

Thomas C. Peltó
Richard S. Wolters
AT&T Communications of the
Mountain States, Inc.
1875 Lawrence Street, Suite 1575
Denver, CO 80202
Telephone: (303) 298-6741
Facsimile: (303) 298-6301
E-mail: rwolters@att.com

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In The Matter of Telephone Number Conservation)
Measures for (801) Area Code Relief) DOCKET NO. 99-999-04
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)
In The Matter of the Request of North American)
Numbering Plan Administrator for a New Area) DOCKET NO. 99-999-05
Code within the (801) Area Code)
) PETITION FOR
) RECONSIDERATION

I. INTRODUCTION

AT&T Communications of the Mountain States, Inc., on behalf of itself, Sprint Spectrum L.P., U S WEST Wireless L.L.C., Verizon Wireless, and VoiceStream (“Joint Petitioners”) respectfully request that the Public Service Commission of Utah (“Commission”) reconsider its Report and Order, issued on April 26, 2000, regarding the establishment of a new area code within the 801 Area Code.¹ Specifically, the Joint Petitioners request that wireless carriers be permitted the option of retaining all their current central office prefixes (NXXs) in the 801 area code.² This practice, referred to as “wireless grandfathering,” is based upon a technological

¹ Verizon and VoiceStream are concurrently filing Petitions to Intervene in this docket.

² Assuming there are numbers that have been assigned out of the NXX.

difference between wireline and wireless telephones. In a geographic split, as ordered by the Commission for the 801 area code, wireless telephones, unlike their wireline counterparts, will have to be individually reprogrammed with the new area code. The reprogramming process is disruptive and inconvenient for customers and costly for carriers. In addition, unlike wireline numbers, wireless numbers are not associated with a fixed geographic location.

II. DISCUSSION

A. Wireless Customers Will Incur Additional Expense and Inconvenience

All customers impacted by a change in area codes incur a certain amount of expense and inconvenience. Wireless customers, however, incur additional expense and inconvenience when required to change to a new area code. Most wireless customers whose telephone numbers will be moved to the new area code will be compelled to have their handsets reprogrammed to accommodate the area code change.³ In some instances, customers would be required to travel to a service center to have the reprogramming performed, whereas in other instances customers would have to call the carrier's service center to receive instructions for reprogramming the phone themselves. In either circumstance, the process is disruptive and inconvenient for customers.

There are significant costs associated with changing the area code for a wireless telephone number and the reprogramming of customers' handsets. These reprogramming costs vary from carrier to carrier but may include costs associated with augmenting service department staffing and support, paying overtime, hiring third-party vendors, adding physical facilities and purchasing equipment. In addition, these reprogramming costs include the cost of customer

³ Some of the handsets of new wireless carriers do not require reprogramming. However, those carriers would still have to make changes in other parts of their network system.

education directed at informing wireless customers to reprogram their telephones and notifying them of the date by which this reprogramming must be accomplished in order for customers to maintain uninterrupted wireless service. In other state area code proceedings, carriers have estimated costs per unit ranging from \$40 to \$80.⁴

Along with others customers, wireless customers in the new area code will have to change stationery, signs and other personal or advertising material to reflect the new number assigned to them and will have to communicate their new phone number to their friends, family and business associates. However, a significant difference that sets wireless customers aside from other customer groups is that wireless numbers are usually not published. Consequently, there is no orderly or uniform way to notify people of the change of a wireless customer's telephone number.

B. Wireless Grandfathering Will Not Hasten Number Depletion

Numbers will be needed for the existing wireless customers regardless of the grandfathering decision. If the wireless customers are not able to retain their current numbers in the 801 area code, the numbers will need to be duplicated in the new area code. Grandfathering will not result in a gain or loss of numbers.⁵ In this regard, the Joint Petitioners stress that they are **not** seeking to be able to both retain their NXXs in the 801 NPA and to obtain duplicate NXXs in the new NPA. Wireless carriers are merely asking the Commission to provide them

⁴ Traditionally, carriers keep this information confidential. This cost data came from information disclosed in public proceedings. Testimony of Michelle Fallon Chapman, Bell Atlantic Mobile, Massachusetts Department of Telecommunications and Energy (D.T.E.) 96-61 Massachusetts Area Code proceedings for 617 and 598 NPAs in Eastern Massachusetts (\$40 without customer education). Testimony on behalf of SNET Mobility, Inc. (May 27, 1998), *DPUC Review of Management of Telephone Numbering Resources in Connecticut*, Connecticut Department of Public Utility Control Docket No. 96-11-10 (\$50 with customer education). Testimony of Wayne Leuck, U S WEST (March 26, 1998), *In the Matter of Application and Final Recommendation of the Numbering Plan Administrator for Relief of the 303 Area Code*, Colorado PUC Docket No. 97A-103T, (\$80).

⁵ There are 800 NXXs in an area code, 792 that are available for assignment. Of the five parties in this Petition, there are approximately 74 NXXs that the carriers might grandfather.

with the option of doing one or the other.

C. Grandfathering NXXs is More Efficient than Grandfathering Individual Numbers

Grandfathering impacted NXXs will allow wireless carriers to continue making assignments to new customers out of the existing NXX, thus retarding the rate of opening new codes. If only specific customer numbers were grandfathered, the rest of the numbers in the NXX would be unavailable for assignment. Since wireless carriers are excluded from number pooling until November 24, 2002, these unassigned numbers would not be available for contribution to a pool and would be stranded.

D. Wireless Grandfathering is in the Public Interest

A decision to grandfather wireless customers serves the public interest. As detailed above, the unique inconvenience and cost to this specific customer group is not warranted. Furthermore, there is no gain to be made by not adopting the grandfathering process. A number of other states have allowed wireless carriers the option of grandfathering. In its NPA 516 decision, the New York Public Service Commission concluded that public interest would be served by wireless grandfathering.⁶ Similarly, the Minnesota Public Utilities Commission (“PUC”) ordered wireless grandfathering in both its geographic splits of the 612 NPA.⁷ In its May 15, 1998 Order, the Minnesota PUC ruled that the difference between landline service and wireless service justifies this treatment [grandfathering].⁸ The New Jersey Board of Public utilities permitted wireless carriers to grandfather their customers in the 609 area code.⁹

⁶ Case 98-C-0689, Numbering Resources, Opinion No. 99-6, Opinion and Order Directing Geographic Split of the 516 NPA, issued and effective April 29, 1999, at 35-36.

⁷ *In the Matter of a Relief Plan for the Exhaust of the 612 Area Code*; Docket No. P-999/M-97-506; Order Granting Area Code Relief, May 15, 1998; Order After Reconsideration; April 6, 1999; p. 10-11.

⁸ *In the Matter of a Relief Plan for the Exhaust of the 612 Area Code*; Docket No. P-999/M-97-506; May 15, 1998; p. 2.

⁹ *In the Matter of the Request for Board Guidance on Area Code Relief Plans for the New Jersey 609 Area Code*, Docket No. T-O96100763, Decision and Order, February 3, 1999, page 29.

Similarly the California Public Utilities Commission decided as a policy matter that all carriers with wireless NXX codes are not required to change the area codes of these numbers in any geographic split in the state.¹⁰

III. CONCLUSION

The Joint Petitioners respectfully request that the Commission reconsider its April 26, 2000 Order and provide wireless carriers with the option of grandfathering the NXXs they hold in the 801 area code. Grandfathering will eliminate the significant confusion, inconvenience and cost that would occur if wireless customers were required to change to the new area code. Grandfathering will not accelerate overall number utilization. Finally, it is in the public interest to permit wireless grandfathering in the 801 area code decision.

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By: _____
Thomas C. Peltó
Richard S. Wolters
AT&T Communications of the
Mountain States, Inc.
1875 Lawrence Street, Suite 1575
Denver, Colorado 80202
(303) 298-6741 Telephone
(303) 298-6301 Fax
rwolters@att.com E-mail

Attorneys for AT&T Communications
of the Mountain States, Inc.

¹⁰ See e.g. *County of Fresno v. Pacific Bell, Code Administrator and Code relief Coordinator of California*, Case No. 97-07-020, Decision No. 97-12-092, July 21, 1997.