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Agenda ID #15670
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 16-11-008:

This is the proposed decision of Administrative Law Judge Robert W. Haga. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's May 25, 2017 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties of record may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure.

The Commission may hold a Ratesetting Deliberative Meeting to consider this item in closed session in advance of the Business Meeting at which the item will be heard. In such event, notice of the Ratesetting Deliberative Meeting will appear in the Daily Calendar, which is posted on the Commission's website. If a Ratesetting Deliberative Meeting is scheduled, ex parte communications are prohibited pursuant to Rule 8.3(c)(4)(B).

/s/ KAREN V. CLOPTONKaren V. Clopton, Chief
Administrative Law Judge

KVC:avs

Attachment

ALJ/RWH/avs

PROPOSED DECISION

Agenda ID #15670
Ratesetting

Decision PROPOSED DECISION OF ALJ HAGA (Mailed 4/14/2017)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the North American
Numbering Plan Administrator, on behalf of
the California Telecommunications Industry,
for Relief of the 805 Numbering Plan Area.

Application 16-11-008
(Filed November 17, 2016)

**DECISION GRANTING REQUEST FOR AN ALL-SERVICE
AREA CODE OVERLAY IN THE 805 NUMBERING PLAN AREA**

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ATTACHMENT A – Public Education Plan for 805 NPA Relief

ATTACHMENT B – California 805 Area Code Rate Center and Counties Map

**DECISION GRANTING REQUEST FOR AN ALL-SERVICE
AREA CODE OVERLAY IN THE 805 NUMBERING PLAN AREA**

Summary

By this decision, we adopt an all-services overlay to resolve the forecasted exhaust of numbering resources in the 805 numbering plan area, including a 13-month implementation schedule. The overlay will provide additional numbering resources to meet the demand for telephone numbers while minimizing customer inconvenience. Implementation of the relief plan shall commence immediately. To facilitate implementation of the overlay, we also order a public education program.

No existing customers will be required to change their area code or specific telephone number; however, customers must dial the three-digit area code for all calls to and from telephone numbers with the 805 and new 820 area codes. Customers may begin using this new dialing procedure to and from telephone numbers with the 805 area code in November 2017, and continue to do so for six months (through May 2018), i.e., during the permissive dialing period. Customers must use the new dialing procedure 1+10 digit dialing as described herein, at the start of the mandatory dialing period seven months after the start of the implementation schedule (May 2018). New telephone numbers with the new 820 area code may be issued to customers beginning one month after the start of the mandatory dialing period.

This proceeding is closed.

1. Background

The North American Numbering Plan Administrator (NANPA),¹ on behalf of the California Telecommunications Industry (industry),² filed Application (A.) 16-11-008, in which it requests relief in the 805 numbering plan area (NPA or Area Code).³ No protests were filed.

1.1. Process for Determining Recommended Relief

On behalf of the State of California, the California Public Utilities Commission (Commission) is responsible for the initiation and development of area code relief plans.⁴ Given the personal nature of telephone numbers and the potential disruption to homes and businesses that changing area codes can cause the California Legislature enacted Public Utilities Code Sections 7930-7943 to provide guidance to the Commission with respect to managing area code exhaust and the introduction of new area codes in California.⁵

¹ As a neutral third-party administrator, NANPA has no independent view regarding the relief option proposed by the industry in this application. *See*, 47 U.S.C. §251(e) (“The [Federal Communications] Commission shall ... designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis.”).

² The “industry” is composed of current and prospective telecommunications carriers operating in, or considering operations, within the 805 area code.

³ The 805 numbering plan area or NPA is the geographic area served by the 805 area code. For convenience, and because it is common practice, throughout this decision NPA and area code are used interchangeably.

⁴ *See*, 47 C.F.R. § 52.19 Area Code Relief (“State commissions may resolve matters involving the introduction of new area codes within their states.”).

⁵ *See, e.g.*, Public Utilities (Pub. Util.) Code § 7936 (“The commission shall direct the North American Numbering Plan Administrator to obtain utilization data for any area code for which a relief plan is proposed, prior to adopting a plan for, or setting a date

NANPA's primary responsibilities are to ensure numbering resources are available to the telecommunications industry in the United States of America (United States) and Canada.⁶ NANPA assigns those resources in the form of area codes and prefixes; tracks their use to ensure effective and efficient utilization; and, on a semi-annual basis, forecasts which area codes will soon run out of prefixes.⁷ When it determines that an area code is near exhaust, NANPA initiates and coordinates the planning process for resolving the utilization of available prefixes, which is known as "Area Code Relief Planning" (relief planning). Such relief planning, which includes the introduction of a new NPA (area code) in the existing area code in which the exhaust is forecast to occur, normally begins three years prior to the forecasted exhaust.

for, relief."), Pub. Util. Code § 7943(a) ("It is the intent of the Legislature that when the commission has no reasonable alternative other than to create a new area code, that the commission do so in a way that creates the least inconvenience for customers."), Pub. Util. Code § 7943(c) ("Before approving any new area code, the commission shall first perform a telephone utilization study and implement all reasonable telephone number conservation measures.").

⁶ When projecting that an area code will run out of prefixes, NANPA looks at a number of factors, including but not limited to: (1) the history of code assignments in the area code; (2) the current growth rate within the telecommunications industry in the NPA; (3) five years of annual code growth in that area code; and (4) each telecommunications service providers semi-annual growth forecast in the area code in question to determine future demand for new prefixes. NANPA considers all this information to forecast when an area code will run out of, or "exhaust," all available prefixes. This information is also considered in NANPA's determination of the life expectancy for the relief alternatives being considered.

⁷ A prefix, also known as a central office code (CO code) is the second set of three digits of a telephone number. Prefixes are assigned to rate centers within an area code. Each prefix consists of 10,000 line numbers.

After informing the Commission of the forecasted exhaust in an area code, NANPA begins the relief planning process by calling a meeting with the industry group (industry) in order to identify viable solutions to the forecasted exhaust. NANPA and the industry are required to follow regulations established by the FCC and the Commission, as well as industry guidelines.⁸ After the industry develops feasible alternatives, such as an all-services overlay (overlay) or a geographic split (split),⁹ the industry then strives to reach consensus on the best plan to resolve the forecasted exhaust in the area code in question.

The staff of the Commission's Communications Division (Commission staff) then schedules public meetings (Public Participation Meetings) to inform the public and to receive public comment about the area code alternatives.¹⁰ After the Public Participation Meetings, NANPA submits its application to the

⁸ In planning area code relief, the industry: (1) is required to follow rate center boundaries; (2) may not consider certain types of relief, such as service-specific area codes for cell phones, pagers, or other services, due to current federal regulation; and (3) may consider communities of interest, city and county boundaries, and natural dividing lines like mountains or rivers. The industry then measures these items against established industry criteria such as minimizing customer confusion, ensuring that relief plans have adequate projected lives, and maintaining competitive neutrality among service providers. ATIS - 0300061 - NPA Code Relief Planning and Notification Guidelines at Sections 2.4, 6.1, 6.3.4, and 6.4, Alliance for Telecommunications Industry Solutions. (FCC 00-104 at ¶ 3.)

