

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on April 14, 2022

COMMISSIONERS PRESENT:

Rory M. Christian, Chair  
Diane X. Burman  
James S. Alesi  
Tracey A. Edwards  
John B. Howard  
David J. Valesky  
John B. Maggiore

CASE 21-C-0600 - Petition of the North American Numbering Plan  
Administrator, on Behalf of the New York  
Telecommunications Industry, for Relief of the  
845 Numbering Plan Area.

ORDER DIRECTING OVERLAY OF THE 845 AREA CODE REGION  
SUBJECT TO CONDITIONS

(Issued and Effective April 14, 2022)

BY THE COMMISSION:

INTRODUCTION

By petition filed November 30, 2021, and supplemented  
January 6, 2022, the North American Numbering Plan Administrator  
(NANPA or Numbering Administrator), on behalf of the New York  
telecommunications industry (Industry), requests relief related  
to the projected exhaust of numbering resources in the  
geographic region served by the 845 area code, which serves all  
or portions of Columbia, Delaware, Dutchess, Greene, Orange,  
Putnam, Rockland, Sullivan, Ulster, and Westchester Counties.  
According to the petition, if numbering resources, now  
constrained, were to become unavailable, economic activity and

the general welfare of those who live in the area could be compromised.

Through this Order, the Commission approves the petition filed by NANPA. In accordance with the authority delegated by the Federal Communications Commission (FCC),<sup>1</sup> the Commission concludes that additional numbering resources in the 845 area code should be provided through overlaying a new area code over the entire existing 845 geographic area and directs that network modifications and public education efforts regarding the new area code should be undertaken. As set forth below, the Commission's decision to authorize an all-services overlay area code is fully consistent with the guidance provided by FCC regulations and with the Commission's statutory responsibility to assure that telephone service provided to New York customers is just, reasonable, efficient, adequate and in the public interest.<sup>2</sup>

#### BACKGROUND

##### North American Numbering Plan

The North American Numbering Plan (NANP or Numbering Plan) was established in 1947 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. The geographic area subject to the Numbering Plan was originally subdivided into 86 zones, and each zone was identified by a three-digit code.

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<sup>1</sup> 47 C.F.R. §52.19.

<sup>2</sup> Public Service Law (PSL) §§97(1), 97(2).

These three-digit codes are now referred to as Numbering Plan Area (NPA) codes or area codes.<sup>3</sup>

Pursuant to the Numbering Plan, each telephone is assigned a ten-digit phone number. Of these ten 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 of available central office codes and four-digit numbers will be somewhat less than the maximum number of three- or four-digit combinations.

#### Area Code Relief Methods

An impending area code exhaust is projected to occur when NANPA<sup>4</sup> determines that all of the approximately 750 utilizable central office codes associated with a particular

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<sup>3</sup> 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.

<sup>4</sup> NANPA is the entity responsible under FCC regulations for managing the NANP. See 47 C.F.R. §52.7(e).

area code are expected to be assigned within 36 months.<sup>5</sup> Historically, the Commission has used two methods to provide area code relief in New York State. The first, original, area code relief method that was utilized split the geographic area served by the existing area code into two separate geographic area codes. In one of the two areas, existing customers would retain the same ten-digit telephone number, including area code, they had before the geographic split was implemented, and new customers moving into that geographic area would be assigned numbers from the existing area code. All customers located in the second, split-off geographic area served by the new area code would retain their seven-digit telephone numbers but would receive a new area code. Customers in the existing area code region would have no change to their dialing pattern, i.e., they would not be required to dial more than seven digits when calling a number within their area code. However, customers in the new area code region would need to dial ten digits to reach customers in the old area code, and vice versa.

The second, more recent, method of implementing area code relief has been to overlay the entire existing area code region with a new area code. 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 resources, the requests are filled from the resources associated with the new area code. Because the

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<sup>5</sup> 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 central office codes to ensure a fair and equitable allocation to service providers.

same geographic area is served by more than one area code, it is possible that a customer assigned to both the old and new area codes will share the same seven-digit telephone number, i.e., 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.<sup>6</sup> Without such "ten-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>7</sup>

Since the introduction of the Numbering Plan in 1947 through to the present time, the original six area codes assigned to New York State have been increased to twenty. Of the fourteen new area codes, five were implemented through geographic splits, while nine have been provided through overlays. The last geographic split was implemented in 2001; since then, the past six instances of area code relief were accomplished through overlay codes.

