in time to be utilized for 818 NPA relief. (Burbank/Glendale OB at 12-13.)

Burbank/Glendale filed an amendment to their complaint subsequent to the prehearing conference and prior to filing their briefs in which they request consideration of the overlay as a second alternative for the 818 NPA.

They concurrently filed a petition for modification of D.96-08-028, in which this Commission adopted a statewide policy for considering overlays in the context of the FCC's order. In D.96-08-028 we took the position that we should not assume that overlays will be certain of implementation until not only the time limits set by the FCC had occurred but also the additional nine-month period available for local exchange carriers to seek an extension of time for implementation of the FCC order. The additional nine months would place overlay availability beyond the time necessary for 818 NPA relief. The petition for modification sought to modify D.96-08-028 to remove the nine-month additional time period and, therefore, permit consideration of an overlay in this proceeding.

As noted, while we have accepted the amendment to the complaint by Burbank/Glendale, the petition for modification has been denied by D.96-10-087, issued following the Commission meeting of October 25, 1996.

Burbank/Glendale state that the benefits that would come from use of an overlay would be to reflect not only their primary community of interest with the San Fernando Valley but also their

secondary community of interest with Pasadena. They contend it would address the concerns of Monterey Park by allowing residents of the San Gabriel Valley to retain their area code. Finally they note that all of the split alternatives being suggested involved some level of "city-splitting," i.e., dividing some blocks of one or more communities between the two codes. (Burbank/Glendale OB at 41-42.)

Burbank/Glendale's observations are correct, but only in part. Overlays have some advantages, but the changes they avoid for those who are current customers are changes they compel for most who are either not current customers or may expand their service. That is because overlays ensure that new services throughout the area would have the new area code assigned.

While Burbank/Glendale discuss in their opening brief both their rationale for suggesting the change in Commission policy concerning adoption of an overlay for the 818 NPA and also argue their perception of the benefits of doing so, the decision on their Petition for Modification of D.96-08-028 has concluded that the opportunity for use of an overlay will not be available to this proceeding.

3. Other Relief Requested

Burbank/Glendale note two other requests - a request for evidentiary hearings and a request to have a customer survey conducted to potentially address the plight of communities which may be split by the boundary line between NPAs.

Evidentiary hearings were waived by all parties as noted and therefore that request is moot.

The survey requested is, per Burbank/Glendale, similar in intent to that which was ordered by D.95-10-043. It addressed the fact that by the adopted split for the 310 NPA, the City of Long Beach would span two area codes, with most of its populace in the new 562 NPA. The survey was to ascertain to what extent those customers who remained in the 310 NPA desired to be reassigned to

the 562 NPA, how many telephone numbers would be required to change and, in that situation, how rates might change by reason of having their local exchange carrier change as well as if it would have been switched.

Burbank/Glendale request a similar survey be conducted for cities where portions of the city are split by the area code relief plan adopted.

C. Pacific Bell/California Code Administrator

Pacific Bell appears in this proceeding as both the impacted local exchange carrier and as, for all purposes of this proceeding to date, the CCA. Pacific Bell ostensibly offers several recommendations, but they ultimately come down to one.

Pacific Bell forecasts exceptional difficulty in timing the implementation of an 818/626 geographic split. They note not only the normal problems of implementing a split with the attendant programming, customer notice, permissive dialing, and other implementation elements, but also the added problem of endeavoring to find a window to implement this particular area code relief plan at a time when several other California area codes are also undergoing relief. These include geographic splits of the 310, 619, 415, and 916 NPAs.

Based on the timing difficulties Pacific Bell forecasts, they contend the geographic split the CCA proposed, Alternative 5 is the only split that can be accomplished on a timely basis. Therefore, according to Pacific Bell, an overlay is really the only relief plan that will work given the timing constraints. They indicate their concurrence with Burbank/Glendale that D.96-08-028 should be modified to permit consideration of an overlay in this proceeding.

1. California Code Administrator Proposed Split

Pacific Bell recommends the split plan originally submitted to the Commission, known as Alternative 5, be the one utilized if a split plan is used. As described, the plan divides which the tandem is located changes its NPA in a geographic split.

the 818 NPA roughly in half, with the western, San Fernando Valley half being slightly larger and including the Sherman Oaks tandem switch. It would have slightly more NXX codes and retain the 818 NPA.

It contends the plan has several virtues as follows: the split is evenly balanced with 54% of the codes in the western portion and 46% in the eastern portion. Roughly even splits mean the two sides will exhaust in the future at approximately the same rate.

The number of cities which have both area codes is minimized, noting specifically Burbank which would have a small portion remain in 818 while most of it would be in 626.

The new NPA is assigned to the side with the fewer NXX codes, thereby minimizing the number of customers who will be impacted. Pacific Bell notes the presence of the only tandem switch in the existing 818 NPA is in Sherman Oaks and describes the problem this would present for wireless customers needing to come in to have their phone reprogrammed.

Pacific Bell contends that this geographic split complies with all the relevant statutes, including PU Code §§ 451 and 2887(a) and the factors listed in Election Code § 21601, as well as our recent decisions involving the 310 NPA case. It also contends that the assignment of 626 as done in the CCA proposal complies with North American Numbering Plan guidelines to eliminate customer confusion by ensuring that the new code is neither similar to adjacent codes nor used as a prefix in the NPA (Pacific Bell OB at 7.)

1. California Code Administrator Proposed Split

However, Pacific Bell also notes that this Commission recently issued a decision that addressed this particular problem. In D.96-08-028 we determined that wireless customers served out of a tandem should not be required to change their NPA even if the area in which the tandem is located changes its NPA in a geographic split.

Pacific Bell takes issue with Monterey Park's proposal to have the eastern/San Gabriel Valley half of the present 818 NPA retain the 818 area code.

Pacific Bell contends that Monterey Park's data on the number of people employed on each side of the proposed split is erroneous. Pacific Bell states that the data Monterey Park has relied upon includes communities that are not in the 818 NPA. Pacific Bell contends that it is not the number of people, but the number of businesses that are of greatest concern since individual businesses are the groups that will incur the costs of implementing a change. Also, Pacific Bell states that there are more NXX codes located in the San Fernando Valley than in the San Gabriel Valley. (Pacific Bell OB at 8, citing Olivares Decl. Par. 4.)

Pacific Bell disputes Monterey Park's contention that the growth rate is higher on the San Gabriel Valley side of the split, contending rather that they are approximately equal. Pacific Bell projects the two sides to have approximately the same life, with the San Fernando Valley side to exhaust slightly sooner. (Id.)

Pacific Bell takes strong issue with the Monterey Park's proposal to retain the 818 NPA based on the significance of the number "8" to its resident Chinese population. Pacific Bell questions whether there might not be as many people of Chinese ancestry on the San Fernando Valley side of the split who would also consider the 818 number lucky. Pacific Bell also challenges the use of customer preferences for particular numbers as a basis on which to select, noting that there are likely to be other groups of customers that would also find various numbers desirable or undesirable. Pacific Bell suggests this would be a very dangerous precedent to enter and states the California and United States Constitutions forbid this Commission from making decisions that are intended to favor or disfavor any particular ethnic group. (Id. at 9.)

Pacific Bell also challenges the Burbank/Glendale request to have the boundary between the new NPAs moved to allow them to be on the San Fernando Valley side of the split. In essence, Pacific Bell disagrees with each of the bases put forward by Burbank/Glendale in support of its claim.

Pacific Bell contends that the San Rafael Hills are not prominent enough a feature to be the basis for an NPA split boundary. (Pacific Bell OB at 11.)

Pacific Bell challenges the strength of the community of interest which Burbank/Glendale claim exists between their cities and the San Fernando Valley. Pacific Bell lists the same bases it alleges for a Burbank/Glendale community of interest with the San Gabriel Valley as it did in its answer to the complaint, citing several cooperative arrangements that exist between Burbank and Glendale and communities on the San Gabriel Valley side of the split, principally Pasadena and South Pasadena. These include the joint powers operation of the Burbank-Glendale-Pasadena Airport, the existence of various joint economic and development committees and cooperative efforts in other community activities. (Pacific Bell OB at 11-12.)

Pacific Bell also asserts that there are two defects in the Burbank/Glendale plan. The first is imbalance due to having 66% of the NXX codes on the western side of the split and only 34% on the eastern side. Based on this Pacific Bell provides a range of future exhaustion periods indicating the 818 NPA under the Burbank/Glendale proposal would exhaust again between 3.1 and 5.6 years while the new 626 NPA could last as long as 12.4 to 43.4 years. This is contrasted with Pacific Bell's recommended Alternative 5, with a forecasted 5.4 to 8.6 year life for the western side and 7.1 to 13.3 years for the eastern side. (Pacific Bell OB at 13.)

2. a. Overlay

Pacific Bell recommends that the 'overlay' plan should be approved, contending it satisfies the concerns of Burbank/Glendale and Monterey Park and can be implemented more quickly than a geographic split.

Pacific Bell gives a variety of observations on why the timing for implementing an overlay is less problematic than a geographic split. It argues that this Commission has been too conservative in our criteria for permitting overlays and that it should be permitted here, suggesting that 818 could have permanent LNP ahead of the rest of the Los Angeles metropolitan area. However, Pacific Bell states that either of the geographic split alternatives that the Commission should consider

implementing an overlay even with the remote possibility that LNP is not available during the first few months of the overlay. The fact that new entrants will have at least one NXX code - i.e., 10,000 numbers in the 818 NPA will mean that they are not at a competitive disadvantage during such a brief period. The alternative is distasteful: imposing a split that one or more cities does not want. (Pacific Bell OB at 21.)

As noted previously, an overlay will not be available for 818 NPA relief.

D. GTEC

GTEC recommends that an overlay be considered a viable option for relief of the 818 NPA and supported overlays in the industry meeting as a means of minimizing customer disruption. GTEC argues that the requirement imposed in D.96-08-028 for permanent LNP was not required by the FCC and this Commission should allow an overlay to be considered if the FCC's requirements can be met. GTEC recommends that the CCA should verify that enough NXX codes remain to allow assignment to new 818 NPA entrants, a requirement of the FCC (GTEC RB at 4-5).

GTEC's alternative recommendation is that if a geographic split is utilized, valid requests from local governments to minimize the splitting of communities of interest should be accommodated. GTEC contends that, although it had supported Alternative 5, it will not oppose Alternative 4 "if there is significant community support for moving the split line eastward..." (GTEC OB at 2-3.)

GTEC believes that, in the event of a geographic split, the 818 NPA should be retained by the area which will have the shortest life subsequent to the split, and the new NPA assigned to the side with the longest life. GTEC asserts that since under either of the geographic split alternatives under discussion, either Alternatives 4 or 5, the San Fernando Valley side of the split will contain the most NXX codes, that side should retain the 818 NPA. (GTEC OB at 3.)

Finally, GTEC indicates its concerns with implementation schedules that may be required, particularly given the other area code splits already scheduled to occur in the same time period. GTEC states that if a split is chosen, permissive dialing must start in June 1997 to avoid an area code exhaustion. State statutes require 12 months for permissive and mandatory dialing periods and GTEC urges that this 12-month period begin while there are adequate NXX codes remaining to avoid shortages as have occurred in other area codes.

F. AT&T: AT&T recommends that Alternative 5, the original CCA proposal, be adopted.

AT&T strongly objects to consideration of an overlay. It particularly objects to possible use of a complaint case to change the Commission's overlay policy, which had been so recently adopted. (AT&T RB at 2-3.) AT&T contends that Pacific Bell speaks only for itself and not the industry team in now advocating an overlay for the 818 NPA. AT&T challenges Pacific Bell's contention that an

overlay can be quickly implemented when Pacific Bell has never previously implemented an overlay. AT&T also questions how Pacific Bell can have resources so readily available to implement an overlay, but be so resource constrained to implement a split. (AT&T RB at 4-5.)

AT&T urges the Commission to reject Monterey Park's request. AT&T first challenges the population growth data on which Monterey Park relies. Second, AT&T cautions against even considering a grant of area code relief based on numerical preferences of residents. AT&T believes that granting such a request would invite requests based on the superstitions of every culture in California. (AT&T RB at 3.)

Finally, AT&T recommends that the shift in split line recommended by Burbank/Glendale be rejected. AT&T states that while a community of interest argument can be made, Pacific Bell has shown as many bases on which Burbank and Glendale are connected with the communities to the east. AT&T expresses concern over what they perceive as an imbalance in the respective lives of the two sides with Burbank/Glendale's proposal, likely necessitating additional relief in too short a time period. AT&T expresses the belief that many closely related communities in the greater Los Angeles "are separated by area codes" and the separation is entirely transparent. Adjacent communities of interest do not grow apart because they have different area codes. Nothing changes over time but dialing arrangements. (AT&T RB at 8.)

Of great concern to AT&T is Pacific Bell's contention that, given timing constraints, Alternative 5, the original CCA proposal, is the only geographic split capable of being implemented before exhaustion. Based on the timing concerns and problems it sees with Alternative 4, AT&T concludes Alternative 5 is the only clear choice.

While not specifically mentioning overlays, AT&T indicates its general endorsement of "full transportability of telephone numbers."

G. ORA

The ORA recommends adoption of the original Burbank/Glendale request to modify the CCA's proposal to include Burbank and Glendale on the San Fernando Valley side of the 818 split. ORA concurs with Burbank/Glendale that the communities of Burbank and Glendale are more closely associated with the San Fernando Valley than with the San Gabriel Valley. (ORA OB at 4.)

ORA does not support Monterey Park's request that the San Gabriel Valley side of the split retain the 818 NPA, but believes that moving the split line east as Burbank/Glendale request will address part of Monterey Park's concerns with respect to growth projections. (Id. at 4-5.)

Finally, ORA does not believe that an overlay can be considered in this proceeding. This conclusion is drawn not just from the existence of the timing constraints imposed by D.96-08-028, but from ORA's belief that the specific requirements imposed by the FCC for at least one NXX code to be available "to every existing telecommunications carrier, including CMRS providers, authorized to provide telephone exchange service, exchange access, or paging service in the affected area" cannot be satisfied. (ORA OB at 3-4, quoting from FCC Second Report and Order and Memorandum Opinion and Order, CC Docket 96-98, ¶ 283.)

H. Valley Industry & Commerce Association

The Valley Industry & Commerce Association (VICA) identifies itself as a volunteer organization that, working with local chambers of commerce, represents major employers and other major influences in the local economy of the San Fernando Valley. VICA filed a reply brief which endorsed the split option proposed by Burbank/Glendale and opposed the request of Monterey Park to retain the 818 NPA on the San Gabriel Valley side of the split. While not specifically mentioning overlays, VICA indicated a general endorsement of "full transportability of telephone numbers"

and a situation that would allow telephone customers to maintain their respective telecommunications numbers, prefixes, and area codes. (VICA RB at 2.) The VICA brief discusses a bit of the economic history of the San Fernando Valley, including a transition from aerospace industries to the current growth in the entertainment industry and the relationship of Burbank and Glendale to the rest of the San Fernando Valley. VICA contends it would be harmful to have an area code split between the southeast San Fernando Valley, Burbank, and Glendale (Id. at 3.)

VI. Evaluation of Each Option under Required Criteria

Although the complainants Burbank/Glendale, Pacific Bell, and others support one option in this proceeding, we will consider each of the alternatives presented in terms of their satisfaction of various criteria that have been utilized by this Commission in considering prior area code relief plans. Two months ago, we reviewed all of the relevant considerations in

As noted previously, these are the following:

1. Minimize the impact to existing customers in the exhausting NPA.
2. Optimize the life of the old and new NPAs.
3. Meet the projected exhaustion date and notification requirements.
4. Balance the impact to the telecommunications industry, as well as neighboring jurisdictions.
5. Have an equitable impact on all existing and potential NXX code holders.

The last two of these items are effectively no longer in dispute in these proceedings due to our prior action in rejecting a petition for modification that would have allowed an overlay to be considered. Thus, our attention in evaluating these alternatives will focus on the first three criteria. Technical implementation issues, criteria 3, are discussed throughout. For discussion

purposes, we have subsumed within the scope of minimizing the impact to customers the concerns raised regarding the alignment of NPA boundary lines with the boundary lines of affected communities.

The order in which we will consider the alternatives is taken to ensure, to the greatest extent possible, that we can consider each of the proposals on their own. This is a somewhat unique situation in that there are competing views on (a) how the relief should be accomplished, whether by overlay or split; (b) if a split is chosen, what the boundary for the split should be, and (c) which side of the split line is to retain the 818 area code.

A. Overlay

Although the complainants Burbank/Glendale, Pacific Bell, and GTEC support consideration of an overlay as an option in this proceeding, we will not consider it as a viable option for relief of the 818 NPA. In D.96-08-028, issued by this Commission barely two months ago, we reviewed all of the relevant considerations in terms of the potential for introduction of an overlay in California and determined that overlays should not be considered for NPAs which will exhaust prior to September 30, 1998 (Los Angeles MSA), March 31, 1999 (San Francisco MSA) and June 30, 1999 (Sacramento MSA). (D.96-08-028 at 27.)

That evaluation was done in the context of a broad-based generic proceeding in which every party involved in this proceeding, as well as many more interested parties statewide, were given the opportunity to participate. We were well aware of this and other pending NPA exhaust situations when that decision was issued and the reasons we adopted there are as appropriate today as they were then. By D.96-10-087 we denied the petition for modification of D.96-08-028 which Burbank/Glendale filed in that proceeding. Therefore, we will not further consider an overlay for potential relief in the 818 NPA.

will focus on the first three criteria. Technical implementation issues, criteria 3, are discussed throughout. For discussion

B. NPA Proposed with Split Line Moved East

We will next consider the appropriateness of Alternative 4, which reflects shifting the boundary between the east and west side of the geographic split line to include the entirety of Glendale and Burbank within the San Fernando Valley side of the split.

1. Does the Proposal Minimize the Impact to Existing Customers in the Exhausting NPA?

This proposal was supported not only by Burbank/Glendale but also by ORA and VICA. Each of them discussed the relationships of Burbank and Glendale to each other, to other communities in the San Fernando Valley, and to the greater regional area. These discussions ranged from the geographic features of the area in terms of proximities and barriers to business relationships, traffic flow patterns, and other demographic elements.

We also had expressions of support for it by NBC and Disney in their motions to intervene, each identifying itself as a major employer and consumer of telecommunications services for which a change in NPA would present a major inconvenience. Other public communications to the Commission from local governments and organizations also expressed support.

GTEC indicated its support for geographic splits reflecting communities of interest and, although noting it has previously supported Alternative 5, it did not oppose

Alternative 4.