⁹ An all-services overlay plan in which the original and new area codes apply to the same geographic area. A geographic split divides an area code into two area codes, each assigned to a specific geographic area with one area retaining the original area code and the other area is required to change to a new area code.

¹⁰ Pub. Util. Code § 7931(e)(2).

Commission seeking relief for the area code and recommending the industry consensus solution.¹¹

In this application, the industry reached consensus to recommend an all-services distributed overlay plan to the Commission as their choice of relief for the 805 NPA.¹² The Industry also reached consensus to recommend a 13-month schedule for implementing the area code overlay.¹³ The preliminary designation for the new overlay area code is 820.¹⁴

1.2. Basics of the Telephone Numbering system

In each area code in the United States, telephone numbers are made up of an area code, a prefix, and a line number¹⁵ (for example, 805-555-0123). Specific geographic areas are assigned an area code, while each individual phone line is assigned a line number. Each area code is divided up into local serving areas called rate centers. The 805 area code has 40 rate centers.¹⁶

Originally, telephone numbers are assigned to service providers in 10,000 block groups. Thousand-block number pooling implemented a

¹¹ Pub. Util. Code § 7931(e)(3).

¹² Application 16-11-008 at 5.

¹³ Application 16-11-008 at 8-9.

¹⁴ NANPA has determined that of the area codes available that 820 best meets the numbering guidelines, however, it cannot finalize that designation before the Commission issues its final order in this proceeding.

¹⁵ The area code is the first three digits of a customer's phone number, and is followed by a 3-digit prefix. A line number, which is the last four digits of a customer's phone number, is the number assigned to the phone line that an individual customer uses.

¹⁶ There are also 8 grandfathered 805 codes in the Bakersfield Main rate center, which is a rate center assigned to the 661 area code when the 661 was split from the 805 in 1999.

new resource allocation system to divide a prefix or central office code (NXX code), which is a group of 10,000 telephone numbers, into ten sequential blocks or groups of 1,000 telephone numbers allowing the allocation of telephone numbers in blocks of 1,000. This system allows multiple service providers operating in the same rate area to share the ten thousand-blocks in a prefix at the thousand-block level.

Every prefix, which is assigned to a specific rate center, includes 10,000 line numbers. The FCC has set aside certain prefixes such as 211, 411, and 911, as abbreviated dialing patterns dedicated to special uses. Consequently, only 792 usable prefixes (NXX codes) exist in a given area code. Once these 792 available prefixes are used, a new area code is necessary.

1.3. Description of 805 Area Code

Area codes were first introduced in California in 1947 with three area codes covering the north, south, and center of the state. From 1947 to January 1997, the number of area codes in California increased gradually from 3 to 13. During the next three years, however, the number of area codes in California nearly doubled so that by the end of 1999, California had 25 area codes.

The 805 NPA was one of the first new area codes in California, created in 1957, splitting from the 213 area code and covering the coastal and inland areas north of Los Angeles.¹⁷ The 805 NPA was reduced to its current configuration along the coast when the 661 was split off of it in 1999. The 805 NPA has covered most of San Luis Obispo, Santa Barbara, and Ventura counties for 60 years and

¹⁷ The 805 was the second of 18 new area codes that have been added to cover the region that comprised the original 213 area code. (D.16-07-014 at 3.)

the population in those counties (and the small portions of Monterey and Kern Counties covered by the 805 NPA) has developed an affinity to the 805 area code. That affinity is reflected in many of the comments received in this proceeding.¹⁸

With the implementation of thousand-block number pooling and other number conservation measures, the life of the 805 area code has been extended, thus, delaying for many years the need for a new area code or other Commission intervention in that area. Conservation measures implemented beginning in 1999 have now run their course, and the remaining supply of telephone numbers (known as central office codes or prefixes) in the 805 area code have dwindled to the point that some relief is needed. In September 2015, NANPA estimated that the 805 area code would exhaust (run out of assignable telephone numbers) in the fourth quarter of 2018. At that point, given the lengthy planning process for and implementation of area code changes, as mandated by Public Utilities Code §§ 7931 and 7932,¹⁹ NANPA initiated the planning process with the Commission and industry that resulted in this application. The projected exhaust date subsequently was revised to the second quarter of 2018, and by the time this application was filed in November 2016, NANPA again revised its estimate for the 805 area code to project it will exhaust in the fourth quarter of 2017, subsequently, NANPA again revised the projected exhaust for the 805 area code

¹⁸ See, e.g., Comments of S. Washington (“San Luis Obispo County should get to keep the ‘805’ area code because the Firestone [Walker] Brewery in Paso Robles makes 805 beer.”), Comments of L. Andujar (“People now refer to the area – with pride – as ‘The 805.’”). See also generally, public comments received in A.13-05-013 (415 area code overlay decision, D.13-12-055).

¹⁹ All citations are to the California Public Utilities Code, unless otherwise indicated.

to the second quarter of 2018.²⁰ In November 2016 there were 51 useable prefixes remaining in the 805 area code (about 6.5 percent of the 782 useable prefixes).²¹

2. Current Request for a New Area Code

Pursuant to Public Utilities Code §§ 7936 and 7943(c), before approving any new area code, the Commission must obtain utilization data from NANPA for any area code for which a change is proposed. The Commission must then perform a telephone utilization study and implement all reasonable telephone number conservation measures. Where there is no reasonable alternative other than to create a new area code, the Commission must do so in a way that creates the least inconvenience to customers.²²

As set out above, the Commission adopted a number of conservation measures that extended the life of the 805 area code. Despite these measures, NANPA now projects the 805 area code will exhaust in the second quarter of 2018. NANPA supported the projection for the 805 area code by providing utilization data and performing a utilization study on the 805 area code.²³ The Commission's Communications Division reviewed the utilization data and study and agrees that the 805 area code will exhaust in the second quarter of 2018.

²⁰ Changes_from_October2016_NRUF_Forecast1.pdf, published March 2017, available at https://www.nationalnanpa.com/reports/reports_npa.html.

²¹ Application at 95.

²² Cal. Pub. Util. Code § 7943(a).

²³ The initial utilization data and study consists of NANPA's September 18, 2015 Delta Number Resource Utilization Forecast. Subsequent updates are available at https://www.nationalnanpa.com/reports/reports_npa.html.

Thus, the statutory requirements of Public Utilities Code §§ 7936 and 7942(c) have been satisfied and there is no reasonable alternative to the creation of a new area code in order to address the exhaust in the 805 area code.

2.1. Creation of a New Area Code in a Way that Creates the Least Inconvenience to Customers

There are a number of options available to the Commission in implementing a new area code. The two most common are: (1) to split the area in two and assign one area the new area code while the other area keeps the current area code; or (2) overlay the entire area with the new area code so that both the new and old area codes are used for the entire area.

A split allows some existing customers to retain their current area code, in addition to retaining their 7-digit line number, while others will not. Those customers whose area code changes would incur the inconvenience of having to notify family, friends, and those they do business with of the change. In the case of some businesses, they will also incur costs for new business cards, stationary, signage, advertising, etc., and may lose business because existing or potential customers are not made aware of the change. All customers will have to dial 1 plus the area code and the 7-digit phone number (1+10 digit dialing) to reach customers who are on the opposite side of the geographic demarcation between the 805 and the new area code. A geographic split can be performed in many ways and NANPA historically provided the Commission with a number of options to split an area code region.²⁴

²⁴ E.g., 71 CPUC.2d 1 at 2 (D.97-02-016) (industry consensus on geographic split 5LJ for the 714 area code), 71 CPUC.2d 7 at 9 (D.97-02-017) (industry narrowed options to geographic split Option 1a or an all services overlay), D.08-04-058, as modified by

Footnote continued on next page

An overlay requires no customers to change area codes or their current 7-digit line number. However, every customer will have to use 1+10 digit dialing for all calls, including those dialed within the same 805 area code that currently only requires 7-digit dialing. When an area code splits, carriers can obtain additional numbers in either the new or the old area code, as the split doubles the quantity of numbers available, but “splits” them between the two area codes – the new and the old - separated by an invisible geographic boundary. In contrast, when an area code overlay is introduced, the new area code is introduced over the same geographic area as the old area code, which also doubles the quantity of numbers available, but the new area code contains the full complement of new prefixes and line numbers. In an overlay, carriers assign numbers in the new, overlaid, area code, but also may continue to assign to customers unassigned numbers in the old area code, if any are available. After all old area code numbers are assigned, a carrier can only obtain numbers in the new area code. An overlay requires no customers to change their 10-digit telephone number. Pursuant to Public Utilities Code § 7933, creation of a new area code does not affect what is charged for the call. However, all customers with an 805 area code would have to use the 1+10 digit dialing for all calls.

The industry reached consensus at its October 28, 2016 meeting to recommend to the Commission an all-services distributed overlay as the form of relief for the 805 NPA. The industry submits its overlay recommendation to the

D.08-10-038 (industry consensus on overlay, though if the Commission prefers a split, Alternative 4 was preferred). *See generally*, 70 CPUC.2d 464 (D.96-12-086) (adopting geographic split requirement for any new area code in California through the year 2000 based on numerous customer surveys).

Commission based upon NANPA's projections that absent NPA relief, the supply of central office codes (often referred to as "CO" or "NXX" codes) for the 805 NPA will exhaust during the second quarter of 2018.²⁵

NANPA's application includes a discussion of only two options: (1) a geographic split that would follow the Santa Barbara and Ventura County Line; or (2) an all services overlay. NANPA crafted the geographic split option the way it did, dividing the 805 region along county lines,²⁶ as that split initially appeared to balance the central office codes allocated to each region and resulted in projected area code lives of 44 and 48 years.²⁷ However, on August 19, 2016, three days before the first public meeting required by our statutes, NANPA announced to the industry and the Commission staff that it had identified a mistake in the calculation of the projected lives of the geographic split alternative.²⁸ NANPA neglected to include a rate center in the southern half of the region during its initial calculation in September 2015.²⁹ NANPA recalculated the projected lives with the rate center included in the southern area, while keeping the split line at the Santa Barbara/Ventura County Line. The new,

²⁵ In September 2015, NANPA published an interim Number Resource Utilization Forecast (NRUF) and NPA Exhaust Analysis which indicated that the 805 NPA would exhaust during the fourth quarter of 2018. That projected exhaust date subsequently was revised to the second quarter 2018 in April 2016, and revised again to the fourth quarter of 2017 in the October 2016 NRUF and NPA Exhaust Analysis, and revised back to the second quarter of 2018 in March 2017. (A.16-11-008, Appendix F, and March 17, 2017 Amendment to A.16-11-008.)

²⁶ See, Pub. Util. Code § 7931(c).

²⁷ A.16-11-008 at 61.

²⁸ A.16-11-008 at 65.

²⁹ E-mail dated August 17, 2016, sent by NANPA to the Commission's Communications Division.

corrected projected lives for the two areas were 35 and 61 years.³⁰ An imbalance in projected area code lifetimes of more than ten years “shall be avoided” according to industry guidelines.³¹ No similar mistake contradicting the industry guidelines was made crafting the all services overlay option.

NANPA claims that if the Commission were to adopt the geographic split option, it would have to suspend the area code relief process and seek FCC review and approval for that option.³² We disagree with this assessment of the law. The Telecommunications Act of 1996 allowed the FCC to delegate any or all of its jurisdiction over telephone numbering to State commissions, 47 U.S.C. § 251(e)(1), and the FCC did so with respect to new area codes in 47 C.F.R. § 52.19(a), “State commissions may resolve matters involving the introduction of new area codes within their states...” Presumably, NANPA is referring to the next subsection related to the initiation and development of area code relief plans. The FCC does qualify its second delegation to State commissions in 47 C.F.R. § 52.19(b), “State commissions may perform any or all functions related to initiation and development of area code relief plans, so long as they act consistently with the guidelines enumerated in this part...” but the crafting of a relief plan is just one aspect of the introduction of a new area code. The determination of whether to split or overlay an existing area code is clearly a “matter[] involving the introduction of [a] new area code[].” The only function

³⁰ A.16-11-088 at 89.

³¹ A.16-11-008 at 170. *See*, Section 5.0(g) of the “NPA Relief Planning and Notification Guidelines” available at https://www.atis.org/01_committ_forums/INC/inc_docs.asp.

³² A.16-11-008 at 170.

the Commission performs that was clearly related to the initiation and development of the 805 area code relief plan was the coordination of the public meetings Pub. Util. Code § 7931 required. The determinations made in this decision do not pertain to the initiation and development of area code relief plans referenced in 47 C.F.R. § 52.19(b), but are made pursuant to the delegation made in 47 C.F.R. 52.19(a) as they pertain to the introduction of a new area code within the state. Thus, NANPA's claim that it could suspend the introduction of the new area code because the Commission somehow did not follow guidelines related to initiation and development of the 805 area code relief plan must fail.³³

Unfortunately, it does not matter whether our interpretation of the law is correct, as NANPA has left us with the difficult decision to accept the all services overlay, or accept a geographic split option with the potential that NANPA would try to delay relief for the 805 by "referring" the Commission's decision to the FCC for review and approval. We are disappointed that NANPA and the California telecommunications industry have brought forth only one compliant option for relief.³⁴ Further complicating this decision is the timing of NANPA's announcement regarding the imbalance in the geographic split, three days before the public meetings. While the discovery of the mistake could have happened at

³³ Further, it is not clear to what guidelines the FCC is referencing in 47 C.F.R. § 52.19(b) as there are no guidelines enumerated anywhere in Part 52 of 47 C.F.R. Though not material to the outcome of this case, we presume the FCC intended to reference the Industry Numbering Council Guidelines cited above and the area code relief plan this decision adopts will be consistent with those guidelines.

³⁴ By presenting only one viable option for relief NANPA, "on behalf of the California telecommunications industry," appears to present its "view regarding the relief option proposed by the industry in this application," raising significant concerns regarding its statements of impartiality in the application.

any time, NANPA chose to announce it at the public meetings. By stating that it would suspend the area code relief pending FCC direction if the geographic split option was chosen at the public meetings, NANPA limited the options discussed and adversely affected the opportunity for those impacted to be involved in a meaningful manner in the introduction of a new area code in the 805 area code region.

Despite these problems, we can independently determine that an all-services overlay is the best alternative to address the exhaust of telephone numbers in the 805 area code region. We considered the alternative of rejecting NANPA's application and directing the California telecommunications industry and NANPA to start over and come back with alternatives that would allow us to fairly consider the impacts of the change on the people in the 805 region.³⁵ However, the exhaust situation in the 805 area code is far from ideal, and starting over at this point is not likely to alter the selected outcome. When this process began, the 805 was originally forecast to exhaust at the end of 2018, but today the forecast is for exhaust to occur in the second quarter of 2018. At this point, we do not have time to require the industry and NANPA to start over or to explain to the FCC why it does not need to be involved and why an imbalanced geographic split would be in the best interest of consumers in the 805 region. Fortunately, we can avoid the shortcomings of this application if we can find the selection of the all services overlay to be reasonable. As explained below the all services

³⁵ It is not clear from the application if other geographic split options were considered and rejected by the industry or NANPA, or if other options such as a reverse boundary overlay were even considered. The facts presented in the application appear to show that only two options were presented to and considered by the industry. If a more robust discussion was held, it was not included in the application.

overlay did have some community support, is a good alternative given the new NPA designation of 820, and as such, is a reasonable option to address the 805 area code exhaust. It is also likely we would have chosen the overlay option if NANPA had presented two or more viable relief options given the geography of the 805 region along the coast and our view that the evidence in this case shows an overlay will cause the least inconvenience for customers.

2.1.1. Public Meetings and Comments

Section 7931(e)(2) of the Public Utilities Code requires NANPA and Commission staff to conduct at least one meeting for representatives of local jurisdictions and three public meetings within nine months from when NANPA informs the Commission of the need for an area code change. The purpose of the meetings is to inform the local representatives and the public about the area code change options and provide a forum for them to voice their opinions concerning the proposed options.

Three meetings were held over two days on August 22 and 23, 2016, in the Cities of Oxnard, Santa Barbara, and San Luis Obispo. Meeting notices for those August meetings were inserted in telecommunications service providers' customer bills in March 2016. Individual letters of invitation were sent to 296 local jurisdiction entities, including the local, state and federal elected and appointed officials and the California Highway Patrol offices in the 805 area code region on July 25, 2016.

At the meetings, attendees were given the option to provide feedback about the area code change by commenting orally or in writing using comment forms. In addition, the Commission received input via e-mail and the Commission's web site. At the meetings a NANPA representative presented the maps of the area that will be impacted, discussed the split and overlay relief

options for the 805 area code, and explained the process used to arrive at the overlay alternative that was recommended by the telecommunications service providers. In addition, the NANPA representative explained to attendees that although the split option was presented, a split would not meet the Alliance for Telecommunications Industry Solutions industry criteria due to the 26-year difference in the projected lives on the two sides of the split line and would need to be suspended pending FCC direction. Attendees were given a handout package consisting of the agenda, three maps of the 805 area code region, glossary of area code and numbering terminologies, an explanation of the NANPA planning process, a set of “Frequently Asked Questions,” and a comment form. Fifty-four people attended the meetings,³⁶ and a total of 55 verbal and written comments were received at the public meetings, through emails sent to the Public Advisor’s Office and/or via calls to the 805 Area Code Hotline. Forty-two percent of the people submitting comments supported the overlay option, primarily because they will be able to keep the same phone number and area code. Twenty-five percent of the people submitting comments supported the geographic split option. People who expressed support for a split were primarily seniors who wanted to maintain 7-digit dialing. Of the 18 comments that did not indicate a preference between the two options, 11 indicated they would prefer to keep their phone number and area code, and seven sought to have the Commission “take back” telephone numbers from telemarketers and similar activities so that no relief would be necessary.

³⁶ 16 representatives from the industry were also present at the meetings.

3. Discussion

As discussed above, the 805 NPA is in jeopardy of exhaust, which no reasonable telephone number conservation measures will adequately address, thus satisfying the requirements of Pub. Util. Code § 7943(c). The September 18, 2015 NRUF report, as updated in March 2017, projects that the 805 area code will exhaust in the second quarter of 2018, thus requiring both the Commission and NANPA to act before exhaust occurs. NANPA utilizes data in the NRUF in forecasting when the 805 area code will exhaust, and satisfies Pub. Util. Code § 7936.

We have previously weighed the advantages and disadvantages of the geographic split and all-services overlay methods for area code relief.³⁷ We recognized that no single method of creating an area code will ever be popular with everyone that is affected. Moreover, any adverse effects from creating a new area code will not be felt equally, or in the same manner, by all those affected. These facts are simply inherent in any area code method that is selected. Thus, our goal is to adopt the method that will have the least overall negative impacts over the long term.

Unlike the more recent Commission decisions regarding area code relief,³⁸ where public input overwhelmingly favored the overlay option, the people in the 805 area code region are more evenly divided between the overlay and the split options. Only a plurality of the responses favored the overlay option, the first time in a decade that the overlay option did not garner a majority of the public

³⁷ *E.g.*, D.05-08-040 (310/424 overlay), D.08-04-058 as modified by D.08-10-038 (776/442 overlay).

³⁸ *E.g.*, D.17-02-010 (916 area code relief), D.16-07-014 (323 area code relief).

responses. Further, most of the comments in favor of an overlay appear to come from business owners/operators, while those in favor of a split appear to come predominantly from elderly individuals and focused on keeping 7-digit dialing. We have long recognized the preference to retain 7-digit dialing,³⁹ however, if we determine the overlay option causes the least overall negative consequences over the long term, 1+10-digit dialing will be required.⁴⁰

The proposed all-services overlay of 820 over the 805 area code has a projected life of 46 years, which should address the people that wanted the Commission to do more to make this area code relief last longer. Currently Southern California, and in particular the area around the 805 area code region is covered by multiple area codes, including being bordered by the 747/818 area code complex and the 310/424 area code complex along its southeastern border. Given the significant number of area codes already in use in the region and the 1+10 digit dialing required to reach those nearby areas, the introduction of an overlay to the 805 area code is the least disruptive solution to address the 805 exhaust problem.

In D.96-12-086, in response to public comments, we adopted a policy calling for the use of geographic splits for all area code relief plans in California through the year 2000. This policy was adopted as overlays were initially met with resistance in California and across the nation.⁴¹ Eventually overlay plans

³⁹ D.96-12-086, limiting 1+10-digit dialing only to regions covered by area code overlay.

⁴⁰ *Id.* at Ordering Paragraph 5. See also, FCC 00-429, *Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, ¶ 70 (rel. December 29, 2000).

⁴¹ For example, in the implementation of the 847 area code overlay of the 224 area code in northwestern Chicago and the 646 overlay of the 212 in New York City, where an

became the preferred option across the nation and there have been no area code splits since 2007 (with area code 575 splitting off 505 in New Mexico), and there are no splits currently proposed. California has implemented overlays in the last eight area code exhaust situations such that now eight of 27 areas have overlays. The first overlay in California was implemented in July 2006 (424 overlay of the 310).

This is the first area code change since those first overlay decisions where a majority of customers did not favor the overlay plan. The most common concern expressed by consumers in this case was whether telephone subscribers would be able to retain their current telephone number after the area code change occurred. The use of an all-services overlay means that all current telephone subscribers will retain their current telephone number after the area code change is implemented.

At the public meetings some members of the public expressed an opposition to any change. While we are sympathetic to the concerns expressed, some level of inconvenience and change is inevitable to expand the supply of telephone numbers available in this region. Ceasing to issue new telephone numbers is not a viable option. As explained above, the Commission has taken all actions within its power to extend the useful life of the 805 area code, and the only way to new telephone numbers will be issued next year is if we introduce a new area code to the region. Overall, we conclude that the all-services overlay will cause the least inconvenience for consumers.

overlay was an additional disruption to communities which had already been subject to one or multiple code splits.

An overlay is less confusing and less costly for existing customers because they retain the same area code and telephone number. An overlay would not require existing customers, whether they are residential or business customers, to incur the time and expense to inform family, friends, customers, and business associates of a new area code, or incur the cost of reprinting stationery and other materials. We found that the overlay option would have the least impact on city services, particularly emergency and government services. And while a majority of customers did not select an overlay, it is the option most preferred by customers and the industry. We therefore adopt an overlay to resolve the forecasted exhaust in the 805 NPA.

NANPA has requested a 13-month schedule to implement the overlay option. This length of time is consistent with the authority we recently granted in D.16-07-014 and D.17-02-010 and therefore we adopt the requested 13-month schedule.

3.1. Public Education Program (PEP)

3.1.1. Background

In D.96-12-086, in Rulemaking (R.) 95-04-043 and Investigation (I.) 95-04-044, we decided that an appropriate customer education program was necessary when instituting overlays to explain the concept of an overlay, the fact that the new dialing procedure will not affect the distinction between local and toll calls or the rates charged for the calls, and the mandatory 1+10-digit dialing instructions on payphones and in directories.

In D.98-05-021, also in the R.95-04-043 and I.95-04-044 proceedings, we:

- Required service providers to institute an instructional announcement directing callers to dial 1+10-digits indefinitely after implementing the overlay;

- Required the PEP to communicate changes associated with the overlay to children, the elderly, the disabled community, and the various ethnic groups in the region;
- Prioritized the education of those entities that will need to reprogram equipment due to the new dialing procedure, such as alarm companies;
- Required the PEP to inform customers how to dial directory assistance to locate numbers applicable to different area codes within the overlay region;
- Required the use of press releases, television and radio announcements, billing inserts and the updating of telephone directories; and
- Extended the coverage of the PEP to include not only the region in which the overlay will be implemented, which should be the first priority, but also the adjacent area codes and, to a lesser extent, the whole state.

In D.98-12-081, again in the R.95-04-043 and I.95-04-044 proceedings, we set four major objectives for the PEP:

- Public awareness of the change in dialing patterns and area code identification resulting from implementation of the overlay;
- Public understanding of how they will be affected by the change and the rationale behind the change;
- Public assurance that the cost and quality of service will not be adversely affected; and
- Promotion of positive acceptance by customers of the change;
- To achieve those goals, in D.98-12-081, we required;
- The operation of a call center for consumers to obtain information regarding the overlay;
- Targeted paid advertising in the relevant zoned editions of major newspapers as well as newspapers targeted to ethnic communities;

- Bill insert notices to the adjacent area codes;
- Limited use of billboard and radio advertising; and
- Mailing of letters, brochures, and collateral materials to local government officials in the overlay and adjacent area codes.

In D.05-08-040, once again in the R.95-04-043 and I.95-04-044 proceedings, we required:

- The activities and standards previously required for the 310 and 408 overlay PEPs to achieve at least 70 percent public awareness level;
- PEP outreach efforts to specifically target key governmental agencies, community leaders, chambers of commerce, major airports, hospitals, alarm providers, pay telephone providers and the state coordinator for E-911; and
- Special outreach to senior citizens, children, the disabled, and ethnic minorities including targeted newspaper, billboard, radio, and television advertising.

In D.08-04-059, we ordered a PEP to facilitate implementation of an overlay for the 818 area code. Specifically, we ordered the PEP to be implemented through the creation of an industry task force responsible for funding the PEP and managing the PEP fund.⁴² In all Commission decisions after D.08-04-059 that dealt with area code exhaust have required a PEP consistent with the PEP required in that decision.⁴³ In D.16-07-014 we removed the requirement for the PEP to include a statistically significant survey of

⁴² D.08-04-059, Findings of Fact 6 through 22 at 17-19.

⁴³ D.08-10-038 (760 area code overlay), D.11-10-031 (408 area code overlay), D.13-05-013 (415 area code overlay), D.16-07-014 (323 and 213 area code reverse boundary overlay), D.17-02-010 (916 area code overlay).

customers to determine whether the 70 percent requirement had been met. Given the experience we have had with PEPs over the years, we foresaw little chance the 70 percent requirement would not be met, as long as a similar level of effort and resources were put forth by the members of the PEP Task Force.

Despite this long-standing requirement, NANPA's application once again included a consensus statement from the industry asking the Commission to refrain from ordering a PEP and instead allow the industry to work as a committee to develop consumer education materials and methods. The consensus statement stated:

The industry has successfully educated customers in more than 35 overlay implementations within the United States over the last 10 years, including 6 overlays already implemented in California. In 30 overlays successfully implemented in 21 other states in the last 10 years, no funded Public Education Program (PEP) has been required or needed, and no paid advertisement (e.g. newspaper, TV and radio announcements) was used or necessary to effectively educate customers. In those 30 overlay implementations, the industry's individual and joint customer education efforts were sufficient in educating customers about the dialing changes and the new overlay area codes; there were no significant complaints from customers when the industry used its voluntary and collaborative but "unfunded" model for customer education. Based on that extensive experience and the effective education model that the industry has developed over the years in other states, the industry remains convinced that an ordered and funded Public Education Program (PEP) in California is not necessary. The industry strongly recommends that the CPUC refrain from ordering a funded PEP or specific tasks, particularly given the short timeframe before exhaust occurs in fourth quarter 2017, and given that at least 5 other area code relief implementations need to occur within the next 3 years in California alone. Instead, the CPUC should allow the industry to voluntarily

work together as a committee to develop joint customer education materials and methods. Individual carriers remain ultimately responsible for educating their own customers, but the industry agrees to utilize [a] joint customer education plan, which is consistent with what has been utilized in 30 overlay implementations in 21 other states, and conforms to the requirements in the California PU Code 7931.

On February 23, 2017, Administrative Law Judge Haga issued a ruling directing NANPA to show where in the application there is evidence to support the claim that an ordered Public Education Program is not necessary. NANPA filed a response on March 10, 2017, stating that the industry statement for the record can be found on pages 6-8 of the application.

While not a party to the proceeding, CTIA – The Wireless Association (CTIA) filed a motion for leave to file comments responding to the February 23, 2017 ruling. That motion was granted on March 15, 2017. CTIA argues in its comments that “the Application contains sufficient evidence” to support the conclusion that a PEP is not necessary, but if more evidence is needed it “provides supplementary information that further corroborates the conclusion that a funded PEP is not necessary for the implementation an 805 area code overlay.”

3.1.2. Discussion

We adopt a PEP for implementation of the 805/820 area code overlay in compliance with Pub. Util. Code § 7931. Specifically, we adopt a PEP/implementation plan based on the minimum requirements authorized in previous decisions, the common industry practices included in the PEPs ultimately implemented pursuant to those decisions, primarily the methodology used for the 408 area code implementation, as modified in the 213/323 area codes reverse boundary overlay implementation. We have considered the

industry consensus statement in developing the PEP / implementation plan adopted in this decision and included as Attachment A.

We are not convinced by the industry statement included in the application that the industry is capable of achieving the goals set forth in above without a PEP. We have reviewed the comments submitted by CTIA and are not persuaded by their “supplementary information” or arguments. CTIA claims the education plans implemented in over 30 area code overlays outside of California were successful because no customers complained, however, that is not the benchmark adopted by this Commission and we refuse here to adopt a complaint-based standard for a public education function. Further, while the activities CTIA claims are similar to those ordered in a PEP, CTIA provides no record of those activities to allow for any sort of measurable comparison for any of the activities. Finally, it appears CTIA’s primary complaint about the PEP is that it “creates a complicated bureaucracy for the purpose of achieving a result ... that can be obtained ... without such bureaucracy.” We acknowledge that the creation of a PEP creates a formality that isn’t found in other jurisdictions, and we continue to find that the advantages of a PEP outweigh the disadvantages it creates. Bookkeeping, and the establishment of a separate tax identification number and bank account are minimal costs compared to the oversight and accountability that a PEP provides the people of California. The industry statement says that “individual carriers remain ultimately responsible for educating their own customers,” however, the Commission has a broader responsibility to all the people in California that cannot be met without a PEP.

The Commission has long established public awareness and acceptance goals.⁴⁴ Nothing in the industry statement or CTIA's Comments persuade us that the industry is capable of achieving those goals without the adoption of a PEP. In order to maintain a fair allocation of costs and ensure all people in and near the affected region have reasonable notice of the area code change and 1+10-digit dialing requirement, a PEP consistent with the PEPs authorized in D.08-04-059 is required. Accordingly, we require the industry to implement a PEP that is consistent with the PEPs we authorized in D.08-04-059⁴⁵ and D.08-10-038, as modified in D.16-07-014.⁴⁶ (*See* Attachment A to this decision.)

The Communications Division (CD) Director is authorized to oversee the finalization and implementation of the PEP and is authorized to take all actions necessary to achieve a 70 percent awareness level of the overlay in all major consumer and telephone user groups.⁴⁷ Such actions may include additional educational efforts, obtaining outside professional services, reviewing and approving all educational materials, overseeing the public awareness assessment process, and requiring any needed additional funding from the carriers.⁴⁸

In previous decisions we have utilized an industry task force to implement the PEP and manage the PEP fund. We do so here, and require this Task Force to

⁴⁴ D.98-12-081.

⁴⁵ *See* D.08-04-059 at 6-11, Ordering Paragraphs (OP) 2-22, and Attachment A.

⁴⁶ *See* D.08-10-038 at 4-5 and OP 5 and 6. (*See* also D.16-07-014 (in A.15-11-017).

⁴⁷ *See, e.g.*, D.98-12-081, Ordering Paragraph 7.

⁴⁸ As first explained in D.16-07-014 we will not require a statistically significant survey of customers to determine whether the 70 percent public awareness requirement has been met. The Task Force will ensure its efforts target not only the general public, but

Footnote continued on next page

include Commission staff and representatives from the service providers holding numbering resources in the 805 area codes as of the effective date of this decision. We require the Task Force to develop a reasonable means of delineating the division of responsibility for the PEP activities so that adequate tracking and compliance can be assured. The Task Force will be responsible for developing the materials and content of the PEP, maximizing the use of prior PEP efforts, and conforming to the requirements of this decision.

PEP educational, outreach, and advertising materials shall explain the type of area code change being implemented and the new dialing procedure, identify the region covered by the overlay, and explain the cost and quality of telephone service will not be adversely affected by the change. The materials should also address the permissive dialing period, the mandatory dialing period, the tasks consumers should do in preparation of the overlay, and the reasons for adding a new area code. The Task Force shall submit all PEP educational, outreach, and advertising materials to the CD Director for review and approval. The final public education plan must be filed and served as a compliance filing in the current proceeding, no later than 30 days after the effective date of this decision. The filing of this plan shall not reopen the record of this proceeding.

3.1.3. PEP Funding

Similar to the funding mechanism established in D.08-04-059 for the 818 area code PEP, we shall require PEP funds for tasks jointly assigned to all the service providers to come from those service providers holding thousand-blocks of telephone numbers in the 805 area code as of the effective date of this decision.

specifically ensure that at least 70 percent of senior citizens (defined as those 65 and older), the disabled, and ethnic minorities are aware of the overlay of the 805 area code.

The amount collected from each service provider shall be in proportion to the relative percentage of thousand-blocks that it holds as of the effective date of this decision. Any additional assessments or refunds shall be made on the same basis. Individual service provider costs for service provider-specific tasks shall be the responsibility of each service provider.

We see no need to specify a specific budget here,⁴⁹ as the industry has sufficient experience with previous PEPs to determine the specifics of the budget. We require the industry to fund the PEP as necessary to achieve at least a 70 percent public awareness and understanding of the change in dialing patterns and area code identification resulting from implementation of the overlay, how they will be affected by the change and the rationale behind the change. The 70 percent awareness requirement shall be across all major consumer and telephone user groups.

The Task Force shall arrange for adequate accounting of the PEP fund to ensure it is properly managed. The budget shall not include the labor costs of each service provider's representatives on the task force. The task force shall periodically report to the CD Director concerning the details of collections and disbursements.

3.1.4. Potential for Continuation of the PEP Beyond the Overlay Opening Date

In previous decisions we determined a second-phase PEP extending beyond the opening of the overlay area code might be necessary to promote necessary public awareness regarding the overlay.⁵⁰ Given the circumstances in

⁴⁹ *C.f.*, D.08-04-059 where the Commission specified a budget for the PEP.

⁵⁰ *See, e.g.*, D.99-06-087, D.16-07-014.

this case we continue that practice for the 805 area code overlay. Therefore, the Communications Division Director shall monitor the effectiveness of the PEP and, if sufficient actions have not been taken to achieve the 70 percent public awareness requirement by the end of the 13-month implementation period, shall require the task force to continue the PEP to achieve the requirement.

3.2. Public Notifications Requirements and Schedule

Public Utilities Code Sections 7931(f)(2) and (g) require written notices to be included with affected customer bills outlining the transition date, the date the new area code is effective and descriptions of the geography and prefixes to be included in the new area code. This requirement does not adequately contemplate the introduction of an overlay area code where the geography and eventually, the prefixes, of the new area code will be identical to the old area code. We conclude, therefore, that notices that discuss the impacted geography as the entire area code without discussion of the prefixes, and discuss transition and final dates will be sufficient to meet these statutory requirements. Given the projected date of exhaust for the 805 area code and the PEP / implementation plan adopted in this decision, we find the first notice, as outlined in Attachment A, Item 8, meets the requirement discussed in subsection (f)(2). The second notice, as outlined in Attachment A, Item 17, responds to the requirement in subsection (g).

4. Categorization and Need for Hearing

In Resolution ALJ 176-3389, dated December 1, 2016, the Commission preliminarily categorized this application as ratesetting and preliminarily determined that hearings were not necessary. No protests were received. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

5. Comments on Proposed Decision

The proposed decision of the Administrative Law Judge in this matter was mailed to the parties in accordance with Public Utilities Code § 311 and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on _____, by _____.

6. Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner and Robert W. Haga is the assigned ALJ in this proceeding.

Findings of Fact

1. NANPA, on behalf of the industry, filed A.16-11-008 requesting relief for the 805 NPA (area code).

2. Area code 805 was created in 1957 as one of the first NPAs split from the 213 area code. The 805 NPA today serves most of San Luis Obispo, Santa Barbara, and Ventura counties as well as small portions of Monterey and Kern Counties.

3. As of October 20, 2016, there were 51 useable prefixes remaining in the 805 area code, and 805 NPA is projected to run out of prefixes in the second quarter of 2018.

4. The introduction of one-thousand block number pooling of numbering resources since 2000 has extended the projected lives of the California area codes including the 805 area code.

5. The conservation measures have run their course, and the 805 area code will be in jeopardy of exhaustion in the second quarter of 2018.

6. The FCC holds full responsibility over all numbering issues but has delegated area code relief responsibilities to the states. On behalf of the State of California, the Commission is responsible for proactively monitoring area code

relief planning, and oversees the integrity and competitive neutrality of the industry relief planning process.

7. NANPA's primary responsibilities are to ensure numbering resources are available to the telecommunications industry in the United States and Canada. NANPA assigns those resources in the form of area codes and prefixes; tracks their use to ensure effective and efficient utilization; and, on a semi-annual basis, forecasts the life of each area code. When an area code runs out of prefixes available for assignment, this is identified as "exhaust."

8. When NANPA determines that an area code is near exhaust, it initiates and coordinates the relief planning process for addressing the forecasted exhaust of available prefixes. Such relief planning, which includes the introduction of a new area code in the area code facing a forecast exhaust, typically begins three years prior to the forecasted exhaust is due to occur.

9. After informing the Commission of the forecasted exhaust in an area code, NANPA convened a Relief Planning Meeting with the industry on October 21, 2015, in order to identify viable solutions to the forecast exhaust. For the Relief Planning Meeting, the industry was required to follow regulations established by the FCC and the Commission, and follow industry guidelines.

10. The industry group reached consensus to recommend all services overlay to resolve the forecast exhaust in the 805 NPA at its October 21, 2015 Relief Planning Meeting.

11. Pursuant to California Pub. Util. Code §§ 7936 and 7943(c), before approving any new area code, the Commission must obtain utilization data from NANPA for any area code for which a change is proposed, perform a telephone utilization study and implement all reasonable telephone number conservation measures.

12. Pursuant to § 7943(a), where there is no reasonable alternative other than to create a new area code, the Commission must do so in a way that creates the least inconvenience to customers.

13. The Communications Division reviewed the utilization data and study provided by NANPA and agrees that the 805 area code will exhaust in the second quarter of 2018.

14. Commission staff along with NANPA held meetings, as required under Pub. Util. Code § 7931(e)(2), to inform the public and representatives of local jurisdictions about the industry-proposed introduction of a new area code to the area now served by the 805 area code and the relief options, and provided them an opportunity to voice their opinions and to discuss the potential impact of the proposed area code relief options and measures that may be taken to mitigate any potential disruptions.

15. Commission staff provided information to enable customers to submit comments both in person at the meetings and in writing.

16. A total of 54 people attended the three public meetings, and a total of 55 verbal and written comments were received.

17. Forty-two percent of the people submitting comments supported the overlay option, primarily because they will be able to keep the same phone number and area code.

18. Twenty-five percent of the people submitting comments supported the geographic split option. People who expressed support for a split were primarily seniors who wanted to maintain 7-digit dialing.

19. After the Public Participation Meetings, NANPA held another meeting on October 28, 2016, to discuss the Public Participation Meetings and confirm its

consensus regarding the industry recommendation to implement an overlay in the 805 NPA.

20. The split alternative is the least preferred alternative because it would geographically divide the 805 area code into two area codes with projected lives of 35 years and 61 years.

21. On November 17, 2016, NANPA, on behalf of the industry submitted A.16-11-008 to the Commission requesting authority to implement the industry's consensus solution of an overlay to relief the 805 NPA.

22. The all-services overlay would superimpose a new area code over the same geographic area covered by the existing area code. Existing customers would not have to change their area code or phone number.

23. One plus 10 (1+10) digit dialing is required in California, and requires a customer to dial the number one as well as all ten digits of the phone number, including the area code, prefix, and line number, when dialing to a different area code. The all-services overlay alternative requires 1+10 digit dialing for all calls within and between the 805 area code and the new area code.

24. The all-services overlay alternative for resolving the forecasted exhaust in the 805 area code has a projected life of 46 years.

25. The boundary elimination overlay will cause the least inconvenience for customers and is the option preferred by customers and the industry.

26. The Commission has determined that there is a need for a PEP to facilitate implementation of the area code overlay of the 805 NPA.

27. The industry proposal to work together to educate their customers about the boundary elimination overlay falls short of the minimum amount of specific verifiable actions that the Commission requires to implement an area code change.

28. Due to the significant changes that will occur in the consumers' dialing protocols following the implementation of the all-services overlay authorized by this decision, a PEP consistent with the PEPs authorized in D.08-04-059 and D.08-10-038, as modified in D.16-07-014, is required.

29. In previous decisions, we have utilized an industry task force to implement the PEP and manage the PEP fund.

30. In previous decisions, we determined a second-phase PEP extending beyond the opening of an overlay area code might be necessary to promote necessary public awareness regarding an overlay.

31. A PEP is included herein as Attachment A. The PEP is based on PEPs used for previous overlay area code changes.

32. No protests have been received.

Conclusions of Law

1. The regulatory requirements of Pub. Util. Code §§ 7936 and 7943(c) have been satisfied, and the most reasonable alternative is to implement an area code overlay for the 805 area code.

2. In compliance with Pub. Util. Code § 7943(a), the Commission should adopt the overlay option to resolve the forecasted exhaust for the 805 area code.

3. The industry failed to carry its burden of proof to show that the industry is capable of achieving the objectives we first established in D.98-12-081 without the adoption of a PEP.

4. A PEP that is consistent with the one adopted in D.08-04-059 and D.08-10-038, as modified in D.16-07-014 (Attachment A to this decision) should be adopted.

5. Items 8 and 17 of Attachment A addressing customer notices in bills meet the requirements of Pub. Util. Code §§ 7931(f)(2) and (g).

6. The CD Director should be authorized to oversee the finalization and implementation of the PEP.

7. The industry should be required to fund the PEP as necessary to achieve at least a 70 percent public awareness and understanding of the change in dialing patterns and area code identification resulting from the implementation of the area code overlay, how the public will be affected by the change and the rationale behind the change. The 70 percent awareness requirement should be across all major consumer and telephone user groups.

8. An industry task force should be utilized to implement the PEP and manage the PEP fund.

9. The Task Force should include Commission staff and representatives from the service providers holding numbering resources in the 805 area codes as of the effective date of this decision.

10. The Task Force should develop a reasonable means of delineating the division of responsibility for the PEP activities so that adequate tracking and compliance can be assured.

11. The Task Force should be responsible for developing the materials and content of the PEP, maximizing the use of prior PEP efforts, and conforming to the requirements of this order.

12. The CD Director should be authorized to require sufficient industry contributions to the PEP budget fund to achieve the 70 percent public awareness requirement.

13. As the content of the PEP will contain the same activities used in prior PEPs that have achieved the 70 percent public awareness requirement, we will not require a statistically significant survey of customers to determine whether the 70 percent requirement has been met.

14. The CD Director should be authorized to require the Task Force to employ outside professional assistance in the PEP implementation if necessary to ensure the success of the PEP.

15. PEP educational, outreach, and advertising materials should explain the type or area code change being implemented and the new dialing procedure, and explain that the cost and quality of telephone service will not be adversely affected by the change. The materials should also address the permissive dialing period, the mandatory dialing period, the tasks consumers should do in preparation for the overlay, and the reasons for the area code change.

16. The Task Force should be required to submit all PEP educational, outreach, and advertising materials to the CD Director for review and approval prior to their use

17. The CD Director should monitor the effectiveness of the PEP and, if adequate actions have not been taken to achieve the 70 percent public awareness requirement by the end of the implementation period, should require the Task Force to continue the PEP to achieve the requirement.

18. PEP funds for tasks jointly assigned to all the service providers should come from those service providers holding thousand-blocks of telephone numbers in the 805 area code as of the effective date of this decision. The amount collected from each service provider should be in proportion to the relative percentage of thousand-blocks that it holds as of the effective date of this decision. Any additional assessments or refunds should be made on the same basis.

19. Individual service provider costs for service provider-specific tasks should be the responsibility of each service provider.

20. The Task Force should arrange for adequate accounting of the PEP fund to ensure it is properly managed. The CD Director should be authorized to review the Task Force accounting for PEP funds.

21. The PEP budget should not include the labor costs of each service provider's representatives on the Task Force.

22. The Task Force should periodically report to the CD Director concerning the details of collections and disbursements.

23. The final PEP should be filed and served as a compliance filing in the current proceeding, no later than 30 days after the effective date of this decision. The compliance filing shall not reopen the record of this proceeding.

24. The schedule requested by NANPA to be implemented will provide enough time for full implementation of the overlay to occur prior to the exhaust, which is forecasted to occur in the 805 area code.

25. The implementation of the all-services overlay alternative for the relief of the 805 NPA should commence immediately.

26. A public hearing is not necessary.

27. Application 16-11-008 should be closed.

O R D E R

IT IS ORDERED that:

1. The proposed all-services overlay in the 805 area code is adopted and the 13-month implementation period shall commence on the effective date of this decision.

2. A public education program included herein as Attachment A is adopted for the all-services overlay for the 805 area code.

3. The Director of the Communications Division is authorized to oversee the finalization and implementation of the Public Education Program.

4. The industry shall fund the Public Education Program to achieve at least 70 percent public awareness and understanding across all major consumer and telephone user groups of the change in dialing patterns and area code identification resulting from the overlay, how they will be affected by the change and the rationale behind the change.

5. A Task Force shall be utilized to implement the Public Education Program (PEP) and manage the PEP fund.

6. The Task Force shall include Commission staff and representatives from the service providers holding numbering resources in the 805 area code as of the effective date of this decision.

7. The Task Force shall develop a reasonable means of delineating the division of responsibility for the Public Education Program activities so that adequate tracking and compliance can be assured.

8. The Task Force shall be responsible for developing the materials and content of the Public Education Program, maximizing the use of prior Public Education Program efforts, and conforming to the requirements of this order.

9. The Communications Division Director shall monitor industry contributions to the Public Education Program budget fund to ensure they are sufficient to achieve the 70 percent public awareness requirement.

10. The Communications Division Director shall monitor the activities of the Task Force to ensure that sufficient actions have occurred to achieve the 70 percent public awareness requirement, and if the 70 percent public awareness requirement is not met, shall direct the Task Force to continue the Public Education Program to achieve the requirement.

11. Public Education Program educational, outreach, and advertising materials shall explain the type of area code change being implemented and the

new dialing procedure, identify the area covered by the overlay, and explain that cost and quality of telephone service will not be adversely affected by the change. The materials shall also address the permissive dialing period, the mandatory dialing period, the tasks consumers should do in preparation for the overlay and the reasons for the area code change.

12. The Task Force shall submit all Public Education Program educational, outreach, and advertising materials to the Communications Division Director for review and approval prior to their use.

13. The Communications Division Director may require the Task Force to employ outside professional assistance in the PEP implementation if necessary to ensure the success of the PEP.

14. Public Education Program funds for tasks jointly assigned to all the service providers shall come from those service providers holding thousand blocks of telephone numbers in the 805 area code as of the effective date of this decision. The amount collected from each service provider shall be in proportion to the relative percentage of thousand-blocks that it holds as of the effective date of this decision. Any additional assessments or refunds shall be made on the same basis.

15. Individual service provider costs for service provider specific tasks shall be the responsibility of each service provider.

16. The Task Force shall arrange for adequate accounting of the Public Education Program fun to ensure it is properly managed. The Communications Division Director is authorized to review the Task Force accounting of Public Education Program funds, including the collection and disbursement of those funds.

17. The Public Education Program budget shall not include the labor costs of each service provider's representatives on the Task Force.

18. The Task Force shall periodically report to the Communications Division Director concerning the details of Public Education Program fund collections and disbursements.

19. The final Public Education Program must be filed and served as a compliance filing in the current proceeding, no later than 30 days after the effective date of this decision. The filing of this plan shall not reopen the record of this proceeding.

20. Application 16-11-008 is closed.

This order is effective today.

Dated _____, at San Francisco, California.