

Federal Communications Commission
Washington, D.C. 20554

NSD File No. L-01-21
CC Docket No. 96-98

August 28, 2001

By U.S. Mail and Facsimile

Mr. E. Leon Jacobs, Jr.
Chairman
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Florida Public Service Commission Petition for Expedited Decision for the Release
of a New Area Code to Provide Relief for the 561 Numbering Plan Area

Dear Mr. Jacobs:

This letter addresses the Florida Public Service Commission's (Florida PSC or Petitioner) petition for the release of a new area code to provide relief for the 561 numbering plan area (NPA).¹ Petitioner requests that the Federal Communications Commission (FCC) direct the North American Numbering Plan Administrator (NANPA) to release a new area code to relieve the 561 NPA by means of a geographic split. As discussed below, we grant the petition, and by copy of this letter, we direct the NANPA to release the requested NPA code as soon as practical.

By Order issued on October 20, 2000, the Florida PSC approved an area code relief plan for the 561 NPA, consisting of a geographic split.² The Florida PSC in that Order also directed the implementation of thousands-block number pooling for the Fort Pierce-Port St. Lucie metropolitan statistical area (MSA) in the 561 NPA. By letter dated November 28, 2000, the NANPA denied the Florida PSC's application for a relief NPA

¹ Florida Public Service Commission Petition for Expedited Decision for the Release of a New Area Code to Provide Relief for the 561 Numbering Plan Area, CC Docket No. 96-98, NSD File No. L-01-21 (January 8, 2001)(Florida PSC Petition).

² *Final Order Approving Number Plan Relief for the 305/786 Area Code, the 561 Area Code, the 954 Area Code, and the 904 Area Code, Requiring Customer Survey for a Number Change, and Notice of Proposed Agency Action Order Implementing Rate Center Consolidation and Code Sharing in Certain Areas and Requiring Customer Survey for Cost Sharing*, Order, Docket Nos. 990455-TL, 990456-TL, 990457-TL and 990517-TL, Order No. PSC-00-1937-PAA-TL.

code for the 561 NPA.³ In that letter, the NANPA concluded that the plan set forth in the Florida PSC's Order was inconsistent with NPA Assignment Guidelines. On January 8, 2001, the Florida PSC requested that the FCC direct the NANPA to release a new area code to provide relief for the 561 NPA.⁴ On February 9, 2001, the FCC issued a Public Notice seeking comment on the Florida PSC's petition.⁵ On July 17, 2001, the Florida PSC submitted a supplemental filing to further support its petition.⁶

The Florida PSC relief plan creates two regions for the 561 NPA. In its initial filing, the Florida PSC projected approximate exhaust periods for the two regions at 24.6 years (region A) and 3.1 years (region B). The Industry Numbering Committee (INC) Guidelines provide that when geographic code relief occurs, "relief options shall cover a period of at least five years beyond the predicted date of exhaust" in each area, and that "a difference in NPA lifetimes [between each area] of more than 15 years, shall be avoided."⁷ Thus, based on the Florida PSC's initial filing, the relief plan did not appear to conform with INC Guidelines. In its petition, the Florida PSC noted that the exhaust projections may not be correct, and that the implementation of thousands-block number pooling may extend the projected exhaust dates of the two regions. The Florida PSC also noted that industry guidelines neither take into account customer input, nor allow state commissions the flexibility to consider matters beyond those guidelines. The Florida PSC asserted that its 561 area code relief Order is "based on evidence received through customer service hearings, interrogatories to the industry, testimony provided by elected officials, industry members and by a representative of NeuStar."⁸ The Florida PSC further contended in its initial petition that this evidence mitigates in favor of the Commission granting the Florida PSC its requested relief.

In its supplemental petition, the Florida PSC notes that its initial exhaust projections did not incorporate the impact of number pooling. The supplemental petition states that when pooling is considered, region B, which was initially projected to exhaust in 3.1 years, is scheduled to exhaust in 5.05 years.⁹ Thus, the Florida PSC's relief plan

³ See Letter from Ronald R. Conners, Director, North American Numbering Plan Administration, to Blanca S. Bayo, Director, Division of Records and Reporting, Florida PSC, dated November 28, 2000 (NANPA Letter).

⁴ See Florida PSC Petition.

⁵ See Common Carrier Bureau Seeks Comment on the Florida Public Service Commission Petition for Expedited Decision for the Release of a New Area Code to Provide Relief for the 561 Numbering Plan Area, *Public Notice*, DA 01-341 (rel. Feb. 9, 2001) (February 9 Public Notice).

⁶ Florida Public Service Commission Supplemental Filing to Further Support Petition for Expedited Decision for the Release of a New Area Code to Provide Relief for the 561 Numbering Plan Area, CC Docket No. 96-98, NSD File No. L-01-21 (July 28, 2001) (Florida PSC Supplemental Petition).

⁷ *NPA Allocation Plan and Assignment Guidelines*, INC 96-0308-011 (Feb. 28, 2000) at § 9.2.2 (INC Guidelines).

⁸ See Florida PSC Petition at 5.

⁹ Florida PSC Supplemental Petition at 3.

now conforms with the INC Guideline provision that relief options shall cover a period of at least five years.¹⁰

Although industry guidelines are not dispositive of our decision, we believe that area code relief plans should, absent compelling reasons, comply with the industry guidelines, because they seek, among other things, to ensure consistent implementation of area codes throughout the United States. We strongly support the rationale and the policy behind the INC Guidelines. Nevertheless, we have carefully considered Petitioner's arguments in support of its request, and we grant the request. We grant the petition's requested relief in part because the Florida PSC's relief plan was developed based on extensive input from industry, local governments, and from consumers affected by the decision, which balanced a number of public interest goals.¹¹ As we have noted in the past, state commissions are uniquely positioned to determine when, and in what form, to implement area code relief. While the Florida PSC's relief plan may not conform strictly to the INC Guideline provision concerning lifetime disparities of the two new regions, we find that special circumstances exist in this case.¹² Moreover, the supplemental petition presents evidence that the 19 year disparity may be further decreased by the growth in region A.¹³ Given Petitioner's substantial compliance with the INC Guidelines and the Florida PSC's active involvement in developing a dynamic relief plan, we find that issuance of a new area code is warranted in this case. We are also persuaded by the unanimous support for the relief plan among all the affected local governments.¹⁴ We find the aforementioned reasons to be compelling, and we therefore direct the NANPA to release an area code to relieve the 561 NPA.

Sincerely,

Dorothy T. Attwood
Chief, Common Carrier Bureau

cc: Ronald R. Conners, Director, North American Numbering Plan Administration
Robert Casey, Regulatory Analyst Supervisor, Florida Public Service Commission

¹⁰ See *supra* note 7.

¹¹ See Florida PSC Petition at 4-6; Florida PSC Supplemental Petition at 5-6.

¹² We note that disparities in the number of years between the projected lives of two area codes creates the potential need for an additional area code within a shortened period of time, which would accelerate the use of an additional area code.

¹³ The Florida PSC notes in its supplemental petition that the growth in region A is "phenomenal," so the region's projected exhaust of 24.6 years is probably too high. A decrease in projected exhaust for region A would further decrease the difference between the lifetimes between regions A and B. See Florida PSC Supplemental Petition at 3.

¹⁴ See Florida PSC Supplemental Petition at 6.