

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on May 17, 2018

COMMISSIONERS PRESENT:

John B. Rhodes, Chair
Gregg C. Sayre
Diane X. Burman
James S. Alesi

CASE 17-C-0278 - Petition of Verizon New York Inc. to Exclude
Certain Central Office Codes from Blocking
Options Offered to Customers.

ORDER DIRECTING CARRIERS TO REVISE CERTAIN
REQUIREMENTS RELATED TO
BLOCKABLE CENTRAL OFFICE CODES

(Issued and Effective May 17, 2018)

BY THE COMMISSION:

INTRODUCTION

By this Order, the Commission excludes certain central office codes¹ from blocking service options offered to customers, in order to make them available for the provision of general telecommunications services. Blocking services offered by local exchange carriers in New York State enable customers to block outgoing calls to telephone numbers that are typically used to

¹ Pursuant to the North American Numbering Plan, each telephone is assigned a 10-digit phone number, typically designated as NPA-NXX-XXXX. The first three digits are the area code, or NPA code; the second three digits are the central office code, or "NXX" code; and the final four digits, XXXX, identify a particular telephone or telephone line in a given central office within a specified area code.

provide chatlines,² and other Information Provider services (IP services or content-related services).³ Blockable codes are central office codes set aside for the assignment of numbers to chatlines or IP services. By petition dated May 5, 2017, Verizon New York Inc. (Verizon or the Company) seeks Commission approval to exclude certain of these central office codes from blocking service options, requests that the Commission authorize corresponding changes to the blocking options offered by other regulated telephone carriers in the State, and that the Commission direct certain tariff changes related to blockable codes.

BACKGROUND

"Blocking services" offered by local exchange carriers ensure that end users have the ability to prevent calls by minors or others to content-related services, and are an important consumer safeguard required by the Commission's Common Carrier Rules.⁴ By Order issued October 16, 1998 in Case 98-C-1273,⁵ the Commission directed all carriers with chatlines on their networks to transfer such chatlines to specific central office codes designated to allow blocking services (or blockable

² Chatlines are a form of information service which utilize advertised telephone numbers that consumers can call to join with any number of generally anonymous callers to engage in telephone conversation on a variety of topics.

³ Examples of information services are weather information, traffic information, chatlines, and other pay-per-call services (psychic hotlines, sex hotlines, etc.).

⁴ 16 NYCRR §605.2(b)(2).

⁵ Case 98-C-1273, Proceeding on Motion of the Commission as to ACC Telecom Corp's Blocking Obligations With Regard to its Chatline Service filed in Case 89-C-099, Order Directing Local Exchange Carriers To Provide Consumers Options By Which They Can Block Access To Content Related Information Services (issued October 16, 1998).

codes),⁶ or to designate the existing central office codes serving such chatlines as blockable. By Order issued February 4, 1999 in the same proceeding, the Commission further ordered carriers to limit chatline number access to intraLATA customers only, by contacting the Local Exchange Routing Guide (LERG) Administrator to effectuate intraLATA-only calling for central office codes utilized by chatlines.⁷ In that Order, the Commission also directed carriers to file tariff provisions indicating that chatline-type services are required to be provided on blockable numbers, and providing for termination of service where there is a violation of tariff terms and conditions concerning blocking. The Orders make clear that outgoing calls to individual numbers cannot be blocked unless they fall within a blockable central office code, and any decision to reallocate these resources from blockable central office code status to general end use status would require Commission action.

PETITION

In its Petition, Verizon states that since 2014, telephone numbers from the 716-970 blockable code were mistakenly assigned for general use and there are likely thousands of non-information end users that have been assigned

⁶ Blockable central office codes are telephone numbers beginning with certain NPA-NXX combinations that have been designated for assignment to information services providers only. This industry-wide designation allowed all providers in the network to program their switches similarly so that outgoing calls to these numbers could be automatically halted by the network, if the blocking option had been activated by an end user.

⁷ Case 98-C-1273, Proceeding on Motion of the Commission as to ACC Telecom Corp's Blocking Obligations With Regard to its Chatline Service filed in Case 89-C-099, Order Directing Carriers To File Tariffs For Chatline Services and Related Actions (issued February 4, 1999).

numbers in that code who are not able to receive incoming calls from callers who have elected to use a blocking service option that blocks outgoing calls to numbers beginning with the 716-970 code.⁸ Verizon states that in electing to purchase a blocking option, such callers did not intend to restrict their access to general telecommunications customers. As a remedy, Verizon requests that, rather than reassign these end users to a new number not within a blockable code, the Commission remove 716-970 from the list of blockable codes, and require local exchange carriers in New York to re-align the blocking service provisions of their tariffs and Product Guides (and the corresponding translations in their switches), in order to remove this code from blockable status to correct the situation and prevent future recurrences.

