

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on October 13, 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 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 and Effective October 13, 2022)

BY THE COMMISSION:

INTRODUCTION

By petition filed June 16, 2022, the North American Numbering Plan Administrator (NANPA or Numbering Administrator), on behalf of the New York telecommunications industry (Industry), requested relief related to the projected exhaust of numbering resources in the geographic region served by the 716 area code, which serves all or portions of Allegany, Cattaraugus, Chautauqua, Erie, and Niagara Counties. According to the petition, the Industry recommends that an all-services distributed overlay (all-services overlay) be implemented over a nine-month schedule, as relief of the exhausting 716 area code.

Through this Order, the Commission approves the petition filed by NANPA. In accordance with the authority delegated by the Federal Communications Commission (FCC),¹ the Commission concludes that additional numbering resources in the 716 area code should be provided through overlaying a new area code over the entire existing 716 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.²

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 NANP 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 Areas (NPA) or area codes.³

¹ 47 C.F.R. §52.19.

² Public Service Law (PSL) §§97(1), 97(2).

³ 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 (March 31, 2000), n. 2.

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 a mathematical 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 is a mathematical maximum of 1,000 central office codes available within each area code; and, within each unique area code/central office code combination, there is a mathematical maximum of 10,000 numbers (often referred to as a "ten-thousand-block") to which a specific telephone device may be assigned. However, as a practical matter, certain central office codes and four-digit numbers are unusable under the plan; therefore, 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 NANPA⁴ determines that the approximately 750 utilizable central office codes associated with a particular area code are expected to be assigned within 36 months.⁵ Historically, the Commission has used two methods to provide area code relief in New York State. The original area code relief method that was utilized split the geographic territory served by the exhausting area code into two separate geographic areas. In one of the two areas, customers retained the same ten-digit telephone number they had before the geographic split was implemented, and their dialing pattern remained the same, i.e., they were not required to dial more than seven digits when calling a number within their area code. New customers moving into that geographic area were assigned numbers from the existing area code. The customers located in the other geographic area retained their seven-digit telephone numbers but were assigned a new area code. The customers in the new area code region were also not required to dial more than seven digits when calling a number within their area code. However, customers in the new area code region

⁴ NANPA is the entity responsible under FCC regulations for administering the NANP and managing projects such as NPA relief planning, Numbering Resource Utilization and Forecast (NRUF) data collections, and NPA and NANP exhaust projections. See 47 C.F.R. §52.13(c)(4) and (5).

⁵ The Commission notes that when an area code approaches the end of its normal life cycle the demand for central office codes may spike before relief can be fully implemented. To maintain an adequate supply of central office codes for service providers, certain code conservation procedures known as a "jeopardy" can be implemented. The jeopardy process provides a means to manage the limited supply of unassigned central office codes to ensure a fair and equitable allocation to service providers.

were required to dial ten digits to reach customers in the old area code region, and vice versa.

The second and more recent area code relief method has been to overlay the exhausting 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 once the existing area code is exhausted. Because the 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 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 both the old area code and the new area code must dial all ten digits of the telephone number they are trying to reach.⁶ Without "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.⁷

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 twenty one. Of the sixteen new area codes, six were implemented through

⁶ 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).

⁷ 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.

geographic splits, while ten have been provided through overlays. The last geographic split was approved in 2000; since then, all seven instances of area code relief were accomplished through overlay codes.

988 Suicide and Crisis Lifeline

On July 16, 2020, the FCC adopted an order approving the designation of 988 as the three-digit abbreviated dialing code to reach the 988 Suicide and Crisis Lifeline (Lifeline) and requiring all telecommunications carriers to make the network changes necessary to ensure that users can dial 988 to reach the Lifeline. Telecommunications carriers completed those changes as of July 16, 2022.⁸

If 988 was 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 Lifeline, and seven-digit dialing was still in use, a call that started with 988 would have automatically routed to the Lifeline instead of to the intended called party. Therefore, the FCC's July 16, 2020 order required providers to implement mandatory ten-digit dialing by July 16, 2022, in area codes that use 988 as a central office code and were still using seven-digit dialing. The 716 NPA was included in these FCC requirements. Four other area codes in New York and 77 other area codes across the country also used 988 as a

⁸ Prior to July 16, 2022, the 988 Suicide and Crisis Lifeline was called the National Suicide Prevention Lifeline. The Lifeline is available today, providing suicide prevention and mental health crisis assistance through dialing 9-8-8 and online chats. The Veterans Crisis Line is also available today, providing Veteran specific suicide prevention and crisis assistance through dialing 9-8-8 (Press 1), by texting 838255, and through online chats at veteranscrisisline.net/chat.

