

Decision **PROPOSED DECISION OF ALJ WILSON** (Mailed 4/15/22)

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 209 Numbering Plan Area.

Application 21-04-007

**DECISION GRANTING REQUEST FOR AN ALL-SERVICE
AREA CODE OVERLAY IN THE 209
NUMBERING PLAN AREA**

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ATTACHMENT A – Public Education Plan for 209 Area Code

**DECISION GRANTING REQUEST FOR AN ALL-SERVICE
AREA CODE OVERLAY IN THE 209
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 exhaustion of numbering resources in the 209-numbering plan area, with a six-month implementation schedule. The overlay will provide additional numbering resources to meet the demand for telephone numbers while minimizing customer inconvenience. 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 209-area code upon exhaust of available prefixes in the existing 209-area code. Customers will dial the three-digit area code for all calls to and from telephone numbers with the 209 and new area codes.¹

This proceeding is closed.

¹ Currently, customers with 209-area code numbers already must dial the three-digit area code for all calls, as the 209-area code has transitioned to 1+10 digit dialing on October 24, 2021 as mandated by the Federal Communications Commission (FCC) due to the FCC's implementation of the 988 3-digit code for the National Suicide Prevention Hotline.

1. Background

The North American Numbering Plan Administrator (NANPA),² on behalf of the California Telecommunications Industry (Industry),³ filed Application (A.) 21-04-007, in which it requests relief in the 209 Numbering Plan Area (NPA or Area Code).⁴

No protests were filed to the application. California Cable and Telecommunications Association (CCTA) filed a response in support of A.21-04-007 on August 2, 2021.

On November 4, 2021, Administrative Law Judge (ALJ) Suman Mathews held a telephonic prehearing conference (PHC) in this matter to discuss and establish the service list for this proceeding, determine the scope of the proceeding. The Applicant, representatives of the California Public Utilities Commission's (Commission) Communications Division (CD), both the attorney and subject matter expert for NANPA, as well as representatives for CCTA, AT&T California (AT&T), Verizon California (Verizon), and Comcast California (Comcast) were present and participated in the PHC. The Assigned Commissioner issued the Scoping Memo and Ruling (Scoping Memo) on February 9, 2022.

On January 7, 2022, AT&T, Verizon, Comcast and CCTA filed a Motion requesting: 1) adoption of a revised overlay plan; 2) requesting adoption of a 6-month implementation schedule; and 3) elimination of the paid advertisement requirement.

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

³ The Industry is composed of current and prospective telecommunications carriers operating in, or considering operations within, the 209 NPA.

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 209. Throughout this decision, NPA and area code are used interchangeably.

On February 15, 2022, a notice of co-assignment was issued by the Chief ALJ, that ALJ Seaneen Wilson had been co-assigned to the current proceeding.

Effective January 1, 2019, the Federal Communications Commission (FCC) appointed Somos, Inc. (Somos) to replace Neustar, Inc. as the NANPA.⁵

All rulings issued by the assigned Commissioner and ALJ are affirmed herein.

2. Jurisdiction

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

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

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Senior Corporate Counsel/
Counsel for North American Numbering Plan Administrator
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⁶

http://transition.fcc.gov/Bureaus/Common_Carrier/Reports/FCC-State_Link/IAD/utilization_dec2000.pdf

⁷ Public Utilities (Pub. Util.) Code § 7936 states “The commission shall direct the NANPA 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.”

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.”

3. Process for Determining Need for a New Area Code

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 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

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.

<https://www.nationalnanpa.com/index.html>

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 Pub. Util. Code § 7931(d).

well as industry guidelines.¹¹ After the 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.

NANPA then 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.

Prior to 2017, Pub. Util. Code § 7931 (e) (2) required Commission staff to conduct at least one public meeting for the local jurisdictions and the public affected by the area code relief activities. Pub. Util. Code § 7931 (e) (2) was subsequently revised to no longer require public meetings for area code relief.¹³ Public meetings may be conducted at the discretion of the Commission but are not

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 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 In 2017, [SB 385 \(2017-2018\)](#) revised Pub. Util. Code § 7931 (e) (2) to require commission staff to notify representatives of local jurisdictions and the public in affected areas, but instead of requiring them would authorize them, at the discretion of the commission, to conduct one or more meetings both for representatives of local jurisdictions and for members of the public in affected geographic areas for those same purposes. The purpose of the revision is to "repeal obsolete auditing, reporting, and other similar requirements on the commission."

required. For the 209-area code relief proceedings, the public meetings that have been held in the past are replaced with a webcast posted on the Commission website. The 209-area code webcast is available at ftp://ftp.cpuc.ca.gov/California_Teleconnect_Fund/Numbering%20and%20Area%20Codes/209%20Webcast-20210420.mp4. The webcast replaces the public meetings because in-person gatherings were not permitted due to the pandemic.

In this application, Industry reached consensus to recommend to the Commission an all-services distributed overlay plan as its choice of relief for the 209-area code. Given the passage of time since the application was filed, the amount of time available to institute the overlay has been reduced. AT&T, Verizon, Comcast and CCTA have requested a revision to the timeline of the overlay plan, which is discussed below in Section 3 herein.

3.1 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*, 209-555-1234).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 exchange is a rate center. The 209-area code has 62 rate centers serving portions of Alameda, Alpine, Amador, Calaveras, El Dorado, Escalon, Fresno, Madera, Mariposa, Merced, Sacramento, San Joaquin, Stanislaus, and Tuolumne counties.

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

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.

resource allocation system to divide a prefix or central office code (NXX code, CO 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 958, 959, and 555, as abbreviated dialing patterns dedicated to special uses. Consequently, only 740 usable prefixes (NXX codes) exist in a given area code.¹⁵ Once these 740 available prefixes are used, a new area code is necessary. As of December 2020, there were only 43 useable prefixes remaining in the 209-area code (about nine percent). NANPA initially projected the 209 NPA to run out of prefixes in the fourth quarter of 2023 (October 2020 NPA Exhaust Analysis Report).¹⁶ However, NANPA revised its forecast to fourth quarter of 2022 on December 16, 2020, due to an increase in CO code requests in the 209 NPA.¹⁷ On December 16, 2020, NANPA also declared a Jeopardy situation for the 209 NPA.¹⁸

3.2 The 209 Area Code

The 209 NPA was introduced in 1958 when it was split from the 415 NPA, which is one of the original three NPAs in California. In 1997, the 209 needed area code relief and the Decision (D.) 97-06-051 approved a geographic split creating

¹⁵ A.21-04-007, Exhibit A, California-209 NPA NXX Summary Data as of 12/28/20.

¹⁶ In October 2020, NANPA published a Number Resource Utilization Forecast (NRUF) and NPA Exhaust Analysis which indicated that the 209 NPA would exhaust during the fourth quarter of 2023. That projected exhaust date subsequently has been revised to fourth quarter of 2022.

¹⁷ A.21-04-007 at 3.

¹⁸ NANPA declares jeopardy in an area code when the supply of numbers in the area code could exhaust before relief can be provided.

https://www.nationalnanpa.com/news/jeopardy_declaration_table.html

the 559 NPA. In 1999, the lottery was instituted for the 209 NPA and relief planning started again. However, with the lottery in place and the introduction of thousand-block number pooling, the forecasted exhaust was pushed out considerably. In June 2011, jeopardy was rescinded.

The 209 NPA serves the cities of Angels Camp, Atwater, Ceres, Dos Palos, Galt, Gustine, Hughson, Ione, Lathrop, Livingston, Lodi, Los Banos, Manteca, Merced, Modesto, Newman, Oakdale, Patterson, Plymouth, Ripon, Riverbank, Sonora, Stockton, Tracy, Turlock, and Waterford. The 209 NPA also covers Yosemite National Park and Kirkwood Mountain Resort. The 209 NPA is bordered on the north by the 916/279 NPA, on the north and northeast by the 530 NPA, on the southeast by the 760/442 NPA overlay complex, to the south the 559 NPA and 831 NPA, to the west by the 925 NPA and the 408/669 NPA overlay complex.¹⁹ The thousand-block number pooling helped to extend the life of the 209-area code. This measure has run its course and the available telephone numbers within the 209-area code have reduced to the point that will soon require relief.²⁰

4. Current Request for a New Area Code

Under Pub. Util. Code §§ 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 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.

¹⁹ A.21-04-007 at 2.

²⁰ In its October 2020 NPA Exhaust Analysis, NANPA projected an exhaust date in the fourth quarter of 2023, which was subsequently updated to fourth quarter of 2022.

In the current case, the only alternative is overlay, given the FCC's Order approving the designation of 988 as the 3-digit abbreviated dialing code for the national suicide prevention and mental health crisis hotline.²¹ The NPA Relief Planning Guidelines were amended to accommodate the impact the national implementation of the 988 abbreviated dialing code and the associated 1+10-digit dialing transitions will have on area code relief. The amended NPA Relief Planning Guidelines state that "where NPA relief is required for a single NPA area and ... the NPA is scheduled to transition to 1+10-digit dialing...the Initial Planning Document, relief planning meeting, and Industry consensus to recommend an overlay is not required."²²

NANPA projects that the 209-area code will exhaust in the fourth quarter of 2022. NANPA supports its projection by providing a utilization data study that supports the estimated exhaustion date for the 209-area code. The study and the data therein satisfy the statutory requirements of Pub. Util. Code §§ 7936 and 7943(c) and persuade us that there are no reasonable alternatives to creating a new area code to address the 209-area code exhaustion.

After informing the Commission of the forecasted exhaust of the 209-area code, NANPA convened California 209 Initial Relief Planning Meeting on March 4, 2021. Industry reached consensus at this meeting to recommend to the Commission an all-services distributed overlay as the relief for the 209-area code.

In order to allow sufficient time for completion of the selected relief plan prior to exhaust of CO codes in the 209-area code, NANPA and Industry proposed a Public Education Program (PEP) for customers in the current 209-area code and

²¹ Implementation of the National Suicide Hotline Improvement Act of 2018, Report and Order, FCC 20- 100 (rel. July 17, 2020)

²² NPA Relief Planning Guidelines at §5.6.3 (previously §5.6.2).

requests that the Commission approve the nine-month implementation schedule and PEP program outlined in its application. In their motion, AT&T, Verizon, Comcast and CCTA requested, in part, adoption of a six-month implementation schedule instead of the nine-month plan requested in the application.

5. Discussion

The 209-area code is projected to exhaust in the fourth quarter of 2022, 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 209-area code exhaustion in accordance with Pub. Util. Code § 7936.²³ There is no indication that conservation measures will adequately address this exhaustion as outlined in Pub. Util. Code § 7943(c). In this application, NANPA provided one relief option, concluding that the 209-area code relief option for the all-services overlay alternative is Industry's only option, given the recent institution of the 988 abbreviated dialing code of the national suicide prevention and mental health crisis hotline.

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

²³ 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.

209-area code. Implementation of the overlay shall be completed by the forecasted exhaust date of the 209-area code in the further quarter of 2022. Given the short period of time before the exhaustion of CO codes, we adopt the unopposed request of a six-month schedule proposed by AT&T, Comcast CCTA, and Verizon.

6. Public Education Program

6.1 Overview

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 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 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.²⁴ Telecommunications service providers must develop a detailed public education plan that is consistent with those adopted in D.17-05-019. The CD 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.

²⁴ 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.

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.²⁵

Therefore, as in previous decisions, the Commission will require a task force²⁶ to implement the public education program and manage the program's fund. The task force shall consist of representatives from the service providers holding numbering resources in the 209-area code as of the effective date of this decision, as well as Commission staff to oversee the implementation. All service provider representatives on the task force should contribute to the implementation effort and those unwilling to participate shall be reported to the Commission. 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 PEP should contain the same activities used in prior programs that have achieved the 70 percent customer awareness requirement, which result in customer awareness, prior to exhaustion anticipated to occur during the fourth quarter of 2022. There is no requirement for either the Industry or the Task Force to formally report the 70 percent customer awareness to the Commission.

