

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Telephone Number)	<u>DOCKET NO. 99-999-04</u>
Conservation Measures for (801) Area Code)	
Relief)	
-----)	
)	<u>DOCKET NO. 99-999-05</u>
In the Matter of the Request of the North)	
American Numbering Plan Administrator for a)	<u>ORDER OF CLARIFICATION</u>
New Area Code within the (801) Area Code)	

ISSUED: March 9, 2001

By The Commission:

In the Commission's November 2, 2000 Order issued in these dockets, the Commission set a utilization factor which carriers were required to meet before requesting additional number resources in the 801 area code. See November 2, 2000 Order at page 3 (The Commission's December 5, 2000 Order on Requests for Reconsideration also noted that the Commission would consider exceptions for carriers who established needs to meet their growing customer service requirements). The Commission's November 2nd Order stated that the Commission's Utah-specific utilization factor could be superceded by a utilization factor set by an intervening Federal Communications Commission (FCC) Order. Questions have arisen concerning the effect of the FCC's Second Report and Order in CC Docket Nos. 96-98 and 99-200, released December 29, 2000 (FCC 00-429) (Second Report and Order), and our authority to set a utilization factor. We issue this Order of Clarification to clarify what utilization factor is applicable to a carrier requesting number resources in the State of Utah.

The FCC's Second Report and Order set a utilization threshold beginning at 60%, increasing with annual 5% increments, beginning three months after publication of the order. The FCC also 'grandfathered' higher utilization rates set by individual states (with a 75% upper ceiling) and modified the methodology for calculating the utilization factor. In light of these intervening changes from the FCC and the Commission's current view of the efficacy of the existing conservation measures implemented or soon to be implemented in the 801 area code, we conclude that the appropriate utilization factor to be applied for carriers requesting number resources is 60%. The utilization factor will change pursuant to provisions of the FCC's Second Report and Order and will also be calculated as directed by the Second Report and Order.

DATED at Salt Lake City, Utah, this 9th day of March, 2001.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary