

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 14-C-0182 - Petition of Neustar, Inc. for Approval of NPA
Relief Plan for the 631 Area Code.

ORDER ADOPTING AN OVERLAY FOR NUMBERING RELIEF
IN THE 631 AREA CODE

Issued and Effective: December 17, 2014

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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on December 11, 2014

COMMISSIONERS PRESENT:

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

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BY THE COMMISSION:

INTRODUCTION

In this Order, we conclude a proceeding to examine the alternative forms of relief needed to address a projected shortage or exhaustion of the numbering resources in the 631 area code. The geographic area associated with the 631 area code is coincident with Suffolk County, New York. Suffolk County is the easternmost portion of Long Island and is home to 1.5 million people living in almost 500,000 households.¹ If numbering resources, now constrained, were to become unavailable, economic activity in the County and the general welfare of those who live in the County would be compromised. Through this Order, we take action to assure that the forecast

¹ U.S. Census Bureau State and County Quick Facts at <http://quickfacts.census.gov/qfd/states/36/36103.html>.

shortage in numbering resources, and the hardship which such a shortage would impose, will not occur.

In accordance with the authority delegated to this Commission by the Federal Communications Commission (FCC),² we conclude on the record before us that additional numbering resources to support the continued and ready availability of telephone numbers in Suffolk County should be provided through an "overlay." As set forth below, our decision to effectuate the needed area code relief through the overlay option is fully consistent with the guidance provided by FCC regulations and with our statutory responsibility to assure that telephone service provided to New York customers is just, reasonable, efficient, adequate and in the public interest.³

BACKGROUND

North American Numbering Plan

The North American Numbering Plan (NAMP 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 nation-wide network. The Numbering Plan provides the basic numbering scheme for telephone 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 subdivided into 83 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.⁴

² 47 C.F.R § 52.19.

³ Public Service Law (PSL) § 97(1), 97(2).

⁴ 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.

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."⁵ However, the FCC is also authorized by statute to delegate to state commissions all or any part of this jurisdiction.⁶ Through its regulations, the FCC has implemented its delegation for area code relief to the state commissions generally. These regulations state that:

§ 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.⁷

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

⁵ 47 U.S.C. § 251(e) (1).

⁶ Id.

⁷ 47 C.F.R § 52.19.

- (3) Not unduly favor one telecommunications technology over another.⁸

Area Code Exhaustion

Pursuant to the Numbering Plan, each telephone is assigned a 10 digit phone number.⁹ Of these 10 digits, the first three digits are the area code, and the second three digits are the central office code. The final four digits identify that particular telephone in that particular central office within the specified area code. Since there are three digits in the area code, there is an arithmetic maximum of 999 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, 999 central office codes available within each area code, and, within each unique area code/central office code combination, there are 9999 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 exhaustion occurs when all of the approximately 750 central office codes associated with a particular area code are expected to be assigned within 36 months.

⁸ 47 C.F.R. § 52.9(a).

⁹ These 10 digit numbers are often referred to as NPA-NXX-XXXX numbers. In this nomenclature, NPA refers to the numbering plan area code for that telephone number, X is any digit from 0 to 9, and N is any digit from 2 to 9.

History of Area Code Relief in Suffolk County

When the Numbering Plan was first implemented in the late 1940s, New York telephone numbers were placed in one of five area codes.¹⁰ In the early 1950s, the 914 area code was split and a new area code, 516, was assigned to Nassau and Suffolk counties. This arrangement was unchanged until 1999. In January 1999, the Department of Public Service (DPS) Staff advised that "actual demand for central office or NXX codes on Long Island has significantly exceeded all previous projections and timely action needs to be taken to ensure the continued availability of telephone numbers in the area (Nassau and Suffolk Counties) currently served by the 516 area code."¹¹ At that time, the practice under the Numbering Plan was to respond to each carrier's request for available numbers by assigning to the carrier a ten-thousand-block of numbers, i.e. an assignment of all of the numbers associated with a specific central office or NXX code in the 516 area code. If the carrier had little prospect of actually using all of the numbers in the ten-thousand-block, the assignment of all of the numbers to it would be made nonetheless, and no provision for the recovery of unused

¹⁰ The original area codes for New York State were:

- 212 (for numbers in NYC),
- 914 (for numbers in Nassau, Suffolk, and Westchester counties, and the lower Hudson valley),
- 518 (for numbers in Albany and eastern New York),
- 315 (for numbers in Syracuse and central New York),
- 716 (for numbers in Buffalo and western New York).

