

ALJ/PM6/eg3/jt2

Date of Issuance 6/19/2019

Decision 19-06-012 June 13, 2019

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 909 Numbering
Plan Area.

Application 17-06-020

**DECISION GRANTING REQUEST FOR AN ALL-SERVICE AREA CODE
OVERLAY IN THE 909 NUMBERING PLAN AREA**

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DECISION GRANTING REQUEST FOR AN ALL-SERVICE AREA CODE OVERLAY IN THE 909 NUMBERING PLAN AREA

Summary

By this decision, we approve the request of the North American Numbering Plan Administrator to adopt an all-services overlay to resolve the forecasted exhaustion¹ of numbering resources in the 909 numbering plan area, with a 13-month implementation schedule. The overlay will provide additional numbering resources to meet the demand for telephone numbers while minimizing customer inconvenience. We approve the request, but implementation need not commence until exhaustion requires. We order a public education program, within timeframes discussed in this decision, to facilitate implementation of the overlay.

No existing customers will be required to change their area code or specific telephone number. After the implementation period, the new overlay area code will be available for new telephone number assignments in the same region as the 909 area code. Consequently, customers must dial the three-digit area code for all calls to and from telephone numbers with the 909 and new area codes.

Customers may start using the new dialing procedure during the permissive dialing period, beginning six months after the start of the 13-month implementation schedule. However, customers must use the new 1+10-digit dialing as described herein, during the mandatory dialing period, beginning 12 months after the start of the implementation schedule. New telephone numbers with the new area code may be issued to customers beginning one month after the start of the mandatory dialing period.

¹ In its September 19, 2018, NPA Exhaust Analysis, Neustar projects exhaustion in the third quarter of 2021. We approve the request, so that Neustar may implement when necessary.

This proceeding is closed.

1. Background

On June 23, 2017, Neustar Inc., the North American Numbering Plan Administrator (NANPA),² on behalf of the California telecommunications industry (Industry),³ filed Application (A.) 17-06-020, in which it requests relief in the 909 numbering plan area (NPA or area code).⁴ Industry requested a 13-month schedule to implement the relief. On October 18, 2017, the California Public Utilities Commission (Commission) granted party status to The Wireless Association, the association representing the U.S. wireless communications industry. No protests or responses were filed to the application, and this application is uncontested.

Effective January 1, 2019, the Federal Communications Commission (FCC) appointed Somos, Inc. (Somos) to replace Neustar, Inc. as the NANPA.⁵ The Commission has no indication that Somos contests the application filed by its

² As a neutral third-party administrator, NANPA has no independent view regarding the relief option proposed by the Industry in this application.

³ "Industry" is composed of current and prospective telecommunications carriers operating in, or considering operations, within the 909 area code.

⁴ NPA, also known as an "area code," normally represents a geographic area within a state. In the current case, the numbering plan area is 909. Throughout this decision, NPA and area code are used interchangeably.

⁵ <https://docs.fcc.gov/public/attachments/DOC-354567A1.pdf> Somos mailing address and counsel is:

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predecessor, nor that Somos disagrees with actions taken by its predecessor Neustar, Inc. to initiate the overlay process.

1.1. Process for Determining Recommended Relief

The FCC holds full responsibility over all numbering issues but has delegated to the states area code relief responsibilities.⁶ On behalf of the State of California, the Commission is responsible for proactively monitoring area code relief planning and overseeing 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 of America (United States) and Canada.⁸ 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

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http://transition.fcc.gov/Bureaus/Common_Carrier/Reports/FCC-State_Link/IAD/utilizationdec2000.pdf

⁷ Public Utilities Code Section 7936 states "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 for, relief."

Public Utilities Code Section 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." Public Utilities Code Section 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."

⁸ 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 provider's 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.

prefixes.⁹ When it determines that an area code is near exhaustion, NANPA, as a neutral third party, 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 area code within the existing area code in which the exhaust is forecast to occur, normally begins three years prior to the forecasted exhaust.¹⁰

After informing the Commission of the forecasted exhaust in an area code, NANPA begins the relief planning process by calling a meeting with Industry in order to identify viable solutions to the forecasted exhaust. NANPA and Industry are required to follow regulations established by the FCC and the Commission, as well as industry guidelines.¹¹ After Industry develops feasible alternatives, such as an all-services overlay (overlay) or a geographic split (split),¹² Industry then strives to reach consensus on the best plan to resolve the forecasted exhaust in the area code in question.

⁹ 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.

¹⁰ Public Utilities Code Section 7931(d).

¹¹ In planning area code relief, 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. 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.)

¹² An all-services overlay is a 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

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 comments about the area code alternatives.¹³ Public participation meetings on this proceeding were held in the cities of Pomona, San Bernardino and Redlands on April 4 and 5, 2017.

After the public participation meetings, NANPA submits its application to the Commission seeking relief for the exhausting area code recommending Industry's consensus solution. After the Commission has made its decision on a relief plan, telecommunications service providers are required to implement the relief plan within a specified period adopted in the decision.

