



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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**DA 01-2602**

**Released: November 8, 2001**

**COMMON CARRIER BUREAU SEEKS COMMENT ON JOINT PETITION FOR EXPEDITED  
TEMPORARY WAIVER OF 10-DIGIT DIALING IMPLEMENTATION FILED BY NEW YORK  
STATE PUBLIC SERVICE COMMISSION, NEW YORK STATE CONSUMER PROTECTION  
BOARD AND CITY OF NEW YORK**

**CC Docket No. 96-98  
NSD File No. L-01-158**

**Pleading Cycle Established**

**COMMENTS DUE: November 23, 2001**

**REPLY COMMENTS DUE: December 3, 2001**

When a state commission implements area code relief in the form of an area code overlay,<sup>1</sup> the Federal Communications Commission (Commission) requires 10-digit dialing for telephone calls within and between the area codes subject to the overlay.<sup>2</sup> In 1998, the New York State Public Service Commission (NYSPSC) implemented an area code overlay of the 212 Numbering Plan Area (NPA) in New York City, but did not implement 10-digit dialing at that time.<sup>3</sup> Pursuant to a recent decision issued by the U.S. Court of Appeals for the Second Circuit, 10-digit dialing must be implemented in New York City by July 28, 2002.<sup>4</sup>

On October 15, 2001, the NYSPSC, the New York State Consumer Protection Board and the City of New York (Petitioners) filed a petition for an expedited temporary waiver of 10-digit dialing

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<sup>1</sup> An area code overlay occurs when a new area code is introduced to serve the same geographic area as existing area code. *See* 47 C.F. R. § 52.19.

<sup>2</sup> *See id.*

<sup>3</sup> NYSPSC petitioned the Commission for a waiver of 10-digit dialing when it implemented the 212/646 area code overlay in New York City, claiming that 10-digit dialing was not necessary to promote local competition. The Commission denied the waiver request. The NYSPSC also challenged the Commission's jurisdiction to require mandatory 10-digit local dialing in federal court. The Court of Appeals for the Second Circuit recently affirmed the Commission's 10-digit dialing requirement and denial of New York Commission's request for a permanent waiver. *See generally People of the State of New York and Public Service Commission of the State of New York v. Federal Communications Commission*, 2001 WL 1178326 (2<sup>nd</sup> Cir. 2001).

<sup>4</sup> *See id.*

implementation in New York City.<sup>5</sup> Petitioners request an additional 14 months beyond the 10 months granted by the Court of Appeals to implement 10-digit dialing. Petitioners contend that, due to the events of September 11, 2001 and the resulting damage to the infrastructure and businesses of New York City, it would be difficult to begin the necessary process for 10-digit dialing implementation. Petitioners seek a waiver to allow New York City more time to focus on rebuilding its infrastructure and businesses before transitioning to 10-digit dialing.<sup>6</sup>

We seek comment on Petitioners' request for a temporary waiver of the 10-digit dialing implementation plan. A copy of the petition will be available during regular business hours at the FCC Reference Center, Portals II, 445 12<sup>th</sup> Street, S.W., Suite CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the petition is also available on the Commission's Electronic Comment Filing System (ECFS) at <http://www.fcc.gov/e-file/ecfs.html> (insert CC Docket No. 96-98 into the "Proceeding" block).

Interested parties may file comments on or before November 23, 2001 and reply comments on or before December 3, 2001. All filings must reference NSD File No. L-01-158 and CC Docket No. 96-98. Send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12<sup>th</sup> Street, S.W., Suite TW-A325, Washington, D.C. 20554 and two copies to Carmell Weathers, Common Carrier Bureau, Network Services Division, Portals II, 445 12<sup>th</sup> Street, S.W., Room 6-B153, Washington, D.C. 20554.

Comments may also be filed using the ECFS. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. If using this method, please reference CC Docket No. 96-98 in the "Proceeding" block. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the docket number of the proceeding. Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Carmell Weathers, [cweather@fcc.gov](mailto:cweather@fcc.gov), indicating that comments have been filed.

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules.<sup>7</sup> As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.<sup>8</sup>

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.<sup>9</sup> Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

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<sup>5</sup> See Joint Petition of the New York State Public Service Commission, the New York State Consumer Protection Board and the City of New York for an Expedited Temporary Waiver of 47 C.F.R. § 52.19 (c)(3)(ii), CC Docket No. 96-98 (filed October 15, 2001) (Joint Petition).

<sup>6</sup> See Joint Petition at 2.

<sup>7</sup> See generally 47 C.F.R. §§ 1.1200-1.1216.

<sup>8</sup> 47 C.F.R. § 1.1206.

<sup>9</sup> 47 C.F.R. § 1.1206(b)(2).

For further information contact Tania Cho of the Common Carrier Bureau, Network Services Division, at (202) 418-2320 or [tcho@fcc.gov](mailto:tcho@fcc.gov). The TTY number is (202) 418-0484.

**-FEDERAL COMMUNICATIONS COMMISSION-**