

**DT 99-603**

**PETITION FOR APPROVAL OF AREA CODE NUMBERING RELIEF PLAN**

**Order Dismissing Without Prejudice**

**ORDER NO. 24,350**

**July 13, 2004**

**I. PROCEDURAL HISTORY**

On November 6, 1998, the North American Numbering Plan Administrator (NANPA) declared an Extraordinary Jeopardy Situation for New Hampshire's 603 area code, stating that the 1998 Central Office Code Utilization Survey (COCUS)<sup>1</sup> projected that the 603 Numbering Area Plan (NPA or area code) would be exhausted during the fourth quarter of the year 2000 and that sufficient numbers would no longer be available. NANPA, in its role as the neutral third party NPA Relief Planner for New Hampshire under the North American Numbering Plan, then convened several state-wide telecommunications industry meetings that resulted in a consensus on an area code relief plan. On February 22, 1999, NANPA filed with the New Hampshire Public Utilities Commission (Commission) a Petition on Behalf of the New Hampshire Telecommunications Industry for approval of an area code relief plan (Petition). NANPA's Petition requested Commission approval of the industry consensus in support of an overlay solution to the area code exhaust projected by NANPA.

At the Prehearing Conference held on April 7, 1999, pursuant to Commission Order No. 23,166, the Commission granted the following timely filed petitions to intervene: Granite State Telephone, Inc., Merrimack County Telephone Company, Inc., Contoocook Valley

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<sup>1</sup> Formerly entitled Central Office Code Utilization Survey (COCUS), the data is now entitled Numbering Resource Utilization Forecasts (NRUF). Beginning in 2004, NANPA will be reporting the NRUF data semi-annually.

Telephone Company, Inc., Wilton Telephone Company, Inc., Hollis Telephone Company, Inc., Dunbarton Telephone Company, Inc., Northland Telephone Company of Maine, Inc., Bretton Woods Telephone Company, Inc., and Dixville Telephone Company (collectively the ICOs), NANPA,<sup>2</sup> Verizon New England d/b/a Verizon New Hampshire (Verizon),<sup>3</sup> MCI WorldCom, Inc. (MCI), Union Telephone Company (Union) MediaOne, Sprint Spectrum L.P. d/b/a Sprint PCS, BayRing Communications, Nextel Communications of the Mid-Atlantic, Inc. (Nextel), AT&T Communications of New Hampshire, Inc., Cellco Partnership d/b/a Bell Atlantic Mobile<sup>4</sup>, Business and Industry Association of New Hampshire, Greater Portsmouth Chamber of Commerce, NEVD of New Hampshire, New Hampshire State Representative Jeb E. Bradley, Vitts Networks, Inc., and the Office of the Consumer Advocate (OCA) participating as a party pursuant to RSA 377.28.

In its Order No. 23,166 (April 19, 1999), the Commission granted the industry request for an accelerated procedural schedule in order to allow sufficient time to implement the chosen area code relief plan prior to the projected exhaust date. As part of the procedural schedule, the Commission included consumer forums in Portsmouth, Laconia, Hanover, Keene, Manchester and Littleton, New Hampshire between May 11 and May 20, 1999. At those consumer forums, New Hampshire citizens provided comments on the proposed area code relief methods; other citizens and organizations subsequently provided comments by letter and by e-mail. As provided for in the approved procedural schedule, NANPA, Verizon, MCI, Verizon Wireless, the OCA, Union, the ICOs and the Staff of the Commission filed Testimony and Rebuttal Testimony. Discovery requests were exchanged among those parties and Staff.

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<sup>2</sup> The company contracted by the federal government to be the NANPA is NeuStar, Inc.

<sup>3</sup> Formerly New England Telephone and Telegraph Company, then d/b/a Bell Atlantic-New Hampshire.

<sup>4</sup> Now doing business as Verizon Wireless

Subsequently, Representative Bradley filed Rebuttal Testimony, MediaOne filed a Position Statement, the ICOs filed a Statement and Supplemental Statement, and Nextel Communications filed a brief, none of which were subjected to discovery or cross examination.

