

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on November 19, 2015

COMMISSIONERS PRESENT:

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

CASE 15-C-0168 - Petition of the North American Numbering Plan  
Administrator on Behalf of the New York  
Telecommunications Industry for Relief of the  
212/646/917 NPA.

ORDER APPROVING OVERLAY OF THE 212 AREA CODE REGION  
(Issued and Effective November 23, 2015)

BY THE COMMISSION:

INTRODUCTION

In its March 20, 2015 filing, the North American Numbering Plan Administrator (NANPA) informed the Commission that the supply of central office codes within the 212/646/917 Numbering Plan Area (NPA), which covers the borough of Manhattan in New York City, has a likely exhaust date of the fourth quarter of 2017, when the remaining available codes are forecasted to be fully assigned. NANPA, in its role as a neutral third party NPA relief planner, petitioned the Commission on behalf of the New York Telecommunications Industry (the Industry) to approve an all-services distributed overlay<sup>1</sup> as

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<sup>1</sup> An all-services distributed overlay relief method superimposes a new area code over the identical geographic area as the area code(s) needing relief, resulting in an additional area code serving the area.

the appropriate means of providing numbering resource relief for the 212/646/917 NPA overlay complex<sup>2</sup> with a prescribed implementation timeline that ensures uninterrupted availability of telephone numbers in Manhattan.

The Industry consensus recommends that the new area code overlay be assigned to the exact same geographic area occupied by the existing 212/646/917 NPA. Customers would retain their current telephone numbers and 1+ ten-digit dialing by all customers within and between NPAs in Manhattan would continue as normal; the existing dialing plan would remain unchanged. Central office codes in the new overlay NPA will be assigned upon request as of the effective date of the new area code. The proposed overlay will assign newly issued telephone numbers once all existing area codes are exhausted and will apply to all telephone numbers, regardless of service type.<sup>3</sup> The projected life of the new area code is approximately 20 years.

If 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

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<sup>2</sup> Manhattan has previously received, by Commission Order on December 10, 1997, NPA relief in the form of an overlay, meaning that more than one area code serves this geography, creating what is referred to as an "overlay complex".

<sup>3</sup> This is in contrast to the 917 overlay which was originally established as an area code specifically for cell phones and pagers in New York City. The Federal Communications Commission (FCC) subsequently determined that area codes going forward could not be service-specific, but allowed 917 to remain as such. CC Docket No. 96-98, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order and Memorandum Opinion and Order (August 8, 1996), ¶285.

delegated to this Commission by the Federal Communications Commission (FCC), we approve NANPA's request on behalf of the Industry for an all-services distributed overlay and direct public education efforts regarding area code changes as discussed in more detail below. The overlay option here is, of necessity, the only relief available because of the previously approved overlay complex that covers the entire NPA.

#### 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 telecommunications networks in the United States and Canada and in many of the Caribbean nations. 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 codes or area codes.<sup>4</sup>

##### Delegation to the Commission

By statute, the FCC has "exclusive jurisdiction over those portions of the North American Numbering Plan that pertain to the United States."<sup>5</sup> However, the FCC is also authorized by statute to delegate to state commissions all or any part of this jurisdiction.<sup>6</sup> Through its regulations, the FCC has delegated

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

<sup>5</sup> 47 U.S.C. § 251(e)(1).

<sup>6</sup> Id.

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.<sup>7</sup>

The action we take in this Order is pursuant to and in furtherance of this delegation of authority.

The regulations concerning this delegation provide the following guidance as to how the delegation pursuant to these regulations should be implemented. Specifically, our actions pursuant to this delegation should:

- (1) Facilitate entry into the telecommunications marketplace by making telecommunications numbering resources available on an efficient, timely basis to telecommunications carriers;
- (2) Not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and
- (3) Not unduly favor one telecommunications technology over another.<sup>8</sup>

Area Code Exhaust

An impending area code exhaust is projected to occur when NANPA<sup>9</sup> determines that all of the approximately 750

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<sup>7</sup> 47 C.F.R § 52.19.

<sup>8</sup> 47 C.F.R. § 52.9(a).

<sup>9</sup> NANPA is the entity responsible under FCC regulations for managing the NANP. 47 CFR §52.7(e).

utilizable central office codes associated with a particular area code are expected to be assigned within 36 months. 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,<sup>10</sup> 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 seven-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.<sup>11</sup> 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

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<sup>10</sup> According to the Numbering Plan, each telephone line is assigned a 10-digit phone number. The first three digits are the area code, the second three digits are the central office code, and the final four digits identify the particular telephone line in the particular central office within the specified area code. These 10 digits are often referred to as NPA-NXX-XXXX numbers, where NPA refers to the NPA area code, N is any digit between 2 and 9, and X is any digit from 0 to 9.

<sup>11</sup> 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 16. Of the eleven new area codes, six were implemented through geographic splits, while five were provided through overlays.

resources, the requests are filled from the resources associated with the new area code. Because the same geographic area is served by two or more 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 the both the old area code and the new area code must dial all ten digits of the telephone number they are trying to reach.<sup>12</sup> 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.<sup>13</sup>

#### Area Code History in Manhattan

Area code relief in Manhattan has an extensive history. With the creation of area codes in 1947, the 212 area code originally encompassed all five boroughs of New York City (NYC). Decades later,<sup>14</sup> in 1984, a geographic split was

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<sup>12</sup> 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).

<sup>13</sup> When an overlay option is implemented all customers need to dial 10 digits on calls terminating in their area code, and 1 + 10 digits for calls terminating outside their area code.

<sup>14</sup> It is noteworthy that the first area code split involving NYC occurred nearly 40 years after the 212 area code was established. The lengthy duration of the single 212 area code was due, in large part, to only traditional wireline telephone service being in operation for most of that time. In recent years, overall number utilization has risen starkly due to the wide deployment and use of wireless and alternative wireline phone services (such as fixed and over-the-top Voice over

implemented for area code exhaust relief of the 212 NPA creating the 718 NPA. As a result, the 212 NPA continued to serve Manhattan and the Bronx while the 718 NPA served Brooklyn, Queens and Staten Island. Upon the impending exhaust of the 212 NPA eight years later in 1992, the 718 NPA was expanded to include the Bronx, which concurrently reduced the 212 area code to include only Manhattan. In the same year, the entire city was overlaid with the 917 NPA, which was utilized exclusively for mobile service at that time. Five years later, in 1997, when the 212 NPA again approached exhaust, additional numbering resources became available through the creation of the 646 NPA overlay area code.

#### PUBLIC NOTICE

A Notice of Proposed Rulemaking was published in the State Register, pursuant to the State Administrative Procedure Act (SAPA), on April 15, 2015. The time for submission of comments pursuant to the Notice expired on June 1, 2015. One comment seeking information on this proceeding was received in response to the SAPA Notice. In addition, Department of Public Service Staff sent a letter to Manhattan community leaders in October 2015, notifying them of the pending area code exhaust and the next steps to address area code relief in the borough.

#### DISCUSSION

The need for area code relief is determined by NANPA pursuant to federal regulation.<sup>15</sup> Semi-annually, NANPA receives

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Internet Protocol service), as well as the proliferation of "smart devices" and applications. The rising consumer demand for additional phone numbers has resulted in area code exhaust on a significantly faster pace.

<sup>15</sup> See, 47 C.F.R. Part 52.

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 commission 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's petition informed us that the supply of central office codes serving the 212/646/917 NPA complex will likely exhaust in the fourth quarter of 2017, when the remaining available codes are forecasted to be fully assigned.

Given the numerous successful experiences with overlay area codes in New York and other states, the Local Number Portability Administrator Working Group Best Practice 30 identifies the all-services overlay as the preferred form of area code relief. The overlay method is also endorsed by the North American Numbering Council.<sup>16</sup>

We agree with the Industry that the remedy for providing additional numbering resources in this case must necessarily take the form of an overlay code because of the previously approved overlay complex that covers the entire NPA. In this instance, a geographic split is not feasible given the existence of multiple area codes serving one NPA. Therefore, consistent with the Commission's delegated authority, we approve NANPA's request on behalf of the Industry for an all-services distributed overlay and direct public education efforts regarding area code changes as discussed in more detail below.

In an NPA overlay, code relief is generally provided by assigning a new NPA code over the exact same geographic area as the NPA requiring relief. Central office codes from this new NPA are assigned on a carrier-neutral, i.e., first come-first

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<sup>16</sup> <http://www.nanc-chair.org/docs/documents.html>



served basis. With the overlay method, the FCC requires mandatory 10-digit dialing between and within the old and new NPA codes.<sup>17</sup> New York City already has 1+10-digit dialing established between and within NPAs as part of previous relief measures.<sup>18</sup>

NANPA's latest forecast of 212 area code exhaust in the fourth quarter of 2017 provides sufficient time for orderly preparation and implementation of area code relief. We can best ensure that carriers' 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.<sup>19</sup>

The Industry proposed a nine month schedule for implementation of the overlay to allow providers adequate time for network modifications that will accommodate the new code, and we find this time-frame to be reasonable. In addition, all carriers providing service in the affected area will be required to develop outreach and education plans to inform their

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<sup>17</sup> 47 C.F.R. §52.19 (c) (3) (ii).

<sup>18</sup> Case 96-C-1158, Proceeding on Motion of the Commission, Pursuant to Section 97(2) of the Public Service Law, to Evaluate the Options for Making Additional Central Office and/or Area Codes Available in the 212 and 917 Area Codes of New York City, Opinion and Order Concerning New York City Area Codes (issued December 10, 1997).

<sup>19</sup> 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).

customers of the implementation of the new area code. The proposed implementation time frame allows for the new NPA to be effective six-months prior to the forecasted exhaust date. These time frames are adequate for all providers to make necessary network modifications and complete administrative actions without any undue difficulty.

We have generally established a permissive dialing period prior to mandatory dialing when a new NPA code is introduced.<sup>20</sup> However, a permissive dialing period is not necessary in this instance because this will be the third NPA overlay for this geographic area, and mandatory 1+10-digit dialing is already in place; therefore, all callers are already dialing all calls on a 1+10-digit basis. Also, the permissive dialing period has traditionally been the period of time when customers revise printed materials; reprogram equipment that stores and analyzes telephone numbers (e.g., PBXs, cellular phones, modems, speed dial lists, alarm company automatic dialers, and other automatic dialers); update directory listings; change advertising; and notify customers, business associates, family and friends of a new dialing pattern. These actions are unnecessary in this case because the dialing pattern will not change under the Industry's proposed plan

#### CONCLUSION

We are advised by the Numbering Administrator that area code relief is needed in the 212/646/917 Numbering Plan Area. After reviewing the overlay relief plan recommended by

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<sup>20</sup> A permissive dialing period is used to allow consumers time to adjust to a change from 7 to 10-digit mandatory dialing, or area code number changes resulting from an area code split. Neither is happening in this case.

the Industry, we conclude that, a new overlay area code for Manhattan will result in the most effective possible use of numbering resources in Manhattan and will result in long-term relief, with the least expense, and least disruption and least frustration to consumers. Therefore, we approve a new overlay area code for the 212/646/917 NPA, as discussed in the body of this Order.

The Commission orders:

1. Consistent with the conditions and requirements set forth in this Order, all carriers holding numbering resources in the 212/646/917 Numbering Plan Area shall file, within 45 days of the date of this Order, a joint plan outlining the steps necessary to activate a new area code for the existing 212/646/917 Numbering Plan Area inclusive of a dialing plan that complies with established New York City 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, following such approval, shall implement this plan.

2. Within 45 days of the date of this Order, every carrier holding numbering resources in the 212/646/917 Numbering Plan Area, consistent with the discussion in this Order, shall file its plan for an outreach and education program to acquaint its customers with the establishment of the new area code and its operation. 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, following such approval, shall implement this plan.

3. At 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.

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

By the Commission,

(SIGNED)

KATHLEEN H. BURGESS  
Secretary