central office code and were thus subject to this mandatory ten-digit dialing requirement.⁹

Procedural History

The 716 NPA borders Lake Ontario to the north, Pennsylvania to the south, Lake Erie and Canada to the west, and the 585 NPA to the east. It was established in 1947 and is one of New York's original five area codes. In 1954, area code 607 was created by merging the eastern portion of the 716 NPA with the southern portion of the 315 NPA after each of those area codes were geographically split. Then, in 2000, facing a numbering exhaust, the Commission approved a geographic split of the 716 NPA, creating the adjacent 585 area code. Because the 716/585 boundary does not follow traditional rate center¹⁰ boundaries, 13 rate centers were divided and appear in both the 716 and 585 NPAs.¹¹

PETITION

In its petition, NANPA notes that the NPA Code Relief Planning and Notification Guidelines (Guidelines) were recently amended to accommodate the impact of the transition to mandatory ten-digit dialing caused by the nationwide implementation of the 988 National Suicide and Crisis Lifeline. The amended Guidelines state that where area code relief is required and the impacted area code is scheduled to transition to ten-digit

⁹ In New York, the 585 NPA is the sole remaining area code without mandatory ten-digit dialing in place.

¹⁰ A rate center is a geographical area used by providers to organize the boundaries for local calling, billing and the assigning of telephone numbers.

¹¹ The thirteen rate centers that were split and therefore appear in both the 716 and 585 NPAs are: Akron, Alden, Arcade, Chaffee, Cuba, East Aurora, Franklinville, Java, Lyndonville, Medina, Middleport, Olean, and Rushford.

dialing, an overlay code is the only relief method that can be considered in that area.¹² Accordingly, the petition describes two overlay alternatives for 716 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 716 NPA would be merged with the adjacent 585 NPA creating one overlay area and spare 716 and 585 central office codes would be available for assignment throughout the combined overlay area. Once all central office codes in both NPAs are exhausted, a new overlay NPA will be activated. Existing customers, regardless of landline or mobile service, 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 17 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 716 area code footprint, resulting in two area codes within the entirety of the existing 716 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 be assigned the new area code, once the 716 area code is fully exhausted. In accordance with FCC regulations, both existing and new customers would be required to use ten-digit dialing for all calls. NANPA estimates the life of the new area code under the all-services overlay scenario to be approximately 29 years.

¹² 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/.

The petition recommends that the Commission approve an all-services overlay in the 716 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 all-services overlay relief plan. The petition states that, upon Commission approval, the Industry will convene to form an implementation committee (Implementation Committee) and select specific milestone dates that will allow the new area code to be fully implemented by no later than the fourth quarter of 2023. This end date is in accord with the 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.¹³

NANPA also advises in its petition that there are jeopardy procedures currently in place for the 716 NPA. It explains that prior to submitting its June 16, 2022 petition, the 716 region had experienced an increased level of demand for central office codes. The increase in demand caused a jeopardy condition to be 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.¹⁴ The procedures 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,

¹³ ATIS-0300061: §7.2.

¹⁴ See ATIS-0300119, Thousands-Block (NPA-NXX-X) & Central Office Code (NPA-NXX) Administrative Guidelines: §15.3.1.

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 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.¹⁵

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

PUBLIC NOTICE

Public input on the petition for 716 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 July 20, 2022 (SAPA No. 22-C-0358SP1). The time for submission of comments pursuant to the SAPA Notice expired on September 18, 2022. Also, on July 20, 2022, the Secretary issued a Notice Soliciting Comments. The Secretary's Notice sought comments by

¹⁵ 47 C.F.R. §52.19.

September 18, 2022. Finally, Department of Public Service Staff (Department Staff) conducted two virtual educational forums concerning the alternative relief options, held on September 13, 2022. Immediately following each forum, an Administrative Law Judge presided over a public statement hearing. Notice of these hearings was sent out by the Secretary on August 24, 2022, and the Department issued a press release on July 20, 2022, to further publicize the public statement hearings. All comments received are addressed below.

Comments

In a joint filing, AT&T Communications of New York, Inc., T-Mobile US, Inc., and Verizon New York Inc. (collectively, the Carriers) express support for the all-services overlay relief method. The Carriers submit that the Commission should approve the all-services overlay to provide long-term numbering relief for the 716 area code as it is the most practical and effective form of area code relief available. They state that this method would minimize inconvenience to consumers, provide relief in the timeliest manner, and support the continuing trend of utilizing the all-services overlay as the preferred form of area code relief. The Carriers add that the boundary elimination method option would be more technically complex and require the customers in the adjacent 585 NPA to first transition to mandatory ten-digit dialing. Furthermore, the Carriers note that the overlay method would provide for a longer relief period of 29 years.

One public comment was received from an individual who favored the overlay method as less confusing, more efficient and offering a longer relief period.

DISCUSSION

Need for Relief

The need for area code relief is determined by NANPA pursuant to federal regulation.¹⁶ 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 716 region or significantly extend the time when relief will be needed. In this instance, 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 716 central office codes is on the horizon, i.e., by the second quarter of 2024, preparation by carriers that require changes to their networks must begin as soon as practicable.

Declaration of Jeopardy

NANPA declared jeopardy¹⁷ in the 716 area code on March 30, 2022, indicating that the supply of central office codes could exhaust before relief could be provided. At that time, standard interim code rationing procedures took effect

¹⁶ 47 C.F.R. Part 52.

¹⁷ See footnote 5.

immediately. The interim procedures remained in effect until the Industry developed final jeopardy procedures specific to the 716 area code on April 19, 2022. Those procedures are currently in place and will prolong 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 716 region could experience delays in meeting customer requests for new services, with adverse economic and safety consequences for customers in the 716 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 herein.

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 716 region. This decision comports with the Industry consensus, Commission precedent,¹⁸ and consumer and carrier preferences for the all-services overlay. An all-services overlay permits all existing telephone users in the

¹⁸ See, e.g., 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 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).

region to keep their current phone numbers, including the 716 area code and provides the longest life span for relief, 29 years. By comparison, a boundary elimination overlay would provide relief for approximately 17 years but was ultimately not recommended by NANPA due to its shorter relief lifespan and increased complexity to implement.

Since the year 2000, 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 716 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

In earlier area code relief cases, NANPA has recommended an 18-month timeline to implement area code relief in the form of an overlay to adequately complete network modifications and educate customers about dialing changes related to ten-digit dialing. However, the petition explains that the typical timeline can be shortened to nine months in this instance because customers in the 716 NPA have already transitioned and become accustomed to ten-digit dialing in

advance of the new overlay area code's scheduled implementation in the fourth quarter of 2023.¹⁹ This negates the need for a permissive dialing period when the proposed overlay area code becomes effective.

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 716 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 75 days after the date of this Order, NANPA shall file on behalf of the New York Telecommunications Industry, a joint plan outlining the steps necessary to activate a new area code, including milestone due dates, for the existing 716 Numbering Plan Area.²⁰

In addition, the Commission acknowledges that it is in the best interests of all carriers operating within the 716 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 the Implementation Committee to file, on behalf of the New York

¹⁹ As part of the implementation of 988 as the three-digit abbreviated dialing code to reach the NSPL, providers and customers in the 716 area code were required to transition to 10-digit dialing by July 16, 2022, to accommodate the network architecture that was necessary for the 3-digit abbreviated dialing to reach the NSPL.

²⁰ Once the regulator issues an order (or other written approval) for NPA relief, NANPA should be provided approximately 75 calendar days from the date of the order (or other written approval) to assign a new NPA, ensure a press release is issued to announce the new NPA, to schedule and facilitate an implementation meeting, and publish the Planning Letter. See ATIS-0300061 at §5.10.1.

Telecommunications Industry, a joint plan for education and outreach that each carrier will thereafter implement. This direction is consistent with the Commission's authority to implement area code relief and an appropriate burden upon any carrier that receives telephone numbers.²¹ 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 90 days after the date of this Order, the plan to describe the outreach and education program, which will be implemented in support of the introduction of the new area code, shall be submitted by the Implementation Committee. All plans and preparations should be developed and carried out in consultation with Department Staff and should take into account the shorter than usual timeframe to implement area code relief in this instance.

In addition, all carriers that provide telephone directories to their customers should include in their respective 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

²¹ 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).

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 716 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 716 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 716 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, the North American Numbering Plan Administrator shall file on behalf of the New York Telecommunications Industry and within 75 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 716 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. Consistent with the discussion in this Order, the Industry Implementation Committee shall file on behalf of the New York Telecommunications Industry and within 90 days of the issuance of this Order, a joint plan for an outreach and education program that will acquaint customers with the establishment of the new area code and its operation. The 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 assigned numbering resources in the 716 Numbering Plan Area, shall thereafter, implement such plan.

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, include a justification for the extension, and be filed at least three days 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