

ALJ/TRP/avs

Mailed 4/2/99

Decision 99-04-024 April 1, 1999

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.

Rulemaking 95-04-043
(Filed April 26, 1995)

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

Investigation 95-04-044
(Filed April 26, 1995)

42P

TABLE OF CONTENTS

OPINION 2

 I. Introduction..... 2

 II. Industry Relief Planning Process..... 6

 III. Public Notification and Meetings 7

 IV. Proposed Alternatives..... 8

 A. Alternative 3A/3B - Two Way Geographic Split..... 8

 B. Alternative 15 - Overlay 10

 V. Discussion 13

 A. Impacts on Customers of Splits Versus Overlay..... 13

 B. Competitive Neutrality..... 19

 C. Availability of NXX Codes to Meet FCC Requirement..... 21

 D. Customer Education Program Regarding Mandatory 1+10-Digit
 Dialing and the Overlay..... 23

 VI. Conclusion 27

 VII. Comments on Draft Decision 28

Findings of Fact 28

Conclusions of Law 32

ORDER 34

Appendix A

Appendix B

OPINION

I. Introduction

By this decision, we formally approve the proposed overlay relief plan for the 510 Numbering Plan Area (NPA) based upon review of the alternatives as presented to the Commission by the North American Numbering Plan Administrator (NANPA) by transmittal letter dated December 30, 1998. The 510 NPA currently serves a portion of Local Access and Transport Area (LATA) 722 located in portions of Alameda and Contra Costa Counties.

The 510 NPA was created in 1991 to relieve code exhaustion in the 415 NPA. Then in 1998, the 510 NPA was, itself, split to create the 925 NPA. The 510 NPA presently includes cities and communities in parts of Alameda and Contra Costa Counties, as illustrated on the Appendix A map. One or more new area codes are now needed again to relieve the impending exhaustion of NXX codes in the current 510 NPA. The NANPA projects exhaustion of NXX codes in the 510 NPA to occur during the first quarter of 2001. The demand for numbering resources in the 510 NPA is being stimulated by the introduction of competition in the local exchange market and accelerated demand for new services and rapid changes in technology.

The Industry reached consensus in November 1998 to continue the 510 NPA in the California NXX code lottery once relief is completed in the 510/925 geographic split. The 510 NPA code applicants are participating in the California lottery for NXX resources which will continue until the 1st quarter of 2001 under the current proposals.

The process for implementing new area codes in California is covered both by state statute, applicable Commission decisions, and industry guidelines. California 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.

We have formulated statewide policies regarding area code relief through a series of decisions since 1995. Area code relief plans have become increasingly controversial in recent years as the demand for numbering resources has risen dramatically due to new technological advances in telecommunications and to the advent of local competition. We acknowledged the need for a comprehensive statewide policy on area code relief in connection with the proposed 310 NPA relief plan filed in 1995. We considered at that time the adoption of an overlay for the 310 NPA as an alternative to the traditional use of geographic splits. In Decision (D.) 95-08-052, we rejected the overlay option for the 310 NPA on the basis that among other things, it was not at that time a competitively neutral relief remedy. We left open the prospect of considering an overlay as an option in future NPA relief plans once the anticompetitive aspects of the overlay could be overcome. We further directed that the Local Competition Docket be used to develop a comprehensive statewide policy regarding NPA relief.

On August 2, 1996, we issued D.96-08-028, adopting certain initial measures as part of a statewide policy on area code relief. We concluded in D.96-08-028 that as a condition for consideration of the overlay as a relief option, the overlay must be competitively neutral. We also established two prerequisites at a minimum for competitive neutrality. These were: (1) mandatory 1+10-digit dialing for all calls within the service areas subject to the overlay;¹ and (2) the full

¹ In D.96-12-086, we ruled not to adopt statewide mandatory 1+10-digit dialing concurrently with the first overlay. We concluded that the advantages of preserving seven-digit dialing, for as many customers and for as long as possible, outweigh any

Footnote continued on next page

implementation of permanent local number portability (LNP) within the service area subject to the overlay. We determined that a further record needed to be developed regarding the relative merits of overlays versus splits once anticompetitive impediments could be overcome.

On December 20, 1996, the Commission released D.96-12-086, further expanding on the policy regarding the use of overlays once the competitive impediments could be resolved. In D.96-12-086, we evaluated the relative merits of splits versus overlays in terms of how consumers would be impacted differently with an overlay versus a geographic split. In particular, we reviewed consumer surveys conducted by various parties concerning preferences for overlays and geographic splits as a means of creating new area codes. In that decision, we concluded that, at least for the near term, customers were better served with the geographic split option. We directed that splits should continue to be used for relief plans which would take effect at least through the end of the year 2000. However, particularly in light of the consumer preference survey which reflected a greater receptiveness among certain classes of customers to the overlay proposal in the 310 NPA compared to other NPAs, we left open the possibility of adopting an overlay for the next round of relief in the 310 NPA to take effect prior to 2000.

In the case of the proposed 510 NPA relief plan now before us, the proposed implementation date for the overlay portion of that plan would occur after the end of the year 2000. Therefore, the previous policy limiting relief options to geographic splits does not preclude our adoption of the overlay

potential customer confusion resulting from instituting mandatory 1+10-digit dialing only in those regions subject to overlays.

option. The Commission has opened R.98-12-014 to develop a NPA relief planning policy on a prospective basis. For purposes of the present 510 NPA proposal, we shall evaluate it based on its own merits. In D.97-08-065, we required that an overlay be evaluated in reference to the same criteria applicable to a geographic split.

In D.96-12-086, we further developed the necessary conditions which would have to be met in order to justify approval of an overlay. We required that a customer education program be instituted at least 12 months before an overlay would take effect explaining the new mandatory 1+10-digit dialing requirements and the overlay plan to the public. We also required that upon approval of any overlay, the code administrator and telecommunications industry members were to:

- a. Notify the nationwide industry, the national code administrator, and customers of the proposed dialing plan change.
- b. Educate customers, industry, and internal employees on the dialing plan change.
- c. Correct signage for dialing instructions on payphones and in directories.
- d. Perform switch translation work for implementing mandatory dialing (12 weeks prior to cutover).
- e. Simultaneously with the cutover, institute customer instructional announcement for misdialed seven-digit calls.

In addition to the requirements imposed by the Commission, the Federal Communications Commission (FCC) issued its own requirements in FCC Order 96-333 with respect to overlays. In particular, the FCC required that every carrier was to be assured of at least one NXX code in the existing area code during the 90-day period preceding the introduction of the overlay. The FCC

also prohibited overlays from being applied only to specific telecommunications services such as cellular, but required that overlays must apply to all services. Based upon these policies, we now consider the proposed options submitted by the NANPA for relief in the 510 NPA.

II. Industry Relief Planning Process

The planning process for NPA relief is established in the industry-approved document INC 97-0404-016 "NPA Code Relief Planning and Notification Guidelines," to be used by NPA Relief Coordinators. The document lists the assumptions, constraints, and planning principles used in NPA code relief planning efforts. It also lists the steps of the NPA code relief planning process and describes the alternative methods of providing NPA code relief and their characteristics. Industry meetings were conducted to develop alternatives for exhaustion relief in the 510 NPA, based on criteria adopted by the industry for previous relief plans.² The criteria are:

1. Minimize end users' confusion.
2. Balance the cost of implementation for all affected parties.
3. Provide that customers who undergo number changes shall not be required to change again for a period of eight to ten years.
4. Not favor a particular interest group.
5. Cover a period of at least five years beyond the predicted date of exhaustion.
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

² The criteria are based on the INC 97-0404-016 "NPA Code Relief Planning and Notification Guidelines."

severe imbalances, for example, a difference in NPA lifetimes of more than 15 years, should be avoided.

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

The NANPA convened a series of meetings attended by members of the telecommunications Industry Planning Team to discuss and develop relief alternatives for the 510 NPA. This team is composed of the NANPA, California Public Utilities Commission (CPUC) Staff* and current code holders: local exchange carriers, interexchange carriers, wireless carriers and competitive local carriers.

These NPA relief alternatives were developed by representatives of the California telecommunications industry in meetings facilitated by NANPA using a consensus decision-making process and following industry approved NPA relief planning guidelines. Important input to the relief plans was provided at public meetings required by Public Utilities (Pub. Util.) Code Section 7930(b), which were conducted on October 28 and 29, 1998, and at a local jurisdiction meeting, which was held with city and county government representatives on September 3, 1998.

III. Public Notification and Meetings

Public meetings were required to occur within six months of the June 1998 customer notification, i.e., by December 1998. The industry team held four public meetings in Hayward, Newark, Richmond, and Oakland, one more than required by Pub. Util. Code § 7930 to ensure adequate coverage of the area served by the 510 NPA. The industry conducted two meetings on October 28, 1998 and two

* CPUC Staff do not vote on NPA relief plans.

meetings on October 29, 1998. At these meetings, one two-way geographic split plan (Alternative 3A/3B), and one overlay plan (Alternative 5) were presented.

The industry, NANPA and the CPUC jointly conducted a meeting with local jurisdictions in the City of Oakland on September 3, 1998. This kind of meeting assists in the relief planning process by obtaining another layer of public input to help the industry in either reducing the number of alternatives or identifying the best plan to present to the general public.

The combined total Show-of-Interest selections from both the local jurisdiction and public meetings resulted in 24 selecting Alternative 5, and five for Alternative 3A, three for Alternatives 3B, and one for either Alternative 3A or 3B. Two selections were made for "no preference." There is a dominant interest in Alternative 5, the overlay, and a secondary interest in Alternative 3A.

IV. Proposed Alternatives

The industry could not reach consensus on one plan but was able to reach consensus on forwarding two exhaust relief alternatives to the Commission. During its November 9, 1998 meeting, the industry directed the NANPA to forward Alternatives 3A (a two-way geographic split) and 5 (an overlay) to the Commission for a final decision. By letter to the assigned Administrative Law Judge dated December 30, 1998, Lockheed Martin IMS, in its role as the NANPA, presented these two alternative NPA relief plans for the 510 area code. NANPA requests, on behalf of the industry, the Commission to approve one of these plans.

A. Alternative 3A/3B - Two Way Geographic Split

Alternative 3A is a two-way geographic split. The plan splits off the southern section of the 510 NPA to form a new area code. The proposed split line follows southern boundary lines of the East Bay Alameda, East Bay Fruitvale and East Bay Main-Piedmont rate areas. This alternative splits the City of Oakland.

The cities, communities and portions of the City of Oakland north of the split line would retain the 510 area code, including the cities and communities of Alameda, Berkeley, Crockett, El Sobrante, Emeryville, Hercules, Pinole, Richmond, Rodeo and major portions of Oakland.

The cities, communities and portions of the City of Oakland south of the split line would receive a new area code beginning July 15, 2000, including Castro Valley, Fremont, Hayward, Newark, Oak Knoll, the Oakland Airport, San Lorenzo, Union City and portions of Oakland. The map in Appendix B depicts the proposed NPA boundary split.

It is expected the 510 NPA will remain in an extraordinary conservation state until the relief plan is implemented. Therefore, the industry recommends shortening the mandatory dialing period to three months if a geographic split is approved. The industry recommends the following relief implementation dates for the Alternative #3A split plan:

Event	Proposed Relief Date:
Start of Permissive Dialing	7/15/2000
Start of Mandatory Dialing and Recorded Announcement	1/13/2001
End of Mandatory Dialing and Recorded Announcement	4/21/2001

B. Alternative 15 - Overlay

The industry recommends the following implementation schedule for Alternative 5:

Event	Proposed Relief Date:
Start of Permissive 1+10-Digit Dialing for 510 NPA	3/11/2000
Start of Mandatory 1+10-Digit Dialing for 510 NPA	12/9/2000
Implementation of Overlay NPA	3/17/2001

The industry recommends a 12-month customer education period to adjust to a dialing change from seven digits to 1+10 digits in preparation for the overlay. One plus ten-digit dialing will be required for both the 510 and the overlay area codes. A customer education period will be included.

One "position paper" was jointly sponsored by Pacific Bell, GTE California Incorporated, PageNet, GTE MobilNet of California, Pacific Bell Wireless (the Overlay Coalition) in support of Alternative 5 (the overlay). The Overlay Coalition believes the overlay will resolve the critical NXX code shortage problem in the 510 NPA more effectively than will the split. In the November 1998 lottery, there were requests for 186 NXX codes in the 510/925 NPAs. Only six of those requests were satisfied, leaving service providers with 180 unfulfilled requests for NXX codes to submit again the next month. The 510/925 area code split will only recover approximately 297 codes for relief in the 510 area code which will require it to remain in the lottery until additional relief can be provided to meet the continued escalating demand for NXX codes.

The overlay alternative will add the 270 NXX codes currently available for assignment to the 792 codes made available by the overlay, totaling 1,062 NXX codes in the 510 geographic area to meet industry demands. After meeting the unsatisfied demand of 180 NXX codes, a remainder of 882 NXX codes will be made available to satisfy future demands. Using these figures, the Overlay Coalition claims the remaining 510 NXX codes plus the overlay NXX codes would provide relief of the unsatisfied demand of 180 NXX codes immediately and provide relief for six-to-seven years minimum.

The Overlay Coalition argues that while geographic split Alternative 3A has a projected life of 8-to-10 years for the northern 510 section and 12-to-14 years for the new southern area code section, the current unsatisfied demand for NXX codes will have a great impact on reducing those projected lives, and will surely exhaust the available NXX codes within two years. The Overlay Coalition claims that the geographic split alternative will NOT provide relief for even three years, let alone the 8-to-10 ears projected.

The overlay NPA, along with the remaining 510 NPA NXX codes, has a projected life of 9-to-10 years. The Overlay Coalition notes that an overlay will also allow business and residential customers to keep their existing telephone numbers and area code for as long as they wish.

The Overlay Coalition also asks the Commission to allow the 510 NPA to begin the overlay relief on July 15, 2000, prior to the 2001 overlay moratorium and modify D.96-12-086 accordingly. July 15, 2000 is the date that permissive dialing would have begun based on the industry area code relief schedule for the Alternative 3A geographic split. A July 2000 overlay implementation date would provide relief nine months earlier than the split (Alternative 3A).

Another industry "position paper" was submitted, by the California Cable Television Association (CCTA), supporting adoption of Alternative 3A. CCTA

argues that Alternative 3A, a geographic split of the 510 NPA, is a better relief option than the overlay since it would permit most East Bay communities to retain the full benefits of NPA geographic identity and seven-digit dialing. However, while supportive of Alternative 3A as being more reasonable than Alternative 5, the overlay plan, CCTA believes Alternative 4 potentially may be the best of all options since it would preserve both seven-digit dialing and the geographic integrity of all major communities, including the City of Oakland. Alternative 4 would have placed the split line between Hayward and Oakland, keeping the City of Oakland whole. Both Alternative 4A and 4B met industry criteria, however Alternative 4B only marginally met criteria #3. On that basis, Alternative 4 was removed by industry consensus before the public could consider the plan. In light of the public's expressed interest in maintaining Oakland as a whole, CCTA believes it would have been appropriate for the Industry to at least receive comment on Alternative 4.

CCTA, acknowledges that at some point in an NPA's life, the case for an overlay becomes sufficient to offset any penalties it exacts from local telephone competition. Certain parties' pleadings in the past have suggested that point may be reached once the area code serves only a single major municipality. CCTA argues that juncture has not yet been reached in the 510 NPA.

