|  |  |  |
| --- | --- | --- |
|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** |  |

|  |  |
| --- | --- |
|  | Public Meeting held January 19, 2017 |
| Commissioners Present: |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Gladys M. Brown, Chairman | | | |  | |
| Andrew G. Place, Vice Chairman | | | |  | |
| John F. Coleman, Jr. | |  |
| Robert F. Powelson | |  |
| David W. Sweet | |  |
|  | |  |
| Petition for Approval of Numbering Plan | P-2015-2510230 | | | |
| Area Relief Planning for the 717 NPA |  | | | |

**ORDER**

**BY THE COMMISSION:**

Before the Commission is a Petition for Reconsideration (Petition) that was filed on behalf of the Pennsylvania telecommunications industry on November 14, 2016, requesting reconsideration of certain parts of the Commission’s Order entered October 27, 2016, at the above-captioned docket, relating to the implementation of timely area code relief for the 717 Numbering Plan Area (or area code) (*October 27th Order*). No responses to the Petition were filed. We are now addressing the merits of the Petition. Accordingly, via this Order, the Commission will modify the implementation schedule for the all-services distributed overlay that is to be implemented over the 717 area code.

**Background**

The entirety of the history of area code relief for the 717 area code has been set forth in the *October 27th Order*. Thus, we will not provide an extensive history herein. In summary fashion, the April NRUF (Number Resource Utilization Forecast) and NPA Exhaust Analysis April 2015 Update (2015 NRUF Report) indicated that the 717 NPA was set to exhaust during the third quarter of 2018. Based upon this projected exhaust date, NANPA notified the Commission and the Industry on July 7, 2015, that NPA relief needed to be addressed. The Industry met via conference call on September 15, 2015, to discuss various relief alternatives. Pursuant to the NPA Relief Planning Guidelines, NANPA distributed an Initial Planning Document (IPD) to the Industry prior to the relief planning meeting. The IPD contained descriptions, maps, general facts and assumptions, and the projected lives of an all-services distributed overlay relief alternative, referred to in the IPD as Alternative #1, and one two-way geographic split alternative, referred to as Alternative #2.

During the relief planning meeting, the Industry members evaluated the two relief alternatives, described more fully below:

* Alternative #1 – All Services Distributed Overlay: A new NPA code would be assigned to the same geographic area as the existing 717 NPA. Alternative #1 has a projected life of sixty-seven (67) years.
* Alternative #2 – Two-Way Geographic Split: In a two-way geographic split, the exhausting NPA is split into two geographic areas and a new NPA is assigned to one of the areas formed by the split. For Alternative #2, the proposed split boundary line runs along rate center boundaries in a west-to-east direction. The boundary line runs north of Dry Run, Chambersburg, Fayetteville, Biglerville, York Springs, Dillsburg, Dover, Manchester, Elizabethville, Manheim, Lititz, Ephrata and Denver. The northern portion, referred to in the IPD as Area A, would have a projected NPA life of seventy-one (71) years to exhaust and the southern portion, Area B, would have a projected NPA life of sixty-two (62) years to exhaust.

At the September 15th meeting, the participants discussed the attributes of the relief alternatives and reached consensus to recommend to the Commission Alternative #1, the all services distributed overlay plan, as the preferred method of relief for the 717 NPA. All existing customers would retain the 717 area code and would not have to change their telephone numbers. Consistent with FCC regulations, the relief plan would require ten-digit dialing for all calls within and between the 717 NPA and the new NPA. The industry recommends that all local and toll calls between the 717 NPA and the new NPA be dialed as 10-digits, or permissively as 1+10 digits at each service provider’s discretion. All local and toll calls originating in the 717 NPA or the new NPA and terminating in other NPAs (NPAs other than the 717 or new NPA) must be dialed as 1+10 digits. Operator services calls would require customers to dial 0+10 digits. The following table illustrates the recommended dialing plan:

|  |  |  |
| --- | --- | --- |
| **Type of Call** | **Call Terminating in** | **Dialing Plan** |
| Local & Toll Calls | Overlay Home NPAs  (HNPA) | 10 digits (NPA-NXX-XXXX)\* |
| Local & Toll Calls | Foreign NPA (FNPA)  outside of overlay | 1+10 digits (1+NPA-NXX-XXXX) |
| Operator Services  (Credit card, collect, third party) | HNPA or FNPA | 0+10 digits (0+NPA-NXX-XXXX) |

\*1+10 digit dialing for all HNPA and FNPA calls permissible at each service provider’s discretion.

When the 717 NPA completely exhausts, all Central Office (CO) code assignments will be made from the new overlay area code. Industry participants also reached consensus to recommend to the Commission a thirteen-month schedule for implementation of the overlay. The recommended schedule was as follows:

**Recommended Implementation Schedule for All Services Distributed Overlay**

|  |  |
| --- | --- |
| **EVENT** | **TIMEFRAME** |
| Network Preparation Period | 6 months |
| Permissive 10-Digit Dialing and Customer Education Period  *(Calls within 717 NPA can be dialed using 7 or 10 digits)*  Mandatory dialing begins at the end of the Permissive Dialing Period | 6 months |
| First Code Activation after end of Permissive Dialing Period  *(Effective date for codes from the new NPA)* | 1 month (after Mandatory  Dialing Date) |
| Total Implementation Interval | 13 months |

The Industry stated that adhering to the proposed timeframe would avoid the denial or delay of service to telecommunications providers’ customers due to the unavailability of CO codes.

On October 23, 2015, Neustar, Inc., in its role as the neutral third party NPA

Relief Planner for Pennsylvania, and acting on behalf of the Pennsylvania industry, filed a petition with the Commission requesting approval of the industry’s consensus recommendation to implement an all-services distributed overlay for the geographic area covered by the 717 NPA. However, by Order entered March 10, 2016, at Docket No.

P-2015-2510230, the Commission suspended taking action on the industry’s

October 23, 2015 Petition pending its request for the submission of any written comments from interested parties residing in the geographic region covered by the 717 area code on the relief plan in the proceeding and the scheduling of a public input hearing so that oral

testimony related to the form of relief for the 717 area code could be received. The Commission conducted a “smart” public input hearing on August 9, 2016.

By an Order entered October 27, 2016, the Commission adopted the industry’s recommendation to implement an all-services distributed overlay for the 717 area code.[[1]](#footnote-1) In that same Order, however, the Commission established a nine-month implementation schedule for the all-service distributed overlay instead of the proposed thirteen-month implementation schedule. Hence, the implementation schedule for the new overlay code for the 717 area code is a follows:

|  |  |
| --- | --- |
| **Event** | **Time Frame** |
| Network Preparation Period | No later than March 1, 2017 at 12:01 AM EST |
| Permissive 10-Digit Dialing and Customer Education Period  *(Calls within 717 NPA can be dialed using 7 or 10 digits)* However mandatory ten-digit dialing period begins with first code activation | 3 months prior to exhaust |
| First Code Activation after end of Permissive Dialing Period | 1 month prior to exhaust |
| Total Implementation Interval | 9 months |

**Petition for Reconsideration**

On November 14, 2016, a Petition for Reconsideration was filed by Joint Industry Members[[2]](#footnote-2). In the Petition, the Joint Industry Members request specific alterations to the implementation so as to “avoid unintended anti-consumer consequences such as implementation errors and customer confusion.” Petition at 1. The Joint Industry Members state that, instead of adopting uncertain trigger dates of “one month” or “three months” to exhaust, the Commission should set specific dates proposed by the industry for permissive ten-digit dialing and the first code assignment from the new overlay NPA—dates that provide sufficient time for proper customer education, customer preparation for the dialing changes, and orderly implementation. *Id*. They assert that it is critical that the Commission allow the industry establish firm implementation dates now, rather than waiting until the 717 area code is only three months to exhaust, so that carriers have adequate lead time to get the necessary notifications out to customers in enough time that customers can react and adapt. Petition at 2.