Only two parties explicitly opposed Alternative 4: Pacific Bell and AT&T. Pacific Bell's opposition challenged whether the communities of interest were as Burbank/Glendale contended. Pacific Bell noted a large number of relationships that exist between Burbank and Glendale on the one hand and Pasadena and other communities on the San Gabriel Valley side of the Alternative 5 split line. These include a common congressional district, a number of joint power agreements and other intergovernmental

relationships, and various study groupings used by area regional governments. We will next consider the appropriateness of the

AT&T sees community of interest elements providing support for Alternative 5 as well as Alternative 4, noting the extensive list of relationships identified by Pacific Bell.

Community of interest issues are of significant concern here and in other NPA splits. In many respects communities have taken a proprietary interest in their area codes. Particular numbers are long associated with certain locales, e.g., 212 for New York, 312 for Chicago, 202 for Washington, DC, and 213 for Los Angeles. Community of interest is also a less than precise element to try to measure. There are highly localized communities where individual neighborhoods or parts of a city interact very closely. There are also more regional measures of community. Thus Californians refer to parts of this state as the Bay Area, the Central Valley, and the Los Angeles area. These larger regions are linked in economic, social, and other ways.

There is little doubt that Burbank/Glendale are in the most knowledgeable position to define the communities of interest and vital local relationships that are critical to their respective cities. More people will retain the existing NPA under Alternative 4 than Alternative 5; thus, Alternative 4 will minimize disruption to customers.

From the standpoint of determining whether local community impacts are acceptable we should give great deference to the concerns as expressed by those communities. Here we are faced with an articulation by Burbank/Glendale that their primary associations, whether they be geographic, community relationship or economic, are predominantly with the San Fernando Valley area.

exist between Burbank and Glendale on the one hand and Pasadena and other communities on the San Gabriel Valley side of the Alternative 2 split line. These include a common congressional district, a number of joint power agreements and other intergovernmental

2. Does the Proposal Optimize the Life of the Old and New NPAs?

An element that is also of concern is longevity of the plan we are to approve. The only reason for which we are considering the need for relief for the 818 NPA is the fast approaching exhaust of available numbers. It is critical that we take a look at the impact on the post-split lives of the alternatives under consideration. It is not clear those options, it is not clear those options, it is not clear those options. The post-split lives would be bracketed, according to Pacific Bell/CCA data, as follows:

Proposal	Western Side	Eastern Side
Alternative 4 Burbank/Glendale	37:1-57:6 years	12:4-43:4 years
Alternative 5 Pacific Bell/CCA	5:4-8:6 years	7:1-13:3 years

No party has effectively challenged these forecasts, although there is disagreement on their significance, with some looking to one end of the range or the other. In their reply brief, Burbank/Glendale discuss at some length their perception that this Commission has adopted a policy favoring disproportionate post-split lives, referring to our recent decision involving the split of the 415 and 916 NPAs.

It is certainly true that we discussed in the facts of those cases the appropriateness of choosing an option that resulted in some diminishment of the life of the side retaining the old NPA to expand the life of the side having the NPA. As the above forecasts show, Alternative 5 will better optimize the life of the new and old NPAs.

The Monterey Park request has been opposed by every other party to this proceeding, including Burbank/Glendale. The reasons

3. Does the Proposal Meet the Projected Exhaustion Date and Notification Requirements?

We do not concur with Pacific Bell that implementation of Alternative 4 would present significantly greater problems than those associated with Alternative 5. While in some situations, such as the 310 NPA split, we have required supplemental surveys or other steps to ascertain customer satisfaction with additional options, it is not clear those would be required here. Pacific Bell's primary constraint is simply the large number of NPAs requiring relief in the same time period.

C. Reversal of Sides

We will evaluate the request of Monterey Park to reverse the assignment of the 818 NPA and new 626 NPA after the split. The issues of minimizing impact to customers and optimizing the life of the old and new NPAs are closely related and will be discussed together.

Monterey Park offers several reasons for us to make this change. As noted previously, this includes a contention that the burden on the San Gabriel Valley is greater than on the San Fernando Valley by reason of existing population and employment and growth projections, for population and employment, the detrimental impact loss of the 818 NPA number would have on the resident Chinese population, and confusion caused by having the new 626 NPA adjacent to the 562 NPA. Monterey Park contends that none of the options considered by the industry planning group included the possibility of the San Gabriel Valley retaining the 818 NPA and that the sole reason given for the San Fernando Valley receiving the 818 NPA in each split option considered was to avoid the need for the post-split reprogramming of wireless customers served by the only tandem switch in the 818 NPA which is located in the San Fernando Valley.

The Monterey Park request has been opposed by every other party to this proceeding, including Burbank/Glendale. The reasons

given, have dealt with the demographic elements, which have challenged the accuracy and import of Monterey Park's population and employment data, and the inappropriateness of using beliefs as to the importance or significance of specific numbers as a basis for assignment of NPA codes.

We can initially eliminate one element of controversy by eliminating the location of the tandem switch and the reprogramming of wireless customers as an issue. In our recent decision addressing a statewide policy for the use of overlays, we addressed the issue of how to avoid the unique burden wireless customers face when a geographic split occurs. That burden involves individual customers having to come in for reprogramming of their telephones. We determined that wireless carriers served at a tandem such as cellular providers, be permitted to retain their existing code assignment after a geographic split. (D.96-08-028 at 31.) We will implement that policy here and direct that wireless customers served at the 818 NPA tandem will retain an 818 area code assignment.

Having eliminated that particular item from influencing the selection process, we can turn to the other matters that should guide our consideration. In terms of the population and employment information, the information appears to clearly show a larger assignment of NXX codes and corresponding expected growth on the western/San Fernando Valley side of the split line. Whether using the boundary of Alternative 5 or Alternative 4. While there is disagreement as to the specific population and employment growth projections, it is expected growth in the need for numbers, not just the number of people or employees that is critical.

While no one may want to have their NPA changed, it is one element of minimizing the impact of such a change to do it, to the extent possible, in a fashion that impacts the fewest customers. Pacific Bell notes the standard practice of assigning

the old NPA to the area with the expected shortest time before their next exhaust situation is reached. This ensures that the customers who most recently suffered an NPA change will not have another change prior to the area which retained the old NPA.