Separate comments were jointly filed on January 29, 1999, by the California Small Business Association (CSBA) and the California Small Business Roundtable (CSBR) in support of the proposed overlay. CSBA/CSBR point to the disruptive impact that area code splits have on small businesses, noting that the telephone number is a critical part of small businesses' identity, customers rely on the numbers to reach a small business to make inquiries, place orders and obtain customer service. Business owners have told CSBA and CSBR that keeping the same telephone number is extremely important to their businesses because some

of their best customers contact them once every two or three years (e.g., to replace or upgrade their equipment, obtain major or emergency repair service, etc.). They have also said that having the same number is important because they depend on customer referrals for new business. CSBA/CSBR argue that consequently, for small business owners, having to change telephone numbers because of an area code split is not just an inconvenience, but means losing old and new customers.

V. Discussion

A. Impacts on Customers of Splits Versus Overlay

As we have noted in previous decisions, neither an overlay nor a geographic split is free of problems, and no plan can avoid disruptions to customers. On balance, however, we conclude that Alternative 5 (overlay) provides less overall disruption to customers. The overlay permits existing customers in the 510 NPA to avoid the need to change their area code.

In addition to satisfying the criteria for competitive neutrality, Alternative 5, the overlay would also best satisfy the remaining criteria for evaluation of relief plans, and provide the best overall remedy for 510 NPA relief when compared against any two-way geographic split offered as an alternative.

We shall adopt the Industry proposal to accelerate the implementation date for opening the overlay area code to July 15, 2000 to accommodate earlier relief of NXX code exhaust. The acceleration of the opening of the area code overlay to July 15, 1999, is appropriate in this instance since it will provide access to numbering resources on a more timely basis. The shortage of NXX codes limits the ability of carriers to obtain the necessary numbering resources to offer local service within a given NPA. Delaying the opening of the area code overlay until March 2001, would deprive carriers of NXX codes, thus further constraining their ability to provide numbers to their customers. The accelerated opening of

the overlay by July 15, 1999, will permit carriers to use NXX codes from the overlay NPA earlier than would otherwise be possible to assign telephone numbers to new customers. The accelerated opening of the overlay area code should also provide sufficient time to prepare the public for mandatory 1 + 10-digit dialing and to educate them concerning the novel nature of the overlay concept. It is important that the public be given an adequate amount of time to prepare for the overlay implementation in order to minimize any disruptive effects which might otherwise occur. Pub. Util. Code § 7931(f)(1) requires that the general public be given at least 12 months advance notice regarding the geographic area included in both the old and the new area code, together with the schedule for any transitional dialing periods. The acceleration of the opening of the new area code to July 15, 2000 should provide sufficient lead time to accommodate the minimum 12-month advance notice requirement.

As discussed below, we also conclude that the accelerated start date of July 15, 2000 should provide sufficient lead time to satisfy competitive neutrality criteria. The early implementation date for the overlay thus warrants a limited exemption from the policy adopted in D.96-12-086 calling for the continued use of geographic splits for area code relief implemented prior to the January 1, 2001. We authorize this exemption to our policy in D.96-12-086 only for the 510 NPA based on the specific circumstances before us here. Our generic policy adopted in D.96-12-086 calling for the use of geographic splits for area code relief implemented prior to January 1, 2001, otherwise remains in effect. Our authorization of an accelerated implementation of the 510 NPA overlay in no way prejudices the outcome of our deliberations in R.98-12-014 concerning the prospective Commission policy regarding area code relief methods.

In previous NPA relief plans, certain industry members had not supported an accelerated schedule for an overlay implementation due to concerns that

remaining NXX codes in the existing NPA would be taken out of the lottery upon the opening of the overlay NPA, and such codes would become quickly exhausted, because customers would prefer a number in the original NPA to a number to the exclusion of codes in the new NPA.

Such a concern was raised at the Industry Planning Meeting for the 650 NPA at which time participants agreed that if an overlay is approved for the 650 NPA, the remaining NXX codes in the 650 NPA would not be removed from the lottery, but would continue to be rationed via the lottery process after the new NPA opens until such codes are exhausted. We believe that a similar treatment of NXX codes in the 510 NPA should adequately address any concerns over premature code exhaust, and we shall make this a requirement for the accelerated 510 NPA overlay schedule adopted herein.

The potential merits of an overlay were reflected in the results of the consumer surveys reviewed in D.96-12-086 in which respondents expressed preferences for splits or overlays. Although respondents in the survey expressed a greater preference for splits compared with overlays, at the time the survey was taken, the 510 NPA had not yet entered into the current phase of code exhaustion, for which yet another round of NPA relief is required. The results of the previous consumer-preference poll must be evaluated in light of the increasing hardship of cumulative changes in area code, and the difficulty in fairly devising successive splits of the same NPA over time.

As the geographic area covered by the 510 NPA faces the prospect of even further shrinkage in the current proposal before us, it becomes increasingly difficult to draw boundaries that minimize splitting local communities, consistent with Pub. Util. Code § 2887(a). The drawing of boundaries becomes ever more contentious with each subsequent split. The continual splitting of the 510 NPA also makes it increasingly difficult to balance the projected lives of the old and

new NPAs. The shorter the NPA life resulting from a geographic split, the more frequently customers must be subjected to the disruptions and hardships that come with changing area codes yet again. The relative consumer support for a split in comparison to an overlay can only be expected to decrease as the cumulative burdens of shrinking NPAs continue.

We believe the 510 NPA has now reached the point where a further geographic split is no longer a superior alternative to an overlay. The current proposed split plan (Alternative #3A) would require the City of Oakland to be split between two separate area codes. At the public meeting held in Oakland, the preference of attendees to keep Oakland whole through the use of an overlay was predominant. Of the 16 non-industry attendees at the meeting, 12 selected the overlay as the preferred relief alternative. Moreover, based upon the combined results for all of the public and local jurisdiction meetings, a total of 24 selected the overlay option while no single geographic split option garnered more than 5 votes. We find these results consistent with our general assessment that a geographic split of the City of Oakland would not be in the public interest.

We disagree with CCTA that the Alternative 4A geographic split should be further considered for adoption. The appeal of Alternative 4A is that it keeps the City of Oakland whole, placing the split line to the south of Oakland. The industry group rejected this alternative prior to the public meetings, however, because it only marginally meets the criterion that a relief plan must cover a period of at least 5 years beyond the projected exhaust date. The projected life of the 510 NPA after the Alternative 4A geographic split would only be between six and seven years. Considering the unanticipated acceleration in code exhaust in recent years, we question whether even this short of a projected life may prove too optimistic. It would be unduly disruptive to impose yet another area code relief plan on customers in the 510 NPA again so soon. We thus find

Alternative 4A to be an inferior option which does not warrant a delay in the proceeding to develop a further record on its relative merits.

The overlay avoids the problems involved with the continual geographic splitting of local communities, by leaving existing boundaries intact. The overlay also avoids the need for existing customers to change their area code. At the public meetings for the 510 NPA, concern was expressed, particularly by business customers, about the economic hardships resulting from having to notify customers of area code changes, and to change business cards, letterheads, etc.

While the overlay avoids these problems, the overlay is not without its own issues. For example, while the NPA boundary would not change, the defining feature of the boundaries would itself, change. In other words, the geographic boundaries would no longer define a single NPA, but two (or more) NPAs. Thus, one of the advantages of having geographically-defined NPA boundaries (i.e, as a means of common identification) will over time become less meaningful as multiple NPAs within a single geographic region proliferate. The area code in an overlay signifies *when* the customer was assigned the number rather than *where* geographically the number is located. Thus, for example, a business may consider an assignment of the overlay NPA less desirable than the original NPA which is assigned to a neighboring business, particularly when the NPA is first introduced. Customers may perceive the business with the new NPA to be newer or less established than the neighboring business that retains the more recognized original NPA. Therefore, the advantage of the overlay in avoiding new geographic splits must be weighed against the drawback that it also tends to obscure the traditional use of NPAs as a common geographic bond of local communities of interest.

Another drawback of an overlay is customers' loss of seven-digit dialing for calls within the same NPA. In the consumer preference surveys reviewed in D.96-12-086, customers generally placed significant value on the ability to dial only seven digits for calls within the NPA. Yet, we must weigh the preference for seven-digit dialing against the other problems involved in yet another split of the 510 NPA. Because of the shrinking of the 510 NPA, an increasing number of customers' calls originate within the 510 NPA terminate outside of the 510 NPA boundaries. Yet, even though 510 NPA customers are already becoming more accustomed to dialing 1+10 digits for at least some portion of their calls, the overlay will still require customers to learn a new 1+10-digit dialing procedure for all calls, including those within the same NPA. Customers will also lose the ability to uniquely identify a given geographic region by a single area code. We recognize that customers will need a transition period to acclimate themselves to the changes resulting from an overlay. We believe, however, that this new procedure can be learned and accepted over time through the customer education plan as authorized below.

We believe the timing is particularly appropriate to adopt an overlay for this pending round of relief of the 510 NPA because we are concurrently approving an overlay for the 415 NPA. Because of the close proximity of the two NPAs and the high degree of mobility of the public between the 415 and 510 NPAs, uniformity in dialing patterns between both NPAs will be less confusing to customers. We also recently approved an overlay for the 408 NPA. The public education program (PEP) should thus be conducted on a coordinated basis for all of the respective Bay Area overlay plans, to avoid incurring inefficiencies or confusion.

B. Competitive Neutrality

Since the overlay NPA will not take effect until July 15, 2000 (even under the accelerated schedule), we conclude that all necessary prerequisites for competitive neutrality should be in place by the time the first overlay telephone numbers are issued to customers. As previously stated, one of the prerequisites of competitive neutrality is full implementation of permanent LNP. Under the schedule adopted by the FCC, full implementation of permanent LNP was to be concluded by December 31, 1998, in the 100 largest metropolitan service areas (MSAs) nationwide. No party has raised a concern that permanent LNP will not be available within the remaining portion of the 510 NPA subject to the overlay by July 2000. As a cautionary measure, however, we shall require Pacific to each file a report on July 7, 1999, reporting as to whether full LNP has been implemented in the 510 NPA, including identification and rectification of any LNP-related call completion problems.

Another potential problem with the overlay is that customers who seek to add lines at the same location after the overlay takes effect may only be able to obtain the additional lines under the new area code and thus be left with two area codes for multiple lines at the same location. The only alternative, if they wish for all their lines to be in one NPA, would be to change the original numbers' area code, thereby losing one of the presumed advantages of the overlay. If the customer's local service provider has a remaining inventory of NXX codes within the 510 NPA, the provider presumably could offer the customer an additional line within the same NPA. We are concerned, however, with the potential for certain carriers, particularly the ILECs, to gain a competitive advantage by being able to assign new numbers using the 510 NPA while new entrants with limited NXX codes in the 510 NPA may have to rely on the new NPA for making number assignments. We shall not resolve this issue in

this decision, but will consider in a further order what measures may be appropriate with respect to the assignment of numbers from NXX codes in the 510 NPA after the overlay NPA is initiated in order to promote competitive neutrality among carriers.

We place a high priority on promoting the development of measures to ensure the efficient utilization of NXX codes so that carriers are not competitively disadvantaged by limited access to numbering resources. Number pooling is one essential tool to promote efficient utilization of NXX codes in the 510 NPA. Parties to this proceeding previously addressed the prospects for developing number pooling, as well as other code conservation measures, in comments filed in this docket on February 25, 1998 with replies on March 13, 1998, in response to an ALJ ruling dated January 13, 1998.

Number pooling can promote more competitively neutral access to numbering resources for all participating carriers by enabling multiple carriers to share a single NXX code through the technology associated with permanent LNP. There are numerous and substantial technical, administrative, and cost issues related to number pooling, however, that must be addressed. In particular, more intensive tracking of number allocation will be required. An audit of code utilization within the industry will be required to determine the maximum number of NXXs or blocks of 1,000 numbers that can be recovered from pooling participants for sharing. Some degree of NXX code utilization does not automatically disqualify an NXX from being shared. The Industry Numbering Committee (INC) has recommended that the degree of "contamination" (i.e., prior usage) that should be allowed for a block of 1,000 numbers to be considered for the pool is 0% to 10%. Yet, some providers have urged a much higher level of contamination be allowed in order to achieve a greater degree of number efficiency.

As a step toward the establishment of number pooling, the assigned ALJ shall solicit comments concerning what sorts of NXX code reporting requirements or other measures may be appropriate to protect existing 1,000-number blocks from undue "contamination" pending the implementation of number pooling. We shall place a high priority on the expedited implementation of number pooling in the 510 NPA.

We have recently issued D.98-08-037 in which we directed that workshops be convened to begin the implementation of number pooling and rate center consolidation. Workshops have been held to work toward instituting number pooling. We directed that the industry submit a schedule for implementation by March 31, 1999. On March 24, 1998, the NANC created a Numbering Resource Optimization Working Group (NRO-WG) to address issues of number availability and conservation. The Common Carrier Bureau (Bureau) of the FCC has requested that NANC report on national number pooling standards, in sufficient detail to support, both technically and operationally, a uniform, nationwide system for pooling by December 1999. The adoption of an overlay of the 510 NPA by July 15, 2000 (as proposed under the accelerated schedule) would thus take place after the scheduled date for a nationwide number pooling system to be in place.

C. Availability of NXX Codes to Meet FCC Requirement

The FCC has required Code Administration to make "at least one" NXX code in the existing NPA available to every existing telecommunications carrier in the affected area code 90 days before the introduction of a new overlay area code as set forth in FCC Docket 96-333. The NANPA has offered to set aside codes just prior to the beginning of mandatory 1+10-digit dialing, which would be in the fourth Quarter of 2000. The industry recommends that service providers new to the 510 NPA contact the NANPA in writing, if they want a

code, within 30 days of the Commission's decision or 30 days after receiving their CPCN, to allow the NANPA to reserve sufficient NXX codes to comply with the FCC order.

In view of the contingency measures we adopt herein, we conclude that sufficient NXX codes will be available to permit the NANPA to assign at least one code in the 510 NPA to each certified carrier within the service area that does not presently have one, as required by the FCC.

As we noted in D.98-05-021, it takes 66 days for the NANPA to complete the code opening process. A schedule thus is needed for carriers to notify the NANPA of their code orders sufficiently in advance to allow the codes to be opened on a timely basis. We shall therefore direct that any presently certificated facilities-based CLC which has not previously been assigned a 510 NPA NXX code file a "Statement of Intent" with the NANPA if it seeks to be assigned such a code. These statements shall be filed by September 30, 1999. Likewise, any new facilities-based CLCs becoming certificated between September 30, 1999, and the activation of the overlay NPA in July 2000, shall be required to notify the NANPA within 30 days of certification if they intend to request a 510 NPA NXX code prior to July 2000. We shall direct the NANPA to reserve the requisite codes to satisfy the FCC code assignment requirement as of the effective date of this order. Any CLC that is awarded a code in the 510 NPA through the lottery shall be removed from the list of carriers eligible for a 510 NXX code assignment under the FCC requirement. We shall also direct the NANPA to impose a freeze on lottery code assignments during the 90 days preceding the overlay opening. The Commission on its own motion or at the request of the NANPA may reevaluate this freeze as the implementation date of the overlay approaches and the availability of NXX codes thus becomes more predictable. The remaining assigned codes shall be reserved during the final 90 days for assignment to new

entrants in the 510 NPA region which have not previously received an NXX code in the 510 NPA. Therefore, with these measures in place, we conclude that there will be sufficient codes to permit each carrier to receive at least one code in the 510 NPA during the 90 days prior to the overlay taking effect.