In this application, Industry reached consensus to recommend to the Commission an all-services distributed overlay plan as its choice of relief for the 909 area code. Industry also recommends a 13-month schedule for implementing the area code overlay.

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 three-digit prefix, and a four-digit line number (for example, 909-555-1234).¹⁴ 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 exchanges; within each

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.

¹³ Public Utilities Code Section 7931(e)(2) states that "within nine months the coordinator and the Commission staff shall conduct at least one meeting for representatives of local jurisdictions to inform them of the proposed area code relief options, and to afford the public the opportunity to discuss the potential impact of the proposed options.

¹⁴ 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.

exchange is a rate center. The 909 area code has 21 rate centers serving the southwestern portion of San Bernardino County, the eastern portion of Los Angeles County and small portions of Orange and Riverside Counties.¹⁵

Originally, telephone numbers are assigned to service providers in 10,000 block groups. Thousand-block number pooling implemented a new resource allocation system to divide a prefix or central office code (NXX code), which is a group of 10,000 telephone numbers, into 10 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 center to share the 10,000 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, 511, 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. As of June 2017, there were only 74 useable prefixes remaining in the 909 area code (about nine percent). NANPA initially projected the 909 NPA to run out of prefixes in the first quarter of 2019.¹⁶ However, NANPA has revised its forecast slightly due to a decrease in the rate of central office code assignments in 2018.

¹⁵ Communications Division Staff Report dated May 22, 2017 at 3. Twenty-five cities are served by the 909 area code (Big Bear Lake, Calimesa, Chino, Chino Hills, Claremont, Colton, Diamond Bar, Eastvale, Fontana, Grand Terrace, Highland, Industry, La Verne, Loma Linda, Montclair, Ontario, Pomona, Rancho Cucamonga, Redlands, Rialto, San Bernardino, San Dimas, Upland, Walnut and Yucaipa).

¹⁶ In October 2016, NANPA published a Number Resource Utilization Forecast (NRUF) and NPA Exhaust Analysis which indicated that the 909 NPA would exhaust during the first quarter of 2019. That projected exhaust date subsequently has been revised to third quarter of 2021 in its September 19, 2018 NPA Exhaust Analysis.

1.3. Basics of the Telephone Numbering System

The 909 area code was created in 1992 when it was split off from the 714 area code. It was split again in 2004 to form the 951 area code. The 909 area code serves the cities of Big Bear Lake, Calimesa, Chino, Chino Hills, Claremont, Colton, Diamond Bar, Eastvale, Fontana, Grand Terrace, Highland, Industry, La Verne, Loma Linda, Montclair, Ontario, Pomona, Rancho Cucamonga, Redlands, Rialto, San Bernardino, San Dimas, Upland, Walnut and Yucaipa, as well as unincorporated areas of Los Angeles, Riverside and San Bernardino counties. It contains a mix of rural mountain vacation communities, suburban cities with light to heavy industrial areas, and commercial and residential areas. It encompasses the Los Angeles County Fairplex, Ontario International Airport, Ontario Motor Speedway, San Bernardino International Airport, as well as several universities, colleges and hospitals.¹⁷

The thousand-block number pooling and other conservation measures such as the 951 area code split in 2004 helped to extend the life of the 909 area code. These measures have run their course and the available telephone numbers within the 909 area code have reduced to the point that will soon require relief.¹⁸

2. Current Request for a New Area Code

Under Public Utilities Code Sections 7936 and 7943(c), in order to approve a new area code, the Commission must get utilization data from NANPA for the area code for which relief is proposed, perform a telephone utilization study, and implement all reasonable telephone number conservation measures. When there

¹⁷ Application at 40.

¹⁸ In its September 19, 2018 NPA Exhaust Analysis, NANPA projected an exhaust date in the third quarter of 2021.

is no reasonable alternative to creating a new area code, the Commission must do so in a way that is the most convenient for customers.

NANPA projects that the 909 area code will exhaust in the third quarter of 2021. NANPA supports its projection by providing a utilization data study that supports the estimated exhaustion date for the 909 area code. The study and the data therein satisfy the statutory requirements of Public Utilities Code Sections 7936 and 7943(c) and persuade us that there are no reasonable alternatives to creating a new area code to address the 909 area code exhaustion.

After informing the Commission of the forecasted exhaust of the 909 area code, NANPA convened a relief planning meeting with Industry and the Commission on June 20, 2016. Industry reached consensus at this meeting to recommend to the Commission an all-services distributed overlay as the relief for the 909 area code. Industry submitted its overlay recommendation endorsing NANPA's projections.

Commission staff held public participation meetings in the cities of Pomona, San Bernardino and Redlands on April 4 and 5, 2017 to inform representatives of local jurisdictions and the public about the proposed area code overlay and split alternative relief options, and to receive comments from the public.¹⁹ At the public meetings, NANPA and Commission staff presented both overlay and split alternatives, explaining the impacts and implementation of the overlay alternative that Industry proposed to resolve the 909 area code exhaustion.²⁰

¹⁹ Public Utilities Code Section 7931(e)(2).

²⁰ See Application, Attachment E-Staff Report dated May 22, 2017.

The overlay is best option for relief of the 909 area code, because existing customers will not be required to change their area code. The split option does not meet Commission requirements as it would not preserve jurisdictional boundaries of the City of Fontana, which be split along the western boundary of that city.

In order to allow sufficient time for completion of the selected relief plan prior to exhaust of CO codes in the 909 area code, NANPA and Industry proposed a public education program for customers in the current 909 area code and requests that the Commission approve the 13-month implementation schedule and public education program outlined in its application.

2.1. Alternative Methods of Relief-Overlay versus Split

Public Utilities Code Section 7943 (a) directs the Commission to provide area code relief using the option that is most convenient for customers. Public Utilities Code Section 7934 (b) finds that new area codes cause unnecessary hardship to people in California, as they lose their existing area codes and longtime telephone numbers. Public Utilities Code Sections 7934 (c) and (d) state that new area codes increase costs to businesses and individuals, as business cards and letterhead stationery must be replaced to show the new area codes. In addition, Public Utilities Code Section 7931 (c) directs that rate area boundaries, municipal boundaries, communities of interest, and other appropriate criteria should be considered when evaluating the boundaries of a new area code.

An all-services overlay is Industry's consensus recommendation for the 909 area code relief. An overlay would superimpose a new area code over the same geographic area covered by the existing 909 area code. All existing customers would retain the 909 area code and would not have to change their

area code or telephone number. The overlay alternative requires customers to dial 1 + area code + seven-digit telephone number for all calls, including local calls (calls within and between the 909 area code and the new area code).²¹ The all-services overlay alternative has a projected life of 28 years.²²

In the split option, the projected lives of the split 909 area code and new area code would be 24 years and 35 years, a difference of eleven years.²³ This exceeds the ten years imbalance limit according to the NPA Code Relief Planning and Notification Guidelines (Relief Planning Guidelines).²⁴ Additionally, this alternative would split the city of Fontana along its western boundary. This is inconsistent with the recognition of established municipal boundaries as outlined in Public Utilities Code Section 7931(c) and the Relief Planning Guidelines.

2.2. Alternative Methods of Relief-Overlay versus Split

Public Utilities Code Section 7931(e)(2) requires that within nine months from when NANPA informs the Commission of the need for a new area code, Commission staff and NANPA conduct at least one meeting for representatives

²¹ Federal Authority: Code of Federal Regulations–Title 47: Telecommunications: 47 C.F.R. § 5219(c)(3)(ii) “No area code overlay may be implemented unless there exists, at the time of implementation, mandatory ten-digit dialing for every telephone call within and between all area codes in the geographic area covered by the overlay area code.”

California State Authority: Decision (D.) 96-08-028, Ordering Paragraph 4 "For any NPA, relief plan either pending or yet to be proposed, parties shall not propose an overlay as a relief option until or unless mandatory 1+10-digit dialing is in place at the time the overlay is implemented" and D.96-12-086, Ordering Paragraph 4 - "Mandatory 1+10-digit dialing shall be implemented as a condition of approving any overlay, but only in the NPA regions covered by the overlay."

²² A.17-06-020 at 6.

²³ A.17-06-020 at 5.

²⁴ See Section 5.0 of the Relief Planning Guidelines.

of local jurisdictions and three public participation meetings.²⁵ The purpose of the meetings is to inform the local representatives and the public about the area code change options and alternatives, and to provide a forum for local representatives and the public to voice their opinions concerning the proposed relief options.

On October 31, 2016, NANPA notified the Commission of the need for 909 area code relief.²⁶ With NANPA's assistance, the Commission's Communication Division staff and Public Advisor's Office held public participation meetings in the cities of Pomona, San Bernardino and Redlands on April 4 and 5, 2017 to inform representatives of local jurisdictions and the public about the proposed area code overlay and split alternative relief options.

In its public participation meeting notice, Commission staff provided information about the times, dates and locations for the meetings, and provided other information to assist the public to attend, participate and submit written comments regarding the area code relief process and options, both at the meetings and to the Commission directly. Commission staff provided information on how to submit written comments by regular or electronic mail, and to obtain additional information about the proposed 909 area code relief by

²⁵ Public Utilities Code Section 7931(e)(2) "Within nine months the coordinator and the commission staff shall conduct at least one meeting for representatives of local jurisdictions to inform them of the proposed area code relief options, and to afford them the opportunity to discuss the potential impact of the proposed options. Following the local jurisdiction meeting, the coordinator and the commission staff shall conduct at least three public meetings in the affected geographical area. The public meetings are to inform members of the public about the proposed area code relief options, and to afford affected customers an opportunity to discuss the potential impact of the proposed area code relief options and measures that may be taken to mitigate any potential disruptions. The commission may order additional public meetings to be held at any time."

²⁶ A.17-06-020 at 3.

calling a designated telephone number listed on the Commission's website. Commission staff presented both overlay and split options at the public participation meetings.