Were the San Gabriel Valley side of the split to retain the 818 NPA, the San Fernando Valley side of the split would not only change their NPA now, but would again face NPA relief need earlier than the San Gabriel Valley side. The final reason given by Monterey Park for retention of the 818 NPA on the eastern side of the split is the importance the number 818 has for the Chinese American members of the community. Monterey Park has advocated in a passionate and moving manner the dual concern that not only are 8 and 818 considered exceptionally lucky numbers in Chinese numerology, but 626 has a numerological value that is equally unlucky. No party has questioned the accuracy of the information provided by Monterey Park, including the affidavit and articles. We are appreciative of this concern being brought to our attention and are grateful to have the insight we might otherwise have lacked.

The problem presented is what to do with this information. While we appreciate the insight and the greater awareness of cultural concerns it brings, we are mindful that every culture may have lucky and unlucky numbers, words and other symbols. We note the lengths to which the City of Monterey Park and other communities in the San Gabriel Valley have gone to accommodate the desires of Chinese residents by adjusting addresses to include the number 8 where it did not otherwise exist. Those efforts are to be applauded where they meet with local support.

However, we do not believe it is a critical basis upon which to assign an NPA, particularly where consideration of the more widely applicable criteria on which such assignments are made clearly indicate a different outcome. Pacific Bell notes the standard practice of assigning

While having the additional 8s and 818s in the telephone number may be of great significance to certain communities, the absence of those numbers in one element of the person's life, i.e., their area code, will hopefully not be so personally disruptive as to cause long-term discomfort. Again, we note the local response to accommodate address changes where feasible. There are perhaps other mechanisms that may exist, including availing themselves of new opportunities to have 8s in telephone numbers. For example, with the San Gabriel Valley having the fewest NXX codes to begin with, the opportunity to have additional telephone numbers with 8s and 818s in them may be enhanced. By the existence of the Monterey Park complaint and this decision, it may be feasible for not only Pacific Bell and GTEC, but new entrants in the local telephone market to make such numbers available to members of the local Chinese community on a request available basis. We will not order that, but suggest it be evaluated by local service providers.

In sum, the assignment of the old NPA to the San Gabriel Valley side of the adopted geographic split would result in those receiving the new NPA also experiencing the soonest need for subsequent relief, and on that basis we will not grant Monterey Park's request. While we are sensitive to the numerical concern raised, it is not a basis on which we can grant relief, particularly where the established criteria so clearly point in a different direction.

D. Split Proposed by CCA/Pacific Bell

The split proposed by the CCA and Pacific Bell is the proposal referred to as Alternative 5 and was the proposal to which both Monterey Park and Burbank/Glendale addressed their challenges. As these challenges indicate, Alternative 5 is not a perfect proposal and does not please everyone. We can well appreciate that no one looks forward to the potentially disruptive effects of something like a change in their area code. However, the need for NPA relief is not in question. The challenge is to arrive at a

split plan, which accomplishes relief in a fair and reasonable fashion and that comports with the applicable criteria.

We have noted the criteria this Commission has utilized in prior recent geographic split proceedings. Two of those criteria are to minimize the impact to existing customers in the exhausting NPA and to optimize the lives of the old and new NPAs.

Alternative 5 will minimize the impacts to existing customers in the sense of requiring fewer customers to change their NPA than would the Monterey Park proposal and it prolongs the life of the old and new NPAs better than does the Alternative 4 proposal of Burbank/Glendale. However, while it increases the time prior to the next need for relief for the western side of the split, either proposal still leaves the affected communities on the San Fernando Valley side of the split requiring relief at a relatively early date. Thus, Alternative 5 somewhat delays, but does not avoid the need for additional relief in a relatively short time.

E. Timing Considerations

We appreciate the issues raised by Pacific Bell Valley concerning the timing of implementation. Irrespective of the specific technical constraints on implementing a geographic split of an NPA under normal circumstances, the present circumstances facing the CCA and Pacific Bell in California are (we hope) anything but normal. Virtually every NPA in California is either going through the relief process or it will soon begin. Pacific Bell notes that during the spring, summer, and fall of 1997 it plans on introducing a new NPA each month.

The challenges of implementing so many changes in such a short period are formidable. However, the need for these changes is driven by the tremendous technological, regulatory, and marketing changes that have enabled the new communications opportunities to be brought to the people of this state. No one looking for something like a change in their area code. However, the need for NPA relief is not in question. The challenge is to arrive at a

VII. Conclusion and Decision

This was a difficult decision given the potential problems associated with any of the alternatives. The information presented is clear that no matter which of the alternatives we chose, the life of the San Fernando Valley side of the split prior to the need for additional relief planning will be relatively short due to the on-going rapid utilization of new numbers. Given this we have determined that (1) Alternative 4 will minimize the impact on the number of people affected by the split and (2) the concerns presented to us by Burbank/Glendale on the disruption that would occur to their communities, particularly the economic interests affected by this split, are such as to lead us to adopt Alternative 4, including Burbank/Glendale on the San Fernando Valley side of the split line. That side would also retain the 818 NPA.

It is possible that this will be the last split that any of the affected communities will experience, due to the anticipated use of area code overlays in the future. To that end the disruptions that will inevitably be caused by any adopted split should be short-lived. While several parties urged the use of an overlay for relief of the 818 NPA, that would be inappropriate given the statewide policy we recently adopted. While overlays hold some promise, we want to ensure they are done only when we can be assured they will be technically feasible and not lead to improper anticompetitive effects.

Findings of Fact

1. Monterey Park's complaint was filed on December 28, 1995.
2. Burbank/Glendale's complaint was filed on March 4, 1996.
3. Burbank/Glendale filed a motion to amend their complaint to include consideration of an overlay and tendered the amendment on August 16, 1996.
4. No one opposed the motion to amend the complaint.

5. Pacific Bell is the GCA vendor. IIV

6. The 818 planning team evaluated several potential means of implementing a new area code including both an overlay and a variety of geographic splits.

7. Alternative 4 is a geographic split which includes Burbank and Glendale on the San Fernando Valley side of the split, the boundary line lying between Pasadena and Glendale in the San Rafael Hills; the San Fernando Valley side would retain the 818 NPA.

8. Alternative 5 is a geographic split dividing Burbank and Glendale from the San Fernando Valley with the San Fernando Valley side of the split retaining the 818 NPA.