Verizon also states that many designated blockable codes across the state have not yet been assigned for any IP services, and requests the Commission authorize Verizon to remove from its Blocking Service options in its Product Guide all central office codes that are not currently used for blockable IP services. Verizon states that removal of these codes from blockable status would lessen the risk of unintentionally blocked calls, as well as make these codes available for general assignment, thus avoiding or deferring potential area code-exhaustion situations. The complete list of central office codes requested to be excluded from customer blocking options can be found in Attachment A.

⁸ Verizon advised that since 2014, all ten-thousands-blocks from the blockable code 716-970 code have been assigned to four carriers. It is likely that in the four years since 2014, thousands of customers have been assigned numbers from those blocks. Further over 300 of the 716-970 numbers have been ported to at least seven other carriers.

The Company also requests authorization to restate its Blocking Service options so that assigned blockable codes are specified as NPA-NXX combinations rather than LATA-wide or statewide NXX combinations (as some of them currently are);⁹ “freeze” the restated list of blockable codes, so that blockable IPs could not be assigned a number in any different central office code (whether currently utilized or newly opened in the future) without affirmative Commission authorization; and direct corresponding changes to the blocking options offered by other regulated carriers in the State, and to the model tariff currently available on the Department of Public Service website.

PUBLIC NOTICE

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking was published in the State Register on May 31, 2017 (SAPA No. 17-C-0278SP1). The time for submission of comments pursuant to the Notice expired on July 15, 2017. Moreover, on August 11, 2017, the Secretary issued a Notice Soliciting Comments. The Secretary’s Notice sought comments by September 11, 2017.

COMMENTS

In response to the public notices, comments were received from two parties, the New York State Telecommunications Association, Inc. (NYSTA),¹⁰ and Regional Telephone Corporation

⁹ In restating the codes in this manner, the only NPA-NXX combinations that would continue to be included in Blocking Service options are those that include numbers currently assigned to blockable IP services.

¹⁰ NYSTA’s membership includes over 40 telecommunications carriers operating in New York, including 32 of the 39 incumbent local exchange carriers (ILECs) providing telecommunications services.

(RTC), an information service provider with a specialty in dating calling systems. NYSTA supports the request of Verizon and believes the relief requested is in the public interest.

RTC is neither fully in favor nor against Verizon's petition. RTC agrees with Verizon that the incorrectly assigned telephone numbers should be reassigned as regular end-use resources, but feels that most of the codes should remain as blockable codes. In addition, RTC feels that a single statewide blockable code needs to be created and maintained for public safety uses for trouble-free public recognition and adoption.

LEGAL AUTHORITY

The FCC is authorized by statute to delegate to state commissions all or any part of its jurisdiction over the Numbering Plan.¹¹ Through its regulations, contained in 47 C.F.R. §52 the FCC has implemented its delegation. Additionally, Public Service Law (PSL) §92 authorizes the Commission to require the filing of tariffs. The action the Commission takes in this Order is made pursuant to and in furtherance of the delegation of federal authority, PSL §92 and the consumer protection provisions of the PSL generally.

DISCUSSION AND CONCLUSION

The Commission's rules and policies governing blockable central office codes were adopted in 1999 to facilitate the blocking of potentially harmful content to minors via chatlines and other information services. At that time, the industry collaboratively decided there was a pressing need for numerous blockable central office codes throughout the State, and the Commission agreed.

¹¹ Id.

The telephone industry has undergone vast technological changes in the nearly 20 years since blockable codes were established. The widespread use of the internet has decreased the need for the number of blockable codes once thought required. To analyze the impact of Verizon's request, Department of Public Service Staff (DPS Staff) surveyed all carriers identified as having numbering resources in the blockable central office codes targeted by Verizon, including incumbent local exchange carriers, competitive local exchange carriers, mobile wireless communication companies, and interconnected Voice over Internet Protocol (VoIP) providers. Each carrier was asked to identify how many telephone numbers were known to be assigned to Information Provider services in each of the targeted central office codes. Responses were received from all carriers, regulated and non-regulated providers alike, and they uniformly responded that no information services providers were assigned numbers in those codes. The unanimous carrier response to DPS Staff's survey is indicative of the shift of voice chatlines and other information services from the public switched telephone network to "online" internet-based services. This survey, as well as the comments received from NYSTA and RTC, indicate that the rationale for the scope of the blockable codes regime is no longer valid.

The Commission will therefore grant Verizon's request to exclude the central office codes listed in Appendix A from the blocking service options offered by Verizon and other regulated carriers in the State, and directs all carriers to remove the identified codes from their respective tariffs within 90 days of the date of this Order. Granting Verizon's petition will result in the elimination of all blockable codes except for the "976" code in each area code. Designating 976 as the one blockable code in all area codes throughout the state will

provide more than enough blockable numbering resources to ensure that public safeguards are maintained, while making more codes available for general use, which will prolong the life of area codes throughout the state.

Within 90 days of the date of the issuance of this Order, providers shall submit evidence of the translations updates in their switches and the LERG Routing Guide (LERG).¹² The Commission directs DPS Staff to work with the North American Numbering Plan Administrator (NANPA) and the affected carriers to develop an implementation plan that includes procedures and actions needed to ensure compliance with this Order, including the establishment of a mechanism to ensure accurate administration of LERG and other databases by providers.

This action responds to major changes in the telecommunications market while still retaining consumer protection measures, and is in the public interest.

The Commission orders:

1. Within 90 days of the issuance of this Order, all carriers who offer blocking services are directed to remove the central office codes listed in Appendix A from the blocking service options in their respective tariffs and/or Customer Service Guides, consistent with the discussion in the body of this Order. The Model Tariff currently available on the Department of Public Service website shall also be updated accordingly.

¹² iconectiv's LERG Routing Guide (available at http://www.trainfo.com/products_services/tra/catalog_details.html) provides for a common basis for service providers within the North American Numbering Plan to directly report their numbering and routing information.

2. Within 90 days of the date of this Order, providers shall submit evidence of the translations updates in their switches and the LERG Routing Guide.

3. The Commission directs Department of Public Service Staff to work with North American Numbering Plan Administrator and affected carriers on an implementation plan that includes procedures and actions needed to ensure compliance with this Order, including the establishment of a mechanism to ensure accurate administration of the LERG and other databases by providers. Such plan shall be filed within 60 days of the date of this Order.

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 the affected deadline.

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

By the Commission,

(SIGNED)

KATHLEEN H. BURGESS
Secretary

Attachment A

| NPA | NXX | Notes on April 2017 LERG™ Routing Guide ("LERG") Information ¹ | Recommended Action |
|--------|-----|--|--|
| 607 | 233 | In the LERG, 607-233 is designated as an End Office code, suggesting that it is used for general telecommunications services rather than for IP services. | Remove 607-233 as a blockable code. |
| 607 | 245 | In the LERG, 607-245 is designated as an End Office code, suggesting that it is used for general telecommunications services rather than for IP services. | Remove 607-245 as a blockable code. |
| 718 | 280 | In the LERG, 718-280 is designated as an End Office code, suggesting that it is used for general telecommunications services rather than for IP services. | Remove 718-280 as a blockable code. |
| All NY | 394 | The 394 code was removed as a blockable code from the Verizon tariff in 1998 and returned to general use. In the LERG, all assigned 394 codes are designated as End Office codes, Public Mobile Carrier codes or Service Provider Miscellaneous Service (Type 2 Interconnected) codes, suggesting that they are being used for general telecommunications services rather than for IP services. The 394 NXX is currently unassigned for 332-394, 607-394, 680-394, 838-394, 917-394 and 934-394. | Remove 394 as a blockable code. |
| All NY | 398 | In the LERG, all assigned 398 codes are designated as End Office codes, Public Mobile Carrier codes or Service Provider Miscellaneous Service (Type 2 Interconnected) codes, suggesting that they are used for general telecommunications services rather than for IP services. The 398 NXX is currently unassigned for 332-398, 607-398, 680-398, 838-398, and 934-398. | Remove 398 as a blockable code. |
| 516 | 471 | In the LERG, 516-471 is designated as an End Office code, suggesting that it is used for general telecommunications services rather than for IP services. | Remove 516-471 as a blockable code. |
| 917 | 475 | In the LERG, 917-475 is designated as an End Office code, suggesting that it is used for general telecommunications services rather than for IP services. | Remove 917-475 as a blockable code. |
| All NY | 540 | In the LERG, the 540 NXX is designated as an IP services code in all LATAs except the 315-540 and 716-540 codes. The 315-540 and 716-540 codes are designated as End Office codes, suggesting that they are used for general telecommunications services rather than for IP services. The 540 NXX is currently unassigned for 332-540, 585-540, 607-540, 680-540, 838-540, 929-540 and 934-540. | Remove 315-540, 332-540, 585-540, 607-540, 680-540, 716-540, 838-540, 929-540 and 934-540 as blockable codes. |
| All NY | 550 | The 716-550 code was removed as a blockable code from the Verizon tariff in 2000. In the LERG, 716-550 is designated as an End Office code, suggesting that it is used for general telecommunications services rather than for IP services. The 550 NXX is currently unassigned for 315-550, 332-550, 518-550, 585-550, 607-550, 680-550, 716-550, 838-550, 929-550 and 934-550. | Remove 315-550, 332-550, 518-550, 585-550, 607-550, 680-550, 716-550, 838-550, 929-550 and 934-550 as blockable codes. |