¹¹ Case 98-C-0689, Proceeding on Motion of the Commission, Pursuant to Section 97(2) of the Public Service Law, to Institute an Omnibus Proceeding to Investigate the Efficiency of Usage of Telephone Numbering Resources and to Evaluate the Options for Making Additional Central Office Codes and/or Area Codes Available in Areas of New York State, When and Where Needed, Options Paper for a New Area Code for Long Island (issued January 27, 1999) at 1.

numbers was created. The shortage that existed, therefore, when area code relief was needed, was a shortage of available central office or NXX codes, a shortage that could be addressed by establishing a new area code having its own set of assignable central office or NXX codes.

In general, a new area code may be used for area code relief through use of either an overlay¹² or a geographic split. When addressing the need for 516 area code relief in Nassau and Suffolk County in 1999, the Commission considered both the overlay option and the option for a geographic split.¹³ To implement an overlay option, a new area code is opened to provide additional numbering resources for a geographic area which is coincident with the geographic area for which area code relief is required. As carriers request new numbering resources, the requests are filled from the resources associated with the new area code. In effect, the same geographic area is served by two area codes, rather than one. This results in the possibility that a customer with a specific central office code (NXX) and number (XXXX) in the old area code will have the same NXX code and number as a different customer has been assigned in the second area code. To resolve this potential conflict, customers served by the old area code and those served by the

¹² As described in the Numbering Administrator's papers, the alternative is an "all services distributed overlay." In this Order, the alternative will be identified as an "overlay" or a "distributed overlay."

¹³ These two options have each been used to provide area code relief in New York. Since the introduction of the Numbering Plan in the early 1950s, the number of area codes assigned to territories in New York State has increased from 5 to 15. Of the ten new area codes, four were provided through overlays, and all four overlays were implemented in New York City. The other six additional area codes were implemented through geographic splits.

new area code must dial all ten digits of the telephone number they are trying to reach no matter where the customer they are trying to reach is located.¹⁴ This is called 10-digit¹⁵ dialing and it requires that calls to addresses just down the street or even in the same apartment building cannot be connected unless all ten digits are dialed.

To implement a geographic split for area code relief, the geographic area served by the old area code is divided into two separate geographic areas. In one of the two areas, customers retain the same number, including the area code, they had before the split was implemented, and they are not required to dial more than seven digits when calling a number in their area code. New customers moving into that geographic area would be assigned numbers from the old area code. This would mean

¹⁴ 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).

¹⁵ Under the Numbering Plan in the past, implementation of the Plan has required dialing an initial "1" before the ten digit number. The initial "1" was a signal to the switch that a 10 digit number would follow and that, therefore, the call should be routed according to all 10 digits, not just the first seven after the "1." The requirement to dial the initial "1" creates some confusion whether this should be called 10-digit dialing, or, because of the additional initial "1," 11-digit dialing. If an overlay option is implemented for the 631 area code, all customers on all calls will be dialing ten digits. As a result, the switch needs no special signal to indicate that the call should be connected based on ten digits, rather than seven, and the initial "1" is unnecessary and could be omitted. Accordingly, if an overlay option is implemented, all customers, including existing customers who have been able to make "local" calls using only 7-digit dialing, would have to dial all 10 digits on all calls, but they should not have to dial more than 10 digits.

that all customers located in the geographic area now served by the new area code, however, would be reassigned from the old area code to the new one. Even customers who did not move and did not change their service in any way would be reachable only by dialing ten digits and using the new area code.

After considering the overlay and the geographic split options available for 516 area code relief in 1999, the Commission adopted the geographic split as the preferred alternative.¹⁶ The Commission's Order emphasized that the 10-digit dialing requirement was a "serious drawback" to use of an overlay, that there was strong public opposition to the overlay, and that there was a clear political boundary (the border between Nassau and Suffolk Counties) that lent itself to use as an area code boundary. It characterized these circumstances as a "close-to-ideal" case for the use of a geographic split. When the geographic split was implemented shortly thereafter, existing Nassau County customers retained and new Nassau County customers were assigned to the 516 area code. At the same time, both new customers and existing customers in Suffolk County were assigned or reassigned to the new 631 area code.

When the geographic split to create the 631 area code in Suffolk County was approved by the Commission in 1999, it was estimated that area code exhaustion in the two area codes for Nassau and Suffolk Counties would be delayed until 2005 or 2006. However, as the geographic split was being implemented, new forecasts from the Numbering Administrator indicated that the 631 area code would exhaust in the third quarter of 2002. The Administrator, therefore, submitted a petition for 631 area code

¹⁶ Case 98-C-0689, supra, Opinion and Order Directing Geographic Split of the 516 NPA (issued April 29, 1999) at 30-31.

relief in January 2001.¹⁷ This petition recommended that 631 area code relief be provided through an overlay so that, when implemented, all of Suffolk County would be served by both 631 and by another new area code.

