

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on January 20, 2022

COMMISSIONERS PRESENT:

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

CASE 21-C-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 and Effective January 20, 2022)

BY THE COMMISSION:

INTRODUCTION

On September 2, 2021, the North American Numbering
Plan Administrator (NANPA or Number Administrator), on behalf of
the New York telecommunications industry (Industry), filed a
petition requesting relief related to the projected exhaust of
numbering resources in the geographic region served by the 516
area code, which comprises the entirety of Nassau County on the
western portion of Long Island including the cities of Long
Beach and Glen Cove, the Towns of Hempstead, North Hempstead,
and Oyster Bay, and various villages within the Towns.
According to the petition, if numbering resources, now

constrained, were to become unavailable, economic activity and the general welfare of those who live in the area could be compromised.

Through this Order, the Commission approves the petition filed by NANPA. In accordance with the authority delegated by the Federal Communications Commission (FCC),¹ the Commission concludes that additional numbering resources in the 516 area code should be provided through overlaying a new area code over the entire existing 516 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 a new 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 the year 1947 to facilitate the growing need for long distance telephone service and the related need for an integrated nationwide telephone network. The Numbering Plan provides the basic numbering scheme for telephone networks in the United States and its territories. The geographic area subject to the Numbering Plan was originally subdivided into 86 zones, and each zone was identified by a three-digit code.

¹ 47 C.F.R. §52.19.

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

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

Pursuant to the Numbering Plan, each telephone is assigned a ten-digit phone number. Of these ten digits, the first three digits are the area code, and the second three digits are the central office code. The final four digits identify a particular telephone or telephone line in a given central office within the specified area code. Although there is an arithmetic maximum of 1,000 area codes available under the Numbering Plan, as a practical matter certain area codes (for example, those beginning with "0" or "1") are not available for assignment. Similarly, there are, as a matter of arithmetic, 1,000 central office codes hypothetically available within each area code, and, within each unique area code/central office code combination, there are 10,000 numbers (often referred to as a "ten-thousand-block") to which a specific telephone receiver may be assigned. Again, as a practical matter, certain office codes and four-digit numbers are unusable under the plan, so the total of available central office codes and four-digit numbers will be somewhat less than the maximum number of three- or four-digit combinations.

Area Code Relief Methods

An impending area code exhaust is projected to occur when NANPA⁴ determines that all of the approximately 750 utilizable central office codes associated with a particular

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 (Mar. 31, 2000), n. 2.

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

area code are expected to be assigned within 36 months.⁵ Historically, the Commission has used two methods to provide area code relief in New York. The original area code relief method was to split the geographic area served by the existing area code into two separate geographic area codes. In one of the two areas, customers would retain the same ten-digit telephone number, including area code, they had before the geographic split was implemented, and their dialing pattern would remain the same as before, i.e., they would not be required to dial more than seven digits when calling a number within their area code. New customers moving into that geographic area would be assigned numbers from the existing area code. All customers located in the other geographic area served by the new area code would retain their seven-digit telephone numbers but would receive a new area code. Also, customers in the new area code would need to dial ten digits to reach customers in the old area code, and vice versa.

The second method of establishing area code relief is to overlay the entire existing area code region with a new area code. The overlay method provides additional numbering resources over the entire geographic area for which impending area code relief is required. As carriers request new numbering resources, the requests are filled from the resources associated with the new area code. Because the same geographic area is served by two (or more) area codes, rather than one, it is

⁵ The Commission notes that when an area code approaches the end of its normal life cycle there may be a condition when the demand for central office codes spikes before relief can be fully implemented. In order to provide a continuous supply of the codes to service providers certain "code conservation measures" are applied. This process is known as a "jeopardy" condition. This process provides a means of managing the limited supply of unassigned central office codes to ensure a fair and equitable allocation to service providers.

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 six area codes assigned to New York State have been increased to nineteen. Of the thirteen new area codes, five were implemented through geographic splits, while eight have been provided through overlays. The last geographic split was implemented in 2001; since then, the past five instances of area code relief were accomplished via overlay codes.

