

Federal Communications Commission
Washington, D.C. 20554

NSD File No. L-99-65
CC Docket No. 96-98

April 6, 2001

By U.S. Mail and Facsimile

Mr. Richard L. Mathias
Chairman
Illinois Commerce Commission
160 North LaSalle Street
Suite C-800
Chicago, Illinois 60601-3104

Re: Expedited Petition of the Illinois Commerce Commission To Reset The Mandatory Expiration Date of its Temporary Waiver of 47 C.F.R. Section 52.19(c)(3)(ii) to Reflect the Exhaust of the 847 NPA, the First of the Five Area Codes in the Chicago Metropolitan Area to Reach Exhaust

Dear Mr. Mathias:

This letter addresses the Illinois Commerce Commission's (Illinois Commission or Petitioner) petition to extend its temporary waiver of Section 52.19(c)(3)(ii) of the Federal Communications Commission's (FCC) rules¹ for five numbering plan areas (NPAs or area codes) in the Chicago metropolitan area.² Petitioner requests that the FCC reset the expiration date of the waiver for a period not to exceed 18 months from the activation of the 224 overlay NPA, which will relieve the 847 NPA and is scheduled to be the first relief area code to be implemented in the Chicago metropolitan area. Subsequently, the Illinois Commission modified its petition and it now seeks a temporary waiver of our ten-digit dialing rule until March 31, 2002.³ As discussed below, we grant the petition by extending the waiver for an additional nine months.

¹ 47 C.F.R. § 52.19(c)(3)(ii). This rule provides: "No area code overlay may be implemented unless there exists, at the time of implementation, mandatory ten-digit dialing for every telephone call within and between all area codes in the geographic area covered by the overlay area code."

² Expedited Petition of the Illinois Commerce Commission To Reset The Mandatory Expiration Date of its Temporary Waiver of 47 C.F.R. Section 52.19(c)(3)(ii) to Reflect the Exhaust of the 847 NPA, the First of the Five Area Codes in the Chicago Metropolitan Area to Reach Exhaust, filed January 31, 2001.

³ Letter from Myra L. Karegianes, General Counsel, Illinois Commerce Commission, to Yog Varma, Deputy Bureau Chief, Common Carrier Bureau, dated March 30, 2001 (Karegianes Letter).

Petitioner's original request for waiver of the mandatory ten-digit dialing rule sought a delay in implementing ten-digit dialing in the Chicago metropolitan area until the last of four area code overlays was adopted in that area.⁴ On March 2, 2000, the FCC's Common Carrier Bureau (Bureau) granted the petition, allowing the Illinois Commission to delay implementing ten-digit dialing in all areas of metropolitan Chicago "where overlay area codes have been activated, until such time as the fourth area code overlay of the four planned overlays is activated, but **in no event later than April 1, 2001**" (emphasis added).⁵ The Bureau found at that time that the Illinois Commission needed time to conduct an efficient, one-time customer education campaign.⁶

In its January 31, 2001 petition, the Illinois Commission requests that the Bureau reset the expiration date of the previous waiver to take into account its successful delay of exhaust in the 847 NPA until the current calendar year. Petitioner asserts that the April 1, 2001 deadline was based on a projected exhaust date of the first quarter of 2000 for the 847 NPA, and that the deadline granted it a little more than an 18-month delay from the time of its original waiver request. The Bureau noted in the Waiver Order that it was essentially "granting the Illinois Commission more than an eighteen-month delay, from the time of filing, approaching the original period for exhaust projected in the Waiver Petition."⁷

Petitioner's amended request for a one-year extension of its waiver of the mandatory ten-digit dialing rule requires the same showing of "good cause" as the original waiver request.⁸ In the Waiver Order, we articulated three factors that, if found, would favor granting a temporary delay of the mandatory ten-digit dialing rule: (1) insufficient time to adjust telecommunications networks for the change to ten-digit dialing; (2) insufficient time to educate customers to the change in dialing patterns; and (3) conditions relating to geographic uniformity in the areas affected that weighed in favor of a temporary delay.⁹

We have carefully considered Petitioner's arguments in support of its request, and find sufficient good cause to grant an additional limited waiver of the mandatory ten-digit dialing rule. Although Petitioner has not asserted, nor do we find, that carriers need additional time to make changes to their networks to accommodate ten-digit dialing, we do find that customer education regarding the change in dialing patterns that will occur once ten-digit dialing is established has not yet begun. As discussed below, the

⁴ See Petition of the Illinois Commerce Commission for Expedited Temporary Waiver of 47 CFR Section 52.19(c)(3)(ii), filed August 10, 1999.

⁵ *In the Matter of Illinois Commerce Commission Petition for Expedited Temporary Waiver of 47 CFR Section 52.19(c)(3)(ii)*, Order (rel. March 2, 2000) (*Waiver Order*).

⁶ *Id.* at para. 14.

⁷ *Id.* at para. 14.

⁸ See 47 C.F.R. § 1.3; Karegianes Letter.

⁹ *Waiver Order* at para. 12.

additional nine months being granted herein should be more than sufficient time for Petitioner to educate consumers. Also, we acknowledge that dialing uniformity within the Chicago metropolitan area continues to be a desirable goal that weighs in favor of extending the waiver.

We note that the Bureau's original waiver was intended to provide the Illinois Commission with sufficient time to educate consumers and to mitigate inconvenience and confusion among callers in the Chicago metropolitan area that might have resulted from different dialing patterns. Nevertheless, it was never intended as an open-ended waiver of the mandatory ten-digit dialing rule, to which all state commissions choosing relief in the form of an area code overlay are subject.¹⁰ The Illinois Commission, in an effort to address our concerns with an open-ended waiver of the ten-digit dialing rule, has amended its petition and now seeks a waiver until a date certain.¹¹

We find that compliance with the ten-digit dialing rule is necessary to further the FCC's national numbering administration and numbering resource optimization goals. We therefore grant Petitioner's request to extend the waiver, but only for a period of nine months beginning April 6, 2001 and ending January 7, 2002. In recognition of the waiver previously granted to the Illinois Commission, a further extension of up to nine months should be more than sufficient time to educate consumers and mitigate inconvenience and confusion among callers in the Chicago metropolitan area. If an area code overlay is implemented before January 7, 2002, ten-digit dialing may be delayed until that time. After January 7, 2002, ten-digit dialing must commence in any overlay and underlay area codes in existence or later implemented in accordance with the Commission's rules.

We commend the Illinois Commission's success in implementing number resource optimization strategies in the Chicago metropolitan area, thereby extending the life of the 847 NPA. We emphasize, however, the importance of timely area code relief, to ensure that all carriers have access to the numbering resources they need to provide service to their customers. Despite the success of thousands-block number pooling in the Chicago metropolitan area, carriers that cannot participate in pooling may soon be foreclosed from implementing or expanding their service offerings if additional numbering resources are not made available to them. The North American Numbering Plan Administrator has informed us that as of March 23, 2001, there remains available for assignment to carriers only one NXX code in the 847 area code, while six other NXX codes are in various stages of possible reclamation.¹² Thus, the 847 area code is now close to complete

¹⁰ *Id.* at para. 14.

¹¹ *See* Karegianes Letter.

¹² E-mail from Brent Struthers, Director, Regulatory Matters, NeuStar, Inc., to Yog Varma, Deputy Bureau Chief, Common Carrier Bureau, dated March 23, 2001.

exhaust at the NXX level. We therefore strongly urge the Illinois Commission to implement area code relief in the Chicago metropolitan area as soon as possible.

Sincerely,

Dorothy Attwood
Chief, Common Carrier Bureau

cc: Thomas R. Stanton, Illinois Commerce Commission