



# PUBLIC NOTICE

Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
TTY 202 / 418-2555  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

**DA 01-341**  
**Released: February 9, 2001**

**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**

**NSD File No. L-01-21**

**CC Docket 96-98**

**Pleading Cycle Established**

**COMMENTS: March 9, 2001**

**REPLY COMMENTS: March 23, 2001**

In this Public Notice, the Common Carrier Bureau seeks comment on the request of the Florida Public Service Commission (PSC) for the release of a new area code to provide relief for the 561 numbering plan area (NPA). The North American Numbering Plan Administrator (NANPA) has declined to release the relief code because it concluded that the Florida PSC's relief plan was inconsistent with the Industry Numbering Committee's NPA Allocation Plan and Assignment Guidelines (INC Guidelines).

The Telecommunications Act of 1996 gives the Federal Communications Commission (Commission) exclusive jurisdiction over the North American Numbering Plan (NANP) in the United States, but permits the Commission to delegate any portion of that jurisdiction to state regulatory commissions or other entities.<sup>1</sup> The Commission, recognizing that state commissions are uniquely positioned to understand local conditions and what effect new area codes will have on those conditions, has authorized the states to resolve many matters involving the implementation of new area codes, subject to the Commission's directives and rules governing administration of telephone numbers.<sup>2</sup>

The authority that the Commission delegated to the states includes determination of the boundaries of a new area code, the time frame during which the new area code is introduced, and the mechanism for introducing the new area code.<sup>3</sup> Under Commission rules, states can introduce new area codes through the

---

<sup>1</sup> 47 U.S.C. § 251(e)(1).

<sup>2</sup> See *Implementation of the Local Competition of the Telecommunications Act of 1996*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392, 19512-16 (1996) (*Local Competition Second Report and Order*).

<sup>3</sup> *Id.*

use of: (1) a geographic split, which occurs when the geographic area served by an area code is split into two or more geographic regions and one region maintains the old area code and one (or more) receive a new area code; (2) an area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the assignment of some central office codes from an area code in which central office codes remain unassigned to an area code in which few or no central office codes are left for assignment; or (3) an all-services area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code.<sup>4</sup> The Commission's guidelines for area code implementation generally seek to ensure that administration of telephone numbers encourages the introduction of new telecommunications services, while not unduly favoring or disadvantaging certain segments of the telecommunications industry, certain types of services, or certain technologies. Moreover, the Common Carrier Bureau has urged state commissions to conform to the industry's area code relief planning guidelines, and will review any area code relief plan that is inconsistent with the industry guidelines.<sup>5</sup>

In an Order issued on October 20, 2000, the Florida PSC approved an area code relief plan for the 561 NPA, consisting of a geographic split.<sup>6</sup> The Florida PSC also ordered the implementation of thousands-block number pooling for the Fort Pierce-Port St. Lucie metropolitan statistical area (MSA) in the 561 NPA.<sup>7</sup> By letter dated November 28, 2000, the NANPA denied the Florida PSC's application for a relief NPA code for the 561 NPA.<sup>8</sup> The NANPA concluded that the plan set forth in the Florida PSC's Order was inconsistent with NPA Assignment Guidelines.<sup>9</sup> On January 8, 2001, the Florida PSC requested that the Commission direct the NANPA to release a new area code to provide relief for the 561 NPA.<sup>10</sup>

The Florida PSC relief plan creates two regions for the 561 NPA.<sup>11</sup> The projected approximate

---

<sup>4</sup> 47 C.F.R. § 52.19.

<sup>5</sup> See Common Carrier Bureau Seeks Comment On The State Of New York Department Of Public Service Request For The Release Of A New Area Code To Provide Relief For The 716 Numbering Plan Area, *Public Notice*, CC Docket No. 96-98, DA 00-1806 (rel. Aug. 9, 2000).

<sup>6</sup> *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.

<sup>7</sup> *Id.*

<sup>8</sup> 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).

<sup>9</sup> *Id.*

<sup>10</sup> See Letter from Cynthia B. Miller, Bureau of Intergovernmental Liaison, Florida PSC, to Magalie Roman Salas, Secretary, Federal Communications Commission, dated January 8, 2001 (Florida PSC Letter); 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).

<sup>11</sup> See Florida PSC Petition.

exhaust periods of the two regions are 24.6 years and 3.1 years.<sup>12</sup> The 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.”<sup>13</sup> Thus, the relief plan does not appear to conform with Industry Numbering Committee (INC) Guidelines.<sup>14</sup> The Florida PSC notes that its exhaust projections may not be correct, and that the implementation of thousands-block pooling may extend the projected exhaust dates in the approved plan.<sup>15</sup> The Florida PSC also notes that industry guidelines neither take into account customer input, nor allow state commissions the flexibility to consider matters beyond those guidelines.<sup>16</sup> The Florida PSC asserts 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.”<sup>17</sup> The Florida PSC further contends that this evidence, coupled with the fact that the Commission approved a similar request for relief filed by the State of New York Department of Public Service, mitigates in favor of the Commission granting the Florida PSC its requested relief.<sup>18</sup>

We hereby seek comment on the Florida PSC’s request for the release of a new area code to provide relief for the 561 NPA, and on the Florida PSC’s assertion that its decision reflects viewpoints not represented in the industry guidelines.

A copy of the Florida PSC’s Letter and 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. Interested parties may file comments concerning this matter on or before **March 9, 2001**, and reply comments on or before **March 23, 2001**. All filings must reference **File No. NSD-L-01-21 and CC Docket 96-98**. Send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12<sup>th</sup> Street, SW, Suite TW-A325, Washington, D.C. 20554 and two copies to Al McCloud, Network Services Division, Portals II, 445 12<sup>th</sup> Street, S.W., Room 6A-320, Washington, D.C. 20554.

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies. 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 applicable docket or rulemaking number. Parties may also submit an electronic comment 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

---

<sup>12</sup> *Id.*

<sup>13</sup> INC Guidelines § 9.2.2.2.

<sup>14</sup> *See* NANPA Letter; *NPA Allocation Plan and Assignment Guidelines*, INC 96-0308-011 (Feb. 28, 2000) (INC Guidelines) § 9.2.

<sup>15</sup> *See* Florida PSC Petition.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *See* Florida PSC Petition.

be sent in reply. After filing your comments electronically, please send an e-mail to Al McCloud, [amcccloud@fcc.gov](mailto:amcccloud@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>19</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>20</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>21</sup> Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.

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

**- FEDERAL COMMUNICATIONS COMMISSION -**

---

<sup>19</sup> See generally 47 C.F.R. §§ 1.1200-1.1216.

<sup>20</sup> 47 C.F.R. § 1.1206.

<sup>21</sup> 47 C.F.R. § 1.1206(b)(2).