D. Customer Education Program Regarding Mandatory 1+10-Digit Dialing and the Overlay

In D.96-12-086, we recognized that the introduction of an overlay together with mandatory 1+10-digit dialing will be an innovation and require a transitional period for customers to become accustomed to the change. Customers within the boundaries of the overlay will have to adjust to dialing 1+10-digits when calling numbers even within their own NPA.

In order to address the need for customer familiarity with the new dialing pattern for the overlay NPA, we ruled in D.96-12-086 that a customer education program begin no later than 12 months prior to the implementation date for the overlay.

In D.98-12-081 we recently approved a public education plan (PEP) for the 310/424 NPA overlay. We shall direct that the industry implement a similar PEP for the 510 NPA overlay, drawing upon the experience acquired from the 310/424 PEP. The formulation of the PEP for the 510 NPA overlay should also be done on a consolidated basis with any other overlays planned for northern California and scheduled to be implemented in a similar timeframe.

We identified in D.96-12-086 certain minimum elements that should be included in any PEP in conjunction with an overlay. For example, the plan must explain why mandatory 1+10-digit dialing is a necessary feature of an overlay relief plan. Customers must be informed that the change in their dialing patterns resulting from an overlay will not affect the distinction between local and toll calls, nor the rates charged for the different types of calls. For the 310 overlay

PEP, we required the particular attention be focused on the education of children as well as the elderly and disabled, in addition to non-English speaking groups. The PEP for the 510 NPA overlay should provide a similar focus.

The PEP should also give priority to notifying those entities which will need to reprogram equipment to change to mandatory 1+10-digit dialing. For example, electronic security alarm companies and those with PBXs need to be contacted as soon as possible to allow them maximum lead time to reprogram equipment to accommodate mandatory 1+10-digit dialing.

The education program must also permit callers to easily locate the correct area code for a given number and to know that the 1+ the area code must be dialed preceding any number within the region subject to the overlay. Under the current dialing plan, customers dial 411 for directory assistance to locate numbers within the same NPA, and 555-1212 preceded by the area code if the number is within a different NPA. The PEP must inform customers how to dial directory assistance to locate numbers applicable to different area codes within the same overlay region. In addition to billing inserts and public service announcements, changes will also be necessary in published telephone directories covering the 510 NPA overlay region to identify the area code in addition to the seven-digit number for each directory listing. Payphone signage must also be updated to reflect the 1+10-digit pattern within the 510 and new overlay NPAs.

The education program must be conducted not merely within the service territory covered by the 510 NPA, but must also focus on customers in adjacent NPAs which have frequent interaction with customers in the 510 NPA. Particularly because the 1+10-digit dialing requirement will only apply in the region subject to the overlay, customers will need to be informed that the revised rules will not apply outside of the geographic boundaries of the 510 NPA.

Although customers outside of the 510 NPA will not be required to dial 1+10-digits for calls within their own NPAs, they will still be impacted by the 510 NPA overlay dialing requirements to the extent they visit the 510 NPA region and make calls within that region. To a lesser extent, some level of public education regarding the overlay needs to be conducted on a statewide basis, recognizing that California is a highly mobile state, and residents from northern California may travel into the 510 NPA calling area. Likewise, a statewide public education program will facilitate public acceptance of any future overlays which may be approved for other NPAs within California.

As we concluded in D.98-05-021, the Pub. Util. Code § 7931 requirement for a permissive and mandatory dialing period was only intended to apply where existing area codes are changed as part of a geographic split relief plan under the terms of Section 7931. The permissive and mandatory dialing periods provide an opportunity for customers to become accustomed to the change in dialing requirements as a result of an area code change. Since existing numbers do not change in an overlay, the requirement for permissive and mandatory dialing in the context of an area code change for existing numbers, as would be the case in a split, does not apply. Customers still need a transitional adjustment period, however, to become acquainted with mandatory 1+10-digit dialing and the notion of two area codes within a single geographic area.

Although the overlay does not involve a "permissive" dialing period as traditionally defined for a geographic split (i.e., where the caller can reach the same party by dialing either the old or new area code), a "permissive" dialing period is still relevant to the overlay in a different sense. We shall use the term "permissive" dialing period in connection with an overlay to refer to the period during which customers can reach the same party by dialing either seven digits

or 1+10-digits. Customers are permitted, but not required, to use 1+10-digit dialing during this period.

As part of the customer education program for the 510 NPA overlay as discussed below, we shall require that a formal "permissive" dialing period be instituted beginning no later than June 15, 1999 to coincide with the customer education program. To the extent that any carriers providing local service within the 510 NPA do not presently offer their customers the capability to dial 1+10-digits within the same NPA, we shall require them to make permissive 1+10-digit dialing available to their customers by June 15, 1999. The permissive dialing period shall continue until April 15, 2000. During the permissive 1+10-digit dialing period, customers should be encouraged to voluntarily dial 1+10-digits for calls within their NPA as part of the education program for the overlay.

In D.96-12-086, we directed that, upon activation of mandatory 1+10-digit dialing, customers who attempt to dial seven digits will hear an instructional recording informing them of the 1+10-digit dialing requirement. In the interests of minimizing customer confusion, mandatory 1+10-digit dialing should take effect prior to initiation of the new overlay area code. In this way, customers will already have become somewhat accustomed to dialing 1+10-digits before they have to make the further adjustment of distinguishing between two different area codes within the same geographic calling area. We shall therefore require that mandatory 1+10-digit dialing take effect in the 510 NPA. We shall require that all telecommunications carriers institute an instructional announcement directing callers to dial 1+10-digits effective beginning April 15, 2000, to be continued indefinitely after the date overlay is implemented in the 510 NPA. With this measure in place, customer confusion should be minimized, even for visitors

from other areas that are subject to different dialing patterns. With repeated usage over time, familiarity and acceptance of 1+10-digit dialing should increase.

We shall direct the NANPA to convene an industry meeting within 60 days following the effective date of this decision for the purpose of addressing the implementation details of the public education program for the overlay to include, at a minimum, the elements discussed above. The program should give first priority to the 510 NPA and surrounding areas, and should provide for a combination of press releases, television and radio announcements, and billing inserts discussing the effects of the overlay. The Industry Team shall submit a draft of the proposed public education program to the Commission's Consumer Services and Telecommunications Divisions and Public Advisor's Office for Commission review and approval, to be scheduled by ALJ ruling. The Public Advisor will work in cooperation with the Consumer Services and Telecommunications Divisions, the assigned ALJ, the Coordinating Commissioner for telecommunications and the Assigned Commissioner in reviewing the proposed plan.

VI. Conclusion

On balance, we conclude that, while both the overlay and geographic split will have certain adverse impacts to the extent they disrupt the status quo, the overlay relief will have less overall adverse impacts than any geographic split alternative proposed for the 510 NPA. We believe the problems with an overlay can be adequately resolved through customer education and the practical experience of making calls within regions subject to the 510 NPA overlay. Accordingly, we approve the option that includes an overlay (Alternative 5) for the 510 NPA, and direct the Industry Team to move expeditiously to implement it to relieve exhaustion of the 510 NPA.

VII. Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g) and Rule 77.1 of the Rules of Practice and Procedure. No comments were filed in response to the draft decision.

Findings of Fact

1. Area code relief is needed due to the impending exhaustion of NXX codes in the 510 NPA projected to occur during the first quarter of 2001.
2. The Area Code Relief Coordinator convened a series of meetings with the telecommunications Industry Planning Team to discuss and develop relief alternatives for the 510 NPA.
3. The Industry Team eliminated alternative plans which failed to meet the designated criteria, but was unable to reach consensus on a *single* relief plan.
4. The Industry Team narrowed the alternatives to two options: (1) an overlay; and (2) a two-way geographic split.
5. The Commission stated in D.96-08-028 that before an overlay could be approved, there must be reasonable assurance that permanent LNP would be fully implemented before the overlay became operational.
6. Without permanent LNP, an overlay in the 510 NPA would not be competitively neutral.
7. In order to approve an overlay for the 510 NPA, permanent LNP must be in place by the date the overlay would take effect.
8. Absent the availability of LNP, customers subject to an overlay might have to change area code merely as a result of changing service providers, placing CLCs at a competitive disadvantage.

9. FCC Order 96-286 established that all carriers, both incumbents and new entrants, must provide LNP in the 100 largest MSAs to all requesting telecommunications carriers, by December 31, 1998.

10. By any reasonable measure, there is an ample cushion of time to allow for any debugging of the LNP implementation and still have LNP fully operational within the 510 NPA before the opening of the.

11. FCC Order 96-333 required that every carrier was to be assured of at least one NXX code in the existing area code during the 90-day period preceding the introduction of any overlay which may be approved.

12. In view of the contingency measures adopted in this decision, sufficient NXX codes will be available to permit the NANPA to assign at least one code in the 510 NPA to each certified carrier within the service area who does not presently have one during the last 90 days preceding the opening of the overlay, as required by the FCC.

13. The overlay will likely free up additional codes since it does not require the reservation of codes during the permissive and mandatory dialing periods required under the split.

14. Since it takes 66 days for the NANPA to complete the code opening process, a schedule is needed for carriers to notify the NANPA of their code orders sufficiently in advance to allow the codes to be opened on a timely basis.

15. Pub. Util. Code Section 7931's requirement for a permissive and mandatory dialing period only applies where existing area codes are changed as part of a relief plan to acquaint customers with the area code change.

16. Since the area code for existing telephone numbers does not change in an overlay, the permissive or mandatory dialing as required in Pub. Util. Code Section 7931 does not apply, and a transitional period is still needed to educate customers before a new area code overlay is established.

17. D.96-12-086 required mandatory 1+10-digit dialing within the region subject to an overlay to prevent an anticompetitive dialing disparity between customers of competing carriers who lacked equivalent access to NXX codes in the old NPA.

18. D.96-12-086 required that a customer education program be instituted at least 12 months before an overlay would take effect, explaining the new mandatory 1+10-digit dialing requirements and the overlay plan to the public.

19. D.96-12-086 directed that, upon activation of the overlay area code, customers who dial seven digits will hear an instructional recording informing them of the 1+10-digit dialing requirement.

20. D.96-12-086 identified certain minimum elements to be included in the customer education plan, including an explanation why mandatory 1+10-digit dialing is necessary, and assurance that the change in their dialing patterns will not affect the rates charged for calls.

21. The results of the consumer preference poll reviewed in D.96-12-086 must be evaluated in light of the increasing hardship of cumulative changes in area code, and the difficulty in fairly devising successive splits of the same NPA over time.

22. As the 510 NPA faces further shrinkage in the current proposal for code relief, the drawing of boundaries that minimize the splitting of local communities becomes increasingly difficult.

23. The shorter the NPA life, the more frequently customers must be subjected to the disruptions and hardships that come with changing area codes yet again.

24. The overlay avoids the contentiousness of drawing new NPA boundaries by leaving existing boundaries intact, and avoids the need for existing customers to change their existing telephone number area code.

25. Over the long-term, overlays tend to divide communities inasmuch as communities will not be identifiable by a single area code. Over the long term, this effect may be more pronounced than the community rifts that are introduced by area code splits.

26. A geographic split creates economic hardships particularly on affected businesses which must notify customers of area code changes, and change business cards, letterheads, advertisements, etc.

27. With an overlay, geographic boundaries no longer define a single NPA, thereby eliminating the advantage of having geographically-defined NPA boundaries as a means of identifying and unifying communities of interest.

28. A business may consider an assignment of the overlay NPA less desirable than the original NPA, since customers may perceive the business with the new NPA to be newer or less established than the neighboring business that retains the more recognized original NPA.

29. Pacific possesses the majority of NXX codes in the 510 NPA, and may, like other carriers, seek to offer numbers to customers from NXX codes in the 510 NPA after the overlay as a marketing tool.

30. Number pooling can promote more competitively neutral access to numbering resources for all participating carriers by enabling multiple carriers to share a single NXX code through the technology associated with permanent LNP.

31. An audit of code utilization within the industry will be required to determine the maximum number of NXXs or blocks of 1,000 numbers that can be recovered from pooling participants for sharing.

32. With an overlay, customers will experience the loss of seven-digit dialing for calls within the same NPA.

33. In the consumer preference surveys reviewed in D.96-12-086, customers placed significant value on the ability to dial only seven digits for calls within the NPA.

34. Although customers in the 510 NPA may already be accustomed to dialing 1+10 digits for a portion of their calls, the overlay will still require them to learn that calls within the same area code also require 1+10-digit dialing.

35. With the overlay, customers with multiple lines at the same location seeking to add additional lines may only be able to obtain the additional lines under the new area code, resulting in two area codes at the same location.

36. While both the overlay and geographic split have certain adverse impacts, the overlay will have less overall adverse impacts than the geographic split alternative proposed for the 510 NPA.

Conclusions of Law

1. The adopted relief plan should be the alternative which best satisfies the criteria applied by the Industry Team in their selection of relief alternatives, namely:

- a. Minimize end users' confusion.
- b. Balance the cost of implementation for all affected parties.
- c. Provide that customers who undergo number changes shall not be required to change again for a period of eight to 10 years.
- d. Not favor a particular interest group.
- e. Cover a period of at least five years beyond the predicted date of exhaustion.
- f. 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.

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

2. In order to qualify for approval, the overlay plan must meet the minimum criteria established by this Commission and by the FCC for competitive neutrality at the date by which the overlay would take effect.

3. The adoption of the proposed overlay(Alternative 5) for the 510 NPA satisfies the prescribed criteria for competitive neutrality, and provides the best overall solution based upon the relief planning criteria applied by the Industry Team.

4. The proposed Alternative 5 plan should be approved in accordance with the terms and conditions adopted in the order below.

5. The customer education program to acquaint customers with mandatory 1+10-digit dialing and the overlay, as ordered in D.96-12-086, should incorporate the features set forth below.

6. Since permissive 1+10-digit dialing already is in place for some telecommunications carriers, customers should be encouraged to voluntarily dial 1+10-digits for calls, where permissive 1+10-dialing is available within their NPA as part of the education program during the year leading up to the overlay. Telecommunications carriers shall notify their customers as to whether or when permissive 1+10 is available in their area.

7. The recorded instructional announcement alerting customers who dial seven digits to dial 1+10-digits should be continued indefinitely by all telecommunications carriers following the date that mandatory 1 + 10-digit dialing is implemented in the 510 NPA.

8. The public education plan should focus attention on the education of all classes of customers including children, the elderly, the disabled, as well as to the non-English speaking groups in the current 510 NPA.

9. The education program should cover customers in adjacent NPAs, since customers therein will still be impacted by the 510 NPA dialing requirements to the extent they temporarily visit and make calls within the 510 NPA region.

10. To a lesser extent, some public education regarding this overlay plan needs to be conducted on a statewide basis, recognizing that California is a highly mobile state, and residents from northern California may have occasion to travel into the 510 NPA calling area.

11. The industry should give priority to notifying security alarm companies, customers with PBXs, and other entities which will need to reprogram equipment as a result of the change to mandatory 1+10-digit dialing.

12. The Commission should place a high priority on promoting the development of measures to promote the efficient utilization of NXX codes so that CLCs are not competitively disadvantaged by limited access to numbering resources after the overlay is established.

13. Upon review of further comments to be solicited by the ALJ, the Commission should make a further assessment of appropriate measures needed to protect existing 1,000-number blocks from contamination pending implementation of number pooling.

O R D E R

IT IS ORDERED that:

1. The proposed overlay plan for the 510 Numbering Plan Area (NPA), identified as Alternative 5, as presented by the North American Numbering Plan Administrator (NANPA) is hereby approved.

2. The NANPA and the telephone corporations, including paging companies and resellers, are hereby ordered to proceed with all due diligence to expeditiously implement the approved 510 NPA Alternative 5 relief plan, with

the new area code to take effect under the following schedule:

Events	Dates:
Start of Permissive 1+10-Digit Dialing for 510 NPA	6/15/1999
Start of Mandatory 1+10-Digit Dialing for 510 NPA	4/15/2000
Implementation of Overlay NPA	7/15/2000

3. All telephone corporations shall implement mandatory 1+10-digit dialing on April 15, 2000 in the remaining 510 NPA which is subject to the overlay.

4. No later than April 1999, the NANPA shall notify the general public regarding the new area code to be assigned, as an overlay covering the same geographic area as the existing 510 area code. The notice shall set forth the schedule for mandatory 1+10-digit dialing effective April 15, 2000 and for the new overlay area code to be activated effective July 15, 2000.

5. Each telephone corporation, including paging companies and resellers, serving the geographic area covered by the existing 510 NPA shall give written notice to its affected customers of the adopted 510 NPA overlay relief plan without delay and no later than April 1999. The notice shall advise customers whether that telephone corporation offers permissive 1+10-digit dialing to reach numbers within their own area code in preparation for the pending overlay, and that 1+10-digit dialing will become mandatory within the boundaries of the 510 area code as a result of the new overlay area code and that such dialing will be effective on April 15, 2000.

6. The NANPA shall provide nationwide notification of the adopted 510 NPA relief plan by no later than July 1999.

7. The NANPA shall convene an industry meeting within 60 days following the effective date of this decision for the purpose of developing consensus on the

implementation of the public education program for the overlay to include, at a minimum, the elements discussed in Decision 96-12-086, and in the conclusions of law above, and the schedule for mandatory 1+10 digit dialing.

8. All customer-owned pay telephone providers within the 510 NPA shall update their signage to reflect mandatory 1+10-digit dialing instructions.

9. The public education program shall give first priority to focusing on the 510 NPA and surrounding areas, and provide for a combination of press releases, television and radio announcements, and billing inserts explaining the effects of the overlay.

10. The Industry Team shall submit a draft proposal of the public education program, including a proposed budget and funding proposal, to the Commission's Consumer Services and Telecommunications Divisions and Public Advisor's Office for review and approval as scheduled by the assigned Administrative Law Judge (ALJ). The review and approval shall be coordinated among the Public Advisor, the Consumer Services and Telecommunications Divisions, the assigned ALJ, the Coordinating Commissioner for telecommunications, and the Assigned Commissioner.

11. Any existing certificated facilities-based competitive local carrier (CLC) which has not previously been assigned a 510 NPA NXX code, shall file a "Statement of Intent" with the NANPA if it seeks to be assigned such a code in the 90 days prior to the implementation of the overlay, to be filed by September 30, 1999.

12. Any new facilities-based CLCs becoming certificated or intending to become certified between September 30, 1999, and the activation of the overlay NPA in July 2000 shall be required to notify the NANPA within 30 days of certification if they intend to request a 510 NPA NXX code prior to July 2000.

13. The NANPA shall reserve the requisite NXX codes to satisfy the Federal Communications Commission (FCC) code assignment requirement within the 510 NPA.

14. To the extent additional NXX codes are needed to meet the FCC requirement, additional codes shall be reserved by the NANPA from the lottery to be made available to new entrants without any codes in the 510 NPA who require one.

15. Within the final 90 days preceding the opening of the overlay NPA, the NANPA shall declare a freeze on further assignments of 510 NPA codes, with the exception of new entrants who require one code to satisfy FCC requirements. The Commission, on its own motion or at the request of the NANPA, reserves the option to reevaluate this freeze as the availability of NXX codes through July 2000.

16. The Commission shall further consider appropriate measures regarding the assignment of telephone numbers from NXX codes in the 510 NPA after the overlay NPA is activated in order to promote competitive neutrality.

17. Pacific shall each file a report on July 7, 1999, reporting as to whether full LNP has been implemented in the 510 NPA including identification and rectification of any LNP-related call completion problems. The report shall be served on parties of record.

18. The NXX codes in the 510 NPA shall remain subject to lottery rationing until the remaining NXX codes in the 510 NPA have been exhausted.

19. A limited exception to the policy adopted in D.96-12-086 is granted to permit the 510 NPA overlay to be implemented prior to January 1, 2001.

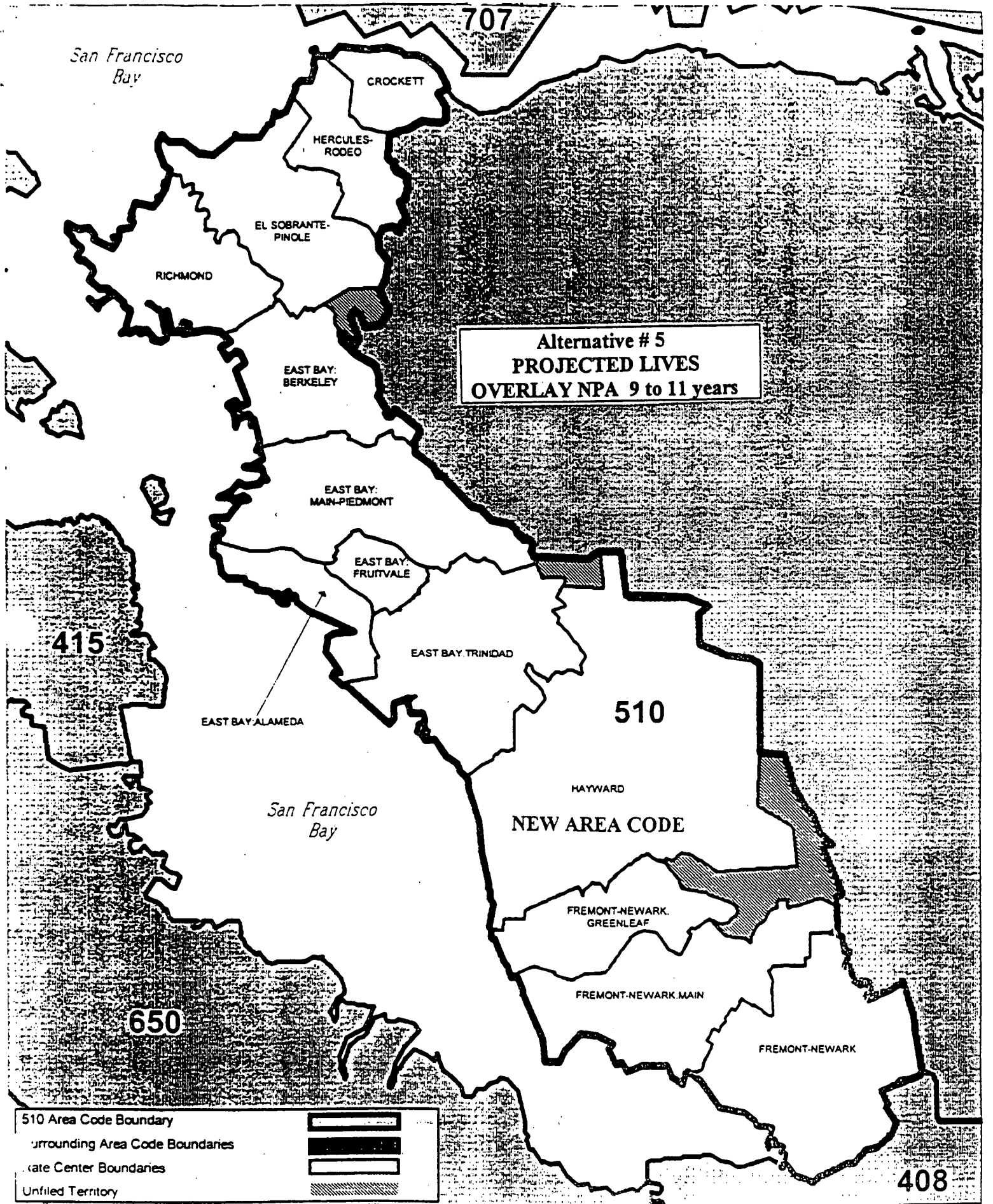
This order is effective today.

Dated April 1, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners

**510 NPA
Industry Recommended Relief Plan
Life Calculation for Alternative #5 - Overlay**

NXX ASSIGNMENT SUMMARY		GROWTH FORECAST	
Assigned End Office NXXs Old NPA	321	Year: 1998	115
Assigned Tandem NXXs Old NPA	127	Year: 1999	84
Assigned NXXs New NPA	0	Year: 2000	84
Total Assigned NXXs	448	Year: 2001	84
Special Use NXXs Old NPA	8	Year: 2002	84
510 NPA-NXXs Available for Assignment	336	Year: 2003	84
Maximum NXXs Available per NPA	792	Assigned in 1998:	44*
		Remaining Year Forecast:	71
		*Rationing is in effect	
Description of <u>Plan Serving Areas</u>		Projected Life:	
510 NPA: No change to those 510 NXXs at the tandems and at the current 510 rate centers.		OLD NPA:	2 Years
New NPA: Will be assigned to all current 510 rate centers: Crockett, Hercules-Rodeo, El Sobrante-Pinole, Richmond, East Bay Berkeley, East Bay Main-Piedmont, East Bay Fruitvale, East Bay Alameda, East Bay Trinidad, Hayward, Fremont-Newark Greenleaf, Fremont-Newark Main, and Fremont-Newark.		NEW NPA:	9.0 - 11.0 Years
		Projected Exhaust:	
		OLD NPA:	Early 2001
		NEW NPA:	Early 2010 - Early 2012



**Alternative # 5
PROJECTED LIVES
OVERLAY NPA 9 to 11 years**

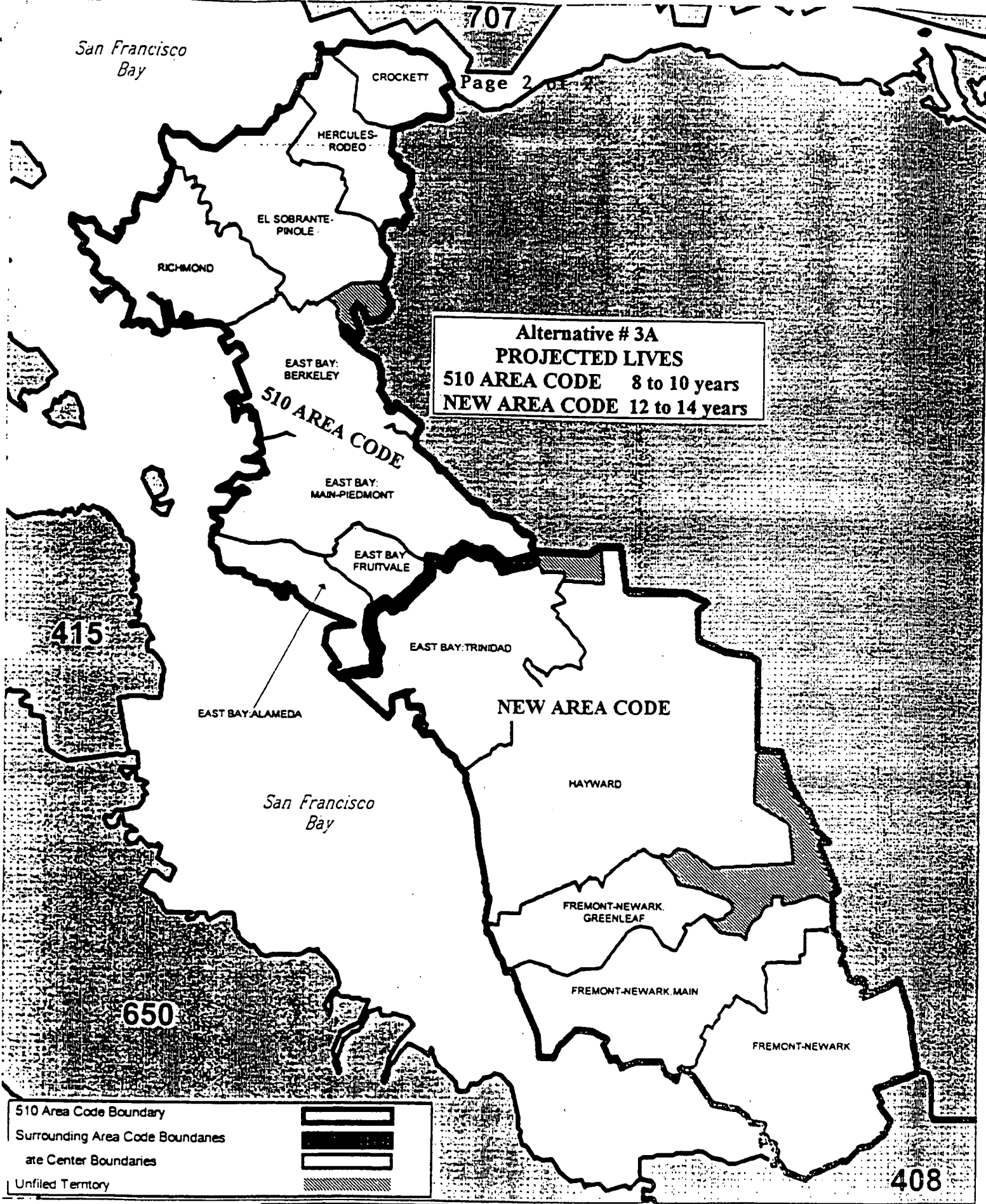
510 Area Code Boundary
 Surrounding Area Code Boundaries
 Rate Center Boundaries
 Unfiled Territory

0 3 6
 Miles

**510 Area Code
 ALTERNATIVE # 5
 OVERLAY AREA CODE**

**510 NPA
Industry Recommended Relief Plan
Life Calculation for Alternative #3A – Geographic Split**

NXX ASSIGNMENT SUMMARY		GROWTH FORECAST	
Assigned End Office NXXs Old NPA	166	Year: 1998	115
Assigned Tandem NXXs Old NPA	127	Year: 1999	85
Assigned NXXs New NPA	155	Year: 2000	85
Total Assigned NXXs	448	Year: 2001	85
Special Use NXXs Old NPA	8	Year: 2002	85
NXXs Available for Assignment	336	Year: 2003	85
Maximum NXXs Available per NPA	792	Assigned in 1998:	44*
		Remaining Year Forecast:	71
		*Rationing is in effect	
Description of <u>Plan Serving Areas</u>		Projected Life:	
<p>510 NPA: Those 510 NXXs at the tandems, the Crockett, Hercules-Rodeo, El Sobrante-Pinole, Richmond, East Bay Berkeley, East Bay Main-Piedmont, East Bay Alameda, and East Bay Fruitvale rate areas.</p> <p>New NPA: Those NXXs at the East Bay Trinidad, Hayward, Fremont-Newark Greenleaf, Fremont-Newark Main, and Fremont-Newark rate areas.</p>		<p>OLD NPA: 8.75 – 10.25 Years</p> <p>NEW NPA: 12.5 – 14.75 Years</p>	
		Projected Exhaust:	
		<p>OLD NPA: Early 2009 – Mid 2010</p> <p>NEW NPA: Late 2012 – Early 2015</p>	



Alternative # 3A
PROJECTED LIVES
510 AREA CODE 8 to 10 years
NEW AREA CODE 12 to 14 years

510 Area Code Boundary
 Surrounding Area Code Boundaries are Center Boundaries
 Unfiled Territory

0 3 6
 Miles

510 Area Code
ALTERNATIVE # 3A
Alameda/Fruitvale/Piedmont & North