Participants in the meetings included local jurisdiction officials, telecommunications and public safety service providers and members of the public and news media. The Commission received oral and written comments at the public meetings, emails through the Public Advisor's Office, and/or calls to the Area Code Hotline. Of 20 comments received, only two supported the split option.

2.3. Discussion

The 909 area code is projected to exhaust in the third quarter of 2021, requiring the Commission and NANPA to act before the exhaust occurs. NANPA utilized data in the number resources utilization and forecast (NRUF) report in forecasting the 909 area code exhaustion in accordance with Public Utilities Code Section 7936.²⁷ There is no indication that conservation measures will adequately address this exhaustion as outlined in Public Utilities Code Section 7943(c). In this application, NANPA provided descriptions of two relief options, concluding that the 909 area code relief option for the all-services overlay alternative is Industry's preferred option.

The Commission staff held three public meetings for the public and representatives of local jurisdictions in order to inform them of the proposed area code relief options. Both NANPA and Industry recommended an overlay

²⁷ NANPA is required to collect, store, and maintain number resource utilization and forecast data. In accordance with FCC rules, assignees holding geographic and/or certain non-geographic (NPA 5XX and 900) telephone numbers must report on their holdings February 1 and August 1 of each year.

alternative to resolve the forecasted exhaust of the 909 area code, and majority of the attendees at the three public meetings, including local jurisdiction officials, expressed support for the overlay.

An overlay is less confusing and less costly for existing customers because all customers retain the same area code and telephone number. An overlay would not require existing 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.

The overlay option is the least inconvenient and most equitable for customers, and has the least impact on local services, including emergency and government services. Therefore, we adopt an overlay to resolve the forecasted exhaust in the 909 area code. NANPA has requested a 13-month schedule to implement the overlay option. This implementation length is consistent with the authority granted in recent decisions, including D.16-07-014, D17-02-010, and D.17-05-019. Accordingly, we adopt the requested 13-month schedule.

3. Public Education Program

In D.96-12-086, in Rulemaking (R.) 95-04-043 and Investigation (I.) 95-04-044, the Commission 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, the Commission:

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

- Required the public education program 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 public education program 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 public education program 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, and also in the R.95-04-043 and I.95-04-044 proceedings, the Commission set four major objectives for the public education program:

- 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, the Commission 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, and also in the R.95-04-043 and I.95-04-044 proceedings, the Commission required:

- The activities and standards previously required for the 310 and 408 area code overlay public education programs to achieve at least seventy percent public awareness level;
- Outreach 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.16-07-014 and subsequent area code relief decisions, the Commission did not require the industry to conduct a public awareness survey. The Commission reasoned that as the content of the adopted program would contain the same activities used in prior public education programs that have met the seventy percent minimum customer awareness requirement established in D.05-08-040, there would be little possibility that the seventy percent threshold would not be met with the same amount of effort put forth by the industry.

However, the Commission continued to require the industry to achieve the previously established 70 percent minimum customer awareness requirement.²⁸

As part of this application, NANPA attaches an Exhibit E, which are the final minutes of the 909 NPA Follow-up Relief Planning Meeting held June 8, 2017.²⁹ Within Exhibit E, there is an industry consensus statement in which the Commission is asked to approve a modified public education program (PEP) without paid advertising.

In D.98-12-081, the Commission required “Targeted paid advertising in the relevant zoned editions of major newspapers as well as newspapers targeted to ethnic communities.” In D.05-08-040, the Commission required outreach efforts to specifically target key agencies and special groups, including alarm providers, pay telephone providers, public safety responders and state E-911 coordinator, as well as conduct outreach to senior citizens, children, the disabled, and ethnic minorities including targeted newspaper, billboard, radio, and television advertising. A public education program that lacks paid advertisement activities is inconsistent with prior programs that have achieved the seventy percent customer awareness requirement, and with the public awareness survey eliminated, it is not possible to assess quantifiably whether a public education program without paid advertisements can achieve a seventy percent minimum customer awareness level.

We find that paid advertisements are necessary, as equivalent results cannot necessarily be obtained through customer notices, website postings and

²⁸ D.16-07-014 approving boundary elimination overlay of 213/323 area codes; D.17-02-010 approving an overlay for the 916 area code; D.17-05-019 approving an overlay for the 805 area code; and D.17-04-027 approving boundary elimination overlay of 619/858 area codes.

²⁹ See Application at 108-119.

social media. These other means of customer education target the general public, but may not provide special outreach to key organizations, minority groups and underrepresented populations, as required in D.98-12-081 and D.05-08-040.

Television and radio media reaches a broader and more diverse audience, including people who are illiterate or have low literacy level. Customer notices, website postings and social media are of little to no benefit to customers who may be illiterate, have no knowledge of computers, or lack access to the internet or a computer.

