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Decision 97-11-080 November 19, 1997

**ORIGINAL**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

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

R.95-04-043  
(Filed April 26, 1995)

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

I.95-04-044  
(Filed April 26, 1995)

**O P I N I O N**

By this decision, we formally approve the relief plan for a geographic split of the 805 Numbering Plan Area (NPA) presented to the Commission as "Alternate #5B" and previously agreed to by a consensus of industry planning participants. The 805 NPA presently covers the regions shown on the maps in Appendix A.

The process for implementing new area codes in California is covered by State statutes, applicable Commission decisions, and industry guidelines. State statutes prescribe requirements for customer notification, establishment of new NPA boundaries and transitional dialing periods. Affected subscribers must have written notice at least 24 months prior to the introduction of a new area code.

In Decision (D.) 96-12-086, we recognized the dramatic growth occurring in the demand for telephone numbers within California and the need for a Commission policy governing statewide NPA relief planning. In D.96-10-067, we affirmed that Pacific Bell (Pacific) would continue to serve as the California Code Administrator (CCA) and be responsible for initiating and coordinating industry planning of NPA relief during the interim period until a national code administrator is established.

The CCA projects exhaustion of the 792 NXX (Central Office) codes in the 805 NPA during the third Quarter of 1999. The requirement for numbering resources in the

805 NPA is being stimulated by the introduction of competition in local telephone services, an accelerated demand for new services and rapid changes in technology.

Public notification of the impending exhaustion of the 805 NPA was begun by local telephone companies in December 1996. Industry meetings began in January 1997 to develop alternatives for exhaustion relief. At that time, the CCA formed an industry team to consider relief options. The team met in January and again in March 1997.

On April 9, 1997, the CCA declared a jeopardy condition in the 805 area code. A jeopardy NPA condition exists when the forecasted and/or actual demand for NXX resources will exceed the known supply during the planning/implementation interval for relief. On April 23, 1997, the industry agreed to invoke extraordinary, NPA-specific conservation procedures for the 805 area code, as identified in Section 8.5 of the Central Office Code (NXX) Assignment Guidelines. The 805 NPA code applicants will participate in the California lottery for NXX resources.

On May 5, 1997, the industry adopted a revised set of criteria which the industry will use to compare 805 NPA and all future NPA exhaust relief alternatives. This revised set is intended to clarify the criteria previously provided to the Commission by the industry, and includes the objectives set forth below (numbers within parentheses below refer to the section in the NPA Code Relief Planning Guidelines on which the criteria are based):

1. Minimize end-users' confusion (2.4)
2. Balance the cost of implementation for all affected parties (2.4)
3. Provide that customers who undergo number changes shall not be required to change again for a period of 8-10 years (2.5)
4. Not favor a particular interest group (2.6)
5. Cover a period of at least five years beyond the predicted date of exhaustion (4.0)
6. Provide that all of the codes in a given area shall exhaust about the same time in the case of splits. In practice, this may not be possible, but severe imbalances, for example a difference in NPA lifetimes of more than 15 years, should be avoided (4.0)

7. Comply with state and federal statutes, rulings, and orders.

Six initial alternatives were discussed by the industry team for the 805 NPA in particular. The industry team ultimately selected Alternative #5B as the best option among those considered. Alternative #5B was approved by industry consensus on a vote of 8 in favor and 1 abstention. This relief alternative retains the 805 area code in the western (coastal) portion of the existing 805 NPA, primarily consisting of the Counties of San Luis Obispo, Santa Barbara, and Ventura. The new NPA covers the majority of Kern County and the northern part of Los Angeles County and small portions of five adjacent counties.

In this relief plan the industry team assumed that there will be migration of the tandem codes from the existing 805 NPA to the new area code. This assumption is due to the large area involved and the existence of at least two tandems in each of the area codes after the split.

On June 24, 1997, the industry team directed the CCA to forward Alternative #5B to the Commission for its approval. The CCA provided the industry proposal to the assigned Administrative Law Judge (ALJ) in the Local Competition docket by letter dated August 20, 1997.

#### **Public Notification**

A Local Jurisdiction meeting for city and county government representatives was held on March 13, 1997, to provide these jurisdictions with a status report on the 805 relief process and to gather additional information. There were 51 participants at the local jurisdiction meeting. Representation was from a majority of cities and counties in the 805 area, as well as from other impacted jurisdictions such as primary and secondary school districts, centers of higher learning, fire and police departments, etc. (The meeting was moderated by a representative from the Commission. A nonbinding advisory vote was taken to determine what alternatives would be taken to the public. A show-of-interest poll taken at this meeting is summarized in Tab 9 of the CCA's report.

Members of the telecommunications industry presented four proposed boundary line alternatives, including Alternative #5B. Attendees were then given the opportunity to vote for the two alternatives that represented their preference for placement of the split boundary line.

The attendees supported Alternative #5B by a wide margin with 38 in favor. No other proposed alternative had more than 8 in favor. The strong support for Alternative #5B reflected the jurisdictions' concerns with respect to:

- Keeping the Tri-counties whole (San Luis Obispo, Santa Barbara, and Ventura)
- Maintaining mutual aid among law enforcement jurisdictions
- Maintaining mutual aid for the fire support to the Los Padres National Forest

Public meetings were required to occur within six months of the December 1996 customer notification, i.e., by May of 1997. The industry team held three public meetings, during May 1997, as required by Public Utilities (PU) Code § 7930(b). Additional public meetings were held during June 1997 to provide coverage of the large geographic area served by the existing 805 NPA. At these public meetings, four split plans were presented (Alternative 3A/3B and Alternative 5A/5B). The show-of-interest poll taken at each of these meetings is summarized in Tab 10 of the CCA's report. Attendees generally expressed a preference for Alternative #5B.

By ALJ ruling dated September 24, 1997, the CCA was directed to convene one additional public meeting in the City of Bakersfield to assure reasonable opportunity for public input. Low attendance at the previous public meeting held in that city may have been an indication that the meeting was not scheduled in a manner which was convenient for the public to attend.

## Discussion

The proposed geographic split plan has been developed based on the collective efforts of industry participants, in conformance with applicable state statutes and industry planning guidelines, and after taking public input from the affected

communities. While the proposed split will disadvantage those who must change their area codes, we conclude that the proposed plan results in the least overall disruption to the public as a whole and promotes the best balance of any alternative considered.

Recognizing that the industry planning group has reached consensus on the appropriate geographic split for the 805 NPA after carefully balancing the relevant interests, we conclude that the proposed geographic split is reasonable and hereby approve it. Given the need for timely NPA relief to prevent code exhaustion, we direct the CCA to proceed with all due diligence to expeditiously implement the approved 805 NPA relief plan according to the schedule adopted in the order below.

The CCA had requested approval of the proposed relief plan by November 1, 1997, to enable the industry to begin customer notification in conformance with the 15-month customer notice prescribed under PU Code § 7930(c). Since we are approving the proposed plan somewhat later than requested, we shall direct that customer notification of the adopted relief plan begin by December 1997. As we noted in D.95-08-052, the 15-month notification requirement applies to telephone corporations, but does not strictly apply to the Commission's own action. We conclude that the adopted schedule provides for a reasonably sufficient advance notice to customers of the area code change, and adheres to the spirit of the 15-month notification requirement.

Timely implementation is critical in light of the impending exhaustion of NXX codes within the 805 NPA.

#### **Findings of Fact**

1. The CCA has presented the assigned ALJ with a status report as to the projected code exhaustion of, and a proposed plan (Alternative #5B) to develop relief planning measures which have been undertaken for, the 805 NPA.

2. In D.96-12-086, we adopted a policy calling for the use of geographic splits for all NPA relief plans in California through the year 2000, with the possible exception of the relief plan for the 310 NPA.

3. The proposed plan would split the 805 NPA, with the western (coastal) portion retaining the 805 area code, and most of Kern County and Northern Los Angeles County getting a new NPA. Alternative #5B is supported by all industry planning participants.

4. The proposed split plan balances the impact on the telecommunications industry, has an equitable impact on all existing and potential NXX code holders, and optimizes the life of the old and new area codes.

#### **Conclusion of Law**

The proposed geographic split for the 805 NPA, as agreed to among industry planning groups is reasonable, complies with applicable industry guidelines, provides the least overall adverse impacts on the public as a whole, and should be approved.

### **O R D E R**

#### **IT IS ORDERED that:**

1. The proposed geographic split plan (Alternative #5B) for the 805 Numbering Plan Area (NPA) which has been presented to the Commission by the California Code Administrator (CCA) is hereby approved.

2. Given the need for timely NPA relief to prevent code exhaustion, the CCA is hereby ordered to proceed with all due diligence to expeditiously implement the approved 805 NPA relief plan.

3. The following schedule for 805 NPA relief implementation is adopted:

	<u>Implementation Date</u>
Start of Permissive Dialing	2/13/99
Start of Mandatory Dialing	8/14/99
End of Mandatory Dialing	11/13/99

4. The industry participants shall promptly provide customer and industry notification of the adopted 805 NPA relief plan.

This order is effective today.

Dated November 19, 1997, at San Francisco, California.

P. GREGORY CONLON  
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners