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

²⁵ D.17-05-019 at 26-27. (See also Section 2c.)

²⁶ The Task Force is a separate group from the Industry.

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 CD Director for review and approval.

Telecommunications service providers must develop a detailed PEP that is consistent with those adopted in D.17-05-019. (*See Attachment A to this decision.*) The CD Director is authorized to oversee the finalization and implementation of the PEP and 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.

6.2 Discussion

As part of this application, NANPA attaches an Exhibit B, which are the final minutes of the California-209 NPA Draft Petition Review Meeting via Conference Call Final Minutes (Minutes), held March 4, 2021.²⁷ These Minutes became final on March 26, 2021. Within Exhibit B, Industry consensus is documented, stating that the Industry approval by the Commission of the requested implementation of the 209 overlay and approval of a modified PEP does not require paid advertising.

As requested by NANPA in A.21-04-007 and reiterated by AT&T, Comcast, CCTA, and Verizon in their Motion, paid advertising is not necessary for the following reasons:

1. Mandatory 1+10-digit dialing education is already underway in the 209-area code due to the federal 988 implementation requirement and will be completed by the

²⁷ A.21-04-007 at Exhibit B.

time the overlay area code is implemented. Therefore, no paid advertising will be necessary.

2. The Industry's proposed schedule and dates allow the Industry to implement relief efficiently, avoid holiday network freeze timeframes, and reduce the risk of running out of numbers before relief is implemented.
3. Educating 209 customers about the new overlay area code is just an informational exercise. Californians are already very familiar with multiple area codes, with 35 area codes already in service in California, including 12 overlays.
4. The California Telecommunications Industry is experienced in educating customers about the introduction of new overlay area codes when mandatory 10-digit or 1+10-digit dialing is already in place. The Industry has successfully implemented a number of additional overlays to existing overlays in Georgia, New York, and Texas. No paid advertising was used.
5. Paid advertising requirements in PEPs create the need for a funding mechanism, and past PEPs demonstrate that the funding mechanism is a burdensome, inefficient and unnecessarily complex process shouldered unfairly by a few Industry volunteers.
6. For the 209 overlay with its simple informational messaging, paid advertising and a funded PEP doesn't make fiscal sense.
7. It would be virtually impossible to implement a funded PEP within the recommended six-month implementation schedule.

The Commission agrees there is not sufficient time for a paid advertising effort and such effort is not necessary for reasons explained above. However, the Commission recognizes the importance of customer notification. The following notifications regarding the 209 overlay shall be issued as follows: 1) one customer notice will run for two billing cycles; 2) one special outreach notice will be issued;

and 3) two news releases will be issued - at the one-month mark and the five-and-a-half-month mark of the six-month implementation period.

Additionally, the Commission requires the Industry to issue one additional news release at the four-month mark of the implementation period. All the news releases will reach various media sources such as television stations, which in turn may announce the 209-area code overlay on their respective media platforms.

To further ensure customer awareness of the overlay, the Commission requires the Industry to provide to the Commission staff confirmation indicating that the above referenced announcements of the overlay are made on the local major broadcast television stations within the 209-area code. The confirmation shall be either an email or other written communication from the Industry confirming that local major broadcast television stations have carried the announcement of the overlay. This notification shall be provided to the Director of the Commission's Communications Division

The PEP requirements adopted for the 209-overlay implementation do not set a precedent for future area code relief implementations. The Commission may adopt different PEP requirements for future overlays.

6.3 Conclusion

The original PEP plan is attached as Exhibit B to the Application, and the amended PEP is attached to the Motion. The Commission finds that the PEP attached to the Motion, as modified by the Commission (see Attachment A to this decision) is adopted. The overlay shall be implemented over a six-month period.

The notifications discussed above comply with the requirements of a NPA overlay, given the reasons detailed above, in particular because mandatory 1+10-digit dialing education is already underway in the 209-area code due to the federal 988 implementation requirement.

7. Categorization and Need for Hearing

In Resolution ALJ 176-3484, dated April 22, 2021, 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.