As the Commission explained in D.17-05-019, the bureaucracy that a public education program creates is outweighed by the broader responsibility of oversight and accountability provided to the people of California.³⁰

Therefore, as in previous decisions, the Commission will require an industry task force to implement the public education program and manage the program's fund. The task force is to consist of representatives from the service providers holding numbering resources in the 909 area code as of the effective date of this decision, and shall include Commission staff to oversee the implementation. The Commission requires the task force to develop a reasonable means of delineating the division of responsibility for the public education activities to ensure adequate tracking and compliance.

The task force will be responsible for developing the materials and content of the public education program, maximizing the use of prior education efforts, and conforming to the requirements of this order. The public education program should contain the same activities used in prior programs that have achieved the 70 percent customer awareness requirement, and because there is obviously

³⁰ D.17-05-019 at 26-27. (See also Section 2c.)

plenty of lead time to assure customer awareness with exhaustion anticipated to occur during the third quarter of 2021.

Educational, outreach, and advertising materials should explain the type of 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. The task force shall submit all public education outreach materials to the Director of the Communications Division for review and approval.

Telecommunications service providers must develop a detailed public education plan that is consistent with those adopted in D.17-05-019. (See Attachment A to this decision.) The Communications Division Director is authorized to oversee the finalization and implementation of the public education program and authorized to take all actions necessary, including requiring sufficient Industry contributions to the program's fund, to achieve a seventy percent awareness level of the overlay in all major customer and telephone user groups. Such actions may include additional educational efforts, obtaining outside professional services, reviewing and approving all educational materials, overseeing the customer awareness assessment process, and requiring any needed additional funding from the carriers.

4. Public Education Program Funding

The public education program funding and cost allocation adopted in a similar relief for the 805 area code, D.17-05-019, is the fair and equitable

approach.³¹ Therefore, we require the public education program funds for tasks jointly assigned to all the service providers to come from those service providers holding thousand-blocks of telephone numbers in the 909 area code as of the effective date of this decision. The amount collected from each service provider shall be proportional to the relative percentage of thousand-blocks that it holds as of the effective date of this decision.

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 require a specific budget in this case, as Industry has sufficient experience with previous public education programs to determine the specifics of the budget. We require Industry to fund the public education program 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 implementing 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. We require all service providers on the task force to contribute to the implementation effort. Service providers unwilling to participate may be assigned specific tasks by the Commission.

The task force shall arrange for adequate accounting of the public education program fund to ensure proper management. The budget shall not include the labor costs of the service provider's representatives on the task force. Accounting responsibilities include developing the public education

³¹ D.17-05-019 at 27 and Ordering Paragraph 14.

budget, determining the collection amount from each service provider, issuing invoices, collecting payments from service providers, approving vendor payments and determining any additional fund assessments and issuing any refunds. The task force shall periodically report the status of the collections and disbursements to the Communication Division Director.

In the past, Industry has expressed concern when service providers failed to timely respond to the task force or submit funding payments for the public education program (which potentially creates additional workload for the Commission and task force members to collect).³² In order to address these concerns it is reasonable to require service providers holding thousand-blocks of telephone numbers in the 909 area code to promptly confirm their billing information with the task force and promptly remit full payment of their allotted share to the task force consistent with the requirements in the public education program in Attachment A.³³

Consistent with the public education program in Attachment A, within two weeks of the start of the 13-month implementation schedule, the task force finance subcommittee shall send an email to each service provider holding non-pooled NXX codes (i.e., ten thousand-blocks) and/or thousand-blocks of telephone numbers in the 909 area code as of the effective date of this decision requesting billing information for invoicing and confirmation of the 909

³² A.17-05-013 at 137.

³³ Public Utilities Code Section 2107 states: Any public utility that violates or fails to comply with any provision of the Constitution of this state or of this part, or that fails or neglects to comply with any part or provision of any order, decision, decree, rule, direction, demand, or requirement of the commission, in a case in which a penalty has not otherwise been provided, is subject to a penalty of not less than five hundred dollars (\$500), nor more than fifty thousand dollars (\$50,000) for each offense.

resources in the service provider's inventory. All service providers shall then provide the task force finance subcommittee with billing information for invoicing and such confirmation of resources within two weeks of receipt of the email. The task force shall then issue invoices to the service providers within 120 days from the start of the 13-month implementation schedule. Service providers shall remit full payment within 90 days of the invoice date. Failure to remit full payment on time may result in penalties or other enforcement actions by the Commission.

In previous decisions the Commission found a second-phase public education program extending beyond the opening of the overlay area code might be necessary to promote public awareness for the overlay.³⁴ Given the circumstances of this proceeding we continue that practice for the 909 area code overlay. The Communications Division Director may monitor the effectiveness of the Public Education Program and continue the Public Education Program beyond the implementation period of the overlay area code in order to achieve the seventy percent public awareness requirement.

Public Utilities Code Sections 7931(f)(2) and (g) require written notices to be included with affected customer bills outlining the new area code transition date, the effective date, geographical description, and prefixes. However, this requirement does not adequately contemplate an overlay area code where the geography and prefixes for the new area code will be identical to the old area code. Therefore, notices that discuss the impacted geography, transition dates, and final dates, without discussing the prefixes, will be sufficient to meet these statutory requirements. Given projected exhaust for the 909 area code and

³⁴ D.99-06-087 and D.16-07-014.

the Public Education Program (PEP) implementation adopted in this decision, we find the first written notice as outlined in Attachment A, Item 8, satisfies the requirement in subsection (f)(2). The second notice as outlined in Attachment A, Item 17, satisfies the requirement in subsection (g).