988 National Suicide Prevention Hotline

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

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 would dial ten digits on calls terminating in their NPA, and 1 + ten digits for calls terminating outside their NPA.

reach the existing NSPL by July 16, 2022.⁸ To ensure that calls to 988 reach the NSPL, the FCC Order requires providers to implement mandatory ten-digit dialing by July 16, 2022, in NPAs that use 988 as a central office code, but are still using seven-digit dialing. If 988 is a central office code already in use in an area code prior to the designation of 988 as the three-digit abbreviated dialing code to reach the NSPL, and seven-digit dialing is still in use, a call that starts with 988 will automatically go to the NSPL instead of to the intended called party. For that reason, the implementation of 988 as the three-digit abbreviated dialing code to reach the (NSPL) requires the use of ten-digit dialing for every call in NPAs that use 988 as a central office code. The 516 NPA uses 988 as a central office code and is therefore included in these FCC requirements. Four other area codes in New York and 77 other area codes across the country also use 988 as a central office code and are therefore subject to this ten-digit dialing requirement.

Procedural History

The matter of 516 area code relief was first addressed in 1999, when the Commission issued an Order in Case 98-C-0689 directing a geographic split of the 516 area code along the

⁸ The National Suicide Prevention Lifeline is available today, providing suicide prevention and mental health crisis assistance at 1-800-273-8255 and through online chats. 9-8-8 is not a nationwide calling code right now. The Veterans Crisis Line is also available today, providing Veteran specific suicide prevention and crisis assistance at 1-800-273-8255 (Press 1), by texting 838255, and through online chats at veteranscrisisline.net.

Nassau-Suffolk County boundary line.⁹ The 1999 Order introduced the 631 area code in Suffolk county while Nassau County retained the 516 area code. Later that year, NANPA notified the Commission that due to the limited number of central office codes that would be recovered for use in the 516 area code following the implementation of the geographic split and based upon an anticipated high level of demand for central office codes, NANPA planned to declare the 516 area code to be in jeopardy before the new relief provided by the split could be implemented. Then, in February 2000, NANPA filed a petition in Case 00-C-0314 requesting that the Commission approve the Industry's recommended overlay relief plan. At the same time the Commission was considering that request for area code relief, it was also seeking broader authority from the FCC to implement various numbering conservation measures. In an Order released in September 1999, the FCC authorized the Commission to undertake such measures and the Commission implemented this authority beginning with a March 17, 2000 Order in Case 98-C-0689.¹⁰

The impact of these conservation measures was significant. As a result, the February 2000 petition for 516 area code relief became unnecessary, and the case pending before the Commission was closed. Since that time, the Commission's

⁹ See 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, Area Codes, Opinion No. 99. Opinion and Order Directing Geographic Split of The 516 NPA (issued April 29, 1999).

¹⁰ Case 98-C-0689, supra, Area Codes, Order Instituting State-wide Pooling and Number Assignment and Reclamation Procedures (issued March 17, 2000).

ongoing use of telephone number conservation and reclamation efforts have continued to prolong the life of the 516 area code.

In September 2021, NANPA filed a petition with this Commission advising that the 516 area code projected exhaust date was approaching and would occur, at the latest, by the third quarter of 2023. The petition seeks Commission approval of the Industry consensus to overlay a new area code over the existing 516 geographic area. Upon receipt of NANPA's assessment of the need for relief in the 516 area code, this proceeding was initiated.

On October 5, 2021, NANPA filed a supplement to its petition as notification to the Commission that the projected exhaust date for the 516 area code had been revised to the second quarter of 2023. The supplement requests Commission action for area code relief in the form of an all-services overlay as soon as possible.

PETITION

In its September petition, NANPA notes that the Industry's area code relief planning guidelines were recently amended to accommodate the impact of the transition to mandatory ten-digit dialing caused by the national implementation of the 988 National Suicide Prevention Hotline. The amended guidelines state that where area code relief is required and the impacted area code is scheduled to transition to ten-digit dialing, an overlay code is the only relief method that can be considered in that area.¹¹ Accordingly, the petition describes two overlay alternatives for 516 area code relief, a "boundary elimination"

¹¹ 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/.

overlay and an "all-services" overlay. NANPA states that under a boundary elimination overlay, the 516 NPA in Nassau County would be merged with the adjacent 631/934 NPA that serves Suffolk County. A new area code would not be needed; instead, spare central office codes from the 631/934 NPA would be available for assignment throughout the combined overlay area when all available 516 central office codes are exhausted. This relief alternative has a projected life of approximately 22 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 516 area code footprint, resulting in two area codes within the entirety of the existing 516 region. All existing customers, with either landline or mobile service, would retain their current ten-digit telephone number, but all requests for new telephone numbers in the region would receive and use the new area code, once the 516 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 49 years.

The petition recommends that the Commission approve an all-services overlay in the 516 area code, due to its much longer relief lifespan and increased simplicity to implement. The petition also seeks Commission approval of a nine-month schedule to implement the overlay code relief plan. The petition states that, upon Commission approval, the Industry will convene to select specific milestone dates that will allow the new area code to be fully implemented by no later than the first quarter of 2023. This end date is in accord with the Industry's area code relief guidelines, which state that a new

area code should normally be implemented six months prior to exhaust, but under extraordinary situations can be implemented no later than three months prior to exhaust.¹²

In its October 5, 2021 supplemental filing, NANPA advises that the projected exhaust date of the 516 area code has been accelerated from the third quarter of 2023 to the second quarter of 2023. NANPA explains that since the issuance of its September 2021 petition, the 516 region has experienced an increased level of demand for central office codes, resulting in the revised projection for exhaust. NANPA further explains that the new exhaust projection caused a jeopardy condition to be 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.¹³ NANPA also advises that there are jeopardy procedures for the 516 NPA in place that determine: the number of codes to be allocated per month (including those to meet the Numbering Administrator's forecasted needs), the allocation method to be used (e.g., lottery), and the disposition of unfilled numbering requests. Existing and prospective central office code holders must monitor the jeopardy proceeding and adjust their code application flow as required by the operative procedures, potentially limiting providers' ability to meet their customers' needs.

¹² ATIS-0300061: Section 7.2.

¹³ See ATIS-0300119, Thousands-Block (NPA-NXX-X) & Central Office Code (NPA-NXX) Administrative Guidelines: Section 15.3.1.

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.¹⁴

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

PUBLIC NOTICE

Public input on the petition for 516 area 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 October 13, 2021 (SAPA No. 21-C-0473SP1). The time for submission of comments pursuant to the SAPA Notice expired on December 13, 2021. Also, on November 2, 2021, the Secretary issued a Notice Soliciting Comments. The Secretary's Notice sought comments by December 13, 2021. Finally, Department of Public Service Staff (Staff) conducted two virtual educational forums concerning the alternative relief options on December 2,

¹⁴ 47 C.F.R. §52.19.

2021. 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 November 4, 2021, and the Department issued a press release on November 23, 2021, to further publicize the public statement hearings. All comments received are addressed below.

Comments

Six comments were received from individuals and one joint comment filing was received from several telecommunications carriers. The joint comments of AT&T, T-Mobile and Verizon (Carriers) were submitted in response to the Secretary's Notice Seeking Comments. The Carriers submitted that the Commission should approve the all-services overlay to provide long-term numbering relief for the 516 area code as it is the most practical and effective form of area code relief available. They further state that the all-services overlay is the most convenient for customers and the most efficient solution for telecommunications providers to implement in the short timeframe remaining before the 516 area code exhausts. Five out of the six public comments received were supportive of the Industry consensus all-services overlay relief plan. Those in favor of the overlay alternative observed that this option seemed more equitable insofar as it did not impact existing telephone numbers. The remaining commenter suggested, contrary to the Industry recommendation, that a new area code be added

for cell phone use only, citing that neighbors could be confused by the use of different area codes.¹⁵

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 516 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 516 central office codes is on the horizon, i.e., by the second quarter of 2023, not the third quarter of 2023, as previously forecasted;

¹⁵ The FCC has prohibited technology-specific area code overlays on the grounds that they are discriminatory and inhibit competition. See Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech - Illinois, Declaratory Ruling and Order, 10 FCC Rcd 4596 (1995).

¹⁶ 47 C.F.R. Part 52.

preparation by carriers that require changes to their networks must begin as soon as practicable.

Declaration of Jeopardy

An area code jeopardy condition exists when the forecasted and/or actual demand for central office codes will exceed the known supply during the planning/implementation interval for relief. When NANPA declared jeopardy in the 516 area code, indicating that the supply of numbers could exhaust before relief could be provided, standard interim procedures of rationing took effect immediately. Interim procedures remained in effect until the Industry developed final jeopardy procedures specific to the area code. Those procedures are currently in place and will elongate the supply of numbering resources during the interval needed to implement relief. These procedures dictate: the number of codes allocated per month (including those to meet the Numbering Administrator's forecasted needs), the allocation method to be used (e.g., lottery), and the disposition of unfilled numbering requests. In the midst of jeopardy procedures, carriers in the 516 region could experience delays in meeting customer requests for new services, with adverse economic and safety consequences for customers in the 516 area code region, should an area code relief decision be delayed. Such a situation will be mitigated to the greatest extent possible with the Commission's decision on area code relief.

Choice of All-Services Overlay as Relief Method

Based on the record in this proceeding, the Commission will approve NANPA's proposed relief, to implement an all-services overlay as the preferred alternative for area code relief in the 516 region. This decision comports with the

Industry consensus, Commission precedent, and consumer and carrier preferences for the all-services overlay. An all-services overlay permits all existing telephone users in the region to keep their entire current phone numbers, including the 516 area code and provides the longest life for relief. By comparison, a boundary elimination overlay would provide relief for approximately 22 years but was ultimately not recommended by NANPA due to its shorter relief lifespan and increased complexity to implement.

Since the year 2001, the Commission has exclusively approved overlays in New York State, which have all been implemented successfully. In those cases, the Commission concluded that the all-services overlay alternative is less costly, less disruptive, less likely to frustrate customer acceptance, and more likely to enhance the public interest than the other identified alternatives.

Therefore, in accordance with the authority delegated by the FCC, the Commission concludes here that additional numbering resources to ensure the continued and ready availability of telephone numbers in the area currently served by the 516 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 Commissions' statutory responsibility to assure that telephone service provided to New York customers is just, reasonable, efficient, adequate and in the public interest.

Implementation and Outreach

NANPA usually recommends an 18-month area code relief implementation timeline for an overlay to adequately complete network modifications and educate customers about dialing changes related to ten-digit dialing. However, the

instant petition explains that the typical timeline can be shortened to nine months. The shorter implementation timeframe is warranted here due to the implementation of 988 as the three-digit abbreviated dialing code to reach the NSPL, as customers in the 516 NPA will have already transitioned to mandatory ten-digit dialing, occurring now, negating 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 516 numbering resources to begin preparing technical plans for introducing the new area code on a timely basis. As promptly as possible and no later than 30 days after the date of this Order, all carriers holding numbering resources in the 516 Numbering Plan Area shall file a joint plan outlining the steps necessary to activate a new area code, including milestone due dates, for the existing 516 Numbering Plan Area.

In addition, the Commission acknowledges that it is in the best interests of all carriers operating within the 516 NPA region to ensure that their customers are informed of the new overlay code. To better ensure that efforts are not wasteful, duplicative, or conflicting, the Commission will require each affected carrier to file with the Commission its plan for education and outreach. This is consistent with the Commission's authority to implement area code relief and an

appropriate burden upon any carrier that receives telephone numbers.¹⁷

¹⁷ 47 U.S.C. §251(e) provides the FCC with plenary jurisdiction over numbering issues. Section 251(e)(1) allows the FCC to

In earlier area code relief cases, the Commission has clearly expressed the importance of such efforts and the responsibility of incumbent and competitive carriers to undertake such programs. The Commission will also do so here. As promptly as possible and no later than 45 days after the date of this Order, all local exchange carriers in the 516 area code shall submit, as a compliance filing, a plan to describe the outreach and education program which will be implemented in support of the introduction of the new area code. All plans and preparations should be developed and carried out in consultation with 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 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 Staff will continue to play a role in coordination of outreach and implementation of this area code relief proceeding, as has been the case in past area code relief proceedings.

CONCLUSION

The Commission is advised by the North American Numbering Plan Administrator that area code relief is needed in the 516 area code. After review of the alternative forms of

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).

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 516 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 516 Numbering Plan Area as discussed in the body of this Order.

2. Consistent with the conditions and requirements set forth in the body of this Order, all carriers holding numbering resources in the 516 Numbering Plan Area shall file, within 30 days of the issuance of this Order, a joint plan outlining the steps necessary to activate a new area code, including milestone due dates, for the existing 516 Numbering Plan Area. The plan shall contain a reasonable period for all necessary network modifications, as well as a dialing plan that complies with established New York State dialing patterns. The plan shall be submitted to the Secretary of the Commission for review and approval by the Director of the Office of Telecommunications. The carriers shall, thereafter, implement such plan.

3. Within 45 days of the issuance of this Order, every carrier holding numbering resources in the 516 Numbering Plan Area shall, consistent with the discussion in this Order, file its plan for an outreach and education program to acquaint its customers with the establishment of the new area code and its operation. Each plan shall be filed with the Secretary to

the Commission for review and approval by the Director of the Office of Consumer Services. Each carrier shall, thereafter, implement such plan.

4. The Secretary, in her sole discretion, may extend the deadlines set forth in this Order, provided the request for such extension is in writing, including a justification for the extension, and filed on a timely basis, which should be 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