At the same time as this Commission was considering numbering plan relief for Nassau and Suffolk Counties, the Commission was also seeking broader authority from the FCC to implement various area code conservation measures. In an Order released in September 1999, the FCC authorized the Commission:

- To institute thousands-block pooling trials,
- Reclaim unused and reserved NXX codes and portions of codes,
- Establish numbering allocation standards, including enforcement of those standards, and
- Audit carriers' use of numbering resources.¹⁸

The Commission implemented this authority beginning with a March 17, 2000 Order in Case 98-0689.¹⁹

The impact of these conservation measures appears to have been significant and almost immediate. In June 2002, the Numbering Plan Administrator advised the Commission that the effect of these measures, coupled with an unexpected decrease in demand, was to extend the 631 exhaust date by several years. Based on these new estimates, the January 2001 petition for

¹⁷ Case 01-C-0135, Area Code Relief Proceeding for the 631 Area Code, Petition of the NANP Administrator on Behalf of the New York Telecommunications Industry (filed January 24, 2001) at 2.

¹⁸ In the Matter of New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket No. 96-98, NSD File No. L-99-21, FCC Order No. 99-247, (Sept. 15, 1999) at 1.

¹⁹ Case 98-C-0689, supra, Order Instituting State-wide Number Pooling and Number Assignment and Reclamation Procedures, (issued March 17, 2000).

631 area code relief became unnecessary, and the case pending before the Commission was closed.

CURRENT PETITION FOR 631 AREA CODE RELIEF

Procedural History

In May 2014, the Numbering Plan Administrator advised us that the currently projected exhaust date for the 631 area code was in the first quarter (now, based on new guidance from NANPA, the third quarter) of 2016, and that its recommendation would be that relief for area code 631 should be provided through an overlay. Upon receipt of the Administrator's assessment of the need for relief in the 631 area code, we opened the above-captioned case. In addition, Staff produced and filed in this case a white paper discussing the potential 631 relief options.²⁰

On June 23, 2014, the Secretary issued a notice soliciting comments on, among other things, the Numbering Plan Administrator's advisory and the Staff White Paper. This Notice sought comments by July 31, 2014. The White Paper, and a detailed Fact Sheet on this issue, were made available through the Department's official and its AskPSC.com websites. In addition, a Notice of Proposed Rulemaking concerning the Administrator's proposal to add a new area code in Suffolk County was published in the State Register on June 4, 2014.²¹ The time period for the receipt of comments pursuant to the State Administrative Procedure Act (SAPA) under this notice expired on July 19, 2014.

²⁰ Case 14-C-0182, Area Code Relief for Suffolk County, New York - A Description of Options, (filed January 16, 2014) (Staff White Paper).

²¹ PSC SAPA No. 14-C-0182SP1.

The Commission also conducted four public statement hearings before an Administrative Law Judge on July 15 and 16, 2014 concerning these proposals for area code relief in Suffolk County. These hearings were held in Riverhead, Holbrook, Smithtown, and Huntington Station. Notice of these hearings was sent out by the Secretary on June 23, 2014, and the Department issued a press release on July 8, 2014 to further publicize the public statement hearings which were to be held the next week. This Petition and the Staff White Paper are discussed below.

Based on this record, Staff reported to the Commission its conclusion that area code relief was needed in Suffolk County and that such relief should be provided by an area code overlay. At that time, however, and notwithstanding this recommendation, it was also observed that that the decision to provide area code relief will affect the habits and practices of several hundred thousand customers using the telephone system within Suffolk County and of additional thousands of customers who are making calls into Suffolk County. At that time, it was suggested that an additional notice seeking public comments on the Staff's recommendation would be appropriate. As a consequence, a new Secretary's Notice Seeking Comments was issued on October 7, 2014 to draw attention to the issues presented by the petition for area code relief and by the Staff recommendation. The Department issued a press release to draw attention to the new Notice, and the Department also notified local elected officials and local members of the State legislature by separate individually addressed letters and emails. The Notice indicated that comments could be submitted on or before November 7, 2014, and approximately 85 additional public comments were received through this process. The public comments received in response to the Notice, or in response to the earlier Notices, are discussed below.

