

Decision 08-04-058 April 24, 2008

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 760 Numbering
Plan Area.

Application 07-06-018
(Filed June 18, 2007)

**OPINION DENYING REQUEST FOR AREA CODE OVERLAY
AND ORDERING AREA CODE SPLIT FOR THE 760 AREA CODE**

1. Summary

This decision maintains the Commission's previous determination that a geographically-based area code split is appropriate for the 760 area code and orders a geographic split, with the northern section retaining the 760 area code. The southern section, near San Diego, is assigned the new area code of 442.

2. Description of the 760 Area Code

The 760 area code is one of two geographically large area codes covering eastern California. The other large area code, 530, applies to the north-eastern part of the state and is largely rural. The 760 is predominantly in the south-east and also rural, but also includes densely populated areas of metropolitan San Diego. The 760 area code begins at the Pacific Ocean north of San Diego, sweeps inland to the Mexican and Arizona borders, then turns north following the Nevada border to mid-state, where it terminates at the Bridgeport rate center.

The northeast corner of the 760 area code (Bridgeport) is approximately 500 miles from El Centro in the southwest corner, with a driving time of about eight hours.



In the communities located in the northeast portion of the 760 area code, residents live, work, attend school, and carry on their day-to-day business within the same area code. Population centers are separated by vast stretches of uninhabited desert, with large swaths of vacant federally-owned land also interspersed. Telephone customers would not typically commute from one area code to another. For example, residents of Independence in Inyo County, just

south of Mono County, would need to cross the Sierra Nevada Mountains to reach the nearest different area code.

In contrast, the southwestern section of the 760 area code is part of metropolitan San Diego, with numerous area codes in close proximity. Residents could live in the 760 area code (Encinitas), work in the 619 area code (downtown San Diego), and shop in 858 area code (La Jolla area). Residents enjoying this multiple area code lifestyle routinely dial close-by telephone numbers that require a different area code.

In considering the proposals for adding new numbering resources in this area code, we will be mindful of the differences between the northeastern and southwestern sides of the 760 area code.

**3. Summary of Previous Commission Decision
Ordering a Geographic Split to 760 Area Code
(D.99-07-017)**

On July 8, 1999, the Commission issued Decision (D.) 99-07-017, finding that the 760 area code was projected to exhaust the supply of available NXX codes in the first quarter of 2001.¹ The Commission ordered a geographic split to the 760 area code, with the 65 rate centers serving Imperial, Riverside, San Bernardino, Kern, Tulare, and Mono counties retaining the 760 area code and the 14 rate centers in northern San Diego County receiving a new area code. The Commission reasoned that the split line should be designed to separate the rural area, which comprises the geographic majority of the 760 area code, from the densely populated, fast-growing northern San Diego County, which is causing the exhaustion of the 760 area code.² The Commission also noted that the geographic split will allow customers in both areas to retain 7-digit dialing, as well as allowing the 760 area code to retain its geographic identity of southeastern California.

In 2000, the Commission adopted additional numbering conservation measures that obviated the need for the approved geographic split of the 760 area code and suspended the ordered geographic split.³

¹ The area code is said to “exhaust” when the supply of central office codes or NXX codes (three-digit prefixes in common parlance) is depleted.

² Re Competition for Local Exchange Service, 1 CPUC3d 550, 554 (D.99-07-017).

³ Re Competition for Local Exchange Service, 7 CPUC3d 513 (D.00-07-053).

4. Description of Application 07-06-018

On June 18, 2007, Neustar, Inc., the North American Numbering Plan Administrator (NANPA) filed this application seeking Commission authorization for numbering relief in the 760 area code. The application states that available central office codes will be exhausted in the 760 area code in the third quarter of 2009. NANPA requests, on behalf of telecommunications carriers operating or contemplating operations in the 760 numbering plan area, either an all services distributed overlay relief plan for this numbering plan area or a two-way geographic split.⁴ NANPA provided a proposed 13-month implementation schedule for an all-services overlay and a proposed 15-month implementation schedule for the geographic split alternative.

As provided in Rule 1.9(c) of the Commission's Rules of Practice and Procedure, NANPA served a notice of availability of its application on all 760 central office code or block holders and all cities and counties in the 760 area.

No protests were filed.

NANPA stated that in 1998 it formulated a split plan due to the high demand for diminishing numbering resources which was approved by the Commission, but, as noted above, was subsequently suspended by the Commission which instead ordered development and implementation of more efficient means of using numbering resources to extend the life of the area codes.

In April 2006, NANPA prepared a Number Resource and Utilization Forecast and NPA Exhaust Analysis for the 760 area code which concluded that

⁴ NANPA's specific geographic split varies slightly from the 1999 plan in that 21 rate centers (rather than 14) in northern San Diego and Imperial counties comprise the new area code. Split alternative four is shown on the map in Attachment A.

the 760 area code would exhaust in the third quarter 2009. Based on this conclusion, NANPA convened an Industry Relief meeting on October 10, 2006, to consider four alternatives.⁵ Three of the alternatives consist of splits or geographically separating the current 760 area code into two different area codes. In a split, one side of a designated line retains the existing area code, while the other side implements the new area code. The fourth alternative was an all-services distributed overlay.⁶ The industry representatives reached consensus and decided to recommend the all-services overlay to the Commission as their choice for relief in the 760 area code and, in the event the Commission chooses a geographic split, Alternative Number 4.

NANPA then conducted a public comment process that included the following public participation and local jurisdiction meetings:

| Type of Meeting | Date | Location |
|--|-------------------|-----------------|
| Public Participation Local Jurisdiction | February 5, 2007 | Apple Valley |
| Public Participation | February 6, 2007 | Palm Springs |
| Public Participation Local Jurisdiction | February 21, 2007 | Carlsbad |
| Public Participation | February 22, 2007 | El Centro |

⁵ The four alternatives are described in Attachment A, with maps depicting split alternatives one and four.

⁶ An overlay keeps the geographic boundaries of an existing area code intact, and a new area code is added to the same geographic area. New customers, or customers adding additional lines, could be assigned numbers with the new overlay area code. It is an FCC requirement that 10 digits are to be used to dial all calls using the area code and the 7-digit number after an overlay has been implemented in an area code. Calls are billed according to the existing rate structures and the use of the new area code does not effect the rate paid for a call.

The Commission's Public Advisor also accepted written comments via postal and electronic mail.

Of the more than 1,300 comments received by the Commission staff, 601 supported the alternative one split, 163 preferred the alternative four split, and 261 supported the alternative three all-service overlay. Thus, about 75% of the commenters preferred a split of some type, with only 25% in favor of an overlay. Attachment C is a summary of the comments.

On March 14 and April 18, 2007, NANPA reconvened the industry representatives to review the public comment and issue a final recommendation. The industry consensus recommendation was an all-services overlay. The representatives supported this option because it would be quicker to implement than a geographic split and, in their opinion, would be least disruptive to customers. The representatives discounted the significant public support for a geographic split because "public participation meeting attendees generally expressed their preference to keep their 760 area code, and many assumed they would do so in the event of a split."⁷

AT&T California and Verizon advocated for the all services overlay and contended that it would be more difficult to comply with number portability requirements in an area with a geographic split. Cox Communications and Citizens/Frontier supported a geographic split with the western or San Diego side retaining the 760 area code.

Should the Commission order a geographic split, however, the industry representatives recommended alternative four.

⁷ Application at page 8.

Specifically, the industry's all-services overlay recommendation was to superimpose a new area code, 442, over the same geographic area as the current 760. All existing customers would retain the 760 area code and not be required to change telephone numbers. As required by Federal Communication Commission regulations and California uniform dialing, the recommended relief plan will require 1 + 10 digit dialing for all calls within and between 760 and 442.

The industry representatives' recommended geographic split alternative would split the current 760 area code into two portions. The southwestern portion would include 21 rate centers in Northern San Diego County and the Imperial Valley. The other portion would cover the northern and eastern regions of the current 760 area and would include 63 rate centers. The industry did not recommend which portion should receive the new 442 area code, but all customers in that portion would be required to use the new area code. Customers would continue to use 7-digit dialing within their home area code, and 1 + 10 digit dialing to reach all other area codes.

Finally, the industry representatives included a 13-month customer education plan for an all-services overlay and a 15-month plan for a two-way geographic split.

4.1. Response to the Application

On July 20, 2007, the Joint Telecommunications Carriers⁸ responded in support of the all services overlay alternative set forth in the application. The Joint Carriers stated that an overlay allows all customers to retain their existing

⁸ Verizon Wireless, Pacific Bell Telephone Company dba AT&T California, Sprint Nextel Corporation, New Cingular Wireless PCS, LLC, dba AT&T Mobility, Omnipoint Communications Inc. dba T-Mobile, Sprint -Nextel, and Verizon California, Inc.

telephone numbers, avoiding expense and inconvenience especially to small businesses. With the successful implementation of the 424/310 overlay, these carriers concluded that overlays, rather than splits, should be the Commission's preferred manner of addressing the need for new numbering resources. The Carriers explained that numerous other states have adopted overlays even for geographically large areas, such as 760. The Carriers concluded that the Commission should focus on the harm caused by requiring existing customers to change their telephone numbers, rather than the size of the existing 760.

5. Discussion

Pursuant to Pub. Util. Code §§ 7936 and 7943(c),⁹ before approving any new area code, the Commission must obtain utilization data from NANPA for any area code for which an area code change is proposed and must "perform a telephone utilization study and implement all reasonable telephone number conservation measures." Where there is no reasonable alternative other than to create a new area code, the Commission must "do so in a way that creates the least inconvenience for customers."¹⁰

As set out above, the Commission adopted various number conservation measures, which extended the life of the 760 area code for several years. Despite these measures, NANPA's current projection is that the 760 area code will exhaust in the third quarter of 2009. NANPA fully supported this projection by providing utilization data and performing a utilization study on the 760 area code. We find, therefore, that we have met the statutory requirements of §§ 7936

⁹ All citations are to the Public Utilities Code, unless otherwise indicated.

¹⁰ § 7943(a).

and 7943(c). Accordingly, there is no other reasonable alternative but to create a new area code.

In today's decision, we apply our criteria¹¹ for evaluating area code relief options and conclude that a geographic split, similar to that ordered in 1999, is preferable to an all-service overlay.

In considering plans for area code relief, we apply the following criteria:

1. Minimize end-users' confusion.
2. Balance the cost of implementation for all affected parties.
3. Provide that customers who undergo number changes shall not be required to change again for a period of eight to ten years.
4. Not favor a particular interest group.
5. Cover a period of at least five years beyond the predicted date of exhaustion.
6. Provide that all of the codes in a given area shall exhaust at about the same time in the case of splits. In practice, this may not be possible, but severe imbalances, for example, a difference of 15 years, should be avoided.
7. Comply with state and federal statutes, rulings and orders.

We will address each criterion separately.

5.1. Minimize End-User Confusion

The split alternatives require customers in a portion of the existing 760 area to change their area code to 442. Customers are familiar with area code splits as this has been the most common means of addressing number exhaustion. In fact, customers in the current 760 were "split" from the 619 area code in 1997.

¹¹ See CPUC3d 550, 553.

Overlays require customers in the entire area to adopt a new dialing protocol to include area codes on all telephone calls, even local calls across the street. Customers in the 760 area code are unfamiliar with mandatory “10-digit” dialing and will need to learn the new protocol to complete a call.

The overlay alternative requires the most significant changes for placing a call, and the split alternative retains the basic structure of local calls requiring only seven digits. Therefore, the split alternative provides the greatest opportunity to minimize end-user confusion.

5.2. Balance the Cost of Implementation for All Affected Parties.

In a two-way geographic split, customers in the portion receiving the new area code must adapt to a new area code. Customers in the other portion, which retains the existing area code, have no telephone number change at all.

In contrast, an all-services overlay requires all customers in the area code to adopt 10-digit dialing for all calls, all new customers get the new area code, and all existing customers retain their existing full telephone number.

Consequently, overlays more equally distribute the costs of implementation.

5.3. Provide that Customers Who Undergo Number Changes Shall Not Be Required to Change Again for a Period of Eight to Ten Years

All alternatives considered for the 760 area will provide customers with more than 10 years before another area code change may be required. The duration of each alternative is set out in the table below in Section 5.6.

5.4. Not Favor a Particular Interest Group

As noted above, about 75% of the public comment supported some type of geographic split. The primary advocate for an all-services overlay was the telecommunications industry, due to the ease of implementation. Thus, an overlay alternative favors the telecommunications industry.

5.5. Cover a Period of at Least Five Years Beyond the Predicted Date of Exhaustion

All alternatives project a future life greater than ten years. The shortest forecasted life is 14 years, which is for the western portion of geographic split alternative one, and the eastern portion of this alternative has the greatest life, 22 years:

| Alternative | Years to Exhaust Area A (Eastern Portion) | Years to Exhaust Area B (Western Portion) |
|--------------------|--|--|
| 1 (split) | 22 | 14 |
| 2 (split) | 19 | 16 |
| 3 (overlay) | 17 | 17 |
| 4 (split) | 18 | 16 |

5.6. Provide that All of the Codes in a Given Area Shall Exhaust About the Same Time in the Case of Splits. In Practice, this May Not Be Possible But Severe Imbalances, for Example A Difference in NPA Lifetimes of More Than 15 Years, Should Be Avoided

The overlay alternative is the only one with perfect balance. The differences in the various split alternatives range from two to eight years. No alternative has differences in excess of 15 years.

5.7. Comply with State and Federal Statutes, Rulings and Orders

All alternatives comply with state and federal statutes, rulings and orders.

5.8. Evaluation of Criteria

The alternatives all comply with Criteria 3, 5, 6, and 7. The carriers prefer an overlay due to lower cost and ease of administration. Customers, however, are less likely to be confused by a two-way geographic split, but the costs will not be equally distributed among customers in the existing 760 area code.

The inequity of cost distribution and of one portion of the existing 760 area code bearing all of the inconvenience of a new area code is less persuasive given the unique geographic size and population location of this area code. Exhaustion of the 760 area code is being caused primarily by the fast-growing metropolitan areas near San Diego. The population of the largely rural northeastern section of this area code is not growing at the same rate. The metropolitan areas are also relatively compact, as compared to the geographically expansive northeastern area.

A two-way geographic split, with the northeastern section retaining the 760 area code, will align the cost and inconvenience of a new area code with the metropolitan areas creating the need for a new area code. Such a split will also retain the geographic identity of the 760 area code in eastern California.

The Joint Carriers focus on the cost and inconvenience, especially to businesses, of changing area codes and recommend that this Commission adopt the “progressive” policy of overlays in all cases. These carriers explain that many customers are familiar with 10-digit dialing due to living, working, and having family and friends in numerous area codes, and others will quickly “adapt” to the 10-digit protocol.

We have fully considered these comments and agree that in many instances an overlay is the superior alternative. In this case, however, due to the uniquely expansive geography of the 760 area code, we conclude that customers in the north-east portions of the existing area code are not sufficiently a part of the multiple area code lifestyle to justify a determination that an overlay would not create significant confusion when all calls placed, even local calls within a remote location, require dialing 10 digits. As discussed above, many customers in the north-east section of the 760 area code are located a great distance from a different area code and would not encounter different area codes when conducting typical day-to-day business. These customers, currently located hundreds of miles from a different area code, could be confused by a different area code being necessary to call the new business across the street. These customers now are able to contact businesses and residences in the community using only 7-digit dialing. The sudden need to use 10-digit dialing to reach all nearby locations, the newer of which will have a different area code, could also lead to confusion and annoyance. In sum, the uniquely remote features of the 760 area code result in an all-services overlay creating substantial opportunities for customer confusion.

Therefore, based on the unique circumstances of the 760 area code, we conclude that a two-way geographic split is the best means to create additional numbering resources. We also conclude that the more rural eastern portion of the existing 760 should retain the 760 area code, and the rate centers closer to metropolitan San Diego should be assigned the new 442 area code.¹²

¹² The prefixes in the existing 760 area code to be moved to the new 442 area code are listed in Attachment D.

6. Which Split Alternative to Adopt?

NANPA, based on industry consensus, presented split alternatives one and four to the public. Split alternative one is the previously adopted split from D.99-07-017 (July 8, 1999). It keeps the cities and communities on both sides of the split line intact. The eastern boundary of the split area follows the Imperial County line. Consequently, all of Imperial County is part of Area A. The majority of telephone lines in the 760 area code¹³ are located in Area A, which has a projected life of 14 years. Area B (the south-west or San Diego County portion) has a projected life of 22 years. Of the public comments supporting a split, 79% favored alternative one.

NANPA and the industry representatives developed split alternative four, which is their preferred split alternative. Like alternative one, alternative four keeps northern San Diego County and Imperial Valley together and keeps the cities and communities on both sides of the split line intact. Alternative four differs from alternative one in that the eastern boundary follows a LATA line, which bisects Imperial County. Area A has a projected life of 18 years and Area B, 16 years. The primary advantage of alternative four is that the dividing line follows a LATA line such that the new area code, 442, is fully located within LATA 732 (San Diego). The inclusion of more than one LATA within an area code results in unusual billing requirements because calls between LATAs are billed as long distance, but could be within the same area code.

¹³ There are approximately 1.9 million working telephone numbers in Area A, which will retain the 760, and about 1.6 million working telephone lines in Area B, which will change to 442.

While NANPA and the industry representatives presented sound technical reasons for their proposed improvements to the split line we adopted in D.99-07-017, Imperial County residents and government officials objected to the hardships caused by dividing the county. We note that several area code borders bisect LATA lines and the carriers have successfully addressed the billing anomalies. We find, therefore, that the alternative one split line, which keeps Imperial County in one area code and is the line we adopted in 1999, is the best split alternative.

Accordingly, we will authorize the implementation of a two-way geographic split of the 760 area code following the dividing line set out in alternative one. Area A, the north-east portion, has substantially more working telephone numbers so it will retain the 760 area code to minimize customer inconvenience.

7. Adopted Schedule for 760 Area Code Split Implementation

In NANPA's application, the telecommunications industry recommended a 15-month implementation schedule for two-way geographic split of the 760 area code. We have built on this proposed schedule, adding specifications for public and customer notice as listed below. The final detailed schedule is set out in Ordering Paragraph 5.

1. Within 30 days of the effective date of this order, NANPA shall notify all code holders and thousand-block holders in the 760 area code of the implementation of the two-way geographic split, its schedule, the region included in the 442 area code, and the dialing procedure.
2. Also within 30 days of the effective date of this order, NANPA shall mail written notices to all cities and counties in the new 442 area code of the upcoming split and its implementation schedule.

NANPA shall also use readily available means of communicating with the public, e.g., electronic notification, public service announcements, and press releases to inform the general public, and particularly affected businesses, of the implementation schedule for the split.

3. No later than when permissive dialing begins, all code and thousand-block holders in the new 442 area code shall provide written notices to their customers of the upcoming split¹⁴ and its implementation schedule. These holders shall also include information regarding the split on their web pages, when permissive dialing begins.
4. No more than 75 or less than 30 days prior to mandatory dialing, the code and thousand-block holders shall provide another written notice to all customers. This notice shall emphasize the date that mandatory dialing begins.

The final adopted schedule with all significant milestones is set out below in Ordering Paragraph 5.

8. Comments on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on April 1, 2008, and reply comments were filed on April 7, 2008.

The Joint Telecommunications Carriers opposed any type of split and stated that splits are an obsolete form of area code relief. In separate comments,

¹⁴ Including the specific geographic area that will be included in the new area code, the geographic boundaries of the new area code, and the prefixes that will be included in the new area code.

AT&T California¹⁵ objected to being required to use notices mailed separately from a customer's bill. AT&T explained that bill notices can be more effective, and are allowed in the statutes. Cox California Telcom, LLC, dba Cox Communications intervened in support of a split but recommended that Area B retain the 760 area because the majority of customers are located in Area B. The Division of Ratepayer Advocates supported split alternative one.

In addition to the formal comments, the Commission's Public Advisor also received over 50 written comments from individuals and community leaders supporting alternative one because it keeps all of Imperial County in one area code.

In reply, Cox stated that more customers in Area B complained about the inconvenience of changing area codes so this area should retain the 760 area code. If not, Cox supported an overlay. The Joint Carriers reiterated that any split creates winners and losers, unlike an overlay.

In response to the comments, the Proposed Decision was revised to adopt split alternative one, rather than split alternative four.

9. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Maribeth A. Bushey is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. In D.99-07-017, the Commission adopted a two-way geographic split plan for relief of the 760 area code.

¹⁵ AT&T California, Cox and the Division of Ratepayer Advocates each submitted unopposed motions for party status, all of which are granted.

2. In D.99-07-053, we suspended the split plan, and instead ordered the development and implementation of more efficient means of using numbering resources to extend the life of area codes.

3. NANPA filed this application on June 18, 2007, and served copies of a notice of availability of the application on all 760 central office code or block holders as well as all cities and counties in the 760 area.

4. NANPA's application forecasted that the 760 area code will exhaust in the 3rd quarter of 2009.

5. No protests have been submitted.

6. Consistent with Pub. Util. Code § 7931(e)(2), NANPA and CPUC staff conducted local jurisdiction and public meetings, and put forward the four alternatives set out in Attachment A.

7. NANPA fully supported the projected exhaust of the 760 area code by providing utilization data and performing a utilization study on the 760 area code, which complies with §§ 7936 and 7943(c).

8. The application recommended an all-services overlay, and the Joint Telecommunications Carriers supported this recommendation.

9. A significant number of customers did not support the proposed overlay. The reason most commonly cited was the inconvenience of 1+10-digit dialing and the large geographic area of the existing 760 area code. The comments are summarized in Attachment B.

10. The application included a 15-month schedule for notifying customers of a geographic split and modifying the network.

11. No hearing is necessary.

Conclusions of Law

1. Conservation measures have extended the life of the 760 area code for several years, thus delaying the need for an area code change. All reasonable telephone number conservation measures have been implemented. To accommodate future needs, there is no reasonable alternative other than to create a new area code. Accordingly, we have complied with § 7943(c) by ordering an area code change.

2. The schedule for public and customer notice set out in Ordering Paragraph 5 complies with §§ 7931(f)(2) and (g), and § 7932(a)(3).

3. The implementation schedule set out in Ordering Paragraph 5 provides for a transitional or permissive dialing period when dialing either area code will complete the call and, after mandatory dialing is imposed, a recorded message informing the caller of the new area code, as required by § 7932.

4. Pursuant to §§ 7931(f) and (f)(1), NANPA should notify the applicable code holders and thousand-block holders in the 760 area code of the implementation of the two-way geographic split, its schedule, and the region included, as well as all cities and counties in the new 442 area code, within 30 days from the effective of this order.

5. Consistent with Sections 7931(f)(2) and 7931(g) of the Public Utilities Code, written notice to all affected customers shall include information about the specific geographic area that will be included in the new area code, the geographic boundaries of the new area code and the prefixes that will be included in the new area code, and shall be contained in a mailing separate from the customer's regular bill.

6. We have established a history of evaluating certain criteria when considering area code relief options. Those criteria indicate that, due in large

part to the unique geographic circumstances of the existing 760 area code, a two-way geographic split is the best alternative for adopting numbering relief for the 760 area code.

7. All service providers operating within the 760 Number Planning Area and/or having numbering resources with the 760 area code should cooperate in implementing the customer notification plan as set forth in Ordering Paragraph 5.

O R D E R

Therefore, **IT IS ORDERED** that:

1. The two-way geographic split proposed in the application as alternative one for the 760 area code is adopted.
2. The following rate centers in the existing 760 area code shall comprise the new 442 area code: Borrego, Encinitas, Escondido, Fallbrook, Julian, Oceanside: Carlsbad, Oceanside: Oceanside; Oceanside: Pendleton, Pauma Valley, Ramona, San Marcos, Valley Center, Vista, Warner Springs. The telephone number prefixes associated with these rate centers are listed in Attachment C.
3. Within 30 days of the effective date of this order, the North American Numbering Plan Administrator (NANPA) shall notify the applicable code holders and thousand-block holders in the 760 area code of the implementation of the two-way geographic split of the 760 area code, the prefixes comprising the new 442 area code, and the schedule for implementation.
4. The NANPA and the code and thousand block holders in the new 442 area code shall comply with the implementation schedule adopted below.
5. The following implementation schedule is adopted:

| EVENT | RESPONSIBLE PARTY | TIMEFRAME |
|---|--------------------|---|
| File and Serve Final Implementation Plan with specific dates | NANPA | Within 30 days of order |
| Notify Code/Block Holders and Cities and Counties of split and schedule | NANPA | Within 30 days of order |
| Public and Business Notification of split and schedule | NANPA | Within 30 days of order |
| Customer Notification and Network Preparation Period | Code/Block Holders | Six months in duration, begin with date of order |
| First Customer Notice | Code/Block Holders | Prior to Permissive Dialing |
| Permissive Dialing Period, 442 Area Code Activated | Code/Block Holders | Six months in duration, begin with conclusion of Customer Notification and Network Preparation. |
| Second Customer Notice | Code/Block Holders | Between 75 and 30 days before mandatory dialing begins |
| Dialing Mandatory | Code/Block Holders | Begins at end of Permissive Dialing Period |
| Recorded Announcement Period | Code/Block Holders | Three months in duration, begins at end of Permissive Dialing Period |

6. The Director of the Communications Division shall oversee implementation of the 760 area code split and may authorize such additional or modified notice requirements as may be necessary to efficiently implement the 442 area with a minimum of inconvenience and expense for customers.

7. Within 30 days of the effective date of today's decision, the NANPA shall file and serve a final implementation schedule which shall include the specific dates for all implementation events needed to comply with this order.

8. Application 07-06-018 is closed.

This order is effective today.

Dated April 24, 2008, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

RACHELLE B. CHONG

Commissioners

I will file a dissent.

/s/ TIMOTHY ALAN SIMON

Commissioner

Dissent of Commissioner Timothy Alan Simon
Item 25: Relief of the 760 Numbering Plan Area

I. Introduction

The question of how to accommodate the ever-growing number of California telephone users continues to confront this Commission. Fervent arguments have been advanced by the supporters of both split and overlay solutions, but on balance, I am convinced, with modern technologies and human behavioral trends, that overlays best serve the needs of the residents and businesses.

As I represented in the 818 Area Code Relief decision that, with my fellow commissioners' support we adopted on consent¹— I philosophically support overlays as the correct solution for area code relief in California based on the factual records that have been developed.

As such, I cannot support the Alternative I adopted by the majority, which opts instead for a geographically-based area code split for the 760 area code.

II. Overlays Allow Existing Consumers To Retain Their Telephone Numbers.

Numbering relief in the 760 area is imperative — being driven by the economic and population growth along the coast. In this regard, it would be an understatement to claim that the public has been passionate about the outcome of this proceeding. The adopted decision reports that the Commission staff received more than 1,300 comments—601 in favor of the geographic split Alternative I; 163 in favor of geographic split Alternative IV; and 261 in favor of

¹ D08-04-059; A.07-12-018 re: 818 Area Code Relief

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the overlay Alternative III.² By these numbers, the vast majority would appear to favor a split of some type, as opposed to an overlay. But when I met with parties on both sides of the debate, the singularly resonant message that I heard was: *“Whatever you do, just let me keep my 760 area code!”* Accordingly, I consider Split Alternative I pandering to the misguided belief of residents that they will retain the incumbent 760 area code.

This decision fails to heed that consumer concern for constancy and, instead, adopts a geographic area code split that, much as the colonial powers did at the Treaty of Versailles, places the Commissioners in the unenviable position of picking consequential boundaries of winners and losers. The majority’s decision bequeaths 760 to the vast northeast and relegates the new 442 code to the denser population of consumers in the southwestern area, near San Diego. In contrast, the overlay alternative would have assigned the new area code to new customers after exhausting the inventory of 760 area codes and would have allowed existing customers to retain their existing telephone numbers. The cost that will be incurred by business and residents is regrettable.

III. Splits Place Enormous Avoidable Costs On Small Business Owners.

Rising costs threaten the survival of small businesses as they face greater economic challenges to stay competitive and cost effective. Small business innovation and job creation is what makes America great. As such, I favor exploring and, when appropriate, advocating alternatives that lower the costs to small businesses.

² D.08-04-058, page 6 and Appendix B, page 1.

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I am concerned that splits place enormous burdens on small businesses and the customers of small businesses, to the extent that those costs must be passed on through higher prices. At a minimum, these avoidable costs include reprinting telephone numbers on stationery, business cards, advertising materials, fleets, and other business-promotional signage. Further, the potential that businesses could lose their connection to former customers is significant.

In addition to allocating the least amount of costs on consumers and businesses in the affected area, overlays are the least disruptive option and most technology friendly.

IV. Area Code Splits Are a Short-Term Solution in Light of New Technology Advances.

Area code splits—no matter how implemented—are short term fixes. Ten and even fifteen digit phone numbers will be the norm—it's only a matter of time.³ In the interim, split solutions cater to a segment of the population that would be better served by accepting the inevitable and embracing technologies that adopt ten-digit local dialing.

The truth is, the future is here. We regularly connect to ten-digit numbers and think nothing of it because there is no inconvenience. We store the full ten-digit phone numbers of our contacts in our autobooks, cellular phones, fax

³ The International Telecommunication Union ([ITU](http://www.itu.int)) has developed an international numbering plan, referred to as the E.164 plan that provides unique worldwide numbers for public telephone systems. Each assigned number contains a country code, a national destination code, and a subscriber number with up to 15 digits.
http://searchnetworking.techtarget.com/sDefinition/0,,sid7_gci1094695,00.html# (accessed April 25, 2008)

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machines, computers and voice recognition devices. “Any-number” digit dialing is relatively painless with broadly available modern technologies.

V. Geographic Constraints

Opponents of the overlay solution point to the vast geographic reach of the 760 area code as support for a split solution. I disagree. Most of the area is desert and mountains, meaning that the areas are sparsely populated, if at all. Moreover, overlays have been implemented in other large, rural geographic areas—for example, but limited to the Province of Alberta, Canada.⁴

VI. Conclusion

I have voted against this decision because the record developed in this proceeding confirms my informed conviction that overlays are the technology-friendly, cost-efficient and least disruptive solution for area code relief.

Dated April 24, 2008 San Francisco, California

/s/ TIMOTHY ALAN SIMON
Timothy Alan Simon
Commissioner

⁴ Mandatory 10-digit dialing for local calls will commence for the entire province of Alberta, Canada on September 19, 2008. See: http://www.nanpa.com/pdf/PL_374.pdf and <http://www.crtc.gc.ca/ENG/NEWS/RELEASES/2007/r070614.htm>