8. Comments on Proposed Decision

Rule 14.6(c) (2) of the Commission's Rules of Practice and Procedure (Rule) 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.

Comments were filed on May 5, 2022 by the Joint Carriers,²⁸ raising one issue: 1) clarification of the requirement that the overlay announcement confirmation be provided to the Commission.

In their comments, the Joint Carriers' state that their own external communications departments rely on "media summary reports" generated by press wire services to confirm overlay announcements by broadcast stations, because the broadcasters themselves do not provide written confirmation.

We have carefully reviewed the comments and find that the confirmation shall be provided to the Commission by the Industry, not the broadcasters. Revisions have been made throughout the proposed decision.

²⁸ Joint Carriers herein include Pacific Bell Telephone Company d/b/a AT&T California, SBC Long Distance, LLC, Teleport Communications America, LLC, AT&T Mobility and Cricket Wireless, LLC, Comcast Phone of California, LLC, the California Cable & Telecommunications Association, Cellco Partnership dba Verizon Wireless, MCI Communications Services LLC, MCI metro Access Transmission Services LLC, and XO Communications Services, LLC

9. Assignment of Proceeding

Darcie L. Houck is the assigned Commissioner and Seaneen Wilson and Suman Mathews are the assigned ALJs in this proceeding.

Findings of Fact

1. On April 9, 2021, Neustar, Inc. as NANPA requested Commission authority to implement an overlay to relieve the 209-area code.

2. Effective January 1, 2019, the FCC appointed Somos to replace Neustar, Inc. as the NANPA.

3. The 209 NPA was introduced in 1958 when it was split from the 415. In 1997, D.97-06-051 approved splitting the 209-area code and created the 559 NPA. In 1999, the lottery was instituted for the 209 NPA and relief planning started again. Subsequently, in June 2011, jeopardy was rescinded.

4. Thousand block number pooling and conservation measures extended the life of the 209-area code and delayed the need for an area code change.

5. Pub. Util. Code § 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.

6. NANPA utilized data from the October 2020 NRUF Report, later updated in December 2020, to project that the 209-area code will be exhausted in the fourth quarter of 2022.

7. Pub. Util. Code § 7943(c) requires the Commission to perform a telephone utilization study and implement all reasonable telephone number conservation measures.

8. NANPA convened a relief planning meeting with Industry on March 4, 2021, to identify viable solutions to the forecast exhaust.

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

10. An all-services overlay alternative is Industry's recommended consensus solution to address the projected exhaustion of the 209-area code.

11. The overlay option will cause the least impact on residential and business customers, as well as emergency and government services.

12. For the 209-area code relief proceedings, a webcast posted on the Commission website. The webcast replaced public meetings because in-person gatherings were not permitted due to the Covid-19 pandemic.

13. A PEP is needed to implement the 209-area code overlay.

14. Because mandatory 1+10-digit dialing education is already underway in the 209-area code due to the federal 988 implementation requirement, the PEP does not need to include paid advertising.

15. The PEP approved with Industry input requires the following notifications regarding the 209 overlay: 1) one customer notice will run for two billing cycles; 2) one special outreach notice will be issued; and 3) two news releases will be issued, at the one-month mark and the five-and-a-half-month mark of the six-month implementation period.

16. In previous decisions, the Commission has used an industry task force to implement the PEP and manage the PEP fund.

17. The Industry is composed of current and prospective telecommunications carriers operating in, or considering operations within, the 209 NPA.

18. The Task Force is a separate group from the Industry. The Task Force consists of representatives from the service providers holding numbering resources in the 209-area code as of the effective date of this decision, as well as Commission staff to oversee the implementation.

19. There is no requirement for either the Industry or the Task Force to formally report the 70 percent customer awareness to the Commission.

Conclusions of Law

1. The FCC holds full responsibility over all numbering issues but has delegated to the states area code relief responsibilities. The Commission is responsible for proactively monitoring area code relief planning and oversees the integrity and competitive neutrality of the Industry relief planning process in California.

2. In accordance with Pub. Util. Code § 7936, NANPA and Industry considered utilization data using the October 2020 NRUF report, as updated in December 2020, in forecasting the 209-area code exhaustion, and in determining a consensus alternative to resolve the forecasted exhaust of the 209-area code.

3. The all services overlay in the 209-area code should be completed by the forecasted exhaust of the 209-area code in the fourth quarter of 2022.

4. In accordance with Pub. Util. Code § 7943(c), NANPA, Industry, and Commission staff considered all reasonable telephone number conservation and rationing measures in the 209-area code.

5. Since the statutory requirements of Pub. Util. Code §§ 7936 and 7943(c) have been satisfied, the Commission should adopt the overlay option to resolve the forecasted exhaust for the 209-area code.

6. Pub. Util. Code § 7931 (e) (2) states that area code relief no longer requires public meetings, and that public meetings may be conducted at the discretion of the Commission but are not required.

7. The PEP plan as modified by this decision is consistent with the program requirements 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.

8. The PEP attached as Attachment A to this decision should be adopted. This PEP is based on the original PEP proposed in A.21-04-007, modified by AT&T,

Verizon, Comcast, and CCTA in their Motion, and modified pursuant to this decision.

9. As part of the adopted PEP, the Industry should also issue one additional news release at the four-month mark of the implementation period. All the news releases will reach various media sources such as television stations, which in turn may announce the 209-area code overlay on their respective media platforms.

10. As part of the adopted PEP, the Industry should provide to the CD Director, confirmation indicating that the above referenced announcements of the overlay are made on the local major broadcast television stations within the 209-area code. The confirmation should be either an email or other written communication from the Industry, confirming that local major television stations have carried the announcement of the overlay.

11. Paid advertisement should not be required in the PEP.

12. A task force should be utilized to implement the PEP and manage the PEP fund. The task force should include Commission staff and representatives from the service providers holding numbering resources in the 209-area code as of the effective date of this decision.

13. The task force should be responsible for developing the materials and content of the PEP, maximizing the use of prior education efforts, and conforming to the requirements of this order.

14. The task force should contribute to the implementation effort and those unwilling to participate shall be reported to the Commission.

15. The CD Director should be authorized to oversee the finalization and implementation of the PEP and authorized to take all actions necessary, including requiring sufficient Industry contributions to the program's fund, to achieve a

70 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, the same activities used in prior programs that have achieved the 70 percent customer awareness requirement, and require any needed additional funding from the carriers.

16. An evidentiary hearing is not necessary.

17. It is appropriate to mail this decision for comments in accordance with Pub. Util. Code § 311 and Rule 14.3.

18. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. The proposed all-services overlay in the 209-area code is adopted.
2. The all-services overlay in the 209-area code shall be completed by the forecasted exhaust of the 209-area code in the fourth quarter of 2022.
3. Implementation of the new overlay shall occur within a time frame appropriate to the forecast exhaustion date during the fourth quarter of 2022.
4. The Public Education Program (PEP), consistent with the PEP attached herein as Attachment A, is adopted for the all-services overlay for the 209-area code. The PEP adopted herein is based on the original PEP proposed in Application 21-04-007, modified by AT&T California , Verizon California, Comcast California, and California Cable and Telecommunications Association in their January 7, 2022 Motion, and modified pursuant to this decision.
5. The California Telecommunications Industry, which is composed of current and prospective telecommunications carriers operating in, or considering

operations within, the 209 Numbering Plan Area, shall issue notifications regarding the 209 overlay as follows:

- (a) one customer notice that shall run for two billing cycles;
- (b) one special outreach notice shall be issued; and
- (c) three news releases shall be issued, at the one-month mark, the four-month mark, and the five-and-a-half-month mark of the six-month implementation period.

6. The Public Education Program shall also include the requirement that the California Telecommunications Industry shall also issue one additional news release at the four-month mark of the implementation period (as referenced in Ordering Paragraph 5 above). All the news releases will reach various media sources such as television stations, which in turn may announce the 209-area code overlay on their respective media platforms.

7. The Public Education Program shall also include the requirement that the California Telecommunications Industry (Industry) provide to the California Public Utilities Commission Communications Division Director, confirmation indicating that the above referenced announcements of the overlay are made on the local major broadcast television stations within the 209-area code. The confirmation shall be either an email or other written communication from the Industry confirming that local major broadcast television stations have carried the announcement of the overlay.

8. The Task Force, comprised of Commission staff and representatives from the service providers holding numbering resources in the 209-area code as of the effective date of this decision, shall implement the public education program. All service provider representatives on the task force shall contribute to the implementation effort and those unwilling to participate shall be reported to the California Public Utilities Commission.

9. The California Public Utilities Commission 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 70 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, the same activities used in prior programs that have achieved the 70 percent customer awareness requirement, and requiring any needed additional funding from the carriers.

10. Application 21-04-007 is closed.

This order is effective today.

Dated _____ Sacramento, California.

Attachment A

Public Education Plan for 209 Area Code

Public Education Plan for 209 Area Code Relief

Activity	Description	Audience	Shared or Individual Service Provider Effort	Completed Date	Recommended Due Date
1	Effective date of decision approving 209 area code overlay	NA	NA	Date of Decision (DOD)	
2	NANPA 209 implementation meeting, and request for industry participation on Public Education Plan (PEP) task force. Determination of implementation start date (ISD).	CPUC Staff and Industry	Shared	3 weeks after DOD	No later than 4/22/2022 Recommended ISD: 5/1/2022
3	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.	6/1/2022
4	209 overlay update to industry websites	All customers	Individual	3 months after ISD	8/1/2022
5	News release announcing the 209 area code relief plan, the 209 area code geographic boundaries, and the new overlay area code for issue within the 209 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	1 months after ISD	6/1/2022
6	Provide to CPUC Communications Division email or written confirmations from California Telecommunications Industry confirming that major local broadcast television stations have carried the announcement of the 209 area code overlay.			2 months after ISD	No later than 7/1/2022

Activity	Description	Audience	Shared or Individual Service Provider Effort	Completed Date	Recommended Due Date
7	Provide by email targeted letters with the information in the Customer Notification, along with PEP Task Force contact information, to (1) community-based organizations and key government agencies, including senior, consumer and other advocacy/activist organizations, chambers of commerce, city councils, and other key government agencies, (2) alarm service providers, (3) public safety organizations and PSAPs, providers, (4) telephone directory publishers, and (5) California Relay Services throughout the 209 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, alarm service providers, public safety organizations and PSAPs, telephone directory publishers, and California Relay Services	Shared	2 months after ISD	7/1/2022
8	News release announcing the 209 area code relief plan, the 209 area code geographic boundaries, and the new overlay area code for issue within the 209 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	4 months after ISD	9/1/2022
9	Provide to CPUC Communications Division email or written confirmations from the California Telecommunications Industry confirming that major local broadcast television stations have carried the announcement of the 209 area code overlay.			5 months after ISD	No later than 10/1/2022
10	Published Directories: Add information on cover to alert customers in 209 area code about the new overlay area code	All customers	Individual	6 months after ISD	11/1/2022

Activity	Description	Audience	Shared or Individual Service Provider Effort	Completed Date	Recommended Due Date
11	News release reminding the public of the 209 area code relief plan, and the 209 area code geographic boundaries, for issue within the 209 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	5.5 months after ISD	10/15/2022
12	Provide to CPUC Communications Division email or written confirmations from the California Telecommunications Industry confirming that major local broadcast television stations have carried the announcement of the 209 area code overlay.			6.5 months after ISD	11/15/2022
13	Customer Notification: Announce the new area code overlay, indicate the affected areas, the new area code effective date, and preparation for customers who use only the 7-digit phone number for cellphone contacts, or on print documents, such as letterheads and business cards.	All customers	Individual	6 months after ISD	11/1/2022
14	New NPA/Area Code assigned and implementation completed			6 months from ISD	11/1/2022

Public Education Plan for 209 Area Code Relief
(completion dates shall be adjusted to reflect the actual exhaustion date, when determined)

(END OF ATTACHMENT A)