Numbering Administrator's Petition

The Numbering Plan Administrator's May 7, 2014 correspondence with the Commission recognizes that the options for 631 area code relief are the same today as they were in 2001. Consequently, the Numbering Administrator attached a complete copy of its earlier 2001 petition to the most recent submission.

In its papers, the Administrator describes three alternatives for area code relief. First, the submitted materials describe an "NPA Split Alternative" which is a geographic split of Suffolk County to create two non-overlapping area codes. In this alternative, the dividing line between the two parts of the existing 631 area code would run north to south along the western edges of the Smithtown, Central Islip and Islip rate centers.²² In the Numbering Administrator's papers, the geographic areas to the west of the dividing line would be Area A, and the area to the east would be Area B. One of these areas would retain the 631 area code, and the other area would operate under the new area code. Customers in both Area A and Area B could complete calls to numbers within their respective area codes using 7-digit dialing. According to the Administrator, if this geographic split were made, the resulting

²² The boundaries of the rate centers are not required to conform and do not coincide with the geographic boundaries of these towns. As a result, the boundary between area codes described above actually runs through the middle of the Town of Smithtown and the middle of the Town of Islip, and sizeable populations in these towns live on each side of the boundary.

configuration would not require additional numbering resources in either area code for approximately 44 to 47 years.²³

The second alternative described by the Administrator's submissions, called a "concentrated overlay," is described as neither a pure geographic split nor a pure overlay. In this alternative, Suffolk County is split in two, as it was in the first alternative, although the north-to-south line of division is somewhat to the west in the towns of Riverhead and Brookhaven. As in the geographic split alternative, this boundary line follows rate center boundaries and is unrelated to the political boundaries of the towns.

In the concentrated overlay alternative, existing customers in the Area A, which is the portion of Suffolk County to the west of the new area code boundary, would retain their existing 631 area code and seven digit telephone number, but new customers would receive new numbers in the new area code. In Area B, existing customers would retain the 631 area code, and new customers would also receive a number with the 631 area code, so long as the 631 area code was not exhausted. When the 631 area code reached exhaustion, new customers in Area B would receive new numbers with the new area code, as do their new customer counterparts in Area A. The Administrator's estimates are that the numbers in the 631 area code would still be

²³ In the 2001 petition, the Numbering Administrator reported that the interested parties concluded that the geographic split, i.e., the first alternative, should not be recommended because the 631 area code was implemented using a geographic split in 2000. A second split within two years would greatly increase customer confusion, the administrator asserted, because a geographic split would not be consistent with other area code relief plans in adjacent area codes, and because the geographic split would not eliminate the need for 10-digit dialing, since calls between area codes already existed and would continue as a requirement in each local calling area.

available for new Area B customers for approximately 5 years. After that, all new customers in both Area A and Area B would be assigned numbers from the new area code. The expected life of the new code in this alternative is estimated to be approximately 45 years.²⁴

The third alternative is described in the Administrator's submissions as a complete overlay of the 631 area code. Under this alternative, existing customers would continue to use the 631 area code, but all new customers in Suffolk County would receive and use the new area code. In accordance with FCC regulations, both existing and new customers would be required to use 10-digit dialing for all calls. The Administrator estimates the life of the new area code in this alternative also to be approximately 40 years.²⁵

In its 2001 petition, the Numbering Administrator sought approval of a 13-month schedule for the implementation of the plan for area code relief. This proposed schedule was incorporated by reference in the Administrator's 2014 submission. Under this schedule, the network preparation for the implementation of the area code relief plan would begin with the Commission's Order and extend for approximately six months.

²⁴ The Numbering Administrator's 2001 petition reported that the interested parties recommended the rejection of the "concentrated growth overlay" alternative, i.e., the second alternative, because the phased shift to the complete overlay would be confusing to customers and because the alternative did not significantly extend the life of the existing area code or provide other benefits.

²⁵ The lifespan of the new area code, as reported in 2014 by the Numbering Administrator, is about eight times longer than the lifespan reported by the Numbering Administrator for the new area code in 2001. This difference in the lifespan estimate is attributable to the effectiveness of number conservation measures that are available and in use in 2014 that were not in use in 2001.

This would be followed by a further six-month period of permissive dialing,²⁶ and first use of the new area code to create additional telephone numbers would be made one month after the end of the permissive dialing period.

