

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING PUBLIC EDUCATION PROGRAM FOR OVERLAY**

This ruling is issued to provide opportunity to be heard concerning pertinent issues relating to the Public Education Program (PEP) that would be necessary if the Commission were to implement an area code overlay for the 310 area code. This issue must be addressed as part of the consideration of the Petition of the Joint Telecommunications Carriers, filed March 9, 2005, for Modification of Decision (D.) 00-09-073.

In the event that the currently adopted back-up plan for a 310 area code geographic split were to be replaced with an overlay, as Petitioners propose, the Commission has previously determined that a sufficiently funded PEP would be necessary. The implementation of an overlay would require mandatory 1+10-digit dialing for calls within the overlay region, even for calls originated and terminated within the same area code. The public is familiar with the traditional association of a single area code with a unique geographic area. The public has also had a long standing expectation that telephone calls between

numbers within a single area code require dialing only seven digits. With an overlay, however, these traditional paradigms would no longer apply to calls within the overlay region. Instead, every call originated within the 310 area code to another number within the 310 area code would require the dialing of “1+310” in addition to the seven digit line number. The Commission thus determined that the public would need an adequate transitional period to become educated to the resulting changes due to an overlay.

In their Petition to Modify D.00-09-073, the schedule for an overlay that sponsoring parties propose would provide for only 150 days of “permissive dialing.” This is the period during which callers within the 310 area code would be permitted the option of dialing either seven digits only or dialing 1+10 digits to call other numbers within the 310 area code. Yet, such a short period for permissive dialing would be in violation of the requirements of D.96-12-086 with respect to the minimum duration for permissive dialing in order to provide sufficient lead time for educating the public concerning an area code overlay plan.

In D.96-12-086, the Commission adopted statewide policies as to how new area codes would be implemented. As one element of those policies, the Commission required that for an overlay to be approved, a PEP would be required, to begin no later than 12 months prior to the implementation date of mandatory 1+10-digit dialing for the affected region. (D.96-12-086 at 36.) For the 310 area code overlay plan previously approved in D.98-05-021, the Commission required that a PEP be initiated with the introduction of permissive 1+10-digit dialing, to provide a period of 12 months to educate the public before the overlay was to take effect.

Accordingly, the Petitioners' current proposal that permissive dialing begin only 150 days before the start of mandatory dialing for a 310 area code overlay would not meet the minimum 12-month period required by D.96-12-086. Alternatively, if D.96-12-086 were to be modified to shorten the 12-month lead time requirement, then the potential conflict would be resolved.

The process for modifying Commission decisions is governed by Public Utilities Code Section 1708 which states:

The commission may at any time, upon notice to the parties, and with opportunity to be heard as provided in the case of complaints, rescind, alter or amend any order or decision made by it. Any order rescinding, altering, or amending a prior order or decision shall, when served upon the parties, have the same effect as an original order or decision.

This ruling provides notice and the opportunity to be heard concerning whether D.96-12-086 should be modified to change the 12-month lead time requirement for the PEP, and if so, what length of time would be sufficient to accomplish the goals of the PEP.

In addition to the failure to allot a 12-month period for conducting a PEP, the sponsoring parties included no details concerning the content and extent of the PEP to be employed to ensure that the public would be adequately informed and prepared for the overlay.

In D.98-12-081, the Commission approved a PEP for the 310/424 overlay plan, with measures intended to achieve at least a 70% customer awareness level. The Commission identified four major objectives of a PEP: (1) public awareness of the change in dialing patterns and area code identification resulting from implementation of the overlay; (2) understanding of how customers will be affected by the change and the rationale behind the change; (3) public assurance

that cost or quality of telephone service will not be adversely affected by the change; and (4) promotion of positive acceptance by customers of the change.

In D.99-02-074, the Commission augmented the PEP requirements to cover paid advertising about the overlay plan in the zoned editions of newspaper media, including newspapers targeting communities not reached by mass-market appeals, and the potential use of radio advertising within the 310/424 area code region and adjacent regions which were sent bill insert notices of the overlay plan.

In summary, the PEP adopted for the previously approved 310/424 overlay was required to encompass the following:

1. Explanation of why mandatory 1+10-digit dialing is a necessary feature of an overlay;
2. Information indicating that the change in the dialing pattern resulting from an overlay will not affect the distinction between local and toll calls, nor the rates charged for the different type of calls;
3. Focus attention on educating the elderly, children, and ethnic groups;
4. Give priority notification to those entities that will need to reprogram equipment to allow for a maximum lead time;
5. Provide information to easily locate the correct area code for a given number and to know that the 1+ the area code must be dialed preceding any number within the region subject to the overlay;
6. Provision to inform customers to dial directory assistance to locate numbers applicable to different area codes within the same overlay region;

7. Use of billing inserts, public service announcements, as well as press releases, TV and radio announcements discussing the effects of the overlay;
8. Change of telephone directories to identify the area code in addition to the seven-digit number for each directory listing;
9. Scope of education plan must include adjacent area codes; and
10. Industry must submit the public education plan to the Commission for review and approval.

Notwithstanding the efforts to educate and prepare the public in accordance with that adopted PEP, there was still significant negative reaction among the public in the 310 area code when mandatory 1+10-digit dialing was instituted for a short time in the spring of 1999. Moreover, six years have elapsed since that time, and any attempt to reinstitute mandatory 1+10-digit dialing would require a new PEP effort.

Accordingly, in addition to the question of how much lead time should be allotted for the PEP, parties' comments should also address whether, or to what extent, the PEP that was previously approved for the 310/424 overlay in the late 1990s should be required for the currently proposed overlay. In the alternative, parties should address what, if any, changes from the previously approved PEP should be made for purposes of the "triggered" overlay that is currently being proposed. Parties should provide supporting justification for any proposals made, consistent with Commission policies for educating the public as to overlay impacts.

IT IS RULED that:

1. Comments are solicited concerning whether Decision 96-12-086 should be modified pursuant to Public Utilities Code Section 1708 to revise the minimum lead time required for educating the public in the event that a 310 area code

overlay was to be implemented. In the event that the lead time is changed, parties should provide supporting justification for any alternative lead time that is proposed to satisfy the Commission's stated objectives concerning the Public Education Program (PEP).

2. Comments are also solicited whether, and if so, in what manner, the previously adopted minimum standards for conducting a PEP for a 310/424 area code overlay should be retained or revised in the event an overlay was to be implemented. Parties should provide supporting justification for any proposed deviations from previously approved PEP requirements.

3. Opening comments shall be due on April 11, 2005, and reply comments shall be due on April 18, 2005.

Dated March 25, 2005, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties for whom an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Public Education Program for Overlay on all parties of record in this proceeding or their attorneys of record.

Dated March 25, 2005, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.