¹ See Iconnectiv's LERG™ Routing Guide General Information document for definitions of some of the LERG terms used here: http://www.trainfo.com/products_services/train/downloads/lerginfo.doc. For example, the term End Office Code is defined as a code "used to identify a CO Code (NXX) or Thousands Block for which all line numbers, or a subset thereof, are used to provide Plain Old Telephone Service (POTS). This is often referred to as "wireline" or "landline" and generally is considered the historically standard "telephone" voice service provided to residential and business customers."

| NPA | NXX | Notes on April 2017 LERG™ Routing Guide (“LERG”) Information ¹ | Recommended Action |
|-----------------------|-----|---|--|
| 315, 607 and 680 | 551 | In the LERG, 315-551 is designated as an End Office code, suggesting that it is used for general telecommunications services rather than for IP services. The 551 NXX is currently unassigned for 607-551 and 680-551. | Remove 315-551, 607-551 and 680-551 as blockable codes. |
| 585 and 716 | 587 | In the LERG, 716-587 is designated as an End Office code, suggesting that it is used for general telecommunications services rather than for IP services. The 587 NXX is currently unassigned for 585-587. | Remove 585-587 and 716-587 as blockable codes. |
| 347 | 588 | In the LERG, 347-588 is designated as an End Office code, suggesting that it is used for general telecommunications services rather than for IP services. | Remove 347-588 as a blockable code. |
| 315, 607, 680 and 716 | 770 | In the LERG, 315-770 and 607-770 and 716-770 are designated as End Office codes, suggesting that they are used for general telecommunications services rather than for IP services. The 770 NXX is currently unassigned for 680-770. | Remove 315-770, 607-770, 680-770 and 716-770 as blockable codes. |
| 516 | 910 | In the LERG, 516-910 is designated as an End Office code, suggesting that it is used for general telecommunications services rather than for IP services. | Remove 516-910 as a blockable code. |
| All NY | 920 | The 516-920, 585-920, 607-920 and 716-920 codes assigned to Verizon are designated as Information Provider codes because they were previously used for Circuit 9 service. Circuit 9 service was removed from the Verizon tariff in 2005. In the LERG, all other assigned 920 codes are designated as End Office codes or Public Mobile Carrier codes, suggesting that they are used for general telecommunications services rather than for IP services. The 920 NXX is currently unassigned for 332-920, 516-920, 680-920, 838-920, 917-920 and 934-920. | Remove 920 as a blockable code. |
| All NY | 970 | In the LERG, 716-970 is designated as an End Office code, and was assigned in 2014 for general telecommunications services. The 970 NXX is currently unassigned for 315-970, 332-970, 516-970, 585-970, 607-970, 680-970, 838-970, 929-970 and 934-970. The remaining codes, 212-970, 347-970, 516-970, 631-970, 646-970, 718-970, 845-970, 914-970 and 917-970, are designated as Information Provider codes assigned to Verizon (XO), and are in the process of being returned to the NANPA. | Remove 970 as a blockable code. |
| All NY | 971 | In the LERG, all assigned 971 codes are designated as Standard Plant Test codes, End Office codes, or Public Mobile Carrier codes, suggesting that they are used for general telecommunications services rather than for IP services. The 971 NXX is currently unassigned for 332-971, 607-971, 680-971, 716-971, 838-971, 845-971, 914-971, 929-971 and 934-971. | Remove 971 as a blockable code. |
| All NY | 974 | In the LERG, all assigned 974 NXX codes are designated as End Office codes or Public Mobile Carrier codes, suggesting that they are used for general telecommunications services rather than for IP services. The 974 NXX is currently unassigned for 332-974, 646-974, 680-974, 716-974, 838-974, 845-974, 914-974, 929-974 and 934-974. | Remove 974 as a blockable code. |