

- 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>REPORT AND ORDER</u>

ISSUED: August 10, 2000

SYNOPSIS

On July 20, 2000, the Federal Communication Commission (FCC) granted to the Utah Public Service Commission (the Commission) the authority to: 1) implement number conservation measures, including but not limited to thousand-block number pooling; 2) appoint a neutral third party number administrator to implement thousand-block number pooling until such time as the FCC appoints a national thousand-block pooling administrator. The implementation of number conservation measures including 1000-block number pooling is hereby ordered. Local Number Portability-capable carriers are ordered to enter into a Utah specific standard pooling administrator contract with NeuStar as herein described.

By The Commission:

PROCEDURAL HISTORY

On September 23, 1999, members of the telecommunications industry (the "Industry") met with the North American Numbering Plan Administration (NANPA, NeuStar as agent) in Salt Lake City, to discuss a resolution of the pending exhaust of the 801 Area Code (NPA). The industry favored an area code overlay plan that would require ten-digit dialing for local calls and eleven-digit dialing for long distance. The following day, NANPA declared the 801 NPA in jeopardy and estimated at that time that the exhaust date for the 801 NPA would be the end of first quarter, 2001.

On October 27, 1999, the Commission filed a petition⁽¹⁾ with the Federal Communications Commission requesting an accelerated grant of authority to implement number conservation measures similar to those which had previously been granted to other states that were experiencing area code exhaust. The Commission issued public notice concerning the 801 NPA exhaust, and along with the Utah Division of Public Utilities (Division) and NeuStar as facilitators, held hearings in Provo on March 14, 2000, Bountiful on March 15, 2000, Salt Lake City on March 16, 2000, and in Ogden on March 22, 2000.

On March 31, 2000, the FCC released Report and Order and Further Notice of Proposed Rule Making In the Matter of Number Resource Optimization (NRO)⁽²⁾ addressing some of the issues in our October 27, 1999 filing. However, other Utah specific portions of that filing remained unanswered until July 20, 2000.

On April 26, 2000, we established an Area Code Relief Split Plan⁽³⁾ which, upon deployment, will establish the boundary of the existing 801 NPA around Salt Lake County. All other rate areas in the current 801 NPA will be served by the new 385 NPA. The deployment date for the availability of the new area code with permissive dialing is set for the end of 2000.⁽⁴⁾

On April 27, 2000, we filed a supplemental petition with the FCC specifically requesting authority to implement 1000-block number pooling and filed notice with the FCC that the Utah Commission had decided upon an area code split relief plan for the 801 NPA.⁽⁵⁾ Thousand-block pooling is a number conservation measure that allows telephone

numbers⁽⁶⁾ to be allocated in blocks of 1000 rather than 10,000 (as currently required in the Central Office Guidelines). The FCC has found that thousand-block number pooling is one of the best conservation measures for extending the life of the North American Numbering Plan, and that its use by individual states aids in developing national pooling implementation, architecture, and administrative standards.⁽⁷⁾

On July 20, 2000, the FCC granted in part and denied in part our October 27, 1999, petition, as summarized below:

1000-BLOCK NUMBER POOLING

With the new July 20, 2000, delegation of pooling authority, the Commission must in general conform to the national framework as articulated in the March 31, 2000 Order.⁽⁸⁾ We must give carriers adequate transition time to implement thousand-block pooling in their switches and systems.

In the interim, prior to the FCC appointment of a national pooling administrator, the Industry in Utah will be responsible for contracting to provide its own state-level pooling administrator.⁽⁹⁾ The North American Numbering Council (NANC) has recommended to the FCC that NeuStar be named the national pooling administrator. The FCC has currently put this contract out for bid, but the process has not yet been completed. Historically, NeuStar has a proven record of providing pooling administration services pursuant to the terms approved by the NANC in those states that have authority from the FCC to implement mandatory thousand-block pooling trials. The Division has recommended that the Commission name NeuStar to be the state pooling administrator, and we accept the Division's recommendation.

The pooling administrator contract is typically negotiated through the North American Portability Management, LLC (NAPM). In order to secure NeuStar's services, therefore, it is necessary for LNP-capable carriers to begin negotiations with NeuStar via NAPM to form a standard contract for pooling administration services in the state.

The Commission, with input from the industry, will develop its own cost recovery mechanism (to be in effect until the FCC implements the national plan) for the joint and carrier-specific costs of implementing and administering pooling within the State of Utah.⁽¹⁰⁾ We must also determine how the costs of pooling administration should be recovered in a competitively neutral manner. This can be accomplished through number pooling technical conferences.

OTHER CONSERVATION MEASURES

The Commission is conditionally granted authority by the FCC to maintain rationing procedures for 6 months after implementation of the area code split.⁽¹¹⁾

In its March 31, 2000 Order, the FCC gave the Commission authority to consolidate rate centers.⁽¹²⁾ The FCC also delegated authority to state commissions: to monitor the way numbering resources are used within the North American Numbering Plan (NANP); to promote more efficient use of the NANP numbering resources; to direct the North American Numbering Plan Administrator (NANPA) to reclaim non-activated or unused NXX codes; to direct the state Pooling Administrator, once established, in pooling trials to reclaim non-activated or unused thousand-blocks; to order the return of unused and reserved NXX codes; to monitor usage through mandatory reporting requirements and number utilization reporting; and to require carriers to prove facilities readiness prior to obtaining numbering resources in an area.

FILL FACTORS

Concerning the issue of usage fill factors for non-pooling carriers (those unable to provide local number portability), a nationwide number utilization threshold will go into effect January 1, 2001.⁽¹³⁾ For pooling carriers, the FCC set a specific number utilization rate at 10%.⁽¹⁴⁾ At that level, a pooling carrier is considered to be making good use of a block of numbers and will not be subject to forced recovery of the block. The fill factor for non-pooling carriers is still open for comment.⁽¹⁵⁾ Wireless carriers, which are typically not capable of LNP, are not subject to pooling efforts until November 24, 2002.⁽¹⁶⁾ However, wireless carriers requesting growth codes are subject to compliance with number

utilization thresholds that will go into effect January 1, 2001.

The Commission is granted authority to conduct number utilization and forecast reporting audits of carriers to verify carrier compliance with number conservation measures until the FCC enacts national rules or policies relating to auditing carriers' use of numbering resources.⁽¹⁷⁾

The Commission is granted the authority to implement NXX Code Sharing, if technically feasible and economically viable.⁽¹⁸⁾ NXX Code Sharing allows an NPA-NXX associated with a specific rate center to be distributed among various service providers that serve that rate center.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- Implementation of thousand-block number pooling by all LNP-capable carriers in all LNP-capable rate centers in the 801 and 385 Area Codes shall begin within 30 days of this order.
- The Industry shall enter into negotiations immediately with NeuStar via the North American Portability Management, LLC, to form a standard contract for pooling administration services in Utah until the FCC appoints a national pooling administrator. Since thousand-block number pooling is mandatory for all LNP-capable carriers, each LNP-capable carrier must sign the pooling administration contract with NeuStar.
- The Industry, the Division, and the pooling administrator shall hold technical conferences at the earliest reasonable date to determine how to implement code sharing, block recovery, ongoing monitoring, and all over conservation measures granted by the FCC.
- Pursuant to U.C.A. §63-46b-13, an aggrieved party may file, within 20 days after the date of this Report and Order, a written request for rehearing/reconsideration by the Commission. Pursuant to U.C.A. §54-7-15, failure to file such a request precludes judicial review of the Report and Order. If the Commission fails to issue an order within 20 days after the filing of such request, the request shall be considered denied. Judicial review of this Report and Order may be sought pursuant to the Utah Administrative Procedures Act (U.C.A. §§63-46b-1 et seq.).

DATED at Salt Lake City, Utah, this 10th day of August, 2000.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

1. *Petition of the Utah Public Service Commission for Accelerated Grant of Authority to Implement Number Conservation Measures, NSD File No. 1-99-89 (October 27, 1999).*

2. *Report and Order and Further Notice of Proposed Rule Making in the Matter of Number Resource Optimization, FCC 00-104, CC Docket No. 99-200 (March 31, 2000).*

3. *In the Matter of the Request of the North American Numbering Plan Administrator for a New Area Code within the (801) Area Code, Utah Public Service Commission Report and Order, Docket No. 99-999-05 (April 26, 2000).*

4. *Id.*

5. *Supplemental Petition to FCC for Accelerated Decision for Grant of Authority to Implement Number Conservation Measures, CC Docket No.*

96-98, NSD File No. L-99-89 (April 27, 2000).

6. *The first three digits of a ten digit telephone number are referred to as an "NPA" or "area code", the fourth, fifth, and sixth digits are referred to as an "NXX" or "prefix", where the last four digits of a telephone number indicate the unique local number; generally, NPA-NXX-xxxx. Pooling efforts will affect the NXX portion of the telephone number allowing for greater number distribution efficiencies.*

7. *In Re Petition of Public Utility Commission of Texas for Expedited Decision for Authority to Implement Number Conservation Measures, CC Docket No. 96-98, NSD File No. L-99-55 (Nov. 30, 1999).*

8. *In the Matter of Resource Optimization, DA 00-1616, ¶16.*

9. *Id. at ¶20.*

10. *Id. at ¶21.*

11. *Id. at ¶62.*

12. *Id. at ¶59.*

13. *Id. at ¶115.*

14. *Id. at ¶191.*

15. *Id. at ¶115.*

16. *Nationwide roaming is a requirement for LNP-capability. See Telephone Number Portability First Report and Order, 11 FCC Rcd at 8440. For wireless carriers (includes broadband Personal Communications Service (PCS), cellular, and 800/900 MHz Specialized Mobile Radio (SMR) that are interconnected with the public switched network...paging companies are exempt from LNP requirements of any kind) to implement LNP that also supports nationwide roaming, the Industry has chosen a method that requires separation of the Mobile Identification Number (MIN), which is used to identify the mobile unit to the carrier's network, from the Mobile Directory Number (MDN), the number that is dialed to reach the mobile unit. Separation of the MIN and MDN, which are associated with a particular carrier and are currently the same for each subscriber of certain wireless carriers will require significant reprogramming of roaming software and databases. While standards for this separation have been adopted, Industry has not yet reached consensus on standards for integration of wireless and wireline LNP. For wireless LNP that also supports nationwide roaming to function properly, all wireless carriers must separate the MIN and MDN, and at least support the querying capability required for LNP by November 24, 2002. CMRS LNP Forbearance Order, 14 FCC Rcd at 3092.*

17. *Id. at ¶60, and ¶71.*

18. *Id. at ¶61.*