

ALJ/TRP/sid

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Decision 98-02-113 February 19, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AIRTOUCH COMMUNICATIONS, a California Corporation,

Complainant,

vs.

PACIFIC BELL, a public utility,

Defendant.

Case 94-09-058
(Filed September 30, 1994)

ORIGINAL

MCI COMMUNICATIONS CORPORATION,

Complainant,

vs.

PACIFIC BELL, a public utility,

Defendant.

Case 95-01-001
(Filed January 3, 1995)

ORDER CLOSING COMPLAINT CASES

Background

By Decision (D.) 95-08-052 (the Decision), we resolved the outstanding dispute in the above-referenced consolidated complaint cases by adopting an area code split for the 310 Numbering Plan Area and rejecting the proposed overlay plan. By Ordering Paragraph 7 of the Decision, the consolidated complaint cases were ordered to be kept open during the implementation period of the 310/562 area code split to permit the Commission to monitor compliance with the adopted order and to permit additional action, if any, to avoid premature code exhaust.

On October 1, 1997, the assigned Administrative Law Judge issued a ruling soliciting comments on whether there continues to be a need for these dockets to remain open. The only comments were filed by Pacific Bell (Pacific) on October 9, 1997.

Pacific argues that the complaint dockets should remain open to deal with two issues that first arose in connection with the 310/562 split and have not yet been resolved. Furthermore, because the Commission has permitted consideration of an overlay for the next relief of the 310 NPA, Pacific also suggests keeping these dockets open for possible use in resolving any issues that may arise concerning an overlay. However, Pacific agrees that other generic area code relief issues can better be addressed in the Local Competition Docket (R.95-04-043/I.95-04-044).

The implementation issues noted by Pacific relate to the following two matters. First, at a statewide industry planning meeting in April 1997, a GTEC California, Inc. representative reported call completion problems that seemed to indicate that the permissive dialing period had not been correctly implemented by some carriers. Pacific reports that this matter is still under investigation by the Commission's Telecommunications Division.

A second issue arising out the 310/562 split was discussed at an August 1997 statewide industry planning meeting. The relief plan approved by D.95-08-052 and D.95-10-043 called for splitting a rate center. Instead of using the rate center boundaries, the split occurred along Pacific's wire center boundaries; one part of the rate center remained in the 310 NPA and the other part was assigned the 562 NPA. Pacific reports that several competitive local carriers (CLCs) have been assigned NXX codes that can serve the entire rate center. If these NXX codes are in use throughout the rate center, it is possible that these CLCs are in violation of the Commission's decision (e.g., they may be serving customers with a 310-NXX although the customers are located on the 562 side of the split line). If so, this could have E-911 and other implications. The California Code Administrator recently reported a list of carriers with NXX codes assigned to this rate center to the Commission's Telecommunications Division for further inquiry. Pacific suggests that this issue be resolved before these dockets are closed.

Pacific further argues that another reason to keep these dockets open is the fact that the Commission has authorized consideration of an overlay as a relief option for the 310 NPA. Pacific believes the complaint dockets could be used to address various issues which may arise concerning overlay relief for the 310 NPA.

Discussion

Since we issued the directive in D.95-08-052 for the complaint dockets to remain open to address implementation issues, we have instituted the practice of reviewing and approving area code relief plans within the Local Competition Dockets (R.95-04-043/I.95-04-044). Therefore, even though there remain certain implementation details to be dealt with in connection with the 310/562 area code relief plan, these implementation issues may also affect other relief plans, and it will be more efficient and consistent with our general practice to transfer the responsibility for the monitoring of such implementation to the Local Competition Dockets. Any remaining implementation issues that may require Commission intervention should therefore be docketed in R.95-04-043/I.95-04-044 and directed to the Administrative Law Judge assigned to the Local Competition Proceeding. Likewise, the Local Competition proceeding (or a new separate generic proceeding) is the more appropriate place to address the issue of the overlay relief option. The Commission can, if warranted, take official notice of any pertinent elements of the record in the complaint docket relating to overlays. Accordingly, there is no further need to keep the complaint dockets open, and we shall hereby close them.

The Commission will address any ongoing issues concerning area code relief implementation, code exhaustion, and efficient code utilization on a generic basis in the Local Competition Rulemaking (R. 95-04-043) and Investigation (I.95-04-044).

Judicial review of Commission decisions is governed by Part 1, Chapter 9, Article 3 of the Public Utilities (PU) Code. The appropriate court for judicial review is dependent on the nature of the proceeding. This is a complaint case not challenging the reasonableness of rates or charges, and so this decision is issued in an "adjudicatory

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proceeding" as defined in § 1757.1. Therefore, it will be subject to judicial review in the Court of Appeal. (See PU Code § 1756(b).)

Findings of Fact

1. D. 95-08-052 ordered that complaint (C.) 94-09-058 and C. 95-01-001 remain open for the duration of the implementation of the 310/562 area code split in order to monitor compliance and to deal with any code exhaustion concerns.

2. Any remaining implementation issues related to the 310/562 area code split can be considered more efficiently within the Local Competition Dockets (R.95-04-043/ I.95-04-044), and there is no longer any necessity for the two complaint dockets to remain open.

Conclusions of Law

1. C. 94-09-058 and C. 95-01-001 should be promptly closed.

2. Any remaining implementation issues related to the 310/562 area code relief plan should be monitored under the Local Competition Dockets (R.95-04-043/ I.95-04-044).

3. This is a complaint case not challenging the reasonableness of rates or charges, and so this decision is issued in an "adjudicatory proceeding" as defined in PU Code § 1757.1. Therefore, the proper court for filing any petition for writ of review will be the Court of Appeal.

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IT IS ORDERED that Case (C.) 94-09-058 and C. 95-01-001 are hereby closed effective immediately.

This order is effective today.

Dated February 19, 1998, at San Francisco, California.

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