9. Alternative 6 is an overlay proposal.

10. Alternative 5 was the preferred plan for the 818 planning team and the CCA.

11. A prehearing conference was held in Pasadena on July 22, 1996.

12. No hearing was held since all parties agreed to submit this proceeding on a paper record consisting of briefs and affidavits.

13. NBC and Disney filed motions to intervene subsequent to the filing of reply briefs and, therefore, subsequent to the submission of this matter.

14. NBC and Disney indicate their support for the position advocated by Burbank/Glendale, with Alternate 4 as a preferred outcome and an overlay as the lesser preferred alternative, and do not themselves raise any new issues.

15. The San Gabriel Valley communities affected by the 818 relief process have not been affected by area code changes more than the affected communities in the San Fernando Valley.

16. The number of telephone numbers affected is a better indication of community impacts than population or employee figures by themselves.

17. The number of NXX codes on each side of a proposed split line are a reasonable indication of the numbers of customers impacted by proposals.

18. Monterey Park and other communities in the San Gabriel Valley have a substantial population of Chinese background.

19. The number 8 has a beneficial significance to the Chinese community.

20. Burbank/Glendale is authorized to represent that Disney, Warner Bros., NBC, and the Los Angeles County Board of Supervisors support their position to adopt Alternative 4 or, as a less preferable alternative, an overlay.

21. Burbank and Glendale have many elements that contribute to a community of interest with the San Fernando Valley.

22. An overlay is not available as an option for 818 NPA relief.

23. Only Pacific Bell and AT&T oppose Alternative 4.

24. Implementation of Alternative 4 would not present significantly greater problems than those associated with Alternative 5.

25. Community of interest is not subject to a precise measurement, there being both very local and more regional measures of community, the larger regions being linked in economic, social, and other ways.

26. Burbank and Glendale are in the most knowledgeable position to define the communities of interest and vital local relationships that are critical to their respective cities.

27. Under Alternative 4, the estimated life for the western side after the split is 3.1 to 5.6 years; for the eastern side it is 12.4 to 43.4 years.

28. Under Alternative 5, the estimated life for the western side after the split is 5.4 to 8.6 years; for the eastern side it is 7.1 to 13.1 years.

29. The need for these NPA changes is already tremendous technological, regulatory, and marketing changes that

22. Based on prior Commission decision, irrespective of relief plan adopted, wireless customers served at the 818 NPA tandem will retain an 818 area code assignment.

30. A larger assignment of NXX codes and corresponding growth is expected on the western/San Fernando Valley side of the split line, whether using the boundary of Alternative 4 or 5.

31. Were the San Gabriel Valley side of a geographic split to retain the 818 NPA, the San Fernando Valley side of the split would not only change their NPA now, but would again face NPA relief need earlier than the San Gabriel Valley side.

32. No party has challenged the accuracy of the information provided by Monterey Park regarding the numerological significance of the numbers contained in the existing and new NPA numbers.

33. The City of Monterey Park and other communities in the San Gabriel Valley have gone to great lengths to accommodate the number preference for the number 88 for members of the community of Chinese heritage.

34. Every culture has lucky and unlucky numbers, words, and other symbols.

35. Other mechanisms may exist by which the NXX codes which contain 8s may be made available to on a preferential basis to members of the local resident Chinese community.

36. Alternative 5 will minimize the impacts to existing bus customers by requiring fewer customers to change their NPA than would the reversal of NPAs proposed by Monterey Park.

37. Alternative 4 minimizes the impact on communities and causes less disruption to customers than does Alternative 5.

38. Due to the number of new NPAs being implemented in the next year, nearly one per month during the spring, summer, and fall of 1997, there are significant logistical difficulties to a timely implementation of area code relief for the 818 NPA.

39. The need for these NPA changes is driven by the tremendous technological, regulatory, and marketing changes that

have enabled the new communications opportunities to be brought to the people of this state.

40. A draft decision was circulated for comment on November 8, 1996. Comments and reply comments were served on November 19 and November 22, 1996, respectively.

Conclusions of Law

1. Hearings are not required where all active parties have waived their rights to a hearing.

2. The motion of Burbank/Glendale to amend their complaint should be granted.

3. An overlay relief plan is not available for consideration in this proceeding by reason of our prior decision in D.96-08-028 and our denial of Burbank/Glendale's petition for modification of that decision in D.96-10-087.

4. The motions of NBC and Disney to intervene in these proceedings should be denied.

5. The criteria relied upon in D.95-12-043 for evaluation of area code relief plans have been used to evaluate subsequent relief options and are appropriate to utilize in this proceeding.

6. PU Code § 2887 requires that we consider the criteria set forth in Elections Code § 21601 when the boundaries for a new area code do not include the entirety of a city.

7. Alternative 4 would not represent significantly greater implementation problems than Alternative 5.

8. Wireless customers served at the 818 NPA tandem should retain an 818 area code assignment consistent with D.96-08-028.

9. One element of minimizing the impact of an NPA change is to do it in a fashion that impacts the fewest customers.

10. Numerological beliefs of the Chinese population of the San Gabriel Valley are not a reasonable basis on which to assign an NPA, particularly where consideration of the more usual criteria on which such assignments are made clearly indicate a different outcome.

11. Even though Alternative 4 has a better balance of post-split NPA lives, both Alternatives 4 and 5 have relatively short lives for the San Fernando Valley side of the split.

12. Given the relative shortness of the life for the San Fernando Valley side of the split, it is reasonable to take account of the significant impacts on the affected communities, particularly the businesses affected by the split.

13. Alternative 4 mitigates impacts to Burbank/Glendale while not significantly affecting the time before which additional NPA relief will be likely.

ORDER

IT IS ORDERED that:

1. The motion of the City of Burbank and the City of Glendale to amend their complaint to request consideration of an overlay in this proceeding is granted.

2. The motions of National Broadcasting Company, Inc. and The Walt Disney Company to intervene are denied.

3. The California Code Administrator (CCA) shall undertake to implement a Number Plan Area (NPA) relief plan for the 818 NPA that is described as Alternative 4 in this decision and in the recommendation of the planning team convened by the CCA, such alternative being a geographic split of the 818 NPA with the boundary for the split being such that the City of Burbank and the City of Glendale are on the western side of the split, with the western side of the split retaining the 818 NPA and the eastern side being assigned a new 626 NPA.

4. Wireless customers served at the 818 NPA tandem shall retain an 818 area code assignment consistent with D.96-08-028.

5. The CCA shall advise the Commission in the event it appears that timing of the implementation of the adopted relief

plan for the 818 NPA may result in an exhaust situation being experienced prior to the time the relief plan implementation is complete.

This order is effective today.

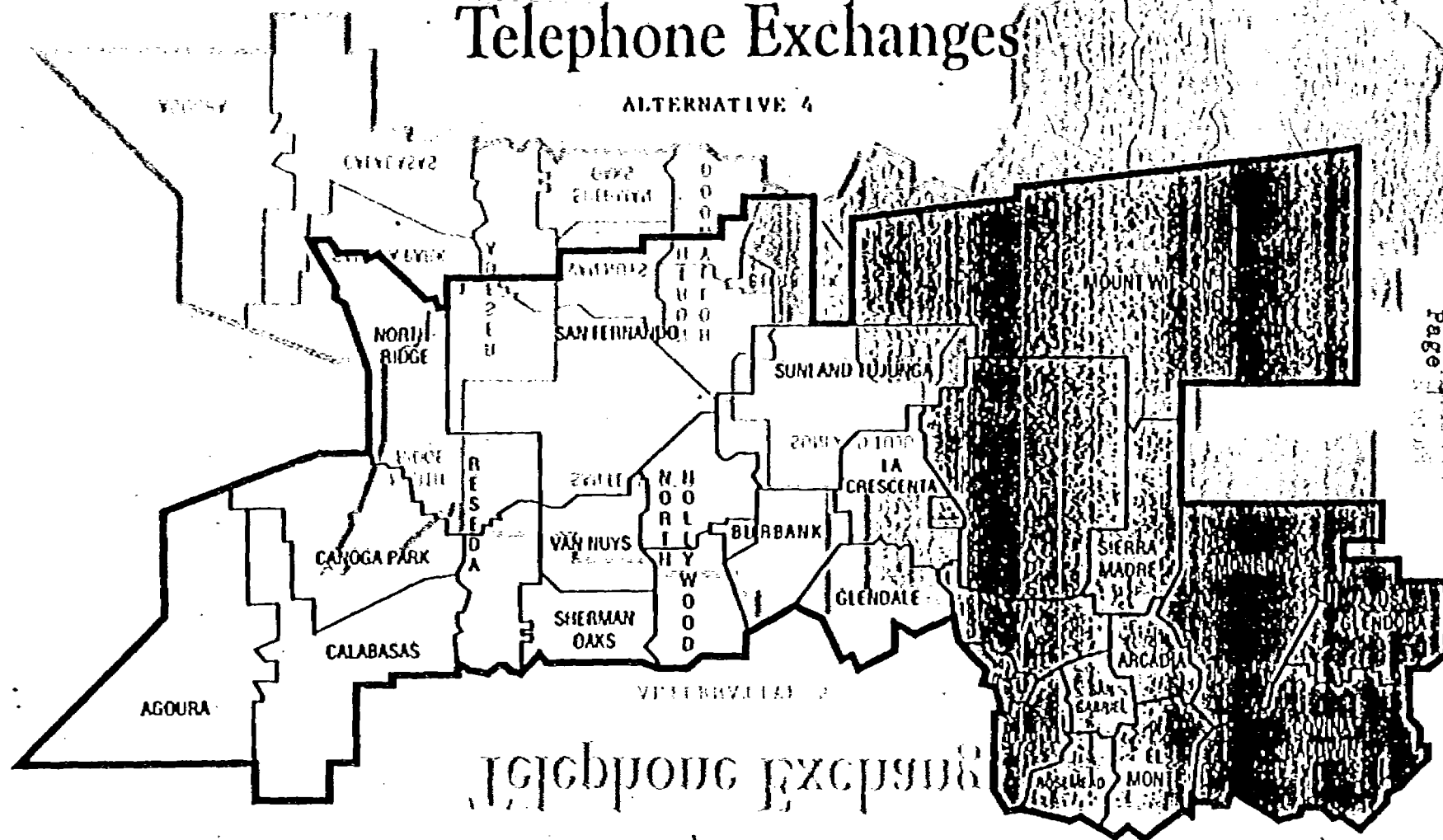
Dated November 26, 1996, at San Francisco, California.

P. GREGORY CONLON
President
DANIEL Wm. FESSLER
JESSIE J. KNIGHT, JR.
JOSIAH L. NEEPER
Commissioners

Commissioner Henry M. Duque,
being necessarily absent, did
not participate.

San Fernando Valley and San Gabriel Valley Telephone Exchanges

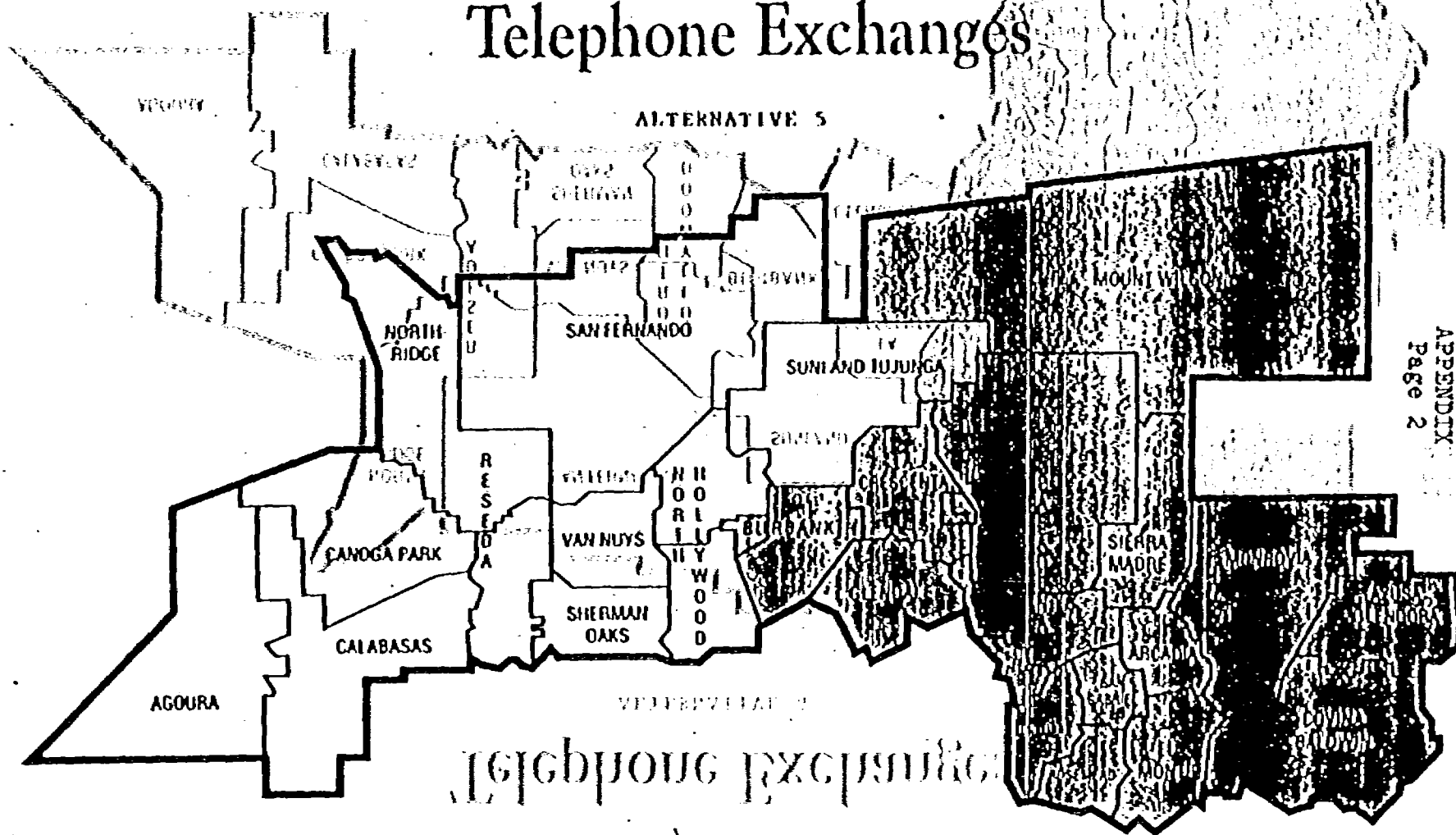
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San Fernando Valley and San Gabriel Valley

San Fernando Valley and San Gabriel Valley Telephone Exchanges



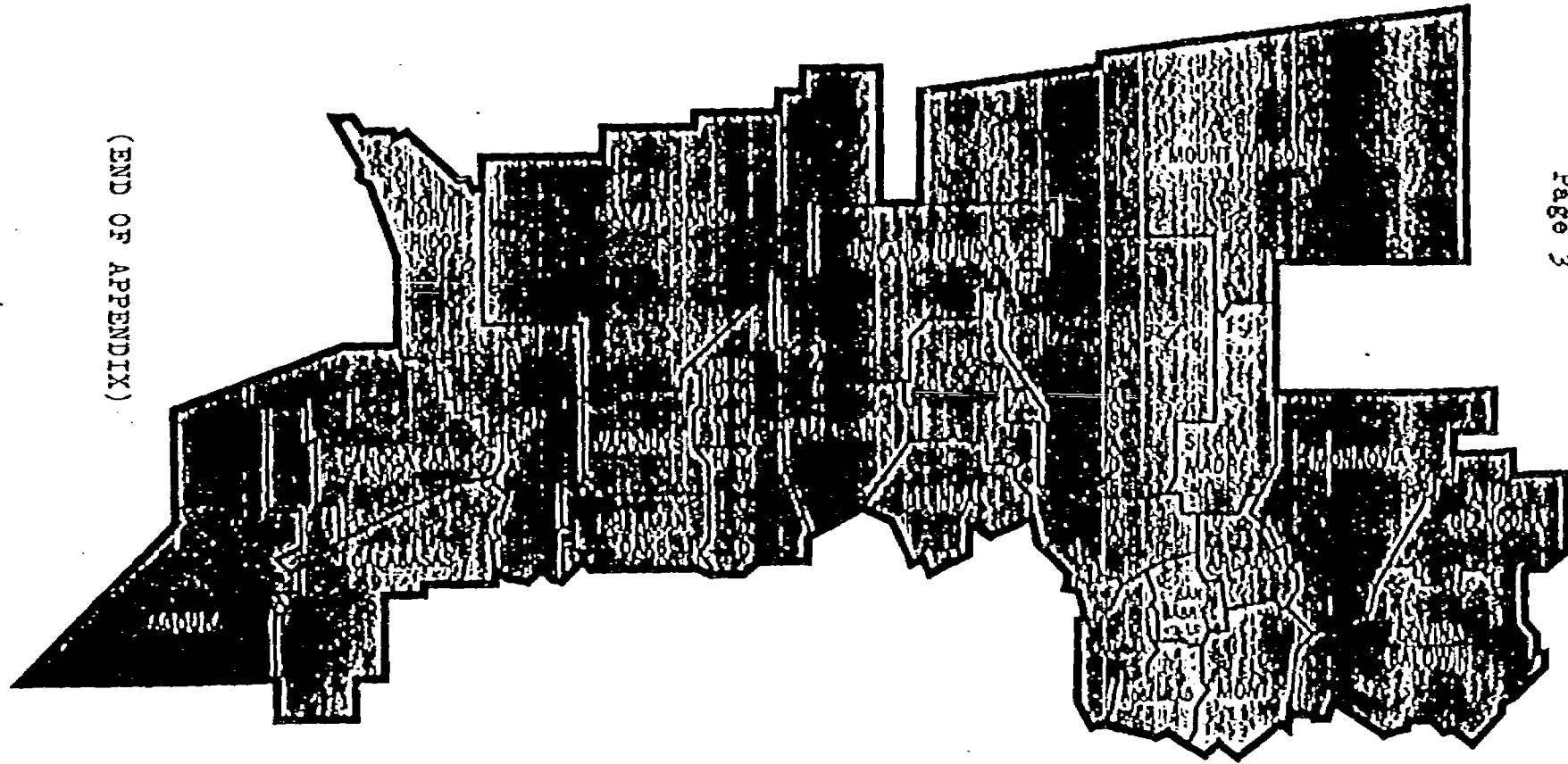
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(END OF APPENDIX)