#### 988 National Suicide Prevention Hotline

On July 16, 2020, the FCC adopted an Order approving the designation of 988 as the three-digit abbreviated dialing code to reach the National Suicide Prevention Lifeline (NSPL) and requiring all telecommunications carriers to make the

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<sup>6</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>7</sup> In an overlay scenario, all customers dial ten digits on calls terminating in their NPA, and 1 + ten digits for calls terminating outside their NPA.

network changes necessary to ensure that users can dial 988 to reach the existing NSPL by July 16, 2022.<sup>8</sup>

If 988 is a central office code already in use in an area code prior to the designation of 988 as the three-digit dialing code to reach the NSPL, and seven-digit dialing is still in use, a call that starts with 988 will automatically route to the NSPL instead of to the intended called party. For that reason, the implementation of 988 as the three-digit dialing code to reach the NSPL requires the use of ten-digit dialing for every call in NPAs that use 988 as a central office code. Therefore, the FCC's July 16, 2020 Order requires providers to implement mandatory ten-digit dialing by July 16, 2022, in NPAs that use 988 as a central office code and are still using seven-digit dialing. The 845 NPA uses 988 as a central office code and is therefore included in these FCC requirements. Four other area codes in New York and 77 other area codes across the country also use 988 as a central office code and are thus subject to this mandatory ten-digit dialing requirement.

#### Procedural History

The matter of 845 area code relief was first addressed in 1999, when the Commission issued an Order in Case 99-C-0800

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<sup>8</sup> 988 is not a nationwide calling code right now, however, the National Suicide Prevention Lifeline is available today, providing suicide prevention and mental health crisis assistance at 1-800-273-8255 and through online chats. The Veterans Crisis Line is also available today, providing Veteran specific suicide prevention and crisis assistance at 1-800-273-8255 (Press 1), by texting 838255, and through online chats at veteranscrisisline.net.

directing a geographic split of the 914 area code.<sup>9</sup> The 1999 Order led to the introduction of the 845 area code, serving all or portions of Columbia, Delaware, Dutchess, Greene, Orange, Putnam, Rockland, Sullivan, and Ulster counties. Although Westchester County retained the 914 area code, five Westchester central office codes, which were bisected by the area code split boundary, were included in the 845 area code's territory: Peekskill, Croton Falls, North Salem, Lakeland, and Mahopac.

In November 2021, NANPA filed the instant petition advising that the projected exhaust of the 845 area code was approaching and would occur, at the latest, by the third quarter of 2024. The petition seeks Commission approval of the Industry consensus recommendation to overlay a new area code over the existing 845 geographic area. Upon receipt of NANPA's assessment of the need for relief in the 845 area code, this proceeding was initiated.

On January 6, 2022, NANPA filed a supplement to its petition as notification to the Commission that the projected exhaust date for the 845 area code had been revised to the third quarter of 2023. The supplement requests Commission action for area code relief in the form of an all-services overlay as soon as possible so that affected carriers are afforded the necessary time to modify their networks to implement the new area code prior to the 845 area code's projected exhaust date.

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<sup>9</sup> See Case 99-C-0800, In the Matter of an Investigation of the Efficient Usage of Telephone Numbering Resources and Evaluation of the Options for Making Additional Central Office Codes and/or Area Codes Available in New York State, Area Codes, Opinion 99-11, Opinion And Order Directing A Geographic Split of the 914 NPA (issued November 4, 1999).

PETITION

In its November 2021 petition, NANPA notes that the Industry's area code relief planning guidelines were recently amended to accommodate the impact of the transition to mandatory ten-digit dialing caused by the national implementation of the 988 National Suicide Prevention Hotline. The amended guidelines state that where area code relief is required and the impacted area code is scheduled to transition to ten-digit dialing, an overlay code is the only relief method that can be considered in that area.<sup>10</sup> Accordingly, the petition describes two overlay alternatives for 845 area code relief, a "boundary elimination overlay with the addition of a new NPA" and an "all-services overlay". NANPA states that under the boundary elimination overlay option, the 845 NPA would be merged with the adjacent 914 NPA creating one overlay area and spare 914 and 845 central office codes would be available for assignment throughout the combined overlay area. Once all of the central office codes in both NPAs are exhausted, a new overlay NPA would be activated. Existing customers, regardless of whether their service is landline or mobile, would retain their current ten-digit telephone number. In accordance with FCC regulations, ten-digit dialing for all calls, whether local and long distance, would be required. This relief option has a projected life of approximately 19 years.

NANPA states that under the all-services overlay alternative, a new area code would be superimposed over the same geographic area covered by the existing 845 area code footprint, resulting in two area codes within the entirety of the existing

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<sup>10</sup> See ATIS-0300061, NPA Code Relief Planning and Notification Guidelines: §5.6.2. The NPA Relief Planning Guidelines can be accessed on the ATIS website located at:  
[https://www.atis.org/01\\_committ\\_forums/inc/documents/](https://www.atis.org/01_committ_forums/inc/documents/).

845 region. All existing customers, with either landline or mobile service, would retain their current ten-digit telephone number, but all requests for new telephone numbers in the region would receive and use the new area code, once the 845 area code is fully exhausted. In accordance with FCC regulations, ten-digit dialing for all calls, whether local and long distance, would be required. NANPA estimates the life of the new area code under the all-services overlay scenario to be approximately 28 years.

The petition recommends that the Commission approve an all-services overlay code in the 845 area code region, due to its longer relief lifespan and increased simplicity to implement. The petition also seeks Commission approval of a nine-month schedule to implement the overlay code relief plan. The petition states that, upon Commission approval, the Industry will convene to select specific milestone dates that will allow the new area code to be fully implemented by no later than the first quarter of 2023. This end date is in accord with the Industry's area code relief guidelines, which state that a new area code should normally be implemented six months prior to exhaust, but under extraordinary situations can be implemented no later than three months prior to exhaust.<sup>11</sup>

In its January 6, 2022 supplemental filing, NANPA advises that the projected exhaust date of the 845 area code has been accelerated from the third quarter of 2024 to the third quarter of 2023. NANPA explains that since the issuance of its November 2021 petition, the 845 region has experienced an increased 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

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<sup>11</sup> ATIS-0300061: Section 7.2.

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.<sup>12</sup> NANPA also advises that there are jeopardy procedures for the 845 NPA in place that determine: the number of codes to be 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. 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.

#### LEGAL AUTHORITY

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

##### §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>13</sup>

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<sup>12</sup> See ATIS-0300119, Thousands-Block (NPA-NXX-X) & Central Office Code (NPA-NXX) Administrative Guidelines: Section 15.3.1.

<sup>13</sup> 47 C.F.R. §52.19.

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

PUBLIC NOTICE

Public input on the petition for 845 area code relief was solicited in various ways. First, pursuant to the State Administrative Procedure Act (SAPA) §202(1), a Notice of Proposed Rulemaking was published in the State Register on January 26, 2022 (SAPA No. 21-C-0600SP1). The time for submission of comments pursuant to the SAPA Notice expired on March 27, 2022. Also, on February 14, 2022, the Secretary issued a Notice Soliciting Comments. The Secretary's Notice sought comments by March 27, 2022. Finally, Department of Public Service Staff (Department Staff) conducted three virtual educational forums concerning the alternative relief options; two were held on March 16, 2022, and one on March 23, 2022. Immediately following each forum, an Administrative Law Judge presided over a public statement hearing. Notices of these hearings were sent out by the Secretary on February 22, 2022, and March 3, 2022, and the Department issued a press release on March 9, 2022, to further publicize the public statement hearings. All comments received are addressed below.

Comments

One joint comment filing was received from several telecommunications carriers, from AT&T, T-Mobile, and Verizon (Carriers), in response to the Secretary's Notice Seeking Comments. The Carriers submitted that the Commission should approve the industry consensus all-services overlay to provide long-term numbering relief for the 845 area code as it is the most practical and effective form of area code relief available. They further state that the all-services overlay is the most

convenient for customers and the most efficient solution for telecommunications providers to implement in the short timeframe remaining before the 845 area code exhausts.

Five public comments were also received in this proceeding. Three of the commenters agreed with the need for area code relief but expressed concerns; one commenter opposed the overlay plan, while two were concerned over the need to dial ten digits when making a local call. Two commenters were supportive of the Industry consensus all-services overlay code relief plan, though one individual posited that elderly customers could be confused by local businesses having an area code other than 845.

#### DISCUSSION

##### Need for Relief

The need for area code relief is determined by NANPA pursuant to federal regulation.<sup>14</sup> 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 845 region or significantly extend the time when relief will be needed. In this instance,

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<sup>14</sup> 47 C.F.R. Part 52.

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. Exhaust of existing 845 central office codes is on the horizon, i.e., by the third quarter of 2023, not the third quarter of 2024, as previously forecasted; preparation by carriers that require changes to their networks must begin as soon as practicable.

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 declared jeopardy in the 845 area code, indicating that the supply of numbers could exhaust before relief could be provided, standard interim procedures of rationing took effect immediately. Interim procedures remained in effect until the Industry developed final jeopardy procedures specific to the area code. Those procedures are currently in place and will elongate the supply of numbering resources during the interval needed to implement relief. These procedures dictate: 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. In the midst of jeopardy procedures, carriers in the 845 region could experience delays in meeting customer requests for new services, with adverse economic and safety consequences for customers in the 845 area code region, should an area code relief decision be delayed. Such a situation will be mitigated to the greatest extent possible with the Commission's decision on area code relief.

Choice of All-Services Overlay as Relief Method

Based on the record in this proceeding, the Commission will approve NANPA's proposed relief, to implement an all-services overlay as the preferred alternative for area code relief in the 845 region. This decision comports with the Industry consensus, the Commission's most recent precedent, and consumer and carrier preferences for the all-services overlay. An all-services overlay permits all existing telephone users in the region to keep their current phone numbers, including the 845 area code and provides the longest life for relief. By comparison, a boundary elimination overlay would provide relief for approximately 19 years but was ultimately not recommended by NANPA due to its shorter relief lifespan and increased complexity to implement.

Since the year 2001, the Commission has exclusively approved overlays in New York State, which have all been implemented successfully. In those cases, the Commission concluded that the all-services 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 alternatives.

Therefore, in accordance with the authority delegated by the FCC, the Commission concludes here that additional numbering resources to ensure the continued and ready availability of telephone numbers in the area currently served by the 845 area code should be provided through an all-services distributed overlay. As discussed, the Commission's decision is fully consistent with the guidance provided by FCC regulations and with the Commission's 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 usually recommends an 18-month timeline to implement an overlay area code relief scheme in order to adequately complete network modifications and educate customers about dialing changes related to ten-digit dialing. However, the instant petition explains that the typical timeline can be shortened to nine months. The shorter implementation timeframe is warranted because customers in the 845 NPA will have already transitioned to mandatory ten-digit dialing due to the implementation of 988 as the three-digit abbreviated dialing code to reach the National Suicide Prevention Lifeline, which is currently underway and scheduled to be completed by July 16, 2022. This negates the need for a permissive dialing period when the proposed overlay area code becomes effective, and also allays concerns expressed in some public comments over the need to dial 10-digits for local calls, insofar as customers will have transitioned and become accustomed to 10-digit dialing in the 845 area code well before the new overlay area code's scheduled implementation in the first quarter of 2023.

In earlier area code relief cases, the Commission has emphasized the importance and responsibility of incumbent and competitive carriers to coordinate efforts when making the necessary network modifications to activate the new overlay code. Therefore, the Commission will require all carriers assigned 845 numbering resources to begin preparing technical plans for introducing the new area code on a timely basis. As promptly as possible, and no later than 30 days after the date of this Order, all carriers holding numbering resources in the 845 Numbering Plan Area shall file a joint plan outlining the steps necessary to activate a new area code, including milestone due dates, for the existing 845 Numbering Plan Area.

In addition, the Commission acknowledges that it is in the best interests of all carriers operating within the 845 NPA region to ensure that their customers are informed of the new overlay code. To better ensure that efforts are not wasteful, duplicative, or conflicting, the Commission will require each affected carrier to file with the Commission its plan for education and outreach. This is consistent with the Commission's authority to implement area code relief and an appropriate burden upon any carrier that receives telephone numbers.<sup>15</sup>

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. The Commission 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 845 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 the new area code. All plans and preparations should be developed and carried out in consultation with Department of Public Service Staff and should take into account the shorter than usual timeframe to implement area code relief in this instance.

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<sup>15</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).

In addition, 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. The Commission notes that Department 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.

#### CONCLUSION

The Commission is advised by the North American Numbering Plan Administrator that area code relief is needed in the 845 area code. After review of the alternative forms of relief that could be implemented and that are described by the Numbering Administrator, the Commission concludes that the all-services 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, the Commission approves the all-services distributed overlay for the 845 area code as discussed in the body of this Order.

#### The Commission orders:

1. The all-services distributed overlay is approved as area code relief for the 845 Numbering Plan Area as discussed in the body of this Order.

2. Consistent with the conditions and requirements set forth in the body of this Order, all carriers holding numbering resources in the 845 Numbering Plan Area shall file, within 30 days of the issuance of this Order, a joint plan outlining the steps necessary to activate a new area code, including milestone due dates, for the existing 845 Numbering

Plan Area. The plan shall contain a reasonable period for all necessary network modifications, 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 issuance of this Order, every carrier holding numbering resources in the 845 Numbering Plan Area shall, consistent with the discussion in this Order, 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 shall, thereafter, implement such plan.

4. The Secretary, in her sole discretion, may extend the deadlines set forth in this Order, provided the request for such extension is in writing, including a justification for the extension, and filed on a timely basis, which should be on at least one day's notice prior to any affected deadline.

5. This proceeding is closed, pending compliance with Ordering Clauses 2 and 3.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary