

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,     ) Application No. C-4152  
on its own motion, to adopt a         )  
relief plan for the 402 area            ) ORDER  
code.   )  
  ) ENTERED: September 15, 2009

BY THE COMMISSION:

***Procedural Recitation***

By Order entered on March 17, 2009, the Commission opened this docket to adopt a relief plan for the 402 area code. Notice of this proceeding appeared in the Daily Record, Omaha, April 14, 2009. Comments were solicited by the Commission on a number of alternative area code relief plans. Comments were filed by Qwest Corporation; Cox Nebraska Telcom, LLC; the Rural Independent Companies; Sprint Nextel; AT&T; Verizon Wireless; Verizon Business and CTIA/The Wireless Association. All commenters supported an all-services overlay plan.

A public workshop was held on April 20, 2009, to facilitate the collection of information and opinions on a preferred relief plan. All participants in the workshop supported an all-services overlay plan.

The Commission again requested comments from interested persons and scheduled the issues for public hearing. A public hearing was held in Lincoln, Nebraska, on May 27, 2009. The comments received by the Commission were incorporated into the record.

On June 30, 2009, the Commission entered an order adopting an all services overlay plan as the official relief plan for the 402 area code. The Commission ordered the industry to file a recommendation detailing milestones for implementing the Commission's Order. On August 28, 2009, NeuStar, a neutral third-party numbering administrator filed the required implementation plan with the Commission. In its report, NeuStar indicated that industry representatives reached consensus on the necessary steps for implementing the all services overlay plan including proposed milestones for consumer education and network preparation.

***Area Code Conservation Efforts***

In May of 1999, the Nebraska Public Service Commission (Commission) was informed by the North American Numbering Plan Administrator (NANPA) that the number of assignable prefixes

(also known as central office NXX codes) available for the 402 area code was in danger of being depleted in less than two years.

On June 9, 1999, the Commission initiated a proceeding in Docket C-2057/PI-28 to investigate the potential exhaust of assignable numbers in the 402 area code and determine the degree of depletion of central office codes, develop a procedure for public input, and make recommendations based upon that input.

A telecommunications industry relief planning meeting was held on August 4, 1999, to evaluate various relief plan options and select a recommended plan using the consensus process. On September 15, 1999, the NANPA notified the Commission that the industry did not reach consensus on a single relief plan for the 402 area code but did reach consensus on submitting four relief plans to the Commission; three geographic split plans and one overlay plan.

The Commission began working with the industry to implement a variety of number conservation measures including thousand-block number pooling<sup>1</sup> and rate center consolidation to further extend the life of the 402 area code. In September of 1999 the Commission filed a petition with the Federal Communications Commission requesting authority for the Commission to implement thousands-block number pooling. On July 20, 2000, the Federal Communications Commission (FCC) authorized the Commission to implement thousand-block pooling in the 402 Area Code.<sup>2</sup> Voluntary thousand-block number pooling began in the 402 area code on February 17, 2001 and mandatory thousand-block number pooling in the Omaha Metropolitan Service Area (MSA) on July 1, 2001.

In Docket C-3049 opened on November 13, 2003, the Commission investigated and implemented voluntary thousand-block number pooling to extend the life of the 402 and 308 area codes as long as possible. Subsequently, the Commission sought and received the authority from the Federal Communications

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<sup>1</sup> Thousand-block number pooling is a number resource allocation method that divides a prefix or central office code (NXX) which normally consists of 10,000 telephone numbers into ten sequential blocks of 1,000 numbers. Thousand-block number pooling extends the life of an area code because it allows multiple service providers operating in the same rate area to share the ten thousand blocks in a prefix at the thousand-block level.

<sup>2</sup> See *In the Matter of Numbering Resource Optimization et al.*, CC Docket No. 99-200, DA 00-1616, ORDER (Rel. July 20, 2000) ("CC Docket No. 99-200") (approving the petitions filed by a number of states to implement conservation measures.)

