

Decision 99-10-022 October 7, 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)

O P I N I O N

This decision orders the implementation of a variety of number conservation measures to address the exhaustion of numbers in the 818 area code (or "Numbering Plan Area (NPA)"). As a back-up plan for these area code relief measures, we adopt a geographic split proposed by the North American Numbering Plan Administrator (NANPA). We defer adopting an implementation date for the 818 NPA split until and unless we determine that number conservation measures have failed to provide enough number resources to facilitate competition in the 818 area. The program we adopt today mirrors that adopted for the 310 NPA in D.99-09-067 and consistent with the FCC's order adopted September 15, 1999 in CC Docket No.96-98. The 818 NPA serves a portion of the San Fernando Valley area of southern California.

I. Introduction

The 818 area code was implemented in 1984 when it was geographically split from the 213 NPA, one of the three original area codes assigned to California in 1947 when the North American Numbering Plan was implemented.

In June 1997, the 818 area code was geographically split with the implementation of the 626 NPA. We adopt number conservation measures for the 818 area code in recognition that numbers may otherwise be unavailable as soon as the first quarter of 2001. The demand for numbering resources in the 818 NPA is stimulated by the introduction of competition in the local exchange market and accelerated demand for new services and rapid changes in technology.

We consider issues relating to new area codes in light of state statute, Commission decisions, requirements of the Federal Communications Commission (FCC), and industry guidelines. California statutes prescribe requirements for customer notification, establishment of new NPA boundaries and transitional dialing periods.

The Commission adopted statewide policies for 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.

D.96-12-086 evaluated the relative merits of splits versus overlays from the standpoint of customers. In particular, the Commission reviewed consumer surveys conducted by various parties. In that decision, the Commission concluded that, at least for the near term, customers were better served by geographic splits. The Commission found that splits should be used for relief plans that would take effect at least through the end of the year 2000. However, the Commission left open the possibility of adopting an overlay for the next round of relief in the 310 NPA to take effect prior to 2000.

The Commission subsequently issued D.98-05-021, which ordered an overlay to take effect in July 1999 in the 310 area code. D.98-05-021 also directed

PacBell to implement 11-digit dialing prior to the imposition of the overlay. The purpose of 11-digit dialing was to mitigate any competitive advantage an incumbent local carrier might realize if its customers could continue to dial 11-digits while competitors' customers would have to dial 11-digits. The initiation of 11-digit dialing prior to the overlay would provide customers an opportunity to become accustomed to the new dialing pattern.

Subsequently, Assemblyman Knox and numerous other parties filed a petition to modify D.98-05-021 that sought to eliminate the imposition of the overlay and associated 11-digit dialing. D.99-09-067, issued September 16, 1999, granted the request on the basis that the Commission had become better informed about the cost and disruption to customers occasioned by 11-digit dialing, and because the FCC had granted the Commission authority to implement number conservation measures since the issuance of D.98-05-021. D.99-09-067 ordered a variety of number conservation measures, consistent with the FCC's September 15, 1999 order in CC Docket No. 96-98. By way of letter to Pacific Bell and GTEC dated September 21, 1999, the Commission's Executive Director thereafter temporarily suspended the imposition of 11-digit dialing in the 408 area code, which had been scheduled to begin October 2, 1999. On September 17, 1999, the City of Berkeley filed a request in this docket to suspend the imposition of an overlay and 11-digit dialing in the 510 area code. On September 21, 1999, the Commission's Office of Ratepayer Advocates filed a petition to modify all previous orders requiring overlays and 11-digit dialing in various locations around the state. In the context of this recent activity, we address the type of relief required in the 818 area code.

II. FCC Delegation of Authority and Commission Policy

On September 15, 1999, the FCC granted the Commission's request for waiver of certain area code policies. The FCC's order reversed some longstanding principles of number allocation and the authority of California to require number conservation measures. Specifically, the FCC's order permits California to:

1. Institute 1,000 block number pooling instead of the 10,000 block allocations previously required;
2. Require carriers to submit number utilization data;
3. Establish number usage thresholds;
4. Reclaim unused and reserved NXX codes and portions of those codes;
5. Require sequential number assignments;
6. Resolve claims of carriers requesting numbers outside the exiting rationing procedures.