5. Categorization and Need for Hearing

In Resolution ALJ 176-3401, dated July 13, 2017, the Commission preliminarily categorized this application as ratesetting and determined that hearings were necessary. However, the Commission received no protests and this application is unopposed. Therefore, a hearing is unnecessary and we change that determination here.

6. Comments on Proposed Decision

Rule 14.6(c) (2) of the Commission's Rules of Practice and Procedure provide that, in a proceeding in which the Proposed Decision grants the relief requested in the application, and there are no protests to the application, the Commission may waive public review or comment. Although public review is not required for this application, the Commission is mailing this decision for comments by the recently appointed NANPA, or other interested persons, in accordance with Public Utilities Code Section 311 and Rule 14.3 of the Commission's Rules of Practice and Procedure to ensure appropriate notice of appointment of Somos, Inc. as the NANPA effective January 1, 2019.

The proposed decision of ALJ Miles in this matter was mailed to the parties on May 24, 2019. Comments were filed on June 7, 2019 by CTIA.³⁵ Reply comments were not received.

³⁵ CTIA advocates for legislative and regulatory policies at federal, state and local levels that foster the continued innovation, investment and economic impact on the US

CTIA supports adoption of an all-services overlay within the 909 numbering plan area, however, expresses concern that timeframes for implementation of various PEP activities correspond with timeframes that the Commission adopted when it approved the 510 numbering plan overlay.³⁶ CTIA requests that we modify the PEP to require that certain activities be completed within a certain number of weeks after the implementation start date rather than after the date that the Commission adopts the decision. CTIA makes this recommendation based on its experience working with Commission staff to make similar modification to the timelines within 510 PEP.

We accept CTIA's suggestions and have incorporated its suggested changes herein. CTIA's suggestions are consistent with the Commission's intent that implementation occur within a time frame appropriate to the forecast exhaustion date during the third quarter of 2021.

7. Assignment of Proceeding

Liane M. Randolph is the assigned Commissioner and Patricia B. Miles is the assigned ALJ in this proceeding.

Findings of Fact

1. On June 23, 2017, Neustar, Inc. as NANPA, on behalf of Industry submitted A.17-06-020 to the Commission requesting authority to implement the Industry's consensus solution of an overlay to relieve the 909 area code.

2. 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

wireless communications industry. Its business address is 1400 - 16th Street, NW #600, Washington, D.C. 20036 (202) 736-3200.

³⁶ See D.18-06-13 in proceeding A.17-05-013.

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.

3. Effective January 1, 2019, the Federal Communications Commission (FCC) appointed Somos, Inc. (Somos) to replace Neustar, Inc. as the NANPA.

4. 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."

5. When NANPA determines that an area code is near exhaustion, it initiates and coordinates the relief planning process for addressing the forecasted exhaustion 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 time the forecasted exhaust is due to occur.

6. NANPA utilizes data in the October 2016 NRUF report, later updated in September 2018, to project that the 909 area code will exhaust in the third quarter of 2021.

7. The 909 area code split off from the 714 area code in 1992 and it was split again in 2004 to form the 951 area code. The area served by the 909 area code includes portions of Los Angeles, Orange, Riverside and San Bernardino Counties.

8. The 909 area code serves the cities of Big Bear Lake, Calimesa, Chino, Chino Hills, Claremont, Colton, Diamond Bar, Eastvale, Fontana, Grand Terrace,

Highland, Industry, La Verne, Loma Linda, Montclair, Ontario, Pomona, Rancho Cucamonga, Redlands, Rialto, San Bernardino, San Dimas, Upland, Walnut and Yucaipa, as well as unincorporated areas of Los Angeles, Riverside and San Bernardino counties.

9. Public Utilities Code Section 7936 requires the Commission to direct NANPA to obtain utilization data for any area code for which a change is proposed before approving any new area code.

10. Public Utilities Code Section 7943(c) requires the Commission to perform a telephone utilization study and implement all reasonable telephone number conservation measures.

11. NANPA convened a relief planning meeting with Industry on June 20, 2016, in order to identify viable solutions to the forecast exhaust.

12. For the relief planning meeting, Industry followed regulations established by the FCC and the Commission, and industry guidelines.

13. Public Utilities Code Section 7931(e)(2) requires that within nine months from when NANPA informs the Commission of the need for an area code change, Commission staff and NANPA must conduct at least one meeting for representatives of local jurisdictions and three public participation meetings.

14. On October 31, 2016, NANPA notified the Commission of the need for 909 area code relief and Commission staff and NANPA held public participation meetings within the 909 area code in Pomona and San Bernardino on April 4, 2017; and in Redlands on April 5, 2017.