For three days of hearings, June 16, 17 and 23, 1999, the Commission took evidence on the choice of area code relief method. Responses to record requests made during the hearings were submitted to the Commission by mid-July. On August 9, 1999, the Commission publicly deliberated and announced its decision to adopt an overlay method as New Hampshire's area code relief plan. The Commission received a citizen's letter of objection to that decision on August 19, 1999. Nextel filed a letter on February 1, 2000, requesting the Commission issue a written order.

This order represents the Commission's final decision, made in light of subsequent decisions by the FCC and of changed circumstances regarding 603 as reported by NANPA annually.

## **II. NANPA BACKGROUND AND DEVELOPMENTS SINCE AUGUST 9, 1999**

The North American Numbering Plan was introduced in 1947. It governs the assignment and use of telephone numbers in North America and other World Zone One Countries.<sup>5</sup> The plan is based on a call destination code containing ten digits. The call destination code comprises a 3-digit Numbering Plan Area (NPA) code, commonly referred to as an area code; a 3-digit central office code (NXX), and a 4 digit station address code. Each of the

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<sup>5</sup> World Zone One Countries include the United States and its territories, Canada, Bermuda, Anguilla, Antigua & Barbuda, the Bahamas, Barbados, the British Virgin Islands, the Cayman Islands, Dominica, the Dominican Republic, Grenada, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, and Turks & Caicos.

NPAs consists of a large but finite amount of 7-digit telephone numbers (the central office code plus the station address code) which were assigned to carriers by the NANPA in blocks of 10,000 numbers. Each NPA code contains approximately 7.7 million available telephone numbers. When all the NXXs within an NPA have been assigned, a new NPA must be opened. When a new NPA is opened, carriers must complete various changes to enable the new NPA to be used in the network. Therefore, introducing a new NPA requires adequate lead time for system and network modifications and for consumer education.

There are two principle methods available for area code relief: a geographic split, meaning the division of the NPA into two or more physical areas served by separate area codes, and an all-services overlay, meaning the addition of a new area code, for use by new customers only, in the same geographic area as the existing area code. Each method poses an inconvenience to customers. The geographic method requires that some customers “lose” their current area code and be assigned a new one; the overlay method necessitates all customers dialing 10 digits to reach all other customers, even when dialing “locally.” In its Petition, the NANPA reported that the telecommunications industry in New Hampshire had reached a consensus to recommend an all-services overlay relief plan and requested the Commission’s approval. Based upon the premise that, unless absolutely necessary, consumers should not be subjected to the additional costs that accompany new area code implementation (both tangible and intangible), the Commission announced its intention to implement the all-services overlay if necessary, and focused its efforts on preserving a single area code. In order to avoid prematurely setting the wheels in motion to implement a new area code, the Commission deferred its written decision. The Commission began its efforts to make more efficient use of numbering resources by seeking authority from the Federal Communications Commission (FCC) to implement certain number

conservation measures.

On November 30, 1999, the FCC granted the Commission's Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code, Order DA 99-2634 (*NH Delegation Order*) in CC Docket No. 96-98. The *NH Delegation Order* gave the Commission the authority to institute a thousands block pooling trial, to reclaim unused and reserved NXX codes and portions of unused NXX codes, to set numbering allocation standards, to enforce and audit carrier compliance with number utilization reporting requirements, *et al.* On January 7, 2000, consistent with the FCC delegation of authority, the Commission issued Order No. 23,385, requiring all Local Number Portability (LNP) capable Local Exchange Carriers (LECs) to participate in a thousands-number-block pooling (TNP) trial beginning May 1, 2000. The Commission's authority continued after the FCC issued FCC 00-104 in Docket No. CC 99-200, *In the Matter of Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 F.C.C.R. 7574, 15 FCC Rcd. 7574, F.C.C., Mar 31, 2000, (*NRO*).

The Commission increased the efficiency of number allocation in the 603 NPA by issuing Order No. 23,408 on (February 16, 2000). That order, *Number Conservation Measures*, 85 NH PUC 74 (2000), directed NANPA to place the fifteen NXX codes in the 603 NPA that were formerly set aside for use in an overlay relief plan in a separate pool for use in the TNP trial. In the *Number Conservation Measures* order, the Commission noted that it had developed an area code relief plan, that effective pooling would decrease the potentiality of actual number shortages before the area code relief plan's scheduled implementation, and that "[P]ooling may even forestall the need for implementation of the relief plan for some period of

time.” *Id.* at 75.

NANPA originally projected that 603 would exhaust in the fourth quarter of the year 2000; in 1999, the projection moved to first quarter of 2001; in 2000, after the implementation of thousands-block number pooling, the projection moved to fourth quarter 2001; and by 2001 the date was moved to the first quarter of 2004. Since then, the date has been extended each year: to third quarter 2004 (2002 report), second quarter 2005 (2003 report), and third quarter 2007 (2004 report). On May 7, 2004, NANPA officially notified the Commission that “extraordinary jeopardy” had been rescinded.

### **III. CONCLUSION**

Preserving a single 603 area code for New Hampshire has been an important goal for this Commission, demonstrated, among other things, by our actions in DT 00-001 to institute number conservation methods as authorized by the FCC. We are gratified that these actions resulted in NANPA’s continued re-forecasting of the projected exhaust date of the 603 NPA and that the jeopardy status for 603 has now been rescinded.

During public deliberations on August 9, 1999, we noted that the seven evening hearings held at various locations around the state provided comments from a broad cross-section of the customers in New Hampshire. We also described our active pursuit of telephone number conservation at the federal level, working with the New Hampshire congressional delegation and in conjunction with other New England public utility commissions through participation in the New England Conference of Public Utilities Commissioners, Inc. The resulting grant of state authority to institute number conservation measures played an important part in the success thus far achieved. Our increased authority enabled us to implement thousand number block pooling trials, number assignment standards, revised rationing procedures, audits

of number utilization, code allocation standards, and the reclamation of unused and reserved codes. The Commission's efforts, it was hoped, would help avoid the need for another area code and the resultant disruption that would ensue for New Hampshire customers.

The New Hampshire Legislature was kept apprised of the Commission's efforts and enacted state legislation to assist with numbering resource optimization efforts. RSA 374:59, VI, enacted during the period just prior to the Commission's deliberations, establishes criteria for examining the proposed area code relief plan. Applying those criteria in August 1999, the Commission found the all-services overlay, the industry consensus reported by NANPA, most nearly met the Legislature's expectations. At that time, the Commission directed that the carriers and Staff investigate Unassigned Number Portability as recommended by MCI. In addition, based on the strength of evidence produced in response to Record Request Number 20, demonstrating a sufficient quantity of NXX codes to meet New Hampshire needs for two years, the Commission decided not to implement any area code relief for 24 months or 90 days after the last NXX code within the 603 NPA is assigned, whichever occurred later.

At the time NANPA first notified the Commission of 603's "extraordinary jeopardy" status, the requisite process began for adding a new area code to be implemented pursuant to a plan produced and administered by NANPA. However, given NANPA's annual extension of the exhaust date, as detailed above, the Commission continued to extend the time for issuing its order and therefore NANPA has not had to issue a planning letter and commence the introduction of a new area code. Given that NANPA has now rescinded New Hampshire's jeopardy status, the Commission will close this docket without issuing an order approving implementation of any plan to introduce a new area code.

We are cognizant that the Industry Numbering Committee Guidelines require the initial planning process for relief commence when an area code is within three years of exhaust. We find that the efforts of the industry to reach consensus, as well as the efforts of the Parties and Staff to present the pros and cons of different area code relief methods, should be preserved. We shall therefore dismiss this petition without prejudice. The Petition may be re-filed by NANPA as the basis for instituting area code relief when necessary. The Commission at that time, will consider the evidence and applicable laws and make a determination based on more recent experience, expectations and facts.

**Based upon the foregoing, it is hereby**

**ORDERED**, that NANPA's Petition for approval of an area code relief plan is hereby DISMISSED WITHOUT PREDUDICE as detailed herein.

By order of the Public Utilities Commission of New Hampshire this thirteenth day of July, 2004.

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Thomas B. Getz  
Chairman

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Graham J. Morrison  
Commissioner

Attested by:

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Debra A. Howland  
Executive Director and Secretary