

Decision 99-05-015 May 13, 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 Investigation on the Commission's Own Motion into Competition for Local Exchange Service.

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

O P I N I O N

Summary

In Decision (D.) 98-05-021 dated May 7, 1998, the Commission directed that any presently certificated facilities-based competitive local carrier (CLC) that had not previously been assigned a 310 Number Planning Area (NPA) NXX code or any such carrier certified on or before December 31, 1998, shall file a "Statement of Intent" with the North American Number Plan Administration (NANPA) if it seeks to be assigned such a code. These statements were to be filed by February 1, 1999. Likewise, any new facilities-based CLCs becoming certificated between January 1, 1999, and the activation of the overlay NPA in July 1999, was required to notify the NANPA within 30 days of certification if they intend to request a 310 NPA NXX code prior to July 1999.

The Commission also directed the NANPA to impose a freeze on monthly lottery code assignments during the 90 days preceding the overlay opening. The Commission stated in D.98-05-021 that on its own motion or at the request of the NANPA, it may reevaluate this freeze as the implementation date of the overlay approaches and the availability of NXX codes thus becomes more predictable.

By letter to the assigned Administrative Law Judge (ALJ) dated March 26, 1999, the NANPA reported that to date, there have not been any "Statements of Intent" received by NANPA for new facilities-based CLCs seeking NPA NXX codes in the 310 NPA. There are 54 code set aside for this purpose. The 90 day freeze on 310 NXX code assignments was scheduled to begin on April 7, 1999.

In the 310 NPA March 1999 lottery results, there were four carriers placed on the priority list in the initial code request category and three carriers placed on the priority list in the growth code request category. The 90-day freeze would cause a three month delay in the assignment of NXX codes to those carriers on the priority list.

By its March 26, 1999 letter, the NANPA requests that the Commission provide direction on how to resolve the priority waiting list during the 90-day freeze period. Until such time as direction is received from the Commission, NANPA intends to impose the 90-day freeze as directed in Decision 98-05-021.

Discussion

As provided for in D.98-05-021, the freeze previously authorized should now be reevaluated based on more current information. In view of the fact that no "Statements of Intent" have been received to date, it is prudent to lift the freeze and permit lotteries for May, June and July 1999, for the 310 NPA to proceed even though they occur after April 17, 1999, the date that freeze was to take effect. These lotteries shall have the same monthly allocation of codes for the 310 NPA as the March 1999 lottery. In this manner, carriers will not be unnecessarily denied access to NXX codes in the 310 NPA, while some codes will still be available for new carriers who may file "Statements of Intent" between the effective date of this decision and the activation of the overlay in July 1999.

The NANPA should apprise the Administrative Law Judge within five (5) business days in the event any "Statements of Intent" are filed for the 310 NPA prior to the activation of the overlay.

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 on the draft decision.

Findings of Fact

1. D.98-05-021 directed the NANPA to impose a freeze on the monthly lottery of NXX code assignments during the 90 days preceding the opening of the overlay for the 310 NPA to ensure that sufficient codes would be preserved to meet the code assignment requirements for new carriers.

2. To date no new carriers have filed a "Statement of Intent" indicating a request for such codes.

3. In D.98-05-021, the Commission stated that it may reevaluate the need for imposing the freeze on the lottery pending more updated information on the availability of codes.

Conclusions of Law

1. In view of updated information provided by the NANPA regarding code availability, it is concluded that the previously authorized 90-day freeze on the lottery is not needed and the requirement for the freeze should be lifted.

2. The lottery for the 310 NPA should proceed as scheduled with the next lottery to take place on May 19, 1999, followed by lotteries on June 16, 1999 and July 21, 1999.

O R D E R

IT IS ORDERED that:

1. The freeze on NXX code assignments through the lottery for the 310 NPA as previously directed in D. 98-05-021 is hereby lifted.

2. The next scheduled lottery of May 19, 1999, for the 310 Number Planning Area (NPA) shall proceed to be held followed by lotteries for the 310 NPA on June 16, 1999 and July 21, 1999.

3. The 310 lotteries in Ordering Paragraph 2 shall have the same monthly allocation of NXX codes as was used for the 310 NPA lottery in March 1999.

4. The North American Number Plan Administration shall apprise the assigned Administrative Law Judge within five (5) business days in the event any "Statements of Intent" are filed in the 310 NPA prior to activation of the overlay.

This order is effective today.

Dated May 13, 1999, at San Francisco, California.

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