The FCC's order recognizes that California is reaching a stage of crisis in number allocations. Although it provides the Commission with considerable discretion to develop number conservation programs, it reiterates its policy that state Commissions must assure adequate number resources be made available on an equitable and timely basis. In that spirit, it requires that California develop "back-up" plans to number conservation practices in area codes reaching exhaust. It also requires that the Commission consider rate center consolidation, determine methods for carriers to recover the costs of number conservation efforts and to implement pooling trials one region at a time. The order states its provisions are interim, pending the FCC's orders in its rulemaking on numbering resource optimization (CC Docket No. 99-200, FCC 99-122, June 2, 1999). We expect an FCC order in that matter in mid-2000.

In this case, circumstances have not reached the level of crisis. Unlike the 310 area code, the 818 area code is more than a few months from number exhaust. There is adequate time to implement number conservation measures. The authority granted by the FCC's September 15, 1999 order, in combination with our increasing concern with the effects of overlays on customers, has motivated a change in our policy direction. We now intend to employ number conservation measures aggressively to the extent of our authority and thereby avoid splits or overlays wherever possible. In combination with these measures, we adopt a "back-up" plan, as the FCC requires. We continue to pursue the prospects for consolidating rate centers in this docket and intend to issue an order on that matter in the next several months. We have also stated our intent to develop methods to permit carriers to recover the costs of number conservation measures.

We herein direct PacBell and the NANPA to implement several number conservation measures, which are generally consistent with those ordered in D.99-09-067.

III. Elements of the 310 Preservation Plan

This decision orders several measures designed to extend the life of the 818 NPA in the hopes of avoiding the necessity of implementing a split or overlay and consistent with FCC authority granted September 15, 1999. First, we will establish voluntary 1,000-block number pooling. Second, we order preparations to commence mandatory 1,000 block number pooling. Third, we will direct the NANPA to determine whether any NXX codes assigned in the 818 NPA have not been activated in the time frame provided by industry guidelines. Further, if some codes have not been timely activated, we direct the NANPA to seek return of those NXX codes. Fourth, we will require the

implementation of efficient number management practices, such as "fill rates" or sequential numbering. Fifth, we will explore other feasible means of promoting more efficient number usage, such as service specific overlays, rate center consolidation, and other means. Sixth, we order carriers to provide us with utilization information necessary to implement return of unused numbers and efficient allocation of numbers.

We are mindful of the FCC's desire to maintain a nationally cohesive numbering system, and we do not wish to undercut that effort. We anticipate working closely with the FCC and the industry to ensure that we do not impede the FCC's efforts for national standards for number pooling. Once the FCC finalizes national number pooling standards and a national pooling administrator, we envision that the voluntary trial we establish in the 818 NPA can be migrated over to the national system.

A. Mandatory Number Pooling

We herein order a mandatory number pooling trial in the 818 area code. The pool will be conducted in combination with the pool ordered in D.99-09-067 for the 310 area code, consistent with the FCC's September 15 order which permits pooling trials in Statistical Metropolitan Area (SMA). The 818 and 310 area codes serve the same SMA.

Accordingly, we direct our Telecommunications Division ("TD") to begin designing the structure for mandatory number pooling in the 818 NPA. TD shall contract for services to design, implement, and evaluate an NXX code utilization study for the 310 NPA.

The mandatory number-pooling plan for the 818 NPA shall be on a 1,000-block basis. Once approval for mandatory pooling is granted, the ALJ assigned to this docket should solicit comments from parties on how related cost

issues should be handled. The ALJ may also issue rulings to facilitate the development and administration of mandatory pooling.

We acknowledge the concern of certain parties in comments on the draft decision that concurrent implementation of number pooling in both the 310 and 818 NPAs could strain the capacity of carriers' Service Control Points (SCPs) and thereby jeopardize the reliability of the public switched network. In developing the subsequent schedule for number pooling in the 818 NPA, we intend to take into consideration any necessary concerns over system reliability and to coordinate, as appropriate, the schedule for number pooling in the 310 NPA with that adopted for the 818 NPA.

We disagree with the comments of the cellular carriers in response to the draft alternate decision objecting to the number pooling trial in the 818 NPA, claiming that it prejudices non-LNP capable carriers, including wireless carriers, because they cannot participate in number pooling until November, 2002. The FCC, in delegating authority to this Commission to mandate a number pooling trial expressly recognized that such a trial would create a disparity in the way different types of service providers obtain access to number resources. Notwithstanding this concern, the FCC still authorized this Commission to mandate a number pooling trial even though it could not include non-LNP capable carriers. As an interim way to deal with issue, the FCC stated: "...we suggest to the California Commission that it urge the non-LNP capable carriers to use various other number resource optimization strategies such as those discussed in the *Number Resource Optimization Notice* to improve the efficiency of numbering resources assigned to such carriers." (FCC Order Paragraph 16) In conformance with the FCC order, we point wireless carriers to this language in the FCC order, and urge such carriers to pursue such measures on an interim basis. We also intend to take into consideration wireless carriers numbering

needs as we determine the allocation of codes for number pooling in relation to remaining codes available for assignment in the 818 NPA. We also expect the FCC to address the larger numbering needs of wireless carriers in its own rulemaking context.

B. Return and Efficient Utilization of NXX Codes

The majority of NXX codes have already been assigned to carriers in the 818 NPA. Number pooling alone in a mature NPA such as 818 is not sufficient to defer an overlay or split. Number pooling is a more useful remedy for the 818 NPA code exhaust problem if carriers are concurrently required to return unused or underutilized assigned NXX codes (or blocks of 1,000 numbers within those codes), and to more efficiently allocate numbers they use.

We reiterate today our intention to require carriers to return unused and underutilized codes, and to implement other number management practices, consistent with the FCC's September 15 order. We direct our staff to work with the industry and the NANPA to implement the return of underused NXX codes. In the meantime, we direct the NANPA to determine whether any NXX codes assigned in the 818 area code have not been activated in the time frame allowed pursuant to industry guidelines. In the event that the NANPA determines some NXX codes in the 818 NPA have not been timely activated, we direct the NANPA to seek return of those codes. We further direct the NANPA to report to us by January 30, 2000 the status of its actions pursuant to this directive.

In addition, we have petitioned the FCC for authority to establish a technology-specific or service-specific overlay. If granted that authority, we intend to explore an expanded overlay covering several existing NPAs in the Los Angeles metropolitan area.

C. Utilization Study for 818 NPA

A useful tool in the process of requiring the return of unused or underutilized NXX codes and blocks of 1,000 numbers is to determine the utilization of NXX codes which have already been assigned within the 818 NPA. The Commission initiated this process in D.98-05-021, which required Pacific and GTEC to report the percentage utilization rate for all blocks of 1,000 numbers within the NXX codes assigned to them. We will extend the reporting requirement adopted in D.98-05-021 to apply to all carriers holding NXX codes in the 818 NPA as we did for those in the 310 NPA. Moreover, more detailed reporting than was previously ordered is necessary to get a true picture of number utilization.

Based on the results of utilization studies, we will order carriers to return codes that are not activated to the NANPA. TD should immediately initiate the design and conduct a study of NXX code utilization in increments of 1,000-number blocks for each NXX code assigned within the 818 NPA. TD may procure consulting services to conduct the study or portions of it and guide the study's design to provide the most useful information. TD should file and serve a report on the results of the NXX code utilization study for the 818 NPA no later than April 30, 2000. The report should also address the status of number pooling implementation and the prospects for extending the life of the 818 NPA.

While we are in the process of collecting code utilization data, and identifying unused and underutilized NXX codes and 1,000 number blocks which can subsequently be reallocated to other carriers, we will build on the work already begun for implementing number pooling in the 310 NPA. The assigned ALJ issued a ruling, dated April 1, 1999, soliciting comments concerning the types of NXX code reporting requirements or other measures

needed to protect existing 1,000-number blocks from undue contamination pending the implementation of number pooling. We intend to issue a decision on this and related matters at a later date.

IV. Back-Up Plan for 818

The FCC's September 15 order requires that the Commission establish a "back-up" plan for an area code that may otherwise run out of numbers in the event number conservation measures are inadequate. We herein adopt a split for the 818 back-up plan. We do so following an extensive process of review by industry members and the NANPA which we describe briefly.

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. Members of the industry met to develop alternatives for exhaustion relief in the 818 NPA, based on criteria adopted by the industry for previous relief plans. 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 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 also met with of the telecommunications Industry Planning Team to discuss and develop relief alternatives for the 818 NPA. This team is composed of the NANPA, California Public Utilities Commission (CPUC) Staff and current and prospective local exchange carriers. Representatives of the California telecommunications industry developed relief alternatives in meetings facilitated by NANPA. The industry held public meetings on November 4 and 5, 1998, and met with city and county government representatives on October 1, 1998.

The industry team held public meetings in Burbank, San Fernando, Northridge, and Calabasas to present various relief alternatives. The industry, NANPA and the CPUC jointly conducted a meeting with local jurisdictions. At the meetings, the industry presented a total of eight relief alternatives at each of these meetings, including several geographic splits, an overlay and a combination of both. Few people attended these meetings and fewer commented on their preferences. We therefore do not reach any conclusions about popular sentiment for alternative relief options from the results of these meetings.

V. Proposed Alternatives

The industry proposed two alternatives for addressing area code exhaust in 818. By letter to the assigned administrative law judge dated February 12, 1999, Lockheed Martin IMS, in its role as the NANPA, proposed the Commission adopt either an area code split or overlay.

VI. Geographic Split

The split proposed by NANPA, described as "Alternative 2B-A," divides the existing 818 area into a northeast area and a southwest area. The customers in the northeast area would retain the 818 NPA, with a projected life of six to seven years. The customers in the southwest area would receive a new area code, with a projected life of 15 to 18 years. Under this alternative, the 818 NPA will serve 12 rate areas and the new NPA will serve four rate areas. Specifically, in Alternative 2B-A, the split line runs east and west, between the Northridge, Sepulveda and Burbank/Sun Valley rate areas on the north and the Canoga Park, Reseda and Van Nuys rate areas on the south, and continues southward between the North Hollywood rate area on the east and the Van Nuys rate area on the west. In response to the request of participating local governments and agencies, the industry modified its initial proposal to include an additional rate center identified as "North Hollywood." Alternative 2B-A thereby permits the entertainment industry in and around the Burbank media district to remain whole and retain the 818 NPA

Under this option, all customers would retain seven-digit dialing within their respective area codes. Industry experts predict that the 818 NPA will remain in an extraordinary conservation state until the relief plan is implemented. Therefore, in order to provide code relief sooner, the industry recommends a mandatory dialing period of three months if a geographic split is approved. The industry recommends the following relief implementation dates for the Alternative #2B-A split plan:

Proposed Schedule for Alternative 2B-A

Event	Proposed Relief Date:
Start of Permissive Dialing	8/19/2000
Start of Mandatory Dialing and Recorded Announcement	2/17/2001
End of Mandatory Dialing and Recorded Announcement	5/19/2001

VII. Overlay

In the alternative, the NANPA proposes an overlay, described as "Alternative 4," which would create a new area code to serve the same geographic area and the same 16 rate areas now served by the 818 area code. This plan would permit existing businesses, service organizations and residents in the area to retain the 818 area code, for existing numbers and not further divide the cities and communities served by the 818 area code into two area codes. The 818 NPA NXXs at the tandem are expected to remain in the 818 NPA. Introduction of the new overlay area code would require that all customers in the 818 area code and the new overlay area code dial 11 digits for all calls.

Pacific Bell (Pacific), and GTE California Incorporated (GTEC) support the overlay, believing it will resolve the critical NXX code shortage problem in the 818 NPA more effectively than a split. GTEC and Pacific propose implementation date for the overlay plan for the 818 NPA of August 19, 2000. This date would allow time for a permissive dialing period of nine months and a mandatory dialing period of three months prior to the implementation of an overlay. It would also provide relief for all carriers nine months sooner than the suggested split plan. According to Pacific and GTEC, this accelerated implementation for an overlay would provide carriers with earlier access to

792 NXX codes ready for assignment within the overlay. In addition, this acceleration would help preserve a greater number of NXX codes in the 818 area code. Carriers would have the choice of requesting either NXX codes in the available overlay or continue to submit requests for NXX codes in the 818 area code, that would remain in lottery per Industry agreement.

California Small Business Association (CSBA) and the California Small Business Roundtable (CSBR) also support the proposed overlay. CSBA/CSBR point to the cost and 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. CSBA/CSBR argue that, for small business owners could lose customers if they have to change area codes as a result of a split.

The Cities of Burbank and Glendale (the Cities), on the other hand, argue that an overlay for the 818 NPA is unjustified. The Cities believe that geographic splits should be the preferred approach, unless the involved local communities express a contrary preference, and that in this instance, no clear preference to the contrary has been expressed.

The Cities argue that geographically based area code is particularly appropriate for the Burbank/Glendale/North Hollywood area encompassed by Alternative 2B-A. The Burbank/Glendale/North Hollywood area contains the media corridor that is a primary driving force for the resurgent economy of the Greater Los Angeles metropolitan area. The Cities as well as the region have a unique interest in preserving the geographic identity of the media corridor.

VIII. Discussion

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 the proposed split would be less disruptive to customers on the basis of the record developed in this proceeding and based on our experience with customer disruptions in the adjacent 310 NPA.

A split, unlike an overlay, permits existing customers to retain use seven-digit dialing. In addition, only four of the 16 San Fernando Valley rate centers would receive a new area code, minimizing the number of customers required to make an area code change. Finally, the residents of the 818 affected by this split have not had a change in their area code since 1984, when the 818 area code was established.

Although the overlay would not require any business in the 818 NPA to change its existing phone number, including the media corridor within the Burbank/Glendale/North Hollywood area, the public's intense dislike of 11 digit dialing in Southern California makes the successful implementation of such an overlay uncertain. Indeed, a measure of the success of any Commission policy is whether it serves the broad public interest.

Another party, Gilbert Yablon, filed a motion on September 9, 1999, for the Commission to consider an 8-digit dialing version of an overlay. Even assuming an 8-digit dialing version of an overlay could otherwise be adopted, it would still not eliminate the other infirmities of an overlay involving the loss of unique geographic identification with a single area code. Moreover, the record on eight-digit dialing as a potential alternative for use with overlays is being separately addressed in R.98-12-014. In any event, since we are selecting a geographic split

as a back-up relief option here, the question of eight-digit dialing for the 818 NPA is rendered moot.

With an overlay, customers would also lose the ability to readily identify a geographic region by area code. Moreover, as we have found in the implementation of 11-digit dialing, devices such security alarm systems will need to be reprogrammed and some require replacement. A split avoids these costs.

We defer adopting a contingency implementation schedule for the 818 NPA relief plans if and when we are sure the split is required. We recognize that a contingency schedule needs to be adopted early enough to allow time to complete implementation of the backup plan before total code exhaust would occur if it became necessary. The record needs to be further developed, however, to determine what an appropriate contingency schedule for the back up plan should be and what time constraints are involved. Thus, we direct the ALJ to solicit comments concerning what minimum time would be required in terms of technical measures and customer notice to implement the geographic split back up plan should it become necessary. The ALJ should also take comments as to what triggering event or at what point in time a Commission decision could be required ordering implementation to start on the back up plan in order to prevent total code exhaustion. We shall expeditiously adopt a contingency schedule for the back up plan following receipt and review of such comments to guard against the risk of code exhaustion. On the basis of TD's report to be filed on April 30, 2000, we will consider the likelihood that a split will be required in the 818 NPA in the foreseeable future and whether we can or should pursue additional number conservation measures to obviate the need for a split.

IX. Conclusion

The authority the FCC recently granted us, and the public's strong aversion to 11-digit dialing, motivate us to reconsider our past willingness to impose new area codes. We now have the authority to implement number conservation measures that would forestall if not eliminate the need for either area code overlays or area code splits. Consistent with the FCC's requirement, we herein adopt a geographic split as a "back-up" to the number conservation measures we impose.

TD should present to the Commission and parties to this proceeding a report on the status of activities conducted pursuant to this order. The report should be mailed by April 30, 2000, and should include an estimate of the dates TD expects to have the various measures in place and an estimate of the extent to which each may mitigate the code shortage. The report should also include the status of the remaining Commission petition before the FCC regarding technology-specific area codes, as well as the findings from the utilization study of the 818 area code. Parties shall be permitted to comment on the TD report. On the basis of that report and the parties' comments, we will consider whether the measures we adopt today appear adequate, whether in the short term or longer term, to eliminate, or at least significantly defer the need for an area code split in the 818 NPA.

X. Comments on Alternate Draft Decision

The alternate draft decision of Commissioner Joel Z. Hyatt 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. Comments were received on September 30, 1999. We have reviewed the comments and incorporated them as appropriate in finalizing this order.

Findings of Fact

1. Numbering resources are likely to be exhausted in the 818 NPA by early 2001 if the Commission does not implement area code relief or number conservation measures.

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 818 NPA. The Industry Team narrowed the alternatives to two options: (1) an overlay; and (2) a two-way geographic split.

3. 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.

4. 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. An overlay requires customers to dial 11-digits for calls within the NPA under existing Commission and FCC policy.

5. Number pooling can promote fair and efficient allocation of numbering resources among carriers.

6. An audit of code utilization will determine the number of NXXs or blocks of 1,000 numbers that can be recovered from carriers and reallocated according to need.

7. 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. Subsequently, customers in the 310 NPA expressed significant displeasure with having to dial 11 digits.

8. 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.

9. The geographic split (Alternative 2B-A) proposed for the 818 NPA would have fewer adverse impacts than an overlay.

Conclusions of Law

1. The Commission should implement the number conservation measures set forth in this decision and adopt the proposed geographic split as a back-up plan in the event conservation measures are inadequate.

2. The Commission should defer further consideration of a split until after the implementation of number conservation measures ordered herein and the assessment of the effects of those measures on the availability of numbering resources in the 818 NPA.

3. The Commission should develop a further record as a basis to expeditiously adopt a contingency schedule for implementing Alternative 2B-A as a backup plan if or when necessary.

O R D E R

IT IS ORDERED that:

1. The proposed geographic split for the 818 Numbering Plan Area (NPA), identified as Alternative 2B-A, as presented by the North American Numbering Plan Administrator (NANPA) is hereby approved as the "back-up" plan to number conservation measures ordered herein and consistent with the September 15, 1999 order of the Federal Communications Commission in CC Docket 96-98.

2. The Commission's Telecommunications Division (TD) shall administer a study of NXX code utilization in increments of 1,000 for each NXX code assigned within the 818 Numbering Plan Area (NPA).

3. The ALJ shall issue a ruling instituting a process for number pooling to be implemented in the 818 NPA.

4. The ALJ assigned to this docket will issue a ruling delineating the process whereby code holders within the 818 NPA shall provide necessary information concerning NXX code utilization rates.

5. The ALJ shall issue a ruling taking comments on a contingency schedule for implementing Alternative 2B-A as a back-up plan.

6. The Telecommunication Division shall develop a plan for the design and implementation of a mandatory number-pooling program, and procedures for the return of underutilized NXX codes in the 310 NPA. The TD shall take all other necessary steps to implement number consideration measures set forth herein.

7. All carriers serving rate centers in the 818 NPA shall, within 30 days of the effective date of this order, identify and reserve all numbers that have not been used in blocks of 1,000 to the extent those number blocks are less than 10% subscribed. Carriers shall not further contaminate 1,000 number blocks by using any numbers in those blocks in cases where the carrier has the option to use other number blocks that are more than 10% subscribed. Carriers who fail to comply with this order shall be subject to all penalties.

8. TD shall work with the number administrator to assure the fair and efficient allocation of blocks of numbers made available pursuant to Ordering Paragraph 6 and consistent with FCC policy and Commission orders.

This order is effective today.

Dated October 7, 1999, at Los Angeles, California.

RICHARD A. BILAS
President
JOEL Z. HYATT
CARL W. WOOD
Commissioners

I dissent.

/s/ HENRY M. DUQUE
Commissioner

I dissent.

/s/ JOSIAH L. NEEPER
Commissioner