Staff White Paper

Staff's January 14, 2014 White Paper recognizes and agrees with the Numbering Administrator's conclusion that the 631 area code should be anticipated to run out of assignable central office or NXX codes, as NANPA reports, in 2016. Staff reports that, as of May 2014, 727 of the 792 central office codes available in the 631 area code had been assigned. In Staff's view, while telecommunications industry guidelines identify an overlay as the preferred alternative for area code relief, geographic splits are also possible, and Staff examined the viability of various geographic splits, and, in particular, the specific boundaries between the 631 and the new area code recommended by the Administrator. Staff's review concluded that the proposed geographic split could not be improved by using an alternative boundary.²⁷

Staff's review of the Numbering Administrator's geographic split alternative identified advantages and disadvantages of using a geographic split to provide area code relief. The advantages identified were that the split would retain the geographic identity associated with each area code. In this case, the existing area code would be associated with

²⁶ During the permissive dialing period, and assuming the area code relief plan is to create the complete overlay, a customer making a call to another customer in the 631 area code, but not dialing the 631 area code, would receive an intercept message indicating that dialing all ten digits will be required, but that, for a limited permissive dialing period, the customer would be connected without redialing.

²⁷ Staff White Paper at 2.

the geographic area on one side of the boundary drawn to implement the split, and the new area code would be associated with the geographic area on the other side of the boundary. According to the White Paper, the second advantage is that not all customers would be required to dial a full 10 digit number to reach customers within their area code.²⁸

Staff further asserts that the geographic split has several disadvantages. Specifically, Staff reports that approximately half of the telephone numbers currently assigned to the 631 area code would be reassigned to the new area code. For customers with reassigned numbers, this would require them to modify or reissue any advertising or other materials which contain their telephone number. Further, a similar number of wireless customers, including those who have moved away but retained a 631 number on their cell telephone, would have to bring the phone to their service provider for reprogramming to the new area code. If the geographic split were used here, Staff asserts that further area code relief, if needed at a later date, would be more difficult to implement through a new geographic split. Finally, Staff reports that the geographic split could not eliminate the need for some 10-digit dialing, since calls from an existing customer in the 631 area code to an existing customer in the new area code, which before the implementation of area code relief could be dialed through 7-digit dialing, would now require 10-digit dialing.²⁹

With respect to the "concentrated growth" overlay described in the Administrator's papers, Staff's view as expressed in the White Paper agrees with that expressed in the Numbering Administrator's papers. For both, this approach is

²⁸ Id. at 4.

²⁹ Id. at 4-5.

unnecessarily complicated and offers no clear advantage over the complete or distributed overlay.³⁰

Staff's White Paper also considers the third proposed alternative from the Administrator's papers - the distributed overlay. The White Paper identifies several advantages to the overlay. The first advantage listed by Staff is that the overlay does not require any customer to change their area code. Staff also emphasizes that the distributed overlay is easily replicated, in the event further area code relief is needed in the future. In that event, neither the then-existing 631 area code customers, nor the new customers assigned to the new area code established in this case, would require assignment to a new area code. Finally, Staff emphasizes that the overlay alternative would not require reprogramming of any existing wireless customer equipment. The only disadvantage of the distributed overlay identified by Staff's White Paper is that some customers may find it inconvenient to dial ten digits on all calls. Similarly, Staff points out that some customers may be confused if they are required to dial ten digits to reach a number actually located nearby.³¹

Comments

Comments were received in this case in response to a Notice of Proposed Rulemaking published in the State Register which invited the filing of comments by July 19, 2014, and a Secretary's Notice, which called for the submission of comments by July 31, 2014. In addition and as noted above, four public statement hearings were held on Long Island on July 15 and 16, 2014. Finally, a second Secretary's Notice Seeking Comments was issued on October 7, 2014, with comments requested by November

³⁰ Id. at 5.

³¹ Id. at 3-4.

7, 2014. From these sources combined, comments were received from approximately 120 individuals several businesses located on Long Island, and the Long Island Association. Among residential customers, the vast majority favored the overlay alternative, and, among the businesses providing comments, none spoke in favor of the geographic split option. Comments were also received from Cablevision Systems Corporation and Cablevision Lightpath, Inc. (Cablevision) and from AT&T, Sprint Corporation, T-Mobile USA, Inc. and Verizon New York Inc. filing jointly (Joint Commenters or, together with Cablevision, Carriers). The Carriers strongly urged that the Commission adopt the overlay alternative.

Those in favor of the overlay alternative observed that this option seemed fairer insofar as it did not focus all of the costs and inconvenience of area code relief on only half the customers, as the geographic split would do. They also emphasized the experience over the past ten to 15 years of customers in New York City where several overlays have been successfully implemented. The Joint Commenters also recounted the positive experience, including some very recent experience, in several other states where area code relief was provided through an overlay. The Joint Commenters further reported that relief through an overlay has been implemented in four states which previously used a geographic split to address a projected shortage of numbering resources.

