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Decision 97-03-049 March 18, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MCI Telecommunications Corporation (U 5001 C),

Complainant,

Pacific Bell (U 1001 C),

Defendant.

ORIGINAL

Case 96-03-039
(Filed March 21, 1996)

MCI Telecommunications Corporation (U 5001 C),

Complainant,

Pacific Bell (U 1001 C),

Defendant.

Case 96-03-040
(Filed March 21, 1996)

INTERIM OPINION

This decision grants the following two requests contained in Pacific Bell's (Pacific's) petition to modify Decision (D.) 96-08-042: (1) to move the City of Dixon (Dixon) from the 530 Numbering Plan Area (NPA)¹ to the 707 NPA, and (2) to delay by one day the geographic split of the 415 NPA. The remainder of Pacific's petition to modify D.96-08-042 will be addressed in a future decision in conjunction with other petitions to modify D.96-08-042 filed by various parties.² This decision also requires

¹ An NPA is the geographic area served by an area code.

² The other parties which have filed petitions to modify D.96-08-042 are the City of Auburn, the County of Placer, and Roseville Telephone Company (Roseville).

telephone corporations to submit to the Commission's Public Advisor for the Public Advisor's review and approval a plan to notify and educate telephone customers about the changes to D.96-08-042 ordered by this decision.

I. Background

In D.96-08-042 the Commission ordered the 415 and 916 NPAs to each be split into two NPAs effective on August 1 and November 1, 1997, respectively.³ D.96-08-042 also required local exchange carriers (LECs), competitive local carriers (CLCs), and wireless service providers to collectively plan and implement a program to educate their customers about the area code splits ordered in D.96-08-042.

Subsequent to the issuance of D.96-08-042, Pacific, on its own initiative, and acting in its role as the California Code Administrator (CCA),⁴ convened two meetings. The first meeting was held on August 15, 1996, with local jurisdictions within the 916 NPA for the purposing of discussing the impending split of the 916 NPA.⁵ The second meeting was held on August 19, 1996, with representatives of the telecommunications industry for the purpose of discussing the split of both the 415 and 916 NPAs. As a result of these meetings, Pacific determined that revisions to the Commission-adopted plans for splitting the 415 and 916 NPAs were warranted, and Pacific accordingly filed a

³ The 415 NPA is to be split into two NPAs, one with the "old" 415 area code, and the other with the "new" 650 area code. Similarly, the 916 NPA is to be split into two NPAs, one with the "old" 916 area code, and the other with the "new" 530 area code.

⁴ The CCA has the responsibility of planning for the establishment of a new area code to relieve an area code that is forecasted to exhaust (i.e., run out of telephone numbers).

⁵ The Local Jurisdiction Meeting was attended by representatives from Pacific, Roseville, the Commission's Advisory and Compliance Division, the California Cable Television Association, and County of Yuba, and the Cities of Auburn, Dixon, Folsom, Lincoln, Loomis, and Sacramento.

petition to modify (petition) D.96-08-042 on October 2, 1996.⁶ Pacific thereafter filed two supplements to its petition containing information requested by assigned Administrative Law Judge Kenney.

GTE California Incorporated (GTEC) and the Commission's Office of Ratepayer Advocates (ORA) filed responses to Pacific's petition on October 30 and November 1, 1996, respectively. The Commission also received five letters regarding those aspects of Pacific's petition addressed by this decision.

II. Pacific Bell's Petition to Modify D.96-08-042

In its petition, Pacific requests four specific modifications to D.96-08-042. One of these requests seeks to modify the 530/707 NPA boundary, two of the requests seek to modify the 530/916 boundary, and the fourth request seeks to delay by one day the implementation of the split of the 415 NPA. This decision addresses Pacific's proposal to modify the 530/707 NPA boundary as well as Pacific's request to delay the implementation of the 415 NPA split. Pacific's two proposals to modify the 530/916 NPA boundary will be addressed in a future Commission decision.⁷

A. Pacific's Proposal to Place the City of Dixon in the 707 NPA

Pursuant to D.96-08-042, telephone subscribers in Dixon, currently in the 916 NPA, are to receive the new 530 area code. Although Pacific, in its role as CCA, originally proposed that Dixon be placed in the new 530 NPA, Pacific now believes that D.96-08-042 should be modified to place Dixon in the 707 NPA.

Pacific states that Dixon, which is in Solano County, should be placed in the same NPA as the rest of Solano County, i.e., the 707 NPA. Pacific believes this would be a

⁶ Pacific's petition complied with Rule 47 of the Commission's Rules of Practice and Procedure which governs the filing of petitions for modifications.

⁷ Pacific's two proposals to modify the 916 NPA boundary are as follows: (1) to move the community of El Dorado Hills from the "new" 530 NPA to the 916 NPA; and (2) to move the Cities of Lincoln, Newcastle, and Pleasant Grove from the 530 NPA to the 916 NPA.

better outcome than placing Dixon in the 530 NPA since Dixon shares more of a "community of interest" with the 707 NPA (i.e., Solano County) than with the new 530 NPA. According to Pacific, placing Dixon in the 707 NPA could be readily accomplished since the 707 NPA boundary realignment would conform to the current wire center alignment. Pacific also notes that Dixon's two prefixes (678 and 693) are not duplicated in the 707 NPA, which means that Dixon telephone subscribers can migrate to the 707 area code without having to change their seven-digit numbers. In addition, Pacific states that moving Dixon to the 707 NPA will not significantly accelerate the exhaustion of the 707 area code.⁸ Finally, Pacific believes this is an ideal time to switch Dixon from the 916 NPA to the 707 NPA since Dixon will be moved into a new NPA regardless (i.e., from the 916 NPA to the 530 NPA pursuant to D.96-08-042).

Pacific proposes to implement the 707 boundary realignment on Saturday, October 4, 1997, which is approximately one month before the date of the 916 split ordered in D.96-08-042. Pacific states that using this schedule will ensure that the placement of Dixon in the 707 NPA does not interfere with similar work to split the remainder of the 916 NPA. The date of October 4 will also permit Pacific to include the 707 numbers for Dixon into the Solano County telephone books dated October 1997.

In order to inform Dixon residents of its proposal, Pacific placed an advertisement in the Dixon Tribune for two weeks, advising the public that (1) Pacific was seeking to place Dixon in the 707 area code, and (2) comments on Pacific's proposal could be sent to the Commission's Advisory and Compliance Division (now the Commission's Telecommunications Division). Pacific also issued a press release describing its proposal to the news media serving communities in the 916 NPA. With limited exceptions, Pacific appended to its petition a copy of each print news story and editorial on its proposal, as well as the transcripts of television coverage.

⁸ Pacific states that placing Dixon in the 707 NPA would shorten the life of the 707 area code by 0.04 years.

Pacific states that it received support for its proposal to include Dixon in the 707 NPA at the industry meeting held on August 19, 1996. Pacific also presented two letters from local jurisdictions supporting its proposal -- one from the Chairman of the Board of Supervisors of Solano County, and the other from the Mayor of Dixon. In addition, GTEC, ORA and Roseville Telephone Company (Roseville) expressed support for Pacific's proposal.⁹ Five letters from the public were also received regarding the placement of Dixon in the 707 NPA. One letter was from a veterinary clinic which opposed the placement of Dixon in the 707 NPA instead of the 530 NPA on the basis that the majority of the clinic's customers were in the 530 NPA. The second letter opposed the placement of Dixon in the 707 NPA based on the belief that this would increase the cost of calls from Dixon to Davis. The remaining three letters supported Dixon joining the rest of Solano County in the 707 NPA.

In deciding whether to grant Pacific's petition, we shall rely on the following six criteria which we have used to evaluate proposals for new area codes in several recent decisions (see, for example, D.95-10-043, D.96-08-042, and D.96-11-061):

1. Whether the proposal minimizes the impact to existing customers in the exhausting NPA.
2. Whether the proposal optimizes the life of the old and new NPAs.
3. Whether the proposal can be implemented prior to the projected exhaust date of the NPA.
4. Whether the proposal meets statutory requirements.
5. Whether the proposal balances the impact to the telecommunications industry.

⁹ Roseville did not file a response to Pacific's petition, but Roseville, in its own petition to modify D.96-08-042, expressed support for Pacific's petition.

6. Whether the proposal has an equitable impact on all existing and potential NXX code holders.¹⁰

In order for us to adopt Pacific's proposal to modify D.96-08-042, we must find that Pacific's proposal is superior in terms of satisfying the above six criteria than is D.96-08-042. Thus, to meet Criterion 1, Pacific's proposal should reduce costs, disruption, and customer confusion relative to the area code boundary we adopted in D.96-08-042. We find that Pacific's proposal neither alleviates nor aggravates the cost and disruption that Dixon will experience due to the change in its area code since Dixon will have its area code changed regardless of whether or not we adopt Pacific's proposal. However, Pacific's proposal would unite all of Solano County into one area code. We believe that telephone customers in Dixon and across the State would be less confused by having Solano County in one area code instead of two. For this reason, we find that Pacific's proposal better satisfies Criterion 1 than does D.96-08-042.¹¹

In applying Criterion 2, we note that Pacific's proposal has only a de minimis impact on the lives of 530 and 707 area codes. Because of this, we conclude that Criterion 2 is a neutral factor in our evaluation of Pacific's proposal.

¹⁰ NXX codes are the first three digits of a telephone customer's seven-digit telephone number. LECs, CLCs, and wireless carriers may obtain "blocks" of NXX codes (i.e., blocks of 10,000 phone numbers) which they then assign to their own customers.

¹¹ Although one letter writer is concerned that placing Dixon in the 707 NPA would increase the cost of calls to Davis, this will not occur since Public Utilities (PU) Code § 7932 prohibits a change in an area code from increasing the cost of any telephone call. Another letter writer is concerned about being placed in the 707 NPA while most of the writer's customers remain in the 530 NPA. We are sympathetic to the plight of this letter writer, and we recognize that changing a community's area code will inevitably cause problems for many telephone customers. We believe, however, that placing Dixon in the 707 NPA will, in aggregate, cause less confusion and thereby result in fewer problems than would placing Dixon in the 530 NPA.

Criterion 3 is likewise a neutral factor since both Pacific's proposal and the 916 NPA split adopted in D.96-08-042 can be implemented prior to the projected exhaustion date of the 916 area code.

In order to apply Criterion 4, we note that the relevant statutes are PU Code § 2887(a) and Elections Code § 21601 which state as follows:

PU Code § 2887(a): "Whenever a telephone corporation initially establishes the boundaries for a new 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."

Elections Code § 21601: "In establishing the boundaries of the districts the council may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts."

PU Code § 2887(a) does not literally apply since the statute is concerned with the boundaries of cities (and not counties) relative to the area code boundary. However, consistent with D.96-08-042, we find that considering the public policy preferences expressed in PU Code § 2887(a) and Election Code § 21601, while not mandated in this specific instance, is helpful in evaluating whether to grant Pacific's proposal. We find that Pacific's proposal, by placing all of Solano County the same area code, better meets Election Code § 21601 "factors" (a), (b), and (c) than does D.96-08-042 which kept Solano County divided between two area codes. Pacific's proposal also better satisfies factor (d) since Dixon, as shown by the letters from the Chairman of the Board of Supervisors of Solano County and the Mayor of Dixon, has a stronger community of interest with Solano County than it has with communities in the 530 area code.

Finally, in applying Criteria 5 and 6, we note that Pacific's proposal is supported by both ORA and the telecommunications industry. We, therefore, find that Pacific's proposal better meets Criteria 5 and 6 than does D.96-08-042.

In sum, we find that Pacific's proposal to place Dixon in the 707 NPA is in the public interest since it better meets Criteria 1, 4, 5, and 6 than does leaving Dixon in the 530 NPA. We shall, therefore, grant Pacific's petition to modify D.96-08-042 so as to place Dixon in the 707 NPA effective October 4, 1997.

B. Pacific's Request to Extend the Implementation Date for the 415 NPA

Decision 96-08-042 ordered the geographic split of the 415 NPA to be implemented on August 1, 1997. Pacific, however, requests that the implementation of the 415 split be delayed by one day. Pacific states that August 1, 1997, is a Friday and hence problematic for Pacific which must do a great deal of work on its network and systems in order to implement the split, as must other carriers and customers with certain types of telephone equipment (e.g., PBXs). Pacific believes that it is better to implement the 415 NPA split on a weekend when there is less likelihood of an adverse impact on the ability of customers to complete calls, reach the "O" operator or 911, order new service, etc. Therefore, Pacific requests that D.96-08-042 be modified to permit the work necessary to implement the 415 NPA split to be done on Saturday, August 2, 1997.

Pacific states that the telecommunications industry supports its proposal to implement the 415 NPA split on August 2, 1997. Support for Pacific's proposal was also expressed by GTEC and ORA in their separate responses to Pacific's petition.

We find that Pacific's proposal, when compared with D.96-08-042, will reduce the costs and disruption caused by the implementation of a new area code, thus satisfying Criterion 1. Criteria 2-6 are not applicable since Pacific's proposal, when compared with D.96-08-042, is not materially better or worse in satisfying these criteria. In sum, we find that Pacific's proposal to delay the implementation of the 415 NPA split by one day to be reasonable, and we shall accordingly grant Pacific's petition to modify D.96-08-042 in this regard.

III. Customer Notification and Education

In D.96-08-042 we ordered LECs, CLCs, and wireless service providers (referred to collectively hereafter as telephone corporations) to form a committee, chaired by the CCA, for the purpose of preparing a plan to educate their customers regarding the area code splits required by that order. We believe that customers must likewise be notified and educated about the alterations to the 530 and 707 NPAs that we adopt in this decision, as well as about the change in the date for implementing the split of the 415 NPA. Accordingly, we shall once again require telephone corporations to form a committee, chaired by the CCA, for the purpose of collectively preparing a comprehensive plan to notify and educate customers about the changes to area codes ordered by this decision. The committee should submit their plan to the Commission's Public Advisor (PA) no later than 30 days following the date of this decision.¹² The PA shall then review and approve the plan, and may require telephone corporations to make changes to the plan. Each telephone corporation shall bear the cost to notify and educate its own customers about the actions we take in this decision.

The sooner customers are notified and educated about the changes to D.96-08-042 ordered herein, the better they will be able to prepare for the forthcoming splits of the 415 and 916 NPAs. By being better prepared, it may be possible for customers to reduce the costs, disruption, and confusion inherent in area code changes. Therefore, in order to facilitate telephone corporations providing notice and education to their customers as soon as possible, we shall make this decision effective immediately.

Findings of Fact

1. D.96-08-042 ordered the geographic split of the 415 and 916 NPAs.

¹² The CCA should provide a copy of the proposed plan to any party to this proceeding who requests a copy of the plan.

2. As a result of D.96-08-042, portions of the 916 NPA will keep the "old" 916 area code, while the remainder of the 916 NPA will receive the "new" 530 area code.

3. D.96-08-042 requires that Dixon, currently in the 916 NPA, be placed into the new 530 NPA.

4. Pacific filed a petition to modify D.96-08-042 on October 2, 1996. Pacific's petition seeks, among other things, to place Dixon in the 707 NPA effective October 4, 1997, and to move the implementation date for the split of the 415 NPA from August 1 to August 2, 1997.

5. D.95-10-043, D.96-08-042, and D.96-11-061 used the following criteria to evaluate proposals to establish a new area code:

- a. Minimize the impact to existing customers in the exhausting NPA.
- b. Optimize the life of the old and new NPAs.
- c. Meet the projected exhaustion date of the old NPA.
- d. Meet statutory requirements.
- e. Balance the impact to the telecommunications industry.
- f. Have an equitable impact on all existing and potential NXX code holders.

6. PU Code § 2887 states that boundaries for a new area code 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 telephone corporation shall consider, among other things, the following criteria set forth in Section 21601 of the Elections Code in determining those boundaries:

- a. topography.
- b. geography.
- c. cohesiveness, contiguity, integrity, and compactness of territory.
- d. community of interests of the districts.

7. Pacific's proposal to modify D.96-08-042 so as to place Dixon in the 707 NPA and to move the implementation date for the split of the 415 NPA from August 1 to August 2, 1997, better satisfies the criteria set forth in the previous findings of fact than not modifying D.96-08-042.

8. Pacific's petition to modify D.96-08-042 so as to place Dixon in the 707 area code and to move the implementation date for the 415 NPA split from August 1 to August 2, 1997, is supported by ORA and the telecommunications industry, and is not opposed by any party to consolidated Cases 96-03-039 and C.96-03-040, the proceeding which resulted in D.96-08-042.

9. Informing and educating telephone customers about the modifications to D.96-08-042 adopted by this decision will help customers prepare for these changes and thereby help reduce the costs, disruption, and confusion associated with the establishment of a new area code.

Conclusions of Law

1. The following criteria should be used to evaluate the merits of Pacific's petition to modify the 415 and 916 area code relief plans adopted in D.96-08-042:

- a. Minimize the impact to existing customers in the exhausting NPA.
- b. Optimize the life of the old and new NPAs.
- c. Meet the projected exhaustion date of the old NPA.
- d. Meet statutory requirements.
- e. Balance the impact to the telecommunications industry.
- f. Have an equitable impact on all existing and potential NXX code holders.

2. Pacific's petition to modify D.96-08-042 so as to place Dixon in the 707 NPA effective October 4, 1997, and to move the implementation date for the split of the 415 NPA from August 1 to August 2, 1997, should be granted.

3. LECs, CLCs, and wireless carriers (telephone corporations) should form a committee, chaired by the CCA, for the purpose of collectively preparing a plan for customer notification and education regarding the modifications to D.96-08-042 adopted by this order.

4. The telephone corporations should submit their plan for customer notification and education to the Commission's Public Advisor for the Public Advisor's review and approval.

5. Each telephone corporation should bear its own costs to educate its customers regarding the changes to D.96-08-042 required by this order.

6. This order should be effective today.

INTERIM ORDER

IT IS ORDERED that:

1. Pacific Bell's (Pacific) petition for modification of Decision (D.) 96-08-042 is granted to the extent Pacific's petition seeks to place the City of Dixon in the 707 Numbering Plan Area (NPA) effective October 4, 1997.

2. Pacific's petition for modification of D. 96-08-042 is granted to the extent Pacific's petition seeks to move the implementation date for the split of the 415 NPA from August 1 to August 2, 1997.

3. D.96-08-042 is hereby modified as follows:

- a. A new Finding of Fact 15(a) shall be added after Finding of Fact 15 stating as follows: "Pacific Bell has filed a Petition for Modification of D.96-08-042 which, among other things, seeks to have the City of Dixon in Solano County assigned to the 707 NPA through a boundary realignment, rather than being assigned to the new 530 NPA as ordered in D.96-08-042."
- b. Finding of Fact 16 shall be changed to read: "The 916 NPA Split Proposal set forth in the 916 Relief Plan, as modified to place the City of Dixon in the 707 NPA, is supported by the telecommunications industry and The Office of Ratepayer Advocates."
- c. Finding of Fact 17 shall be changed to read: "The 916 Split Proposal, as modified to place the City of Dixon in the 707 NPA, satisfies the criteria set forth in the previous findings of fact."
- d. The first sentence of Ordering Paragraph 3 shall be changed to read: "The boundaries of the 916 geographic split shall be the same as that recommended in the '916 NPA Exhaust Relief Plan,' which is Reference Item B to this proceeding, except that the City of Dixon in Solano County shall be assigned to the 707 NPA through boundary realignment rather than being assigned to the new 530 NPA. The 707 NPA boundary realignment shall be implemented on October 4, 1997."
- e. All references in D.96-08-042 to an implementation date of "August 1, 1997" for the geographic split of the 415 NPA shall be changed to "August 2, 1997."

4. Local exchange companies, competitive local carriers, and wireless service providers (referred to collectively as telephone corporations) shall form a committee, chaired by the California Code Administrator (CCA), for the purpose of collectively preparing a plan for customer notification and education regarding the modifications to D.96-08-042 required by this order.

5. No later than 30 days following the date of this order, the telephone corporations shall submit their plan for customer notification and education to the Commission's Public Advisor for the Public Advisor's review and approval. The CCA shall also provide a copy of the plan to any party to this proceeding who requests a copy of the plan.

6. Each telephone corporation shall bear its own costs to educate its customers regarding the changes to D.96-08-042 required by this order.

This order is effective today.

Dated March 18, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners