

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on September 15, 2016

COMMISSIONERS PRESENT:

Audrey Zibelman, Chair
Patricia L. Acampora
Gregg C. Sayre
Diane X. Burman, concurring

CASE 16-C-0297 - Petition of the North American Numbering Plan
Administrator on Behalf of the New York
Telecommunications Industry for Relief of the
518 NPA.

ORDER DIRECTING OVERLAY OF THE 518 AREA CODE REGION

(Issued and Effective September 15, 2016)

BY THE COMMISSION:

INTRODUCTION

In this Order, the Commission responds to a petition filed by the North American Numbering Plan Administrator (NANPA), on behalf of the New York telecommunications industry, to provide relief related to the projected exhaustion of numbering resources in the geographic region served by the 518 area code. The 518 area code is located within all or part of 17 counties in eastern upstate New York.¹ Much of the population lives in the Capital Region (Albany, Schenectady, and Troy) and its surrounding suburbs, while other major population centers include Glens Falls, Columbia County, and Plattsburgh. If

¹ The counties are: Albany, Clinton, Columbia, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Warren and Washington.

numbering resources, now constrained, were to become unavailable, economic activity and the general welfare of those who live in the area would be compromised. Through this Order, we take action to assure that the forecasted shortage in numbering resources, and the hardship which such a shortage would impose, will not occur.

In accordance with the authority delegated to this Commission by the Federal Communications Commission (FCC),² we conclude on the record before us that additional numbering resources to support the continued and ready availability of telephone numbers in the area currently served by the 518 area code should be provided through an overlay code and direct public education efforts regarding area code changes be undertaken. As set forth below, our decision to effectuate the needed area code relief through the overlay option is fully consistent with the guidance provided by FCC regulations and with our statutory responsibility to assure that telephone service provided to New York customers is just, reasonable, efficient, adequate and in the public interest.³

In May 2016, NANPA filed its initial petition to the Commission, advising that the 518 area code was projected to exhaust by the first quarter of 2019. In a very recent development, on August 31, 2016 NANPA amended its original exhaust forecast via a petition supplement in which it advised that the 518 area code time-to-exhaust was accelerated from the first quarter of 2019 to third quarter of 2017, due to unprecedented demand for numbering resources. As a result, the implementation timeline for the new area code will be shorter than those in previous area code relief cases.

² 47 C.F.R. §52.19.

³ Public Service Law (PSL) §97(1), 97(2).

BACKGROUND

North American Numbering Plan

The North American Numbering Plan (NANP or Numbering Plan) was established several decades ago to facilitate the growing need for long distance telephone service and the related need for an integrated nationwide telephone network. The Numbering Plan provides the basic numbering scheme for telephone networks in the United States and its territories. Under the Numbering Plan, the geographic area subject to the plan was originally subdivided into 86 zones, and each zone was identified by a three digit code. These three digit codes are now referred to as Numbering Plan Area (NPA) codes or area codes.⁴

Pursuant to the Numbering Plan, each telephone is assigned a 10 digit phone number. Of these 10 digits, the first three digits are the area code, and the second three digits are the central office code. The final four digits identify a particular telephone or telephone line in a given central office within the specified area code. Although there is an arithmetic maximum of 1,000 area codes available under the Numbering Plan, as a practical matter certain area codes (for example, those beginning with "0" or "1") are not available for assignment. Similarly, there are, as a matter of arithmetic, 1,000 central office codes hypothetically available within each area code, and, within each unique area code/central office code combination, there are 10,000 numbers (often referred to as a "ten-thousand-block") to which a specific telephone receiver may be assigned. Again, as a practical matter, certain office codes and four digit numbers are unusable under the plan, so the total

⁴ In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, FCC 00-104, Report and Order and Further Notice of Proposed Rule Making (Mar. 31, 2000), n. 2.

of available central office codes and four digit numbers will be somewhat less than the maximum number of three or four digit combinations.

Delegation to the Commission

The FCC is authorized by statute to delegate to state commissions all or any part of its jurisdiction over the Numbering Plan.⁵ Through its regulations, the FCC has implemented its delegation for area code relief to the state commissions generally. These regulations state:

§52.19 Area code relief.

(a) State commissions may resolve matters involving the introduction of new area codes within their states. Such matters may include, but are not limited to: Directing whether area code relief will take the form of a geographic split, an overlay area code, or a boundary realignment; establishing new area code boundaries; establishing necessary dates for the implementation of area code relief plans; and directing public education efforts regarding area code changes.⁶

The action the Commission takes in this Order is made pursuant to and in furtherance of this delegation of authority.

Area Code Exhaust

An impending area code exhaust is projected to occur when the North American Numbering Plan Administrator (NANPA or Numbering Administrator)⁷ determines that all of the approximately 750 utilizable central office codes associated with a particular area code are expected to be assigned within

⁵ Id.

⁶ 47 C.F.R. §52.19.

⁷ NANPA is the entity responsible under FCC regulations for managing the NANP. See, 47 CFR §52.7(e).

36 months.⁸ One method to implement area code relief is to split the geographic area served by the existing area code into two separate geographic area codes. In one of the two areas, customers retain the same 10-digit telephone number, including area code, they had before the geographic split was implemented, and their dialing pattern remains the same as before; i.e., they are not required to dial more than seven digits when calling a number within their area code. New customers moving into that geographic area would be assigned numbers from the existing area code. All customers located in the other geographic area served by the new area code would retain their 7-digit telephone numbers, but receive a new area code. Also, customers in the new area code would need to dial ten digits to reach customers in the old area code, and vice versa.

A second method of establishing area code relief is to overlay the entire existing area code region with the new area code.⁹ The overlay method provides additional numbering resources over the entire geographic area for which impending area code relief is required. As carriers request new numbering

⁸ The Commission notes that when an area code approaches the end of its normal life cycle there may be a condition when the demand for central office codes spikes before relief can be fully implemented. In order to provide a continuous supply of the codes to service providers certain "code conservation measures" are applied. This process is known as a "jeopardy" condition. This process provides a means of managing the limited supply of unassigned NXX codes to ensure a fair and equitable allocation to service providers.

⁹ In the past, the Commission has used both of these options to provide area code relief in New York. Since the introduction of the Numbering Plan in 1947 through to the present time, the original five area codes assigned to New York State have been increased to 18. Of the thirteen new area codes, six were implemented through geographic splits, while seven were provided through overlays. The last geographic split was implemented in 2001; since then, the past four cases of area code relief were accomplished via overlay codes.

resources, the requests are filled from the resources associated with the new area code. Because the same geographic area is served by two area codes, rather than one, it is possible that a customer assigned to both the old and new area codes will share the same seven digit telephone number comprising the identical three-digit central office code (NXX) and four-digit telephone line identifier (XXXX). To enable all telephone numbers to reach all other numbers, customers served by both the old area code and the new area code must dial all ten digits of the telephone number they are trying to reach.¹⁰ Without "10-digit dialing," calls cannot be completed even if the physical addresses of the called and calling parties are just down the street or even in the same apartment building.¹¹

NOTICE OF PROPOSED RULE MAKING

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking was published in the State Register on June 8, 2016 (SAPA No. 16-C-0297SP1). The time for submission of comments pursuant to the SAPA Notice expired on July 23, 2016. Moreover, on July 8, 2016, the Secretary issued a Notice Soliciting Comments. The Secretary's Notice sought comments by August 19, 2016. In addition, Staff sent a letter to regional community leaders in July 2016, notifying them of the pending area code exhaust and the next steps to address area code relief. Staff conducted a series of

¹⁰ FCC regulations require that "[n]o area code overlay may be implemented unless there exists, at the time of implementation, mandatory 10-digit dialing for every telephone call within and between all area codes in the geographic area covered by the overlay area code." 47 C.F.R. 52.19(c)(3)(ii).

¹¹ In an overlay scenario, all customers would dial 10 digits on calls terminating in their NPA, and 1 + 10 digits for calls terminating outside their NPA.

six educational forums concerning the alternative relief options in Glens Falls, Colonie, Valatie, Gloversville, Plattsburgh and Lake Placid over a two week period, commencing July 26, 2016 and ending August 4, 2016. Immediately following each forum, an Administrative Law Judge presided over a public statement hearing. Notice of these hearings was sent out by the Secretary on July 8, 2016, and the Department issued a press release on July 21, 2016 to further publicize the public statement hearings which were to be held the next week. All comments received are addressed below.

PETITION FOR 518 AREA CODE RELIEF

Procedural History

The matter of 518 area code relief was previously raised in September 1999, when NANPA filed a petition in Case 99-C-1292 requesting that the Commission approve the Industry's recommended overlay relief plan. The petition stated that the 518 area code was projected to exhaust during the third quarter of the 2000 calendar year. At the same time the Commission was considering that request for area code relief, it was also seeking broader authority from the FCC to implement various numbering conservation measures. In an Order released in September 1999, the FCC authorized the Commission to undertake such measures and the Commission implemented this authority beginning with a March 17, 2000 Order in Case 98-0689.¹²

The impact of these conservation measures was significant and almost immediate. As a result, the September 1999 petition for 518 area code relief became unnecessary, and the case pending before the Commission was closed. Since that

¹² Case 98-C-0689, supra, Order Instituting State-wide Number Pooling and Number Assignment and Reclamation Procedures (issued March 17, 2000).

time, the Commission's ongoing use of telephone number conservation and reclamation efforts have continued to prolong the life of the 518 area code.

In May 2016, NANPA filed a petition with this Commission advising that the 518 area code projected exhaust date was approaching and would occur, at the latest, by the first quarter of 2019. The petition seeks Commission approval of the industry consensus to overlay a new area code over the existing 518 geographic area. Upon receipt of NANPA's assessment of the need for relief in the 518 area code, this proceeding was opened. On July 8, 2016, Department of Public Service Staff (Staff) issued a White Paper (Staff White Paper) that described the various options for 518 area code relief that NANPA presented in its petition.¹³

In a recent development, NANPA filed a supplement to its petition on August 31, 2016 to notify the Commission that the projected exhaust date for the 518 area code was accelerated to the third quarter of 2017. The supplement requests Commission action for area code relief in the form of an overlay as soon as possible.

Numbering Administrator's Petition

In its May 16, 2016 petition, NANPA describes two alternatives for 518 area code relief, a Geographic Split and an All Services Distributed Overlay Alternative (overlay). NANPA describes a "Geographic Split Alternative" as a geographic division of the region to create two non-overlapping area codes, with a boundary line that follows rate center boundaries, by necessity, and is therefore unrelated to political and municipal

¹³ Case 16-C-0297, Area Code Relief for Eastern Upstate New York - A Description of Options, (filed July 8, 2016) (Staff White Paper).

boundaries. NANPA states that in this case, the dividing line between the two parts of the existing 518 area code would run roughly southwest to northeast along the western edges of the Oak Hill, Westerlo, Clarksville, Voorheesville, Colonie, Troy, Valley Falls and Cambridge rate centers.¹⁴ The geographic area to the northwest of the dividing line is dubbed Area A, and the area to the southeast is Area B. One of these areas would retain the 518 area code, and the other area would operate under the new area code. Customers in both Area A and Area B could complete calls to numbers within their respective area codes using 7-digit dialing. According to NANPA, if this geographic split were implemented, the resulting configuration would not require additional numbering resources for approximately 47 and 51 years in Area A and Area B, respectively.

NANPA states that with the overlay alternative, a new area code would be superimposed over the same geographic area covered by the existing 518 area code footprint, resulting in two area codes within the entirety of the existing 518 region. All existing customers would retain their current 10-digit telephone number, but all new customers in the region would receive and use the new area code. In accordance with FCC regulations, both existing and new customers would be required to use 10-digit dialing for all calls. NANPA estimates the life of the new area code under the overlay scenario to be approximately 49 years. In its initial petition, the Numbering Administrator sought approval of a 13-month schedule for the implementation of the industry's consensus overlay code relief

¹⁴ The boundaries of the rate centers are not required to conform and do not coincide with the geographic boundaries of these towns. As a result, the boundary between area codes described above actually runs through the following counties: Schoharie, Albany, Saratoga, Rensselaer and Washington. Populations in these counties live on each side of the boundary.

plan. Under this schedule, the network preparation for the implementation of the area code relief plan would begin with the Commission's Order and extend for approximately six months. This would be followed by a further six-month period of permissive dialing.¹⁵ The first assignment of telephone numbers using the new area code would be made one month after the end of the permissive dialing period, coincident with mandatory dialing.¹⁶

In its August 31, 2016 supplemental filing, NANPA advises that the projected exhaust date of the 518 area code has been moved up from the first quarter of 2019 to the third quarter of 2017. NANPA explains that since the issuance of its May 2016 petition, the 518 region has experienced an unprecedented level of demand for central office codes, resulting in the revised projection for exhaust. NANPA further explains that the new exhaust projection caused a jeopardy condition to be declared, because the forecasted and/or actual demand for central office codes may exceed the known supply during the planning interval needed to implement relief.¹⁷ Interim jeopardy procedures have been put into effect, thereby limiting central office code assignments to no more than three per month.¹⁸ NANPA also advises that it will convene a meeting for the industry on September 20, 2016 to discuss the

¹⁵ Permissive dialing is the ability to make phone calls in an area subject to a newly introduced area code by using both the new and preexisting dialing methods.

¹⁶ Mandatory dialing is the point in time, resulting from area code relief activity, when the permissive dialing period ends and dialers are required to employ the newly created dialing plan.

¹⁷ ATIS-0300051, Central Office Code (NXX) Assignment Guidelines (COCAG) (issued September 2, 2016): Section 9.3.1.

¹⁸ ATIS-0300051: Section 9.3.2.

implementation of final jeopardy procedures. Final jeopardy procedures will be determined by industry consensus regarding: the number of codes allocated per month, including those to meet the Numbering Administrator's forecasted needs, the allocation method to be used (e.g. lottery), and the disposition of unfilled numbering requests.¹⁹ Existing and prospective central office code holders must monitor the jeopardy proceeding and adjust their code application flow as required by the operative procedures, potentially limiting providers' ability to meet their customers' needs.

Staff White Paper

Staff's July 8, 2016 White Paper recognized and agreed with the Numbering Administrator's conclusion that the 518 area code was at the time expected to run out of assignable central office codes in 2019. Staff reported that, as of April 2016, a total of 726 central office codes were currently assigned, and only 38 central office codes remain available for assignment in the 518 NPA.²⁰ Staff also supported and endorsed the telecommunications industry's choice of an area code overlay as the preferred alternative for area code relief instead of a geographic split. This recommendation has not changed in light of the new third quarter 2017 exhaust date.

Staff reviewed the geographic split alternative and identified advantages and disadvantages of using a geographic split to provide area code relief. One of the advantages identified was that the split would retain the identification of locales with a single area code, thereby avoiding the potential confusion associated with the use of multiple area codes in a

¹⁹ ATIS-0300051: Section 9.4.1.

²⁰ Staff White Paper, p. 3.

single neighborhood, building, or even household or business. Another advantage is that not all customers would be required to dial a full 10-digit number to reach customers within their area code.²¹ However, the Staff White Paper asserts that the geographic split has several disadvantages. Importantly, Staff reports that approximately half of the telephone numbers currently assigned to the 518 area code would be reassigned to the new area code. This would require a multitude of customers with reassigned numbers to modify or reissue any advertising or other materials containing their telephone number.

Further, a similar number of wireless customers, including those who have moved away but retained a 518 number on their cell telephone, would have to bring any wireless device to their service provider for reprogramming to the new area code. In addition, Staff asserts that a geographic split, would make further area code relief, if needed at a later date, more difficult to implement through a new geographic split. Finally, Staff reports that the geographic split would not entirely eliminate the need for 10-digit dialing even in the area that retains the 518 area code. Calls from an existing customer in the 518 area code to an existing customer in the new area code, which before the implementation of area code relief could be dialed through 7-digit dialing, would now require 10-digit dialing.²²

Staff's recommendation to provide area code relief through the implementation of an overlay is the result of a number of factors. A cross-section of industry representatives - including incumbent local wireline carriers, competitive local exchange carriers, cellular carriers, and broadband carriers -

²¹ Id., p. 7.

²² Id., p. 7.

and NANPA's relief planning experts all favor all-services overlays, because they: eliminate the need for consumer number changes; treat all consumers equitably; are simpler to implement from a technical standpoint; and subsequent relief is more easily implemented through an additional overlay code.

Importantly, as the Staff White Paper points out, the FCC has adopted the recommendation of the North American Numbering Council (NANC) to endorse overlay relief plans as a "Best Practice" in implementing numbering relief.²³

Additionally, time has shown that customers in locations where an overlay has been implemented have been able to adjust to 10-digit dialing much more readily than locations where a geographic split was applied.²⁴ Other key benefits of an overlay cited by both NANPA in its petition Staff in its White Paper include 1) keeping communities of interest intact by not splitting communities or counties into different area codes; and 2) lessening the financial impact on business customers as there is no need to change signage, advertising and stationery (unless they currently only advertise 7-digit numbers).

Staff's White Paper also discusses the disadvantages of an area code overlay, which are few, but include: a change in end-user dialing patterns insofar as 10-digit dialing would be required for all local calls within and between the 518 NPA and the new NPA; the costs to add an NPA to signage and printed material when only a 7-digit telephone number is currently shown; and the need for customers to reprogram any auto-dialing equipment currently programmed to dial 7-digits to instead dial 10-digits - this includes equipment such as alarm systems, Public Safety Answering Point (PSAP) dial systems, security

²³ Id., p. 6.

²⁴ Id., p. 6.

gates, Private Branch Exchanges (PBX), life safety systems, computer modems, voicemail systems, and fax machines, etc.²⁵

Comments

As noted above, public comments were solicited in this case by 1) a Notice of Proposed Rulemaking published in the State Register; 2) a Notice Soliciting Comments issued by the Secretary; and 3) a series of six public statement hearings that were held over a two week period from July 26, 2016 through August 4, 2016. From these sources combined, comments were received from approximately 110 individuals. A 60% majority of the commenters favored the overlay alternative, while a 30% minority were in favor of the geographic split option; 10% of commenters were undecided or not committed to either option.

Those in favor of the overlay alternative observed that this option seemed fairer insofar as it did not focus all of the costs and inconvenience of area code relief on only half the customers, as the geographic split would. They also emphasized that the concept of a telephone "area" code corresponding to a strictly geographic region is outdated, as consumers routinely expect to port their phone number to new areas and other states without any concern or implications. Commenters also favored the overlay as the least disruptive for current residents as there is no need to change paperwork, internet accounts, numbers on file, etc. Business commenters reported that the disruption and expense created by the geographic split would create costly burdens for them in needing to reprint advertising material and revise signage to reflect the new area code.

²⁵ Id., p. 7.

Those in favor of a geographic split, by and large, expressed that the overlay alternative would create a great inconvenience by requiring 10-digit dialing to make local calls. Overlay supporters, on the other hand, contended that the required transition to 10-digit dialing under an overlay will be seamless, as many customers already rely on the speed dialing features of their telephone whether 7-digit or 10-digit dialing is required; they also advised that the actual area code of a new number is not relevant with the increasing use of cell phones and other devices that dial calls based on names rather than phone numbers.

Several commenters supported a responder's suggestion to request 235 as the new code if a geographic split was implemented so that it could be translated into 'ADK' on a dial pad and used as an identifier for the Adirondack region. They opined that by having 235 ('ADK') as an area code, they could create great advertising opportunities for their region as a travel destination. One commenter suggested a different boundary line to divide the 518 region, if a geographic split were adopted for area code relief.

Finally, one commenter suggested mandating a phone number change when an individual moves out of an area code/geographic location. The commenter suggested that consumers should be given three months to change their phone number, including those assigned to cellular devices, to match their geographic location, similar to the United States Postal Service process to forward mail for three months before a change of address has been established.

DISCUSSION

Need for Relief

The need for area code relief is determined by NANPA pursuant to federal regulation.²⁶ Semi-annually, NANPA receives projections of future numbering needs from carriers and uses them to forecast area code exhaust. NANPA's analysis is approved by the FCC before being released to states and the public at-large. NANPA gives notice to the state commissions of impending exhaustion of central office codes when it projects that demand for codes in a region will exceed known supply within 36 months. NANPA continuously monitors the projected exhaust date and adjusts it accordingly based on increases or decreases in demand trends.

Creation of new technologies and services continues to put pressure on numbering resources. Moreover, there are no longer additional conservation measures that can eliminate the need for area code relief in the 518 region or significantly extend the time when relief will be needed. In this instance, NANPA's latest determination is that a jeopardy condition exists because the forecasted demand for central office codes is expected to exceed the known supply during the interval of time needed to implement relief. Exhaustion of existing 518 central office codes is on the horizon, i.e., by the third quarter of 2017, not the first quarter of 2019, as previously forecasted; preparation by carriers that require changes to their networks must begin immediately.

Although state commissions do not have a direct role in NANPA's determination of need for area code relief, the Commission does receive the forecasts used in the calculation of exhaust. Staff has conducted a review of the telephone number

²⁶ See, 47 C.F.R. Part 52.

forecast developed by NANPA based upon each carriers' estimate of future needs and telephone number utilization history. Staff's review shows that a significant cause of telephone number demand is that there are 63 telecommunications carriers (wired and wireless providers) serving customers in the 518 NPA in distinct geographic areas known as rate centers. Each carrier requires at least one whole central office code for call routing purposes²⁷ and also requires additional numbering resources in each rate center to provide telephone numbers for their customers in these areas. Currently, there are 140 separate rate centers in the 518 region. The carriers' forecasts of expected number use indicate that the previous forecast of exhaust in the first quarter of 2019 was consistent with recent number utilization history; however, a more recent spike in number utilization has depleted the supply of central office codes more quickly than anticipated.

Declaration of Jeopardy

An area code jeopardy condition exists when the forecasted and/or actual demand for central office codes will exceed the known supply during the planning/implementation interval for relief. When NANPA recently declared jeopardy in the 518 area code on August 31, 2016, standard interim procedures of rationing took effect immediately. Interim procedures will remain in effect until the industry can develop final jeopardy procedures specific to the area code. NANPA also advises that it will convene a meeting for the industry in September 2016 to discuss the implementation of final jeopardy procedures.

²⁷ Location Routing Numbers require the assignment of whole central office codes.

Should the supply and/or forecasted demand of central office codes no longer justify jeopardy, NANPA advises that it will rescind jeopardy. In such a case, NANPA will notify the Commission and the industry that any jeopardy procedures, including code rationing, no longer apply. In this notification, NANPA will provide the number of codes available in the area code and a new projected exhaust date.²⁸ Now, in the midst of "jeopardy of exhaust" procedures, which include number rationing and a lottery system for assigning new blocks and codes, carriers in the 518 region could experience delays in meeting customer requests for new services, with adverse economic and safety consequences for customers in the 518 area code region, should an area code relief decision be delayed. Such a situation will be mitigated to the greatest extent possible with our decision on area code relief here.

Choice of Overlay as Relief Method

Based on the record in this proceeding, the Commission will approve NANPA's proposed relief, to implement an area code overlay as the preferred alternative for area code relief in the 518 region. This decision comports with the industry consensus, the Staff White Paper, recent Commission precedent, and the overwhelming consumer preference for an overlay. An overlay code permits all existing telephone users in the region to keep their entire current phone numbers, including the 518 area code and treats consumers in the region more fairly and equitably. By comparison, a geographic split would necessarily impose virtually all of the burdens of area code relief on residential, business, and institutional telephone users in the zone receiving the new area code. At the same time, the users in the

²⁸ ATIS-0300051: Section 9.3.3.

zone that retains the existing 518 code would bear essentially none of the burdens of area code relief.

Since the year 1999, we have exclusively approved overlays in New York State, which have all been implemented successfully. In those cases, we noted that among our chief concerns in adopting the overlay alternative is the expense which would be imposed on customers were we to adopt the geographic split instead. Those same considerations apply equally here. For businesses especially, these costs could be significant, since advertising and all printed or promotional materials would have to be physically altered or reprinted. This would include brochures, letterhead stationery, business cards, vehicle and other outside signage, advertising, and yellow page or other directory entries. In addition to these direct costs, for certain types of businesses, such as alarm companies, the customer's telephone number is an important part of the business function and adapting to a geographic split would entail a considerable cost.²⁹

Under the overlay alternative, all customers shoulder the relatively minor inconvenience of 10-digit dialing so that the much more significant drawbacks of the geographic split will not be imposed on the unfortunate customers who happen to fall on the "wrong" side of what would be the new area code boundary. Moreover, in addition to the significant expenses avoided by adopting the overlay alternative, the overlay alternative is simpler to implement through the existing telephone network and

²⁹ The Commission also notes that NANPA, and not the Commission, chooses the new code that would be assigned in the event of a geographic split. As a result, while members of the public raised interesting ideas regarding the code that spells "ADK," even if the Commission were to implement a split, it could not guarantee that the "ADK" code would be assigned to the new code area.

less likely to experience technical problems or errors when implemented.

Therefore, in accordance with the authority delegated to this Commission by the FCC, we conclude on the record before us that additional numbering resources to ensure the continued and ready availability of telephone numbers in the area currently served by the 518 area code should be provided through an overlay code. As discussed, our decision is fully consistent with the guidance provided by FCC's regulations and with our statutory responsibility to assure that telephone service provided to New York customers is just, reasonable, efficient, adequate and in the public interest.

Implementation and Outreach

NANPA's very recent August 31, 2016 update to its forecast of 518 region central office code exhaust in the third quarter of 2017 creates a shorter than usual timeline for orderly preparation and implementation of area code relief. In addition, we acknowledge that it is in the best interests of all carriers operating within the 518 NPA region to ensure that their customers are informed of the new overlay code. We can better ensure that their efforts are not wasteful, duplicative, or conflicting if we require each affected carrier to provide its plan for education and outreach. This is consistent with our authority to implement area code relief and an appropriate

burden upon any carrier that receives telephone numbers.³⁰ Therefore, we will require all carriers receiving numbering resources to begin preparing plans for introducing the new area code on a timely basis.

In earlier area code relief cases, the Commission has clearly expressed the importance of such efforts and the responsibility of incumbent and competitive carriers to undertake such programs. We will also do so here. As promptly as possible and no later than 45 days after the date of this Order, all local exchange carriers in the 518 area code shall submit, as a compliance filing, a plan to describe the outreach and education program which will be implemented in support of the introduction of 10-digit dialing and of the new area code. All plans and preparations should be developed and carried out in consultation with Staff, and should take into account the shorter than usual timeframe to implement area code relief in this instance. We believe that the network preparation period necessary for carriers to accommodate overlay modifications and develop customer education materials should not exceed nine months.

In addition, we will require a 7- and 10-digit permissive dialing period, followed by mandatory 10-digit dialing with a permanent intercept message that will instruct those who continue to dial 7 digits to hang up and dial 10

³⁰ 47 U.S.C. §251(e) provides the FCC with plenary jurisdiction over numbering issues. Section 251(e)(1) allows the FCC to delegate to state commissions or other entities all or any portion of its jurisdiction over numbering administration. The FCC, in promulgating federal rule 47 C.F.R. §52.19(a), has granted state commissions the authority to direct the form area code relief will take (i.e., geographic split, overlay, or boundary realignment, establish dates for implementation, and direct public education efforts regarding area code changes).

digits using the appropriate area code. This sequence will provide customers with sufficient opportunity to adjust to the introduction of the new overlay code with a minimum of inconvenience or confusion. Lastly, all carriers that provide telephone directories to their customers should include in their outreach and education plans provisions for ensuring that their directories provide information on the new area code regime in the region. We note that Staff will continue to play a role in coordination of outreach and implementation of this area code relief proceeding, as has been the case in past area code relief proceedings, and as described herein.

CONCLUSION

The Commission is advised by the Numbering Administrator that area code relief is needed in the 518 area code, and we agree. After review of the alternative forms of relief that could be implemented and that are described by the Numbering Administrator and by Staff, we conclude that the overlay alternative is less costly, less disruptive, less likely to frustrate customer acceptance, and more likely to enhance the public interest than the other identified alternative. Therefore, we will approve the overlay for the 518 area code as discussed more fully in the body of this Order.

The Commission orders:

1. The Commission orders an all services overlay for relief of the 518 NPA.
2. Consistent with the conditions and requirements set forth in this Order, all carriers holding numbering resources in the 518 Numbering Plan Area shall file, within 30 days of the date of this Order, a joint plan outlining the steps necessary to activate a new area code for the existing 518

Numbering Plan Area. The plan shall contain a reasonable period for permissive dialing, followed by permanent mandatory 10-digit dialing with an intercept message, as well as, a dialing plan that complies with established New York State dialing patterns. The plan shall be submitted to the Secretary of the Commission for review and approval by the Director of the Office of Telecommunications. The carriers shall, thereafter, implement such plan.

3. Within 45 days of the date of this Order, every carrier holding numbering resources in the 518 Numbering Plan Area, consistent with the discussion in this Order, shall file their plans for an outreach and education program to acquaint their customers with the establishment of the new area code and its operation, and with the associated 10-digit dialing. Each plan shall be submitted to the Secretary of the Commission for review and approval by the Director of the Office of Consumer Services. Each carrier shall, thereafter, implement such plan.

4. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least one day prior to any affected deadline.

5. This proceeding is closed, pending compliance with the above Ordering Clauses.

By the Commission,

(SIGNED)

KATHLEEN H. BURGESS
Secretary

Commissioner Diane X. Burman, concurring:

I concur in so far as based on the official record we have before us we must act since the North American Numbering Plan Administrator determined that there is an impending area code exhaust. Our own failure to act now may trigger the federal government to unilaterally act and impose its own plan on the affected communities or more importantly our failure to act now may put in harm's way residents and business owners in the affected area if there is no action and the area code exhausts. However, I do think we must look at the continued accuracy of the forecasting estimate from the North American Numbering Plan Administrator (NANPA). We need to feel comfortable we have the most accurate information and in a time sensitive manner. Moreover, we need to be vigilant with this compressed implementation time table that we are actively working with the affected stakeholders, including most importantly the vulnerable populations to ensure a robust education and outreach plan is in place and properly executed. Accordingly, I concur with this plan of action.