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

16. Of 20 total oral and written comments (including at the public meetings, emails to the Public Advisor's Office, and/or calls to the Area Code Hotline), only one comment expressly supported the split option.

17. NANPA met on June 8, 2017, to discuss the public meetings and finalize Industry's consensus to recommend a 909 area code overlay.

18. An all-services overlay alternative is Industry's recommended consensus solution to address the projected exhaustion of the 909 area code.

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

20. The overlay option would have the least impact on residential and business customers, as well as emergency and government services.

21. The all-services overlay alternative for resolving the forecasted exhaustion in the 909 area code has a projected life of 28 years.

22. A Public Education Program is needed to implement the 909 area code overlay.

23. A public education program consistent with the programs authorized in D.17-05-019 and prior Commission decisions, including D.08-04-059 and D.08-10-038, as modified in D.16-07-014, is required.

24. The Commission did not receive any protests to this application prior to January 1, 2019.

25. Since January 1, 2019, the Commission has received no correspondence or other indication that Somos contests the application filed by its predecessor, nor that Somos disagrees with actions taken by its predecessor Neustar, Inc. to initiate the overlay process.

Conclusions of Law

1. In accordance with Public Utilities Code Section 7936, NANPA and Industry considered utilization data using the October 2016 NRUF report, as updated in September 2018, in forecasting the 909 area code exhaustion, and in determining a consensus alternative to resolve the forecasted exhaust of the 909 area code.

2. In accordance with Public Utilities Code Section 7943(c), NANPA, Industry, and Commission staff considered all reasonable telephone number conservation and rationing measures in the 909 area code, and found that none will be adequate to address the projected 909 area code exhaustion in the third quarter of 2021.

3. In accordance with Public Utilities Code Section 7931(e)(2), the Commission duly noticed and held public participation meetings at various dates and times within the 909 area code.

4. In accordance with Public Utilities Code Section 7943(a), the Commission should adopt the overlay option to resolve the forecasted exhaust for the 909 area code because it will cause the least inconvenience for consumers and is the option preferred by the Industry and the majority of responding customers and local and state government in the 909 area code.

5. A public education program (such as Attachment A to this decision) must be consistent with the program adopted in D.17-05-019, and prior Commission decisions D.08-04-059 and D.08-10-038, as modified in D.16-07-014.

6. The Communications Division Director should oversee the finalization and implementation of the public education program, should require all actions necessary to achieve a seventy percent awareness level of the overlay in all major

customer and telephone user groups and, if needed, continue the program after the implementation period.

7. The task force should arrange for adequate accounting of the public education program fund to ensure it is properly managed. Communications Division Director should review the task force accounting for the program's funds.

8. An evidentiary hearing is not necessary.

9. Although the Commission has received no correspondence or other indication that Somos contests the application filed by its predecessor, nor that Somos disagrees with actions taken by its predecessor NANPA to initiate the overlay process, it is appropriate to mail this decision for comments in accordance with Public Utilities Code Section 311 and Rule 14.3 of the Commission's Rules of Practice and Procedure.

10. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. The proposed all-services overlay in the 909 area code is adopted with implementation to occur within a time frame appropriate to the forecast exhaustion date during the third quarter of 2021.

2. A public education program, consistent with the public education program included herein as Attachment A, is adopted for the all-services overlay for the 909 area code.

3. The Communications Division Director is authorized to oversee the finalization and implementation of the public education program and is authorized to take all actions necessary to achieve a seventy percent awareness level of the overlay in all major customer and telephone user groups. Such

actions may include additional educational efforts, obtaining outside professional services, reviewing and approving all educational materials, overseeing the customer awareness assessment process, and requiring any needed additional funding from the carriers.

4. The Communications Division Director is authorized to require sufficient Industry contributions to the public education program budget fund to ensure they are sufficient to achieve the seventy percent customer awareness requirement. 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.

5. A task force, comprised of Commission staff and representatives from the service providers holding numbering resources in the 909 area code as of the effective date of this decision, shall implement the public education program and manage the program's fund. Each service provider shall pay 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. All service provider representatives on the task force shall contribute to the implementation effort and those unwilling to participate shall be reported to the Commission.

6. The Communications Division Director is authorized to monitor the activities of the task force, and if the seventy percent customer awareness requirement is not met, is authorized to direct the task force to continue the public education program as the Communications Division deems appropriate to achieve the requirement.

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

8. The public education program budget shall not include the labor costs of each service provider's representatives on the task force.

9. The task force shall report monthly to the Communications Division Director concerning the details of public education program fund collections and disbursements.

10. Comments filed pursuant to Public Utilities Code Section 311 and Rule 14.3 of the Commission's Rules of Practice and Procedure, must be received by close of business June 7, 2019.

11. Application 17-06-020 is closed.

This order is effective today.

Dated June 13, 2019, at Sacramento, California.

MICHAEL PICKER

President

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners

Commissioner Liane M. Randolph,
being necessarily absent, did not participate.

ATTACHMENT A

Public Education Plan for 909 Area Code Relief

Public Education Plan for 909 Area Code Relief

(completion dates shall be adjusted to reflect the actual exhaustion date, when determined)

Activity	Description	Audience	Shared or Individual Service Provider Effort	Start Date	Completed Date
1	Effective date of decision approving 909 area code overlay	NA	NA		Date of Decision (DOD)
2a	Task Force Finance Subcommittee to send emails to service providers requesting invoicing information and confirmation of 909 numbering resources in inventory as of DOD.	Service providers holding blocks/codes in 909 as of DOD			3 weeks after Implementation Start Date (ISD)
2b	Respond to Task Force Finance Subcommittee with billing information and confirmation of 909 numbering resources	Service providers holding blocks/codes in 909 as of DOD			2 weeks after ISD
3	NANPA 909 implementation meeting, and request for industry participation on PEP task force and subcommittees. Determination of ISD.	CPUC Staff and Industry	Shared		3 weeks after DOD
4	Overlay information distributed internally as job aid for customer service representatives to answer customer questions. Representatives should not need to refer questions to the CPUC.	Customer service representatives	Individual		1 month after ISD.
5	909 overlay update to industry websites	All customers	Individual		3 months after ISD
6	News release regarding the start of permissive dialing, the 909 area code relief plan, and the 909 area code geographic boundaries, for issue within the 909 area code and adjacent area codes, to media and key entities, including chambers of commerce and local governments. Post news release to CPUC website and social media platforms.	All customers	Shared		5 months after ISD
7	Task Force Finance Subcommittee issue invoices for PEP fund payments to service providers holding blocks in 909 as of DOD.	Task Force Finance Subcommittee			4 months after ISD

8	Customer Notification No. 1: Announce the new area code plan, including information about 1 + 10-digit dialing and indicate affected areas, the key dates, and how customers should prepare for the overlay.	All customers	Individual		4-5 months after ISD
9	Provide by email targeted letters with the information in Customer Notification No. 1, along with PEP Task Force contact information, and an offer to provide industry speakers, to (1) community-based organizations and key government agencies, including senior, consumer and other advocacy/activist organizations, chambers of commerce, city councils, airports, and other key government agencies, (2) alarm service providers, (3) public safety organizations and PSAPs, (4) coin-operated pay telephone providers, (5) telephone directory publishers, and (6) California Relay Services throughout the 909 area code. Request that these organizations distribute the information to their members.	Senior, consumer and other advocacy/activist organizations, chambers of commerce, city councils and other key government agencies, airports, alarm service providers, public safety organizations and PSAPs, coin-operated pay telephone providers, telephone directory publishers, and California Relay Services	Shared		4 months after ISD
10	Begin Permissive Dialing			6 months after ISD on Saturday	
11	Published Directories: Add information on cover to alert customers in 909 area code	All customers	Individual		6 months after ISD
12	Remit full payment for PEP fund contribution	Service providers holding blocks/codes in 909 as of DOD			7 months after ISD
13	Correct payphone signage to include updated dialing instructions	All customers	Individual		10 months after ISD

14	News release regarding the start of 1 + 10-digit mandatory dialing, the 909 area code relief plan, and the 909 area code geographic boundaries, for issue within the 909 area code, adjacent area codes, and statewide, to media and key entities, including chambers of commerce and local governments. Post news release to CPUC website and social media platforms.	Statewide	Shared		11 months after ISD
15	Disseminate information in relevant zoned editions of major newspapers, ethnic media, radio and television through paid advertising. (Note: The bulk of the information should be disseminated in the three weeks preceding the beginning of mandatory 1+10 digit dialing.)	All customers	Shared	6 months after ISD	12 months after ISD
16	Offer industry appearances on local radio or TV talk shows	All customers	Shared	10 months after ISD	12 months after ISD
17	Customer Notification No. 2: Announce the new area code plan, including information about mandatory 1 + 10-digit dialing and indicate affected areas, the key dates, and how customers should prepare for the overlay.	All customers	Individual		10 months after ISD
18	Provide by email targeted letters with the information in Customer Notification No. 2, along with PEP Task Force contact information, and an offer to provide industry speakers, to (1) community-based organizations and key government agencies, including senior, consumer and other advocacy/activist organizations, chambers of commerce, city councils, airports, and other key government agencies, (2) alarm service providers, (3) public safety organizations and PSAPs, (4) coin-operated pay telephone providers, (5) telephone directory publishers,	Senior, consumer and other advocacy/activist organizations, chambers of commerce, city councils and other key government agencies, airports, alarm service providers, public safety organizations and PSAPs, coin-operated pay telephone providers, telephone	Shared		10 months after ISD

	and (6) California Relay Services throughout the 909 area code. Request that these organizations distribute the information to their members.	directory publishers, and California Relay Services			
19	Complete implementation of recorded message announcing mandatory dialing	All customers	Individual		10 months after ISD
20	Begin Mandatory Dialing			1 month before 909 overlay effective date	
21	New NPA/Area Code assigned and implementation completed			13 months after ISD, 1 month after mandatory dialing	

(END OF ATTACHMENT A)