Additionally, the Joint Industry Members state that the Commission should ensure that there is sufficient time for customers to be educated and make the necessary changes to accommodate the new overlay area code. *Id.* They assert that compressed and uncertain time frames risk customer confusion or inaction, and implementation errors. *Id*. They request the since the 717 NPA is set to exhaust the third quarter of 2017, the Commission should set an exhaust date of September 30, 2017, which they assert is consistent with the exhaust range provided by NANPA to the Commission. *Id*. They state that this would allow for an 11- month implementation interval, as opposed to a nine-month implementation interval, and which is more aligned with the industry’s recommendation of a 13-month implementation interval. *Id.*

Specifically, the Joint Industry Members propose the following implementation schedule for the 223 overlay code to the existing 717 area code:

|  |  |
| --- | --- |
| **Event** | **Time Frame** |
| Completion of Network Preparation Period | March 4, 2017 (Sat) |
| Start of Permissive 10-Digit Dialing and Customer Education Period *(Calls within 717 NPA can be dialed using7 or 10 digits)* | March 4, 2017 (Sat) |
| End of the Permissive Dialing Period and start of Mandatory 10-digit dialing | August 26, 2017 (Tues) |
| First Code Activation after end of Permissive Dialing Period | September 26, 2017 (Tues) |
| Total Implementation Interval | 11 months |

By an Order entered December 8, 2016, at the above-captioned docket, the Commission granted reconsideration, within the meaning of Pa. R.A.P. Rule 1701(b)(3), pending review of, and consideration on, the merits of the Petition.[[3]](#footnote-3) The Commission is now addressing the merits of the Petition via this Order.

**Discussion**

The Public Utility Code (Code) establishes a party’s right to seek relief following the issuance of our final decisions pursuant to Subsections 703(f) and (g), 66 Pa. C.S. § 703(f) and (g), relating to rehearings, as well as the rescission and amendment of orders. Such requests for relief must also be consistent with Section 5.572 of our Regulations, 52 Pa. Code § 5.572, relating to petitions for relief following the issuance of a final decision. The standards for granting a Petition for Reconsideration were set forth in *Duick v. Pennsylvania Gas and Water Company*, 1982 Pa. PUC Lexis 4, \*12-13 (1982):

A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsyl­vania Railroad Company case, wherein it was said that: “[p]arties . . . , cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them . . .” What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considera­tions which appear to have been overlooked or not addressed by the Commission. Furthermore, the Commission has held that a Petition for Clarification must meet the same standard as a Petition for Reconsideration. *See Petition of PECE Energy Company for Approval of its Revised POR Program*, Docket No. P-2009-2143607 (Opinion and Order issued August 10, 2010).

In considering this Petition, we are reminded that we are not required to consider expressly or at great length each and every contention raised by a party to our proceedings. [University of Pennsyl­vania v. Pa. Public Utility Commission, 485 A.2d 1217 (Pa. Cmwlth. 1984).](http://www.puc.pa.gov/AppData/Local/Microsoft/Windows/research/buttonTFLink) Any argument that is not specifically addressed herein shall be deemed to have been duly considered and denied without further discussion.

Since the industry has raised some legitimate concerns, these are new and novel arguments and, accordingly, we shall exercise our discretion to reconsider our prior determination on this issue.

The FCC regulations at 47 CFR § 52.19(a) state that state commissions may resolve matters involving the introduction of new area codes within their states, which includes establishing the necessary dates for the implementation of relief plans. In the instant Petition, the Joint Industry Members assert that the Commission should modify the current implementation schedule in order to establish specific dates for permissive ten-digit dialing, mandatory ten-digit dialing and for the first code activation from the new overlay NPA rather than utilize “uncertain” trigger dates as currently set forth in the implementation schedule. Additionally, the Joint Industry Members also request that the Commission modify the current nine-month implementation schedule established in the *October 27th Order* for the 223 overlay area to an eleven-month implementation schedule for the new overlay NPA.

Specifically, the industry has requested the Commission to adopt the following modifications to the current implementation schedule for the 223 overlay code:

|  |  |
| --- | --- |
| **Event** | **Time Frame** |
| Completion of Network Preparation Period | March 4, 2017 (Sat) |
| Start of Permissive 10-Digit Dialing and Customer Education Period *(Calls within 717 NPA can be dialed using7 or 10 digits)* | March 4, 2017 (Sat) |
| End of the Permissive Dialing Period and start of Mandatory 10-digit dialing | August 26, 2017 (Tues) |
| First Code Activation after end of Permissive Dialing Period | September 26, 2017 (Tues) |
| Total Implementation Interval | 11 months |

Neustar has projected the exhaust date for the 717 NPA as the third quarter (3Q) of 2017. Thus, the 717 area code is projected to exhaust its remaining supply of NXX codes some period of time between July 1, 2017, and September 30, 2017, which encompasses the entire 3Q of 2017. Accordingly, out of an abundance of caution and so as to prevent customer confusion regarding the introduction and implementation of the 223 area code ensure adequate consumer education regarding the overlay code, the Commission determines that is in the public interest to revise the timeframe set forth in the *October 27th Order* so that consumers are not adversely impacted.

The Commission is revising the implementation schedule of the new overlay NPA in this fashion accordingly in the following manner. We direct that all network preparation for the implementation of the new overlay be completed no later than

March 4, 2017, at 12:01 a.m. (EST).[[4]](#footnote-4) We believe that this timeframe is sufficient for telecommunications carriers to prepare their individual networks for the new overlay area code.

Per FCC regulations, ten-digit dialing becomes mandatory to dial all numbers in the overlaid geographic area when the overlay code is implemented. Although local calling areas remain the same despite the dialing pattern utilized. Thus, with the implementation of the new 223 overlay area code, seven-digit dialing is no longer permissible or valid and the dialing plan will be as follows:

|  |  |  |
| --- | --- | --- |
| **Dialing Plan for the All Services Distributed Overlay for the 717 NPA** | | |
| **Type of Call** | **Call Terminating in** | **Dialing Plan** |
| Local & Toll Calls | Overlay Home NPAs (HNPA) | 10 digits (NPA-NXX-XXXX)\* |
| Local & Toll Calls | Foreign NPA (FNPA) outside of overlay | 1+10 digits (1+NPA-NXX-XXXX) |
| Operator Services Credit card, collect, third party | HNPA or FNPA | 0+10 digits (0+NPA-NXX-XXXX) |

\*1+10 digit dialing for all HNPA and FNPA calls permissible at each service provider’s discretion

However, there is an adjustment period commonly known as a permissive dialing period that precedes the mandatory ten-dialing pattern for the overlay code. The permissive dialing period allows customers to reach numbers in the area that is to be overlaid by either dialing the area code plus the number (ten-digit dialing) or the old way by dialing the seven-digit number.[[5]](#footnote-5) The Commission agrees with the Joint Industry Members that a six-month permissive dialing/customer education interval is the minimum period of time necessary for customers who are accustomed to dialing seven digits for local calls to adapt to dialing ten digits for all calls. Moreover, the six-month permissive dialing interval will provide additional time for alarm companies make any required modifications to customer premises equipment (CPE); PBX customers to prepare for and make equipment and data base changes; and for consumers to reprogram other types of equipment such as life safety systems and medical monitoring devices. Accordingly, the Commission directs that the permissive dialing period commence on March 4, 2017, so that the telecommunications industry can start customer education programs for the 223 overlay NPA, including the fact that when the new overlay area code is finally activated mandatory ten-digit dialing is required in order to complete all calls, meaning dialing the area code and the seven-digit number for local calls and long-distance calls.

The Commission acknowledges that ten-digit dialing has become more prevalent nationwide and overlays, with mandatory ten-digit dialing, have been implemented in southeastern, central, and western Pennsylvania. Thus, we determine that the start of mandatory ten-digit dialing may occur prior to activation or the actual assignment of a NXX code from the 223 overlay NPA. Thus, the start of the mandatory ten-digit dialing will commence August 26, 2017.

Notwithstanding, we direct Neustar not to activate the new overlay NPA or assign any NXX or central office codes from the new overlay before September 26, 2017. The NANPA will comply with this directive and will continue to honor NXX code requests for NXXs in the existing NPA in accordance with the previously-adopted jeopardy procedures for as long as numbering resources are available and the carrier’s numbering resources request does not exceed the remaining numbering resources in the 717 area code. Concomitantly, we continue to direct NANPA to provide the Commission with monthly updates on the projected exhaust date of the 717 NPA and on the number of remaining NXX codes in the 717 area code so that the Commission can ensure that no NXX code holders in Pennsylvania, including nonpooling carriers, will have non-discriminatory access to numbers when needed to meet customer demand.

