

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on June 22, 2023

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 07-C-1486 - Proceeding on Motion of the Commission,
Pursuant to Section 97(2) of the Public Service
Law, to Institute a Proceeding to Investigate
and Evaluate Options for Making Additional
Central Office Codes Available in the 315 Area
Code Region.

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 GRANTING CLARIFICATION

(Issued and Effective June 27, 2023)

BY THE COMMISSION:

INTRODUCTION AND BACKGROUND

By petition filed March 2, 2023, Verizon New York Inc.
(Verizon or the Company) requests clarification of two

Commission Orders regarding area code overlays.¹ Each of the Area Code Orders required all carriers to implement 10-digit dialing with a permanent intercept message² that instructs those customers who dial 7 digits to hang up and dial 10 digits to complete the call. Since the implementation of the overlays in the 315 and 518 area codes, if a customer dials 7 digits rather than 10 digits, the customer receives a recorded announcement instructing them to hang up and dial the number including the area code.³

In its request, Verizon submits that it has discovered that the recent assignment and implementation of the 315 NXX⁴ in the 315 NPA⁵ and the 518 NXX in the 518 NPA creates a technical issue with Verizon's DMS switches.⁶ Accordingly, due to the presence of this technical restriction as well as broad consumer acceptance and common usage of 10-digit dialing, the

¹ Case 07-C-1486, Proceeding on Motion of the Commission, Pursuant to Section 97(2) of the Public Service Law, Order Directing Overlay of the 315 Area Code Region (issued July 17, 2015); and Case 16-C-0297, Petition of the North American Numbering Plan Administrator, Order Directing Overlay of the 518 Area Code Region (issued September 15, 2016) (collectively referred to herein as the "Area Code Orders").

² An intercept message is a carrier's recorded announcement informing the caller that the call cannot be completed for any of a number of reasons ranging from network congestion to disconnection of the destination phone or number dialing errors.

³ Case 07-C-1486, *supra*, pp. 25-26; Case 16-C-0297, *supra*, pp. 21-22.

⁴ "NXX" refers to the first three digits of a telephone number, which identify the specific telephone company central office that serves that number.

⁵ "NPA" means numbering plan area, which is the area code for a telephone number. Numbering Plan Area.

⁶ "DMS" is a Digital Multiplex System telephone exchange switch to provide local service and connections to the Public Switched Telephone Network.

Company submits that the requirement for the permanent intercept message is no longer necessary.

Through this Order, pursuant to Public Service Law (PSL) §§94(2) and 97(2), the Commission finds that the request to discontinue the requirement related to the intercept message in the 315 and 518 area codes is reasonable and clarifies that the permanent intercept message requirement in the Area Code Orders need no longer be implemented, as discussed in more detail below.

REQUEST FOR CLARIFICATION

Verizon advises that since the time of the overlays, if a customer dialed 7 digits rather than 10 digits when making a call, the customer would receive a recording instructing them to hang up and dial the number including the area code. It further advises that the intercept message was installed in compliance with the language in the Area Code Orders that required "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 digits using the appropriate area code."⁷

In its request, Verizon states that, after the recent assignment and implementation of the 315 central office code in the 315 area code and the 518 central office code in the 518 area code, it discovered a technical issue with the Company's DMS-format switches. It advises that, when a customer served by a DMS switch dials 315-xxxx or 518-xxxx (e.g., seven digits), the intercept message alerting the customer to dial 10 digits is not activated. In these cases, eventually the call will timeout and a message stating the call cannot be completed as dialed

⁷ See, f.n. 3, supra.

will be played. Verizon advises that there is no technical workaround to have the correct intercept message applied. Therefore, its compliance with the Area Code Orders is no longer feasible.

Moreover, Verizon states that, with the industry's implementation of the 988 abbreviated dialing code to reach the 988 Suicide and Crisis Lifeline, in July 2022, 10-digit dialing is now required in more than 81% of area codes nationwide. In this regard, Verizon notes that the Commission has not imposed similar permanent intercept message requirements for any new overlay area codes in New York since the Area Code Orders at issue here.

In light of the technical restrictions and the broad consumer acceptance and common usage of 10-digit dialing, Verizon states that the need for and implementation of the permanent intercept message requirement in the Area Code Orders no longer exists. The Company, therefore, requests that the Commission clarify that the permanent intercept message requirement in the Area Code Orders need no longer be implemented, in order to allow use of the 315 and 518 central office codes in the respective area codes.

LEGAL AUTHORITY

The Federal Communications Commission's (FCC) rules at 47 U.S.C. §251(e) provide 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).

Public Service Law §97(2) states in part that, "[w]henever the commission shall be of the opinion, after a hearing had upon its own motion or upon complaint that the rules, regulations or practices of any telegraph corporation or telephone corporation are unjust or unreasonable or that the equipment or service of any telegraph corporation or telephone corporation is inadequate, inefficient, improper or insufficient, the commission shall determine the just, reasonable, adequate, efficient and proper regulations, practices, equipment and service thereafter to be installed, to be observed and used, and to fix and prescribe the same by order..."

The action the Commission takes here is made pursuant to and in furtherance of the delegation of federal authority and the consumer protection provisions of Commission rules and the PSL generally.

DISCUSSION AND CONCLUSION

Before the recent initial assignment of numbering resources beginning with 315-315-XXXX and 518-518-XXXX, Verizon had been complying with the Area Code Orders' requirements. However, when the Company began programming its switches to implement the newly assigned numbers, Verizon discovered a technical glitch with its DMS-format switches that caused the required intercept message that alerts the customer to dial 10 digits to not be activated. In these cases, the intercept message that is played states that the call cannot be completed as dialed. Verizon states that it has been unable to identify a technical solution to correct the intercept message that is activated. However, Verizon believes that, because the

requirement to dial 10 digits has been in place in these area codes for several years, its landline and wireless customers are now used to dialing 10 digits to complete all calls, and thus the intercept message is unnecessary.

Through this Order, pursuant to federally delegated authority and PSL §§94(2) and 97(2), the Commission finds that the justification provided by Verizon to discontinue the requirement related to the intercept message at issue in the Area Code Orders is reasonable and clarifies that the permanent intercept message is no longer needed.

Verizon correctly points out that the Commission has not imposed similar permanent intercept message requirements for any new implementations of overlays in New York since the Area Code Orders were issued.⁸ Notably, in the area code relief cases without the permanent intercept message, there have been no complaints. Moreover, the intercept message that is required in the Area Code Orders no longer serves its intended purpose to inform callers of the change in dialing pattern as a result of the implementation of the overlay because it is common practice

⁸ 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 November 23, 2015); Case 21-C-0473, Petition of the North American Numbering Plan Administrator on Behalf of the New York Telecommunications Industry for Relief of the 516 NPA, Order Directing Overlay of the 516 Area Code Region Subject to Conditions (issued January 20, 2022); 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 April 14, 2022); and Case 22-C-0358, Petition of the North American Numbering Plan Administrator on Behalf of the New York Telecommunications Industry for Relief of the 716 Numbering Plan Area, Order Directing Overlay of the 716 Area Code Region Subject to Conditions (issued October 13, 2022).

to dial 10 digits for all calls. Therefore, the Commission agrees with Verizon that because the overlays have been implemented in the 315 and 518 areas since 2016 and 2017, respectively, and landline and wireless customers in these area codes are presumably accustomed to dialing ten digits to complete calls, the need for the permanent intercept message is no longer needed. A more general announcement that alerts callers that "the call cannot be completed as dialed" when a number is misdialed is sufficient and should be continued to be used.

Verizon's point regarding the industry's national implementation of the 988 abbreviated dialing code to reach the 988 Suicide and Crisis Lifeline in July 2022 which required 10-digit dialing in more than 81% of area codes nationwide is also noted. There is widespread acceptance and common usage of 10-digit dialing by the public not only in the referenced NPAs but across the State and country.⁹

Accordingly, in light of the present technical restrictions and the broad consumer acceptance and common usage of 10-digit dialing, the Commission agrees that the permanent intercept message requirement in the Area Code Orders has diminished in usefulness over time and the Commission clarifies that the announcement need no longer be implemented, in order to allow the use of the 315 and 518 central office codes in the respective area codes, in accordance with the discussion herein.

⁹ For example, the 585 area code for Rochester and eight surrounding counties in Western New York is the lone area code in the State that does not have mandatory 10-digit dialing for local calls in place.

The Commission orders:

1. Verizon New York Inc.'s request for clarification that the permanent intercept message requirement in Orders 07-C-1486 and 16-C-0297 is no longer warranted is granted, consistent with the discussion in the body of this Order. A more general announcement that alerts callers that "the call cannot be completed as dialed" when a number is misdialed should be continued to be used.

2. These proceedings are closed.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary