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July 31, 2013

Honorable Jeffrey C. Cohen
Acting Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223

***Re: Case 07-C-1486 – Proceeding to Investigate and Evaluate Options for Making
Additional Central Office Codes Available in the 315 Area Code Region***

Dear Secretary Cohen:

In accordance with the Notice Seeking Additional Comments issued June 5, 2013 in the above-referenced proceeding, enclosed please find the Joint Supplemental Comments of AT&T, Sprint Corporation, T-Mobile and Verizon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard C. Fipphen".

Richard C. Fipphen

cc: Active Party List (By E-Mail)

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

**Proceeding to Investigate and Evaluate
Options for Making Additional Central
Office Codes Available in the 315 Area
Code Region**

Case 07-C-1486

**JOINT SUPPLEMENTAL COMMENTS OF AT&T,
SPRINT CORPORATION, T-MOBILE, AND VERIZON**

AT&T, Sprint Corporation, T-Mobile and Verizon (the “Carriers”) submit the following supplemental comments in response to the Notice Seeking Additional Comments, issued by the Commission on June 5, 2013. In the Notice, the Commission seeks additional comments on the November 26, 2008 Recommended Decision of the presiding Administrative Law Judge, who recommended the adoption of an all-services overlay code for the current 315 NPA. The Notice states that the Commission “would benefit from additional information concerning changes in technology or usage patterns” since the 2008 Recommended Decision. Notice at 1-2. The Carriers respectfully submit that changes in the telecommunications marketplace over the past five years strengthen the need for an all-services overlay code to provide numbering relief.

Background

The Commission instituted this proceeding in December 2007 after the North American Numbering Plan Administrator (“NANPA”) advised the Commission that the 315 area code, which serves parts of northern and central New York State, is running out of assignable telephone numbers.¹ On February 27, 2008, the Staff of the New York State Department of Public Service issued a white paper entitled “Area Code Relief for Central New York: A

¹ Case 07-C-1486, Order Instituting Proceeding (issued and effective December 20, 2007), at 1-2.

Description of Options” (“Staff White Paper”). The Staff White Paper described several options to provide for numbering relief: three proposed options for a geographic split and the option of an area code overlay. Two of the geographic split options would split the current 315 area code along rate center boundaries, while the third option would split the code along county boundaries.² Comments on the Staff White Paper were filed in May 2008.

On November 26, 2008, Administrative Law Judge Howard A. Jack released a recommended decision in which he recommended that the Commission adopt an overlay area code for the 315 NPA region. Subsequent to the issuance of the Recommended Decision, NANPA forecasts for exhaust of the 315 NPA were extended, resulting in suspension of this proceeding. NANPA has recently forecasted that the 315 NPA will be out of assignable central office codes by the first quarter of 2015, at the latest, necessitating the resumption of this proceeding.

Discussion

The Carriers’ initial comments³ spell out the many reasons why the Commission should adopt the Recommended Decision and order the implementation of an all-services overlay for the 315 NPA region. We will not restate those reasons here, but we do wish to bring to the Commission’s attention additional considerations not raised in the earlier comments that provide additional support for an overlay area code.

Since 2005, with one exception, area code overlays have been the exclusive form of area code relief adopted by state commissions around the country. Over the past eight years,

² Staff White Paper at 3-5.

³ Comments of Verizon and Verizon Wireless (May 23, 2008); Joint Comments of T-Mobile, Sprint Nextel, AT&T and CTIA (May 23, 2008).

according to NANPA records,⁴ 22 overlay codes have been implemented and another four overlay codes are in the process of implementation. Only one geographic split has been implemented, back in 2006. In addition, the state commissions in California, Utah, West Virginia and Kentucky have all reconsidered prior decisions to implement geographic splits and adopted overlay codes instead.⁵ Overall, all-services overlays have been implemented in 25 states (including New York) and Puerto Rico, and another two states will implement overlays in 2014.

The telecommunications industry has continued its rapid evolution in the years since the Recommended Decision was released in late 2008. Over the intervening years, the “smartphone revolution” as well as changes in the way customers use their telephone numbers have further demonstrated the need for area code overlays as the strongly preferred choice for area code relief.

▪ ***Service Provider Databases:*** Today there are numerous non-telephone company databases that use 10-digit telephone numbers as a search criterion, such as airlines, doctors, utilities, grocery reward programs, pharmacies, national missing children databases, and others, that would need to be updated with a new telephone number if an area code split were adopted. As consumers and businesses alike become increasingly attached to and identified by their telephone numbers, an area code split becomes significantly more burdensome than it might have been just a few years ago.

⁴ NANPA, “NPAs Introduced Since 1995,” <http://www.nationalnanpa.com/enas/npaSince1995Report.do>.

⁵ See California Public Utilities Commission, *Decision Granting Petition for Modification of Decision 08-04-058 and Ordering an Overlay for the 760 Area Code*, Decision 08-10-038 (October 16, 2008); Utah Public Service Commission, *Order Selecting Area Code Overlay, and Reversing April 13, 2000 Order Selecting Area Code Split*, Docket No. 07-999-01 (July 12, 2007); West Virginia Public Service Commission, Case No. 00-0953-T-PC, *Commission Order* (February 13, 2008); Kentucky Public Service Commission, Case No. 2012-00129, *Order* (December 17, 2012).

▪ ***Wireless Administrative Numbers:*** Most wireless providers have various administrative numbers in their networks, and those numbers can be affected by a split as well. For example, temporary local directory numbers (“TLDNs”) in a wireless network are used to facilitate the delivery of calls to customers that are roaming on that network. If TLDNs are in central office codes whose area codes have changed, then wireless providers have to take great care in changing those numbers during the permissive dialing period of the split to avoid negatively impacting call completion for those roaming customers. With a split, wireless providers have to conduct extensive testing before the start of permissive dialing, and again before mandatory dialing, to ensure that changing the area code of any administrative number in the network will not negatively impact a customer’s ability to receive calls. There are no such concerns with an overlay because none of the existing administrative numbers will need to change.

▪ ***Local Number Portability and Other Technical Problems:*** An additional benefit of overlays over splits is that implementation of an overlay avoids technical problems carriers have experienced in complying with customers’ local number portability (“LNP”) requests. Specifically, there are significant technical challenges to complying with LNP requirements during the permissive dialing period of an area code split. Under relevant federal rules, the Number Portability Administration Center (“NPAC”) houses all of the ported and pooled number data. During the night on which permissive dialing is implemented, NPAC personnel must update the NPAC database to include both the old and the new NPA. On the same night, all carriers in the NPA must update their operational support systems with the new and old NPA so that port requests will complete within the designated porting intervals. Port requests can fail or create a backlog if the carriers’ operational support systems are not in sync with the NPAC’s

database. If such coordination fails, calls can also be misrouted or denied, leading to consumer dissatisfaction and undermining the unquestionable competitive and consumer benefits of LNP.

In addition, many carriers have implemented newer network routing technologies such as Voice over Internet Protocol (“VoIP”). These technologies would require significant and costly operational developments to accommodate a NPA split versus an overlay solution because the VoIP call routing platforms are centralized on a national basis rather than a local switching basis as with the traditional TDM network.

Conclusion

An overlay for relief of the 315 area code will provide many more advantages than *any* geographic split option. An overlay eliminates the need for the Commission to pick the “winning” side of the split that would retain the 315 area code. For the reasons set forth above and in their earlier comments, the Carriers urge the Commission to adopt the Recommended Decision and implement an all-services overlay for the existing 315 area code.

Respectfully submitted,

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