These commenters recognized that the overlay alternative would create a much greater need to use 10-digit dialing to make local calls. However, several commenters also noted that many customers are already using 10-digit dialing to complete many, and in some cases, all of their calls. In addition, Joint Commenters observed that many customers rely on the speed dialing features of their telephone and that this

feature provides the same user experience no matter whether 7-digit or 10-digit dialing is required.

Several commenters recalled their experience with the geographic split of the 516 area code implemented in 1999. From that experience, some commenters emphasized the confusion, disruption and expense created by the geographic split approach. This was most notably expressed by the representatives for two alarm companies who provided statements at the Riverhead public statement hearing and who described having to visit each of thousands of their Suffolk County customers to reprogram their alarm systems from the 516 to the 631 area code when the 1999 geographic split was implemented. Many commenters also emphasized other costs to businesses which would be incurred if a geographic split were used and the business was located in the area assigned to the new area code. These costs would result from the need to reprint advertising material and revise signage to update them to the new area code.

In addition to costs to update a customer's advertizing and promotional materials, both business and residential customers emphasized the likelihood that some calls which would otherwise be made to them would not be completed by the caller because the caller was unaware of the correct area code. These commenters emphasized that they had maintained the same area code and number for many years and had provided the number to countless customers, clients or other businesses, to doctors, dentists, and other medical offices, and to relatives, friends, and others living outside of Suffolk County. Each of these recipients would assume that the number previously provided and on file was correct, and some would even use that now obsolete number as a means to confirm a caller's identity. With a geographic split, however, the number would not be correct for about half of the Suffolk County consumers. This

would result in the loss of many calls which previously would have been completed from a caller outside of Suffolk County to a Suffolk County customer, or in the failure to correctly identify a Suffolk County caller who is calling a number outside the County.

The Joint Commenters observed that use of the geographic split for numbering relief posed several technical problems that would be avoided by use of an overlay. Specifically, the Joint Commenters described potential problems with local number portability, VoIP, caller ID, text messaging completion, and administrative numbering.

Of the limited number of residential commenters who favored the geographic split alternative, these customers felt that the use of two area codes over the same geographic area, i.e., the use of the overlay, would be confusing and frustrating to customers and especially to older customers who were now familiar with and reliant upon 7-digit dialing, and who might associate 10-digit dialing with long distance charges. These customers argued that the benefits provided to residential customers in reduced customer confusion were clearly more valuable than the savings provided to businesses through the overlay.

Finally, three commentators suggested other ways to divide Suffolk County, if a geographic split were adopted for area code relief. One suggested alternative would have placed the new area code over the five east end towns (Riverhead, Southold, Southampton, East Hampton and Shelter Island) and left the rest of Suffolk County with the existing 631 area code. Other commentators suggested moving all 631 cell phone numbers to the new area code.

DISCUSSION

We are advised by the Numbering Administrator that area code relief is needed in the 631 area code. Staff, from its own analysis, confirms that, if additional numbering resources are not made available, we could see the demand for new telephone numbers in Suffolk County exceed the supply in the third quarter of 2016. The need for additional numbers is, in part, an effect of the long-term growth and economic development that the County has experienced since the now-existing 631 area code was created for Suffolk County in 1999. We act today to make additional telephone numbers available in the County so that a lack of numbering resources will not occur in the future.

When this issue was first brought to the Commission almost 15 years ago, the Numbering Administrator advised that 67 central office or NXX codes were available for assignment in the 631 area code.³² In contrast, Staff estimates that 65 central office or NXX codes were available for assignment in May 2014. We do not take the nearly identical estimates of available central office or NXX codes to indicate that the rate at which these codes become unavailable is only two codes every 14 years. Rather, the near equivalence in these numbers actually demonstrates the effectiveness of number conservation measures the Commission has undertaken beginning in about 1999. The ability of those measures, however, to further delay the creation of additional numbering resources for Suffolk County

³² Case 00-C-0315, supra, Petition for Approval of NPA Relief Plan for the 631 Area Code, (filed January 24, 2001), at Exhibit A, Attachment 4.

has been exhausted.³³ As a consequence, we will act now to make the additional resources available. As set forth below, we direct that additional numbering resources be made available in the 631 area code through the overlay alternative as described in the Numbering Administrator's papers and in the Staff White Paper.

Among our chief concerns in adopting the overlay alternative is the expense which would be imposed on customers were we to adopt the geographic split instead. For businesses in Suffolk County, these costs could be significant, since advertising and all printed or promotional materials would have to be physically altered or reprinted. This would include brochures, letterhead stationery, business cards, vehicle and other outside signage, advertising, and yellow page or other directory entries. In addition to these direct costs, commenters also provided examples of businesses (specifically, alarm companies) in which the customer's telephone number is an important element of the business function and where adapting to a geographic split could cost hundreds of thousands of dollars. Moreover, in addition to the significant expenses avoided by adopting the overlay alternative, we are also advised by Staff and industry commenters that the overlay alternative is simpler to implement through the existing telephone network and less likely to experience a technical mistake or error when implemented.

³³ Number conservation measures will still be in place when new resources are created for Suffolk County. These measures will continue to be used and will conserve, to the extent possible, the new resources. Because of these conservation measures, the period until new additional resources are needed is estimated to be approximately 45 years - well beyond the planning horizon of current technology, and nine times longer than was estimated when the same alternatives for numbering relief in the 631 area code were first proposed in 2001.

Residential customers providing comments to us also identified significant, non-monetary costs that would result from area code relief in which an existing customer would be transferred involuntarily to a new area code. These non-monetary costs would be incurred as callers outside the 631 area code attempt to reach relatives, friends, patients, clients, customers or service providers using the 631 area code but, being unable to do so because of the change in area code, abandon the call. These commentators also emphasized that many existing customers have had their existing number and area code since the 631 area code was established in 1999. During this period, the customer may have supplied his or her number, including the 631 area code to dozens or hundreds of persons or businesses outside the 631 area code who or which would be required to use the correct area code to complete the call to the area code 631 customer.³⁴ These callers, however, may not understand or be willing to take the time to correct their address books, calendars or directories. The time and expense of correcting this multitude of directories, phone lists, address books, and similar informal records is likely unquantifiable, but could easily exceed the costs incurred directly and described above.

We are aware that the Commission, when presented with the need to provide area code relief on Long Island in 1999, chose to proceed with a geographic split, rather than an overlay. The geographic split was chosen even though Staff

³⁴ Commenters also report that telephone numbers are often requested and provided by the customers to provide identifications for non-telephony purposes. The Joint Commenters suggest that these telephone numbers in non-telephony data bases occur in a variety of businesses, e.g.; airlines, doctors, utilities, pharmacies, or grocery reward programs.

recommended the overlay and even though there were several examples of the successful implementation of area code relief through an overlay in New York City. The decision here, while similar, is made in a different context. First, in 1999, the Commission could direct that the boundary between the two zones in the geographic split would match precisely with the boundary between Nassau County and Suffolk County. Today, the new area code boundaries must match with rate center boundaries. The new area code, therefore, cannot be required to be coincident with existing town or other municipal boundaries in Suffolk County.³⁵ Second, the proposal in 1999 was the subject of extensive public comment and a substantial majority of the commenters urged rejection of the proposed overlay and adoption of the geographic split. The public comments in this case, however, while somewhat less numerous, are clearly weighing in favor of the overlay alternative.

Finally, an element playing an important part in the 1999 decision was the need to implement 10-digit dialing in the event the overlay alternative were adopted. The Commission noted in 1999 that 10-digit dialing was considered a "serious annoyance."³⁶ Further, the Commission's 1999 decision referred to this issue when quoting from an earlier case regarding area code relief in New York City which concluded that 10-digit dialing:

would constitute a considerable inconvenience, even though mitigated by the use of tone rather than rotary dialing and, for some customers, by various forms of abbreviated dialing equipment. The Staff Paper [in the New York City proceeding] may

³⁵ Staff White Paper at n. 3.

³⁶ Case 98-C-0689, supra, Opinion No. 99-6 (issued April 29, 1999) at 28.

be right that some day 11-digit dialing will be universal, but that day is not yet here. Even though a geographic split also would cause increased 11-digit dialing, a universal need to dial 11 digits on calls within Manhattan would have to be seen as a drawback to an overlay.³⁷

While 10-digit dialing may have been accurately characterized as a "considerable inconvenience" in 1999 and a development which would occur far in the future, 10-digit dialing cannot be characterized in this way today. There are many circumstances in which 10-digit dialing is already in use, and commenters in this proceeding often pointed out that cell phones, some digital phone services, and several other technologies already require 10-digit dialing. Also, the experience with 10-digit dialing in New York City has now extended for many years without serious negative consequences. Reviewing this issue today, we cannot characterize 10-digit dialing as a significant reason to forgo the obvious advantages which come with the use of the overlay, and, based on the public comments we have received, neither do the great majority of those who have participated in our public comment process.

Finally, while our decision to endorse the overlay alternative rests on the considerations we have described above, we also conclude that the public interest goal of fairness also militates in favor of the overlay. If the geographic split is adopted, many existing customers would retain the number they have now and their telephone service would be largely unaffected. However, a substantial number of existing customers on one side of the new area code boundary will be significantly

³⁷ Id. quoting Case 96-C-1158, New York City Area Code Proceeding, Opinion No. 97-18 (issued December 10, 1997) at 32.

affected when they lose the 631 area code and are assigned to the new one. Since these customers will be reachable only through the new area code, they will bear the full measure of loss, inconvenience, confusion, and frustration that will come from that version of area code relief. We note that these customers did nothing to bring this result onto themselves, that they did not volunteer to be in this position, and that there is no choice these customers could make now by which they could avoid the disadvantages to them of the geographic split.

In contrast, if the overlay is adopted, the existing customers, who would, with a geographic split, suffer the consequences of a mandatory reassignment to the new area code, can avoid this result and will be treated like all the other existing customers in the 631 area code. While, under the overlay, all existing customers will have to implement 10-digit dialing, we regard this in today's world as a minor inconvenience that is far outweighed by the monetary and non-monetary loss that would, for some customers, accompany the geographic split. The fairer result in this case is to implement the overlay alternative and for all customers to shoulder the relatively minor inconvenience of 10-digit dialing so that the much more significant drawbacks of the geographic split will not be imposed on the unlucky customers who happen to fall on the "wrong" side of what would be the new area code boundary.

To implement the overlay alternative, the Numbering Plan Administrator suggests that a six-month period for network preparation, followed by a six-month period for permissive dialing and a one month period of mandatory dialing, should be sufficient to permit the activation of central office or NXX codes in the new area code in the 13th month after this order is issued. The Joint Commenters also indicate that a 13-month

period would be needed to implement the numbering relief which we are adopting here. However, the need to allow customers to become familiar with 10-digit dialing and to incorporate it in their normal and regular use of the telephone suggests that a longer period of permissive dialing should be used. Therefore, we will require the service providers to follow a schedule providing for up to six months of network preparation, and no less than eleven months of permissive dialing. As described by the Joint Commenters, the permissive dialing period would be followed by a one-month period for mandatory dialing, and, thereafter, the activation of new central office or NXX codes in the new area code would begin.

The Numbering Administrator's papers submitted in this case make no reference to the outreach and education program that would accompany the implementation of area code relief. In earlier cases, however, the Commission has clearly expressed the importance of such efforts and the responsibility of incumbent and competitive carriers to undertake such programs. We will also do so here. As promptly as possible and no later than 30 days after the date of this order, all local exchange carriers in the 631 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 10-digit dialing and of the new area code. The goal of the program will be to reduce to the greatest extent possible the number of instances when the permissive dialing intercept message is activated. Each of these plans shall describe the specific outreach and education activities recommended by the carrier in compliance with this order and the associated timelines for the activities described in the plan. Each plan shall also quantify the extent to which the outreach and education program is expected to achieve the stated goal we described above. These

plans shall be submitted as a compliance filing for review and approval by the Office of Consumer Services.

CONCLUSION

The Commission is advised by the Numbering Administrator that area code relief is needed in the 631 area code, and we agree. After review of the alternative forms of relief that could be used and are described by the Numbering Administrator and by Staff, we conclude that the 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, we will approve the overlay for the 631 area code 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 providing local exchange service in the 631 area code shall, within 30 days of the date of this Order, file a joint plan outlining the steps necessary to activate a new area code as an overlay in the existing 631 area code. The plan shall contain, at a minimum and as set forth in the discussion above, no more than a six-month period for network preparation and no less than an eleven-month period for permissive dialing. The plan shall be submitted to and filed for review and approval by the Office of Telecommunications. The carriers shall, thereafter, implement such plan.

2. Within 30 days of the date of this Order, each carrier providing local exchange service in the existing 631 area code shall, consistent with the discussion in this Order, file its plan for an outreach and education program to inform its customers the establishment of the new area code and

its operation, and with the associated 10-digit dialing. Each plan shall be shall be filed for review and approval by the Office of Consumer Services. Each carrier shall, thereafter, implement their respective plan.

3. The Secretary in her sole discretion may extend the deadlines set forth in this order. 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 any affected deadline.

4. This proceeding is closed, pending compliance with Ordering Clauses 1 and 2.

(SIGNED)

KATHLEEN H. BURGESS
Secretary