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Decision 97-12-092 December 16, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

County of Fresno,

Complainant,

vs.

Pacific Bell, Code Administrator and Code Relief
Coordinator for California,

Defendant.

ORIGINAL

Case 97-07-020
(Filed July 21, 1997)

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APPENDIX A

O P I N I O N

I. Introduction

By this decision, we deny the complaint filed by the County of Fresno (Fresno) in the dispute over the assignment of a new area code for the 209 Numbering Plan Area (NPA) relief plan. The 209 NPA presently includes all of Amador, San Joaquin, Stanislaus, Tulare and Tuolumne counties; parts of Alpine, El Dorado and Sacramento counties; a small portion of Kern County; and very small portions of Alameda, Contra Costa, Inyo, Mono, Monterey, San Benito and Santa Clara counties.

In its complaint, Fresno opposes the proposed relief plan for a geographic split of the 209 NPA as submitted to the Commission for approval by Pacific Bell (Pacific) in its capacity as the California Code Administrator (CCA) and Code Relief Coordinator. The dispute involves which side of the geographic split should be permitted to retain the existing 209 area code. The proposed relief plan called for splitting the 209 NPA South of the Mariposa/Madera County line with the existing 209 NPA staying in the North half while the new 559 NPA is created in the South. Fresno does not disagree with the proposed boundary line for splitting the existing 209 NPA, but does object to the proposed assignment of the new area code to the region South of the NPA boundary line. Fresno believes the new NPA should be assigned to the North, while the South retains the 209 NPA.

We have provided Fresno with a fair opportunity to present its case seeking to have the 209 area code remain in the southern counties. Based on the evidence presented, we find that Fresno has failed to show that the CCA violated any of the Commission's adopted rules or industry relief planning guidelines in developing the 209 NPA relief plan which was previously submitted to the Commission for approval. While we acknowledge that the required change in area code to the South will inevitably create some hardships on those impacted by the change, we conclude that the adopted relief plan minimizes the overall impact on customers. We previously approved the CCA's proposed relief plan in D. 97-09-051 subject to possible modification pending the outcome of this complaint case. By this order, we reaffirm

our adoption of that plan which calls for the existing 209 area code to remain in the north and for the new 559 area code to be assigned in the south. Based on our findings in this case, there is no basis to modify the CCA's proposed relief plan. The previously approved 209 NPA relief plan shall promptly be implemented with no modification.

II. Procedural Background

The complaint of Fresno was filed on July 18, 1997. Pacific filed an answer to the Fresno complaint on August 14, 1997, addressing Fresno's allegations and seeking to have the complaint denied. Pacific concurrently filed a motion to dismiss the complaint. Various other intervenors similarly filed motions to dismiss. By ruling dated August 22, 1997, the assigned administrative law judge (ALJ) denied the motions to dismiss and set a prehearing conference to address the complaint.

The Commission issued D. 97-09-051 on September 3, 1997, approving the CCA's proposed 209 NPA relief plan to permit the northern counties to retain the 209 area code while the southern counties (including Fresno) would take a new area code. While approving the proposed NPA relief plan, the Commission stated in D. 97-09-051 that it would fully consider any relevant factual issues raised by Fresno's complaint, and could subsequently modify the approved relief plan depending on the outcome of the Fresno complaint.

By ALJ ruling dated September 10, 1997, Fresno's request for an evidentiary hearing was granted, but limited to the issue of how an area code change in the north could adversely affect the operations of Medic Alert.¹ All other issues raised by Fresno's complaint were scheduled to be addressed through written submissions with

¹ Medic Alert is a nonprofit agency located in Turlock which provides a 209-based telephone number for emergency medical information for their more than three million members in North America alone. Medic Alert provides bracelets and pendants with emergency medical information and a 209-area-code phone number for people with serious medical conditions. In a medical emergency, medical personnel can call the phone number on the bracelet for additional information to help assure proper treatment.

no evidentiary hearings. Parties were permitted to attach sworn declarations of experts to their written comments.

Written comments were filed by Fresno on September 29, 1997, on issues other than Medic Alert. Pacific and intervenors filed their written comments in response to Fresno on October 15, 1997. Evidentiary hearings were held on Medic Alert issues on October 23 and 24, 1997. In addition to Fresno and Pacific, other parties offering testimony and/or written comments were the County of Stanislaus (Stanislaus), the "North Valley Parties,"² and Medic Alert. The case was submitted following oral arguments presented at the conclusion of evidentiary hearings on October 24, 1997. No post-trial briefs were filed. On November 7, 1997, Pacific submitted a list of various minor transcript corrections. No party has objected to these corrections. We shall adopt the transcript corrections as part of the official record.

With the exception of the Complainant, all other active parties presenting testimony in the case support the relief plan adopted by the industry and oppose Fresno's proposal to have the 209 area code retained by the southern counties.

III. Framework for Evaluating the Merits of the Case

The dispute before us focuses on whether Fresno can justify its claims that the industry planning group failed to properly apply the appropriate relief planning criteria in concluding that the new 559 area code should be assigned to the southern counties. The burden of proof is with the complainant. If Fresno were to prevail in proving its allegations, the Commission would have to modify the relief plan which was previously approved in D.97-09-051.

In evaluating Fresno's claims, we shall first review the relief planning guidelines and process by which the relief plan was formulated by the industry group and brought before the Commission by the CCA. We shall then consider the specific allegations of

² The North Valley Parties consist of the City of Turlock, the Merced County Association of Governments, The Business Council, Inc., of San Joaquin County, the Greater Merced Chamber of Commerce, and the Stanislaus County Economic Development Commission.

Fresno concerning claimed violations of the adopted criteria by the CCA in formulating the 209 NPA proposal to assign the new area code to the South. In conducting our review, we take a two-step approach, corresponding with the two steps used by the industry planning group in reaching their relief plan recommendation. In the first step, we evaluate the relative impacts of an area code change in the north versus the south based on the factors considered by the industry during its first round of public meetings, and before consideration of any impacts of an area code change on Medic Alert.

Our sequence of evaluation corresponds with the sequence followed by the industry group which first concluded, after an initial round of public meetings, that the overall adverse customer impacts would be minimized if the 209 area code was retained by the north and a new area code assigned to the South, even before identifying the concerns later raised by Medic Alert. The concerns over a potential area code change for Medic Alert only came to light during a second round of public meetings convened by the CCA in response to objections raised by Fresno. It was during that second round of public meetings that the impacts on Medic Alert were first identified as an additional reason to keep the 209 area code in the north.

The CCA's proposed relief plan identified life-threatening consequences for Medic Alert users as "the most significant reason for retaining the 209 area code in the northern portion after the NPA split." Fresno interpreted this statement to mean the CCA relied on the Medic Alert impacts as the primary basis for assigning a new NPA to the South. Fresno believes that a change of area code in the north need not pose any life-threatening problems for Medic Alert users. In the absence of the Medic Alert issue, Fresno claims that the relevant criteria clearly support keeping the 209 area code in the South. If-absent the Medic Alert concerns—we conclude that the overall impacts favor keeping the area code in the south, the importance of the Medic Alert impacts would then come into play. As the second step in our evaluation, we shall then consider whether the Medic Alert concerns would be sufficient to tip the scales in the opposite direction, favoring keeping the 209 area code in the north.

On the other hand, if the overall impacts—even absent Medic Alert concerns—favor keeping the area code in the north, then any further impacts on Medic Alert, if any, would not change our ultimate decision to keep the 209 area code in the north. Even if Fresno were to prevail in its arguments that Medic Alert would not be adversely affected by an area code change in the north, other factors previously considered by the industry group would be sufficient to justify keeping the area code in the north. If we find that there would be life-threatening consequences to Medic Alert users resulting from an area code change in the north, such results would merely be additional evidence confirming even more definitely the decision to keep the 209 area code in the north.

IV. The Relief Planning Process for the 209 NPA

As a background for evaluating Fresno's claims, it is helpful to briefly review the NPA relief planning process. The process for implementing new area codes in California is covered by state statute, applicable Commission decisions, and industry guidelines. Four distinct national guidelines documents are used in the area code relief planning process, all of which were referenced in the 209 relief plan submitted to the Commission by the CCA on behalf of the industry.³ California states statute prescribe requirements for customer notification, establishment of new NPA boundaries and transitional dialing periods. For example, "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. Earlier in D.96-10-067, we had affirmed that Pacific shall continue to serve as the CCA and shall be responsible for initiating and

³ Industry Numbering Committee (INC) 92-0726-004 "Recommended Notification Procedures to Industry for Changes in Access Network Architecture," INC 92-1127-006 "Industry Notification of NPA Relief Activity Guidelines," INC 94-1216-004 "NPA Code Relief Planning Guidelines," and INC 95-0407-008 "Central Office Code (NXX) Assignment Guidelines."

coordinating industry planning of NPA relief during the interim period until a national code administrator is established.

The planning process for the 209 NPA began in February 1996 to relieve the impending exhaustion of NXX codes, currently projected to occur during the fourth quarter of 1999, began in February 1996. At that time, the Area Code Relief Coordinator formed an industry team to consider relief options.⁴ Six initial alternatives were discussed by the industry team: five splits and an overlay. Four of the proposed split alternatives and the overlay alternative considered by the industry team were eliminated by the team during the planning process. The industry went forward to the public with the remaining split alternative, described below, and used the overlay alternative as an educational tool regarding future relief methods. The industry team met in May 1996, and again in November 1996, after three initial public meetings and a local jurisdiction meeting. In response to concerns raised by the County of Fresno about a change in its area code after this first round of public meetings, the CCA scheduled a second round of public meetings. Several industry meetings and conference calls have been held during 1997 concurrent with, as well as after, the second set of public and local jurisdiction meetings.

The criteria by which the industry group compared the exhaustion relief alternatives have been used in several prior NPA relief decisions. The criteria evaluated by the industry group were:

1. Minimize impact to existing customers in the exhausting NPA
2. Balance impact to the telecommunications industry
3. Have an equitable impact on all existing and potential code holders

⁴ This team is comprised of the NPA Code Relief Coordinator, California Code Administration staff, California Public Utilities Commission (CPUC) representatives from the Telecommunications Division (TD) and the Office of Ratepayer Advocates (ORA), and current and future code holders: incumbent local exchange carriers, interexchange carriers, wireless carriers and competitive local carriers.

4. Optimize life of old and new NPAs
5. Meet projected exhaustion date and notification requirements

The industry group ultimately reached consensus on the relief plan identified as Alternative #10A-LJ, concluding this alternative best satisfied the five adopted criteria noted above. The industry group found that whether the new area code was assigned to the north or the south, most of the five criteria would be satisfied about equally. The deciding factor which the industry concluded tipped the scales in favor of keeping the existing 209 area code in the North was that the North had more working NXX codes. Additionally, the North has more interactivity with adjacent area codes. For these reasons, the industry group concluded that customer impacts would be minimized by assigning the new area code to the South. During the second round of public meetings, the additional problem came to light of the potential adverse impacts of an area code change for Medic Alert.

Alternative #10A-LJ retains the 209 area code in the northern portion of the current NPA covering primarily the counties of Amador, Calaveras, Merced, Mariposa, San Joaquin, Stanislaus, and Tuolumne. Small portions of Alameda, Alpine, Contra Costa, El Dorado, Sacramento and Santa Clara Counties are also in the northern area. A new area code would be assigned in the southern portion, covering primarily Fresno, Kings, Madera, Tulare and King Counties. Small portions of Kern, Inyo, Monterey and San Benito Counties are also in the southern area. The specific boundaries of the split are set forth on the map in Appendix A.

Alternative #10A-LJ was ultimately approved by industry consensus on a vote of 19 in favor and 0 not in favor with two abstentions. (The two abstentions desired that the Commission make the decision as to which side should keep the 209 area code.) On April 21, 1997, the industry team directed the CCA to forward Alternative #10A-LJ to the Commission for its approval. On June 4, 1997, the CCA submitted the plan to implement a new NPA to the Commission for final approval.

V. Impacts of Area Code Chango (Before Considering Medic Alert Effects)

A. Summary of Positions of Parties

In its complaint, Fresno claimed that the CCA failed to properly comply with the first and third criteria of the NPA guidelines, namely, that the NPA relief plan minimize impacts to customers in the existing NPA and equitably impact all code holders. Fresno appears to treat Criteria 1 and 3 interchangeably and does not distinguish between "customers" as used in Criterion 1 from "code holders" as used in Criterion 3. Pacific states that Fresno has appeared to misunderstand that "code holders" refers to telecommunications carriers, not to customers. Criterion 3 is intended to assure that no alternative competitively advantages one segment of the telecommunications industry at the expense of another. Yet Fresno has not raised any challenges to the proposed relief plan relating to competitive neutrality among telecommunications carriers, pursuant to Criterion 3. Fresno's focus is on customer impacts which are covered under Criterion 1. Our focus shall therefore be on Criterion 1. Fresno claims that the proposed area code change will create relatively greater overall burdens on customers in the southern counties compared with the corresponding burdens of an area code change in the northern counties. Fresno claims that the assignment of a new area code in the north would impact fewer people, businesses, and government agencies, and would have less adverse effect on agricultural customers within the existing 209 NPA.

To support its claim that an area code change would impact the South more adversely, Fresno presented a series of sworn declarations of experts. The most broadly-based of these was prepared by Richard D. Nordstrom, Ph.D., a professor of marketing at California State University, Fresno. Nordstrom offered a study intended to identify factors which would be relevant in assessing the impacts of an area code change in the north verses the south. Nordstrom concluded based on his analysis that the overall economic impacts would be less adverse if the south were to retain the 209 NPA.

Fresno also offered six additional declarations of Jose Leon-Barraza, John Popp, Dennis C. Plann, Richard Molinar, Gary Nielsen and Michael Fleming. Each of these

declarations addressed more specific and limited factors and impacts which the declarants believed favor keeping the 209 area code in the south.

In response to Fresno's filing, responsive comments were filed by Pacific, Stanislaus, and the North Valley Parties. Pacific presented sworn declarations of Douglas Hescox, who currently serves as California Area Code Coordinator, and Christine Duckett-Brown who is responsible for NPA relief planning for Pacific. Stanislaus presented the Declarations of Bruce Bennett, former Code Coordinator, Kenneth Entin, Ph.D., and Donald Cripe. The North Valley Parties attached the Declaration of Douglas Imberi, Chief Public Affairs Officer at the San Joaquin Depot.

1. Magnitude of Impacts on Population

Fresno claims a greater number of people will be adversely impacted by an area code change in the south, and that the CCA failed to properly take this impact into account in the proposed relief plan. Through the Declaration of John Popp, Fresno presented a population study based on data provided by the California Department of Finance. Fresno claims that the study supports the conclusion that the growth rate is greater in the southern counties than in the north. Stanislaus' expert (Entin) discounted Popp's claim, however, arguing that longer-term trends showed more growth in the north, and that the 1980s growth patterns are likely to reemerge within the next two years.

Fresno also offered the Declaration of Richard Nordstrom in which he compares various economic statistics for housing units, construction values, and agricultural activity in the north versus the southern counties. Nordstrom concludes that each of these measures shows greater concentration in the South. Nordstrom compares two years' construction values between the North and South to support his claim of greater economic activity in the South. According to Nordstrom, the North had significantly more activity in 1994 than the South. In 1995, the South had slightly more activity. From this, Nordstrom infers a growth trend favorable to the South. Stanislaus' expert (Carney) denies any "trend" in these fluctuations. If anything,

Carney argues the most meaningful comparison is between the two-year totals for both areas, which actually favor the north by about 6%.

Pacific argues that it is not the number of people, but the number of customers which is the relevant factor in assessing impacts of an area code change under Criterion 1 of the guidelines. Pacific does not dispute that the population of the south is slightly larger than the north. But as far as the industry planning group was concerned, this narrow difference in estimated population was less meaningful than the actual differences in telephone usage. The industry panel concluded that because there are more working prefixes (NXX codes) in the north, fewer numbers will be changed and the impact to existing customers will be minimized if the south receives the new area code. In January 1997, the north had a total of 275 codes working (217 wireline codes and 58 tandem based codes for wireless service) while the south had 266 codes working (220 wireline codes and 46 wireless codes).

Pacific notes that there were 90,000 more telephone numbers available for assignment in the north compared with the south as of January 1997, and that telephone usage is therefore greater in the north. Pacific further claims that in the North, there is a higher degree of interactivity with surrounding area codes (specifically, to reach telephone numbers in the 408, 415, 510, and 916 NPAs) than in the South. That is, more people dial to reach telephone numbers in the North from a greater number of surrounding area codes than in the South. If the North's area code changed, more callers from adjacent NPAs would therefore have to change their customary dialing patterns.

Fresno disputes Pacific's claim concerning the 90,000 extra telephone numbers in the North. Fresno claims this 90,000-number disparity exists only if cellular and other wireless communications are taken into account. Fresno argues that such wireless users would not be affected by the area code change as they will retain their current area code regardless of which portion is given a new area code, and should be excluded from the total. Based on only wireline numbers, which would be affected by an area code change, Fresno claims that the greater impact will be felt in the southern portion of the NPA because there are 220 wireline codes in the southern portion

compared to 217 wireline codes in the northern portion. (Relief Plan, p. 12.) Thus, Fresno claims up to 30,000 more customers would be affected if the southern portion is assigned a new area code than if the new area code was applied to the northern portion.

Pacific disagrees with Fresno's claim that wireless codes should not be counted. In his sworn declaration, Douglas Hescocx acknowledges that wireless carriers served at a tandem may retain their existing area code assignment after a geographic split, as a legal matter. It has been his experience that when the area code split covers a large geographical area, such as 209, however, carriers whose codes are served at a tandem voluntarily change those NXX codes to the new area code. Hescocx expects that this will occur in the 209 area. In any event, Hescocx reports that, as of September 1997, the North now exceeds the South in both wireless and wireline NXX codes. Therefore, whether or not wireless codes are excluded, the North now has the greater share of NXX codes subject to an area code change.

2. Business Impacts

Fresno argues that the CCA failed to properly consider the adverse effects on the business sector of an area code change in the South. Fresno focuses particular attention on the agricultural sector, noting the importance of the agricultural sector of the economy in its region.

In the study conducted by Richard Nordstrom, Fresno offered a broad comparison of total "business units" across various sectors of the economy. Nordstrom's figures show that while the agricultural sector is larger in the South, the manufacturing sector is larger in north. Overall, the total number of "business units" is somewhat larger in the South (i.e., 31,663 vs. 34,658).

Fresno presented the Declaration of Dennis Plann, who showed that the southern 209 NPA area has almost twice the agricultural production of the north. Because of inherent volatility in the agricultural market, Plann argues buyers need to be able to quickly contact those who have the agricultural products for sale to make their purchase. Based on the greater agricultural production in the southern 209 NPA, Plann

argues that the southern 209 NPA is likely to sustain a greater number of lost sales than the northern portion on as a result of a new area code.

Stanislaus disputes this claim, arguing that an area code change in the south will likely not result in lost agricultural sales, and any impacts will fall predominantly on a number of marketing agents in a magnitude that is much smaller than the overall number of farms. Stanislaus argues there is a complex network of brokers, cooperatives, commissions and other agents that actually place the region's agricultural commodities in domestic and international markets, operating internationally from many different area codes. Stanislaus presented the Declaration of Donald O. Cripe, Agricultural Commissioner/Sealer of Weights and Measures for Stanislaus County. Based on his observations of over 50 years in San Joaquin Valley agriculture, Cripe concludes that any perceived differences in impact regarding the 209 area code in the Southern and Northern San Joaquin Valley are minimal and insignificant.

In the Declaration of Richard Molinar, Fresno presents statistics showing that the southern portion of the 209 NPA has 7,427 small farms (52.7%), where the northern portion has 6,653 small farms (47.3%). Further, based on his experience, Molinar declares that small farmers are significantly dependent upon telephone contact from small buyers outside the 209 area code.

Stanislaus' expert (Carney) notes that, while the farm economy in the south is somewhat larger by some measures, that is offset by the larger manufacturing economy of the north. Carney argues that the numbers of farms in either area are not particularly important since most agricultural produce is marketed through agents, cooperatives, or other organizations that deal locally with the producers and then centrally market the goods to other states and countries. If anything, Carney argues the extent of likely disruption from an area code change may be greater among manufacturers, who tend to deal more directly with their customers and who are not organized in the same wholesale - retail fashion as is agriculture.

Fresno presented further information on the impacts of an area code change on agricultural interests in the Declaration of Richard Nordstrom. Nordstrom

states that the number of agriculturally related "trade associations" are greater in the South than in the North, and that such associations are a measure of "interactivity" with other parts of the state, nation and world. Stanislaus expert (Carney) disagrees with Nordstrom's comparison because Nordstrom includes, in addition to trade associations, agricultural cooperatives, research units and other specialized boards and commissions in the South, while not including any of these in his count for the North. Carney therefore believes the comparison is inconsistent and unreliable.

Pacific agrees with Stanislaus that agricultural production is only one part of the region's total economy and should not be considered a determining factor, and that a change of area code can negatively affect any business.

3. Effects on Governmental Agencies

Fresno claims the CCA failed to properly consider that the Fresno metropolitan area has a greater number of state and federal regional governmental headquarters serving both sides of the split. Fresno presented the Declaration of Mr. Leon Barraza who claimed that if the southern counties change area code, it will disrupt the communication process of state and federal governmental agencies located in Fresno in dealing with the general public that seeks information and receives services from those agencies.

North Valley Partners finds the data presented by Fresno on state and federal agency impacts to be incomplete in that the focus is only on agencies located in Fresno, but no data is disclosed by Leon Barraza as to how many governmental agencies in the northern counties would be impacted by an area code change. Without comparable data for the north, Barraza has no basis to conclude that the impacts on government agencies of an area code change would be greater in the south.⁵ Bruce

⁵ In its Complaint and Response to Pacific's Motion to Dismiss, Fresno states that state and federal agencies in the southern portion employ nearly three times as many employees as in the northern region (45,460 versus 16,660). Fresno provides no explanation as to how the number of employees translates into volume of calling or NXX codes between government agencies in the North and South.

Bennett, representing Stanislaus, notes that there are seven counties in the north versus only four counties in the south, arguing for a greater impact of an area code change on county government agencies in the north.

Moreover, the only group of callers who will be affected differently by an area code change in the south instead of the north are those callers located outside of the current 209 NPA boundaries. Callers within the southern counties will still only dial seven digits to reach the government agencies located in the Fresno area irrespective of any area code change. Likewise, callers in the northern counties will still have to dial 1+10 digits to reach agencies located in Fresno, regardless of which region gets the new area code.

Pacific argues that Leon Barraza's claims regarding the numbers of affected governmental agencies are irrelevant in any event since the industry cannot provide preferential treatment to government agencies as a class.

4. Effects on Optimizing Lives of the NPAs

Fresno further claims that the CCA's proposal to assign the new NPA in the south fails to satisfy Criteria 4 of the NPA relief guidelines, namely, to assure the optimal life of the old and new NPAs. The fourth criterion is based on subsections 5.0(a) and (h) of the NPA Code Relief Planning & Notification Guidelines, INC 97-0404-016, issued April 4, 1997, which state:

"The relief options shall cover a period of at least five years beyond the predicted date of exhaust, and shall cover more than one relief activity, if necessary, during the time frame....

"In the long term, the plan shall result in the most effective use possible of all codes serving a given area. Ideally, 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, shall be avoided."

Fresno questions the CCA's assumption that the NXX code ratio of prefixes in the north and south will remain the same despite the anticipated greater population growth in the southern area. Fresno claims the CCA's conclusion regarding

the life of the old and new NPA's is speculative in that there is no information on the number of telephones and existing prefixes currently in operation in the 209 NPA.

Pacific responds that the industry considered state estimates of past population growth in arriving at its conclusions. Pacific's further observes that factors independent of population -- such as the concentration of competitors, will have a large effect on NXX exhaustion.

If the estimated lives of the old and new area code are different, the industry group tries to give the new area code to the side of a split with the longer life. With Relief Alternative #10A-LJ, the industry estimated that the southern portion, getting the new 559 area code, would have a projected life of 13 to 15-1/2 years, while the remaining northern portion of 209 would have a projected life of 10 to 11-1/2 years, substantially longer than the minimum suggested relief period of five years as identified in Section 5.0(a).

With Relief Alternative #10B-LJ, where the 559 area code is assumed to be assigned to the north, the new NPA has a projected life of 12-1/2 to 14-3/4 years. Therefore, Criterion 4 is satisfied whether the new NPA is assigned either to the North or the South.

Pacific argues the complainant offers no evidence that the CCA's code utilization forecasts are unreasonable. The actual utilization of existing prefixes is proprietary to the code holders. While the industry team has no way of compelling disclosure of actual utilization, its members forecast code growth rates and distribution in the future based on actual experience.

B. Discussion

Fresno bases its complaint principally on the claim that the CCA failed to properly apply Criterion 1, which requires that the proposed relief plan to minimize overall customer impacts. Although Fresno in its complaint also identified Criterion 3 relating to code holders as being violated, Fresno offered no comments regarding the impacts on code holders. As noted by Pacific, Fresno appears to have interpreted "code holders" as end-user customers, although the term actually refers to

telecommunications carriers which have been assigned NXX codes. We shall therefore focus our inquiry on Fresno's claims concerning Criterion 1.

On balance, we conclude that Fresno has failed to show that the overall adverse effects on customers would be greater by assigning the new area code to the South. To a large extent, we find that the expected impacts of an area code change on either side of the NPA boundary are roughly equal, overall. This result reflects in large measure the fact that the industry planning group drew the NPA boundary line in a manner which evenly balanced the size of both the north and the south NPAs. No party, including Fresno, has challenged how the boundary line is drawn. While isolated impacts may be cited as evidence that a particular group will be more adversely affected by an area code change in the south, countervailing impacts can be cited showing that other groups will suffer more if the new area code is assigned to the north.

Fresno provides no compelling arguments to prove that its various economic or demographic comparisons between the North and South justify a conclusion that the South will be more adversely affected by an area code change than will the North. Fresno highlighted selective economic impacts which it claimed would fall more heavily on the South while giving relatively less attention to countervailing impacts which would more adversely affect the North. Fresno's statistics fail to provide a balanced picture of the total effects on customers in the North as well as the South.

For example, Fresno emphasizes the greater agricultural production in the South while providing relatively little information on the significance of an area code change on the manufacturing sector which is more concentrated in the North. Plann attaches to his Declaration a rather voluminous collection of miscellaneous data pertaining to agricultural production to support his statements that Fresno was California's top county in agricultural production in 1996. We acknowledge that agricultural production is greater in the southern counties compared with the north, but we find this fact, of itself, to be of limited usefulness. Even though more agricultural production occurs in the South, the relevant business activity associated with that production may occur in the northern part of the NPA or outside of the NPA due to marketing through agents and other channels. Moreover, two of the largest producers of grapes and

poultry in Fresno county actually have their business offices located in Stanislaus County (i.e., north of the NPA split boundary). Moreover, to the extent that comparisons of the agricultural impacts have relevance, we must likewise consider impacts on other sectors of the economy, not just agriculture.

A summary of all major industry types in the north versus the south is presented by Fresno's expert Nordstrom, who includes a summary comparison of "business units." While Nordstrom shows there are 23% more farms in the south, he also reports there are 43% more manufacturing firms in the north. Nordstrom simply assumes equal impacts on all types of industries, but provides no assessment of how the volume or complexity of callings patterns for a typical farm compares with that of a typical manufacturing or retail firm. Yet, as noted by William Carney, the extent of disruption for a typical manufacturer from an area code change may be greater because of more direct dealings with customers than for a typical farmer.

In summary, we find that the varying measures of economic factors show offsetting impacts on customers in both the North and the South which tend to be self-cancelling. We find persuasive the argument of Pacific that a comparison of the total of telephone numbers subject to an area code change in the north versus the south provides one of the best overall deciding factors to determine relative impacts. The adverse customer effects of an area code change is most directly related to the number of telephone numbers which will be subject to the change. The best available measure of total telephone numbers is the amount of NXX codes assigned in the North versus the South.

While we do not know the precise percentage of utilization of each NXX code, there no reason to believe the utilization rate would be significantly different between the North and the South. Therefore, we conclude that a comparison of NXX code counts provides a reasonable basis for comparison of the total active telephone numbers between the North and South.

Focusing on a comparison of NXX codes, Fresno notes that there were more wireline codes in the south than in the north based on the CCA's data for January 1997. The CCA claims that because it is reasonable to expect that wireless carriers will likely

voluntarily elect to change their NXX codes to the new area code, the effects of wireless carriers' changes should be considered when counting the total affected NXX codes. With more wireless codes in the North, the total count of affected codes in the North would exceed the South. Even if the CCA is correct in his expectation, we shall not consider the number of wireless NXX codes in evaluating relief plan impacts. The relevant impacts are those which result from mandatory number changes resulting from Commission action. Since those assigned telephone numbers from wireless NXX codes would not be required to change area codes, they should be excluded in assessing the impacts of an area code change. In any event, we need not rely on wireless NXXs since the latest figures provided by Pacific for September 1997 indicate that, even by limiting the count just to wireline codes, the north still exceeds the south in total NXX codes subject to an area code change. Based on this key criteria, we conclude that the overall magnitude of telephone number changes associated with wireline NXX codes would be greater in the North with a new area code assignment.

In addition to the greater number of telephone number changes within the northern region, there is also greater number of callers in adjacent regions calling into the 209 NPA who would be affected by an area code change in the north. As noted by Pacific, there is greater interactivity between callers in the north with callers in adjacent NPAs than in the South. Fresno failed to successfully refute this contention. Therefore, the number of customers adversely impacted by a change in the north would be compounded by considering the additional calls from adjacent NPAs. If the 209 NPA is retained in the North, those in adjacent NPAs will be spared the disruption of learning to dial a new area code to reach those in the north counties.

Moreover, we find no basis to conclude that the CCA violated Criterion 4 which requires the proposed plan to optimize the lives of the old and new NPAs. No forecast of NPA lives extending several years into the future can be expected to be perfectly accurate. Even allowing for possible variations between actual and forecasted results, in either the North or South, however, the projected lives of both NPAs are significantly greater than the five-year minimum prescribed in the NPA Relief Guidelines, whichever

side gets the new NPA. Based upon the code forecasts relied upon by the CCA, therefore, we conclude that the industry's proposed relief plan satisfies Criterion 4.

Therefore, even before considering the effects on Medic Alert, we conclude that, given the greater number of impacted telephone numbers, the overall adverse effects on customers generally would be greater by assigning the new area code to the north. After all of Fresno's claimed impacts of an area code change are considered, we are left with the conclusion that industry planning group reached the proper resolution in assigning the new area code to the South. We shall next consider the effects on Medic Alert to determine if it provides additional support in favor of keeping the 209 area code in the north.

VI. Impacts of Area Code Change on Medic Alert

A. Introduction

Medic Alert is a nonprofit organization located in Turlock, which is in the northern portion of the 209 NPA. Medic Alert provides a 209-based telephone number for 24-hour collect calling for emergency medical information for their three million plus members worldwide. The phone number is engraved on the Medic Alert emblem worn by the member. These Medic Alert tags are used by diabetics, people with a variety of allergic reactions to drugs like penicillin and other antibiotics, and persons with many other major health risks, to alert health care professionals to their medical challenges. A 209 number is used since 800-toll free numbers do not work worldwide. The industry concluded that any change to the 209-based number through an area code change in the North could possibly jeopardize the lives of those needing emergency medical treatment worldwide if callers relying on the Medic Alert bracelet erroneously dialed the wrong area code.

While it is technically possible to assign the 209 code to the southern portion and still keep the Medic Alert number working with a 209 NPA, the industry concluded that it is not possible to guarantee that all telecommunications companies, nationwide, will complete the necessary work in a timely and proper manner to guarantee that 100% of the calls to the Medic Alert number will be processed without failure.

Fresno presents two general arguments in support of its claim that Medic Alert need not suffer adverse effects in the event that the new area code is assigned in the north. First, Fresno claims that the telephone number engraved on the Medic Alert emblem is not critical in medical emergencies as a means of obtaining essential information needed to treat patients. Fresno claims the Medic Alert emblem is only a secondary information source, while other measures are used by health care givers as primary sources to obtain such critical medical information. Therefore, under Fresno's premise, a change in Medic Alert's number would not have life-threatening consequences. Second, Fresno claims that, even if the Commission concludes that retention of the 209 area code for the Medic Alert telephone number is necessary to prevent life-threatening consequences, technical solutions could be devised to accomplish this result while assigning a new area code to the northern region.

B. Use of Medic Alert Telephone Number

1. Position of Parties

We shall first consider the issue of how the telephone number engraved on the Medic Alert emblem is used, and whether its use is essential in life-saving emergency medical treatment. Testimony on this issue was offered by Fresno, and Medic Alert. Fresno claims that, while paramedics and emergency medical caregivers may consult the medical information which is engraved on the wearer's Medic Alert bracelet, they do not call the Medic Alert telephone number in a medical emergency. As a result, Fresno argues that a change in the area code for Medic Alert would not result in life-threatening consequences.

In support of its claims, Fresno offered the testimony of a physician, a nurse, and a paramedic. Fresno offered testimony by Mark Allen, a paramedic who provides emergency services to wearers of Medic Alert emblems. Allen testified that he had never called the Medic Alert phone number while providing emergency services, nor observed any other health care provider do so.

Cynthia Schuleler, a registered nurse experienced with emergency medical treatment offered similar testimony on behalf of Fresno. Ms. Schuleler stated

that, although the County of Fresno has protocols for paramedics and medical technicians to use in providing emergency medical service, there are no protocols addressing what action to take when a Medic Alert emblem is found. Ms. Schuleler stated that the general practice of paramedics is merely to read the information on the Medic Alert emblem to assist in providing proper emergency treatment, but not to call the Medic Alert telephone number.

Dr. Gene Kallsen, Chief of Emergency Medicine and Medical Director of Fresno County's Emergency Medical System also corroborated the testimony of the prior two witnesses, adding that it would be inappropriate to rely on the information available through the Medic Alert number as accurate or up to date. Dr. Kallsen stated that the Medic Alert emblems serve as secondary, not primary, sources of emergency medical information. Other sources such as the patient's doctors, hospital records, etc. would be consulted first. In cases where adequate medical records were not readily available, however, Dr. Kallsen believe Medic Alert could provide a substitute source of information (Tr. 54:19-55:3). Dr. Kallsen does not dispute that the Medic Alert bracelet plays an important role which can contribute toward saving lives in emergency medical situations. (Tr. 62:14-18/Kallsen) Dr. Kallsen testified that he has never personally used the Medic Alert number, however, during his 20 years as an emergency room physician.

Medic Alert offered the testimony of its President and Chief Executive Office, Tanya Glazebrook, and its Chief Financial Officer, Effie Debow. Ms. Glazebrook testified that the telephone number engraved on the Medic Alert emblem allows users to call collect the 24-hour Emergency Response Center in Turlock which stands ready to access members' medical files for immediate transmittal of medical information which can be critical for proper diagnosis and treatment of a patient/member. Ms. Debow testified that Medic Alert received 18,680 calls for the year to date on its emergency line, and that changing the telephone number would cause widespread confusion among its members, their families, and emergency medical professionals.

2. Discussion

Although each of the witnesses offered by the County of Fresno have years of experience in emergency medical treatment, none of them have ever used the Medic Alert telephone number to obtain emergency medical information. The testimony of Fresno's witnesses must be weighed in light of the countervailing testimony of the Medic Alert witnesses who provided positive evidence about the volume of calls which in fact are made annually to the Medic Alert emergency telephone number.

When the testimony on both sides of this issue is viewed in context, we understand that the correct question is not whether the Medic Alert telephone number is ever used in a medical emergency, but rather, when, along a continuum of measures and sources of medical information, an emergency care giver may call the Medic Alert number. The experience of the medical experts who testified for Fresno indicates that in a large majority of medical emergencies, sources of information other than the Medic Alert phone number are relied upon to determine appropriate emergency treatment measures, including the actual medical information on the Medic Alert bracelet itself. Nonetheless, Dr. Kallsen acknowledged that although he personally has never called the Medic Alert phone number, he did not deny the potential value of calling the number where no other sources of information are available (Tr. 65:23-66:3/Kallsen). Dr. Kallsen also placed in context the time frame for seeking emergency medical information over the phone, noting that, in the first critical seconds, the focus is on stabilizing the patient's condition—not on making phone calls. Once the patient's condition is stabilized, but where minutes may still count, Dr. Kallsen indicated that then he may seek to obtain additional emergency patient information over the telephone.

The focus of the testimony of Fresno's witnesses is on circumstances in which the Medic Alert telephone number is not used. The question before us, however, is not how many times can medical emergencies be treated without recourse to a telephone call to the Medic Alert emergency number. Even if only a small minority of all medical emergencies entail the need to call Medic Alert, the ability to reach the

number without confusion or delay is still very important in that minority of cases. No one refuted the testimony of the Medic Alert witnesses who testified to the volume of calls over their emergency number each year, including 18,680 calls for the year to date.

Ms. Debow testified that the Medic Alert bracelet does not always have sufficient space to contain all the relevant medical information about the wearer's condition. Medic Alert's three million members have an average of three conditions or prescribed medications engraved on their emblems and an average of five vital medical facts listed in their computer record. Many members have multiple medical conditions and often take multiple medications – more information than can be listed on the emblem. In such cases, it becomes necessary to call the Medic Alert emergency number to obtain the additional information available in Medic Alert's records about the user. The sample Medic Alert emblem (Exhibit 11) entered into the record directs the reader to call collect the emergency number engraved at the top of the emblem, illustrating this point.

Fresno further challenged the premise that the Medic Alert number is critical in emergencies on the basis that even today, some small fraction of a percent of Medic Alert calls are not completed due to telephone network defects. If Medic Alert is truly an emergency number, Fresno questions why the industry has not taken further step to reduce the loss of even this small fraction of calls. (Tr. 222:9-23.)

We find no reason to minimize the critical nature of calls to the Medic Alert number merely because the industry has not achieved absolute perfection in the reliability of the telephone network. Based on present conditions, 99.95% of all Medic Alert calls are properly completed (Hescox/Tr. 161:12-20). Based on this success rate, along with the other evidence before us as summarized above, we remain persuaded that the Medic Alert number plays a critical role despite the fact that a tiny fraction of a percent of Medic Alert's calls may be inadvertently dropped.

We conclude, therefore, that in at least some instances, the Medic Alert emergency number plays a role in providing important information about a patient's medical condition within a continuum of measures for administering life-saving treatment. A change in the area code for Medic Alert could result in situations where a

caller to the emergency number could be confused over the correct number to call, or could be delayed in getting through. We remain concerned that a change in the area code in the North could in certain instances contribute to the inability of a medical care giver seeking to contact Medic Alert to obtain in a timely manner all of the information needed to administer proper emergency treatment. The result could jeopardize the patient's health and may be life-threatening. Our assessment of the effects of an area code change on Medic Alert's emergency information services is dependent upon the unique circumstances before us at this time, including, but not limited to, consideration of existing technical solutions, as discussed below. In the future, with different circumstances, including available technology, there could be a different outcome.

C. Technical Alternatives to Permit Medic Alert to Retain the 209 Area Code

1. Positions of Parties

In the event that the Commission concluded that retention of the Medic Alert telephone number is essential to avoid life-threatening consequences, Fresno offered alternative solutions which it believes would permit the new area code to be assigned in the north while retaining the 209 area code for Medic Alert. Fresno offered three alternative technical solutions through Mr. Gary Nielson, Fresno County Telephone Systems Manager.

Pacific offered the testimony of Christine Duckett-Brown who is responsible for area code relief planning for Pacific. She testified that each of Mr. Nielson's proposed solutions was previously considered by the industry planning group and found to be defective. She identifies technical implementation risks and uncertainties involved with each alternative.

We consider each of Fresno's proposed options below:

(a) The "Wireless" Option

As one potential solution to Medic Alert's concerns, Nielson suggests treating the Medic Alert telephone number as if it were a wireless cellular phone by allowing the Medic Alert number along with the remaining 9,999 numbers

sharing the same NXX code to retain the 209 area code while assigning the new area 559 code to the rest of the north, and permitting the 209 area code to remain with the southern counties. In D.96-08-028, the Commission permitted wireless carriers served at a tandem to retain their existing area code assignment after a geographic split to relieve the burden which would otherwise fall disproportionately on such carriers whose customers' equipment would require reprogramming. Fresno believes that applying this same provision to Medic Alert would allow calls to continue to go directly to Medic Alert when the current number on the various Medic Alert bracelets and necklaces is dialed. This approach would require the southern counties to give up the remaining 9,999 numbers in the (209) 634 prefix, but would have only a minimal effect on the exhaustion of the 209 area code in future years.

Pacific's witness contends that Nielson's wireless solution is fraught with technical uncertainty. The allowance granted to wireless carriers to keep their area codes applies to service at a tandem. Tandems are not designed to provide line-level service, and they do not route calls to seven digit numbers. They only route calls to NXX codes for completion by another switch. When a customer dials a wireless number, the tandem associates the NXX code with a wireless carrier and delivers the call over an interconnection trunk to the wireless carrier's switch for completion.

Since Medic Alert is a wireline customer, the tandem would be unable to route calls to its 634-4917 telephone number. While it might be technically possible to reprogram the tandem to complete seven-digit calls directly to the wireline customers in the 634 prefix, and to move or reassign this code to the tandem during the permissive dialing period, Duckett-Brown states it would be a unprecedented technical project of unknown complexity and cost. There is no guarantee that the tandem could be reprogrammed (which could require developmental work by the manufacturer of the tandem switch), that the code could be moved in time, or that all calls to Medic Alert or the other customers in that prefix would successfully completed.

Pacific also claims the wireless option would constitute a miniature version of an area code overlay since it would allow the 634 prefix to retain the 209 area

mandatory period ends. Before that time, the entire industry must route calls dialed using the old area code to a recorded announcement (not to a working service code) telling the caller to redial using the new area code. Even at the end of the mandatory period, due to coordination and service order placement, Duckett-Brown states there will be a period of time in which calls would not be successfully completed to Medic Alert.

(c) Foreign Exchange Option

Mr. Nielsen's third suggested option involves the establishment of a foreign exchange (FX) system with a wire or radio link between Medic Alert and the nearest point in the southern portion of NPA 209.

Duckett-Brown notes several objections to this proposal. First, foreign exchange service is expensive, and allows only one call to be completed to Medic Alert at a time. Foreign exchange also suffers from the same shortcoming as call forwarding, in that FX service cannot be established in the new 209 geographic area until the 634 code is established as a working code in that area, which cannot occur until the end of the mandatory period. Finally, because the establishment of such a link would require the crossing of a LATA boundary it would be considered interLATA service. Pacific, however, is not allowed under current law to provide foreign exchange service across LATA boundaries, as Mr. Nielsen suggests.

2. Discussion

Fresno has offered three alternative solutions intended to permit Medic Alert to retain use of its 209-area code telephone number while the surrounding northern counties would take the new area code. We find that each of the proposed solutions offered by Fresno through its witness Nielsen raises practical implementation difficulties.

Under the "wireless solution," Fresno assumes that the 209-634 NXX code assigned Pacific, a wireline carrier, could be treated in the same manner as a wireless code, even though the connection to the network is entirely different, as indicated by Ms. Duckett-Brown. Nielsen fails to explain how the necessary changes to the network

would be made, in what time frame, at what cost, or who would pay the costs.

Although Nielsen claims the remaining non-Medic Alert numbers in the NXX could be "picked off," he fails to explain how this would be accomplished or how to address the impacts on customers subject to having their number "picked off."

Likewise, the "call forwarding" option would present technical implementation difficulties and billing confusion as noted above by Pacific's witness, Duckett-Brown. Fresno's witness Nielsen was unable to provide satisfactory answers as to how or within what time frame these technical problems and uncertainties could be resolved.

Regarding the proposed "foreign exchange" option, Nielsen has likewise failed to address the implementation impediments and cost uncertainties posed by Pacific witness Duckett-Brown. Fresno did not offer an adequate solution to the potential problem that this option would require the provision of service by Pacific which crossed LATA boundaries, even though Pacific is not presently permitted to offer interLATA service. As a potential way around this problem, Fresno suggested that the 209-634 NXX calls could be re-homed to Chowchilla rather than Fresno. While Chowchilla would be in the southern NPA, it would be in the same LATA as Turlock, thus avoiding the crossing of LATA boundaries.

This alternative only came to light during the oral testimony of witness Nielsen, and the record was not sufficiently developed to determine the feasibility of this alternative. For example, it is unclear to what extent Pacific or other carriers have a tandem office in Chowchilla, or what practical difficulties may be involved in re-homing the NXX to Chowchilla.

Given the need for expeditious implementation of the 209 NPA relief plan in the face of impending code exhaustion by the fourth quarter of 1999, there would be no time to risk the delay and uncertainty of trying to implement the untested alternatives offered by Fresno through the testimony of Mr. Nielsen. In conclusion, we find that there is no practical way that Medic Alert could retain use of the 209 area code if the new area code were assigned to the North. Consequently, the life threatening consequences to Medic Alert users alluded in our previous order would still exist.

VII. Conclusion

In conclusion, we find that Fresno has failed to meet its burden of proof that the CCA and industry group improperly applied the NPA relief planning criteria. Consequently, the complaint should be denied, and the relief plan previously approved in D.97-09-051, which assigns the new area code to the South, is reaffirmed and should promptly be implemented.

Findings of Fact

1. In February 1996, Pacific Bell, the California Code Administrator (CCA)/Area Code Relief Coordinator, formed an industry team to consider relief options to address the impending exhaustion of NXX codes for the 209 NPA, projected to occur during the fourth quarter of 1999.

2. The industry group ultimately reached consensus on a relief plan, Alternative #10A-LJ, which would split the 209 NPA at the Madera/Mariposa County lines, and assign a new area code to the southern region.

3. On June 4, 1997, the CCA submitted the plan to implement the new NPA to the Commission for final approval.

4. On July 18, 1997, a complaint was filed by the County of Fresno objecting to the proposed 209 NPA relief plan, and seeking to have the new area code assigned to the North instead of the South.

5. The Commission issued D.97-09-051 on September 3, 1997, approving the CCA's proposed relief plan which would permit the northern counties to retain the 209 area code while the southern counties (including Fresno) would take a new area code.

6. While approving the proposed relief plan, the Commission stated in D.97-09-051 that it would fully consider any relevant factual issues raised by Fresno's complaint, and could subsequently modify the approved plan depending on the outcome of the Fresno complaint.

7. The dispute raised by Fresno's complaint is whether the CCA and industry group properly applied the five criteria which were considered in determining which side of the NPA boundary was to receive the new area code. The five criteria were:

- (1) Minimize impact to existing customers in the exhausting NPA
 - (2) Balance impact to the telecommunications industry
 - (3) Have an equitable impact on all existing and potential code holders
 - (4) Optimize life of old and new NPAs
 - (5) Meet projected exhaustion date and notification requirements
8. Fresno's complaint focused on an alleged failure to properly apply Criteria 1 and 4 (i.e., minimizing customer impacts and optimizing NPA lives).
9. The single most comprehensive measure of customer impacts is the number of active wireline telephone numbers subject to a potential area code change.
10. Since wireless NXX codes are not required to change area codes as a result of Commission action, they should be excluded in assessing the impacts of a mandatory area code change.
11. Although the general population is slightly larger in the South, there are somewhat more wireline NXX codes in the North.
12. There is a greater degree of interaction between the northern portion of the 209 NPA and adjacent NPAs than is true in the southern portion of the NPA.
13. Although there is greater agricultural production in the South, which has 23% more farms, the North has 43% more manufacturing firms.
14. The extent of disruption from an area code change may be greater in the manufacturing sector, which deals more directly with its customers, than in agriculture.
15. Although there are more state and federal agencies with regional headquarters in the South, there are more local county governmental agencies in the North.
16. While certain sectors of the economy will suffer more by a change in area code in the South, other sectors will suffer more by a change in area code in the North.
17. When all relevant economic factors (other than total number of active phone numbers) are considered in the aggregate, the overall impacts of an area code change are roughly equal between the North and the South.
18. Given the somewhat greater number of wireline NXX codes subject to an area code change in the North, the assignment of the new area code to the South will minimize the overall impact to customers.

19. Whether the new NPA is assumed to be assigned to the North or the South, the estimated lives of each of the NPAs is significantly greater than the minimum of five years prescribed under Criterion 4 of the NPA Relief Guidelines.

20. If the new area code was assigned to the entirety of the North, Medic Alert, with its headquarters located in Turlöck, Stanislaus County, would have to change its number.

21. Medic Alert provides emergency medical information for its three million members.

22. The Medic Alert bracelet worn by members has engraved on it information about the medical condition of the wearer and a telephone number with a 209 area code which can be called for further information to alert health care givers to the wearer's particular medical challenges.

23. There could be potential life-threatening consequences to users of the Medic Alert service if the 209 area code was changed in the North, and emergency care givers relying on the phone number engraved on the Medic Alert bracelet to obtain critical information were not aware of the phone number change.

24. The proposed alternatives offered by Fresno for permitting Medic Alert to retain the 209 NPA while the remainder of the North takes a new NPA all have unresolved technical and economic implementation problems which make them impractical.

25. The effects of an area code change on Medic Alert's emergency information services are dependent upon the unique circumstances at this time, including, but not limited to, consideration of existing technical solutions. In the future, with different circumstances, including available technology, there could be a different outcome.

Conclusions of Law

1. The Complaint of Fresno should be denied, since Fresno has failed to meet its burden of proof to show that the CCA has violated any Commission rules.

2. The CCA and industry group properly applied the five relevant criteria in formulating the proposed 209 NPA relief plan and assigning the new NPA to the South.

3. The assignment of the new NPA to the South minimizes the impact on customers by minimizing the magnitude of wireline telephone numbers impacted by the area code change.

4. While the adverse potential life-threatening impacts on Medic Alert users of an area code change constitutes additional support for keeping the 209 area code in the North, there is sufficient basis to justify the area code assignments even without consideration of the Medic Alert issue.

O R D E R

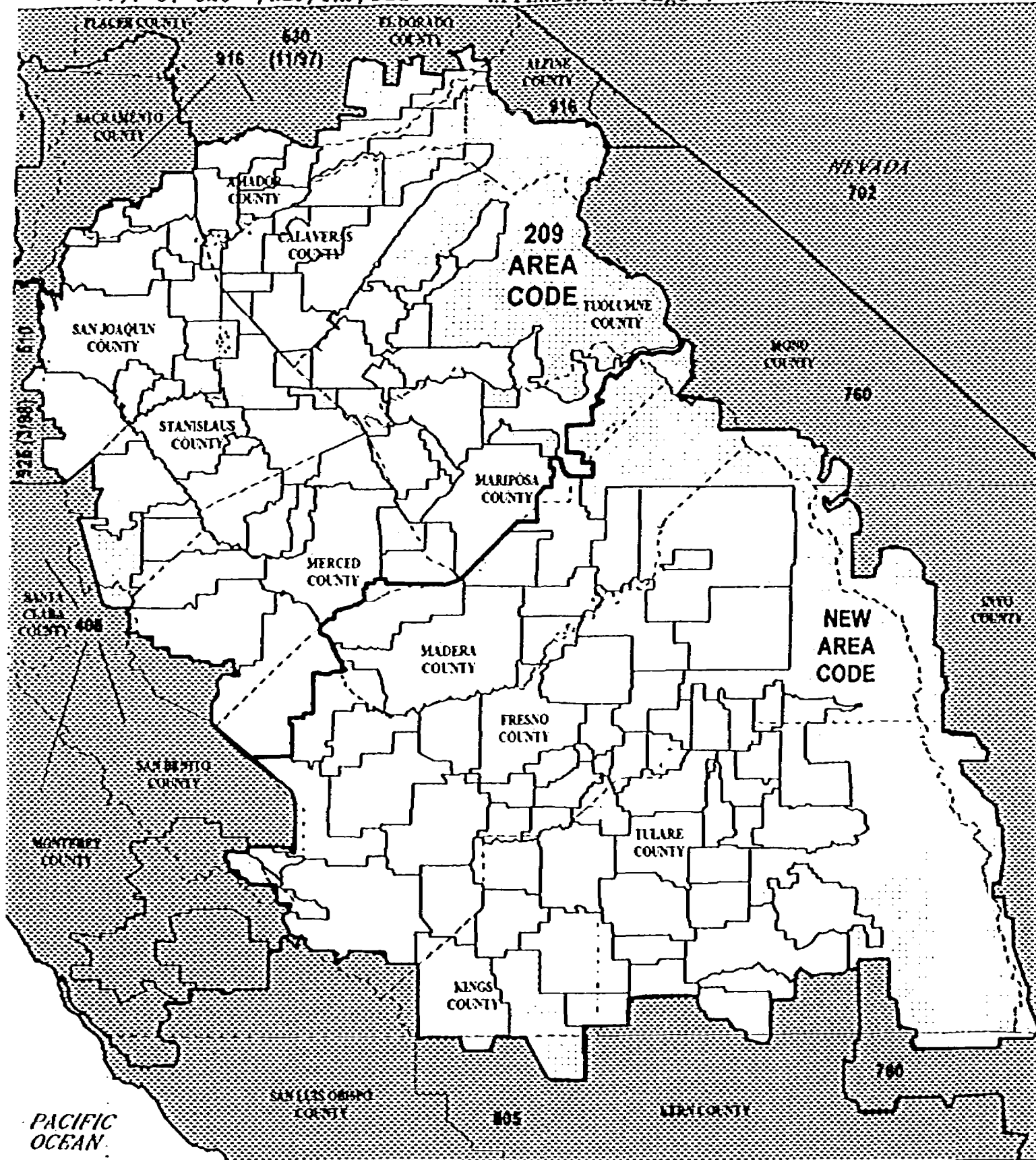
IT IS ORDERED that:

1. The complaint of the County of Fresno is denied.
2. The 209 Numbering Plan Area relief plan as previously approved in Decision 97-09-051 is reaffirmed and shall proceed with implementation as previously ordered therein.
3. Case 97-07-020 is closed.

This order is effective today.

Dated December 16, 1997, at San Francisco, California.

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

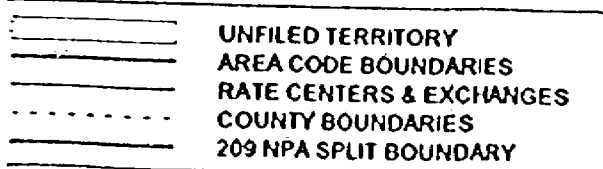


_____ UNFILED TERRITORY
 _____ AREA CODE BOUNDARIES
 _____ RATE CENTERS & EXCHANGES
 _____ COUNTY BOUNDARIES
 _____ 209 NPA SPLIT BOUNDARY

209 Area Code
Proposed Relief Plan
Overview of Alt. #10aLJ

209_NEVA - OPUC - Date Issued 5/14/97

Provided by California Code Administration (CCA)



**209 Area Code
Proposed Relief Plan
Northern Detail of Alt. #10aLJ**

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209_NEWS - OPUC - Date Issued 5/14/97
 Provided by California Code Administration (CCA)

(END OF APPENDIX A)