Commission to require mandatory number pooling in the 402 area code.<sup>3</sup>

The FCC set November 24, 2003, as the date by which all wireless carriers must be capable of supporting thousand-block number pooling regardless of geographical area served.

Additional efforts undertaken by the Commission with the cooperation of the telecommunications industry resulted in the exhaust date for the 402 area code being extended with each updated forecast. However, in the NANPA 2008 Forecast, the exhaust date of the 402 area code was projected to be the third quarter of 2010. While the exact date of exhaust could not be predicted, the Commission was required to adopt a specific area code relief plan.

***Commission Authority to Adopt an Area Code Relief Plan***

The FCC adopted rules for states to follow when selecting area code relief plans. 47 C.F.R. § 52.19 provides in pertinent part that,

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.

(b) State Commissions may perform any or all functions related to initiation and development of area code relief plans, so long as they act consistently with the guidelines enumerated in this part, and subject to paragraph (b)(2) of this section. For the purposes of this paragraph, initiation and development of area code relief planning encompasses all functions related to the implementation of new area codes that were performed by central office code

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<sup>3</sup> On February 24, 2006, in CC Docket No. 99-200, the Federal Communications Commission released its Numbering Resource Optimization Order and Fifth Notice of Proposed Rulemaking granting this Commission the authority to implement mandatory thousand-block pooling in the 402 NPA.

administrators prior to February 8, 1996. Such functions may include: declaring that the area code relief planning process should begin; convening and conducting meetings to which the telecommunications industry and the public are invited on area code relief for a particular area code; and developing the details of a proposed area code relief plan or plans.

Generally, area code relief plans consist of two alternatives; geographical splits and all-services overlays. A geographical split would divide the current 402 area code into two geographically separate area codes with one side of the geographic area keeping their existing 402 area code numbers while the other side is assigned a new area code. All customers in the new area code would be required at a minimum to change the area code associated with their local telephone number.

Adopting an all-services overlay retains the existing area code boundary and a second area code is introduced to the same geographical area providing new numbering resources. An overlay would not require customers to change their existing numbers however it would require ten-digit dialing for all calls.

In 2009, NeuStar provided an updated assessment of the Commission's four NPA relief plans proposed in Docket C-2057 in 1999 as well as updated forecasted exhaust information for the 308 and 402 area codes. Three of the four initial alternatives were geographic splits while the fourth alternative was an all-services overlay. When implementing a geographical split as a relief plan the FCC requires that the difference in projected life between the two area codes be no greater than ten years to avoid the necessity of consumers undergoing another relief plan in a short period of time. Two of the proposed geographical splits exceed ten years and one is ten years. The all services overlay relief plan was and continues to be the most widely used method among states.

#### O P I N I O N      A N D      F I N D I N G S

Based on the information provided by NeuStar and the comments and testimony in the record, the Commission adopted an all services overlay plan on June 30, 2009. The Commission ordered the industry to file a proposed timeline for implementation of the all services overlay plan. This Order addresses the proposed timeline filed by NeuStar on August 28, 2009.

***Approved Timeline***

The recommended 402 overlay implementation schedule filed by NeuStar included a 15-month period for network preparation, education, permissive dialing and code activation. Network Preparation and Consumer Education would overlap and be conducted for six months prior to the commencement of the permissive dialing period. The recommendation also provided for the formation of two subcommittees, a technical subcommittee and a consumer education subcommittee. The subcommittees will meet at various intervals to discuss and resolve issues associated with the approved overlay plan.

The Commission believes that the 15-month timeframe adopted in this order will give carriers sufficient time for education and network preparation.

The report filed by NeuStar represented the industry reached consensus on the following implementation schedule milestones:

	Time	Date
Start of permissive 10-digit dialing	12:01 AM Central	June 26, 2010
End of permissive dialing and start of mandatory 10-digit dialing	12:01 AM Central	February 26, 2011
Earliest new NPA central office code activation date (Effective date of the new 531 NPA)		March 26, 2011
Earliest date central office codes in the new NPA may be ordered through NANPA		September 26, 2010

The industry reached consensus on the 402/531 NPA Dialing Plan and the 308 NPA Dialing Plan. Based on our review of NeuStar's filing, we find the industry's implementation plan for relief of the 402 numbering plan area (NPA) code is reasonable and should be approved.

## 402/531 NPA Dialing Plans

Type of call	Call terminating in	Dialing plan
Local call	Home NPA (HNPA) or Foreign NPA (FNPA)	10 digits (NPA-NXX-XXXX)
Toll call	HNPA or FNPA	1 + 10 digits (1 + NPA-NXX-XXXX)
Operator Services Credit card, collect, third party	HNPA or FNPA	0 + 10 digits (0 + NPA-NXX-XXXX)

***Open-Ended Permissive Dialing in the 308 Area Code***

At the request of the Commission the industry made a recommendation relative to adopting permissive ten-digit dialing throughout the 308 Area Code concurrent with the permissive ten-digit dialing necessary in the 402 Area Code. Consistent with that recommendation, the Commission finds that adoption of permissive ten-digit dialing would be less disruptive for certain consumers who are used to dialing ten-digits for local calls traveling through the 308 area code footprint. The use of permissive ten-digit dialing would not require consumers to dial ten digits, however, the companies would configure their networks in such a way to permit ten-digit local dialing. Permissive ten-digit dialing for the 308 area code would serve the public interest and should also be adopted.

## 308 NPA Dialing Plans

Type of call	Call terminating in	Dialing plan
Local call	Home NPA (HNPA) or Foreign NPA (FNPA)	7 digits (NXX-XXXX) or 10 digits (NPA-NXX-XXXX)
Toll call	HNPA or FNPA	1 + 10 digits (1 + NPA-NXX-XXXX)
Operator Services Credit card, collect, third party	HNPA or FNPA	0 + 10 digits (0 + NPA-NXX-XXXX)

When this proceeding was first opened the forecasted exhaust date for the 402 area code was third quarter of 2010 and has since been updated to the second quarter of 2011. The Commission will maintain continuing jurisdiction over this matter to oversee the implementation process. In addition to

adopting the proposed 402 NPA code relief plan, the Commission will reserve the ability to extend the permissive dialing period where it finds such extension is warranted and in the public interest. Any such action would be consistent with industry guidelines.<sup>5</sup> Notice of any such action would be made through an Order adopted by the Commission specifically modifying the schedule adopted herein and mailed to all affected carriers.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that 531 is adopted as the Area Code to be used in an all-services overlay plan for the relief of the 402 area code.

IT IS FURTHER ORDERED by the Nebraska Public Service Commission that the all-services overlay plan filed on August 28, 2009 by Neustar be and it is hereby adopted.

IT IS FURTHER ORDERED that the industry will take action consistent with the plan to educate consumers and to make any necessary changes in their networks to effectuate permissive 10-digit dialing consistent with the approved plan.

IT IS FURTHER ORDERED that the recommendation relative to adopting permissive ten-digit dialing throughout the 308 area code concurrent with the permissive ten-digit dialing necessary in the 402 area code to implement the approved all-services overlay relief plan is hereby approved.

IT IS FURTHER ORDERED that the 402 Area Code will adopt a permissive ten-digit dialing plan to begin at 12:01 AM Central June 26, 2010.

IT IS FURTHER ORDERED that the Commission maintain continuing jurisdiction over this matter.

MADE AND ENTERED at Lincoln, Nebraska, this 15<sup>th</sup> day of September, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

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<sup>5</sup> ATIS-0300061, "NPA Code Relief Planning & Notification Guidelines", Section 13.0, **Mandatory Dialing**

Chairman

ATTEST:

Executive Director



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MADE AND ENTERED at Lincoln, Nebraska, this 15<sup>th</sup> day of September, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Gerald F. Up.* *Frank E. Landis*  
Chairman

*Dick Anderson*

*Aune C. Saye*

*Tim Schram*

ATTEST:

*Miss J. J. J.*  
Executive Director

//s// Frank E. Landis