##### Conclusion

For the foregoing reasons, the Commission reconsiders its October 27, 2016 Order establishing the implementation schedule for the 223 overlay code to the existing 717 area code; **THEREFORE,**

**IT IS ORDERED:**

1. That the Joint Industry Petition for Reconsideration is hereby granted and the implementation schedule for the relief plan set forth the October 27, 2016 Order is rescinded and modified consistent with the body of this Order.

2. That an all-services distributed overlay shall be implemented over the 717 area code.

3.  That all NXX code holders in Pennsylvania are directed to complete all network preparation to their systems that is necessary to implement the new overlay NPA over the existing 717 NPA no later than March 4, 2017.

4.  That from the entry date of this Order, the North American Numbering Plan Administrator shall continue to provide this Commission with monthly updates and provide information on its website on the projected exhaust date of the 717 NPA so that all NXX code holders in Pennsylvania, including nonpooling carriers, can determine how to request numbering resources to meet customer demand. Time to exhaust in months shall be calculated and based on actual carrier demand for numbers. The monthly updates to the Commission shall be addressed to Ms. Deborah Sagerer, Bureau of Technical Utility Services.

  5.  That all NXX code holders in Pennsylvania shall commence their permissive dialing period and customer education program for the 223 overlay code on March 4, 2017.

6. That the permissive dialing period shall for the 223 overlay code set forth in Ordering Paragraph No. 5 shall end and mandatory ten-digit dialing shall commence on August 26, 2017.

7.  That the NANPA shall not activate the 223 overlay NPA until September 26, 2107, and shall not assign any NXX or central office codes from the 223 overlay to be effective prior to September 26, 2017.

8. A copy of this order shall be published in the *Pennsylvania Bulletin* and also posted on the Commission’s website at <http://www.puc.pa.gov/>.

9. That a copy of this Order shall be served on the Office of Consumer Advocate, the Office of Small Business Advocate and Wayne Milby and Beth Sprague of the North American Numbering Plan Administrator.

**BY THE COMMISSION**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: January 19, 2017

ORDER ENTERED: January 19, 2017

1. By a press release dated November 8, 2016, Neustar, announced that “223,” has been assigned as the overlay area code to the existing 717 area code that serves the South Central area of Pennsylvania, including the cities of Harrisburg, Lancaster, Lebanon, York and Gettysburg. [↑](#footnote-ref-1)
2. Verizon Pennsylvania LLC, MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services and Cellco Partnership d/b/a Verizon Wireless (collectively, “Verizon”); AT&T Corp. and Teleport Communications America, LLC (collectively, “AT&T”); T-Mobile Northeast LLC, T‑Mobile Central LLC and Voicestream of Pittsburgh, L.P. (collectively, “T-Mobile”); Sprint Communications Company L.P. and Sprint Spectrum L.P. (collectively, “Sprint”); The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink (CenturyLink); and Windstream D&E, Inc., Windstream D&E Systems, LLC and US LEC Pennsylvania, LLC (collectively, “Windstream”) (collectively referred to hereinafter as “Joint Industry Members”). [↑](#footnote-ref-2)
3. Pursuant to Rule 1701 of the Pennsylvania Rules of Appellate Procedure, Pa. R.A.P. Rule 1701, the Commission must act to grant a petition for reconsideration within thirty days of the date of entry of the order for which reconsideration is sought, or otherwise lose jurisdiction to do so if a petition for review is timely filed. The thirty‑day period within which the Commission had to act upon the Petition for Reconsideration in order to preserve jurisdiction ended on December 14, 2016. [↑](#footnote-ref-3)
4. Network preparation includes but is not limited to ensuring that the telecommunications company equipment allows for ten-digit dialing as FCC regulations direct that an overlay code requires ten-digit dialing for all calls within the 717 NPA and the new NPA and all calls between the 717 NPA and the new NPA. [↑](#footnote-ref-4)
5. During the permissive period, customers are encouraged to make calls using ten-digits. At the end of the permissive period, the mandatory dialing period commences and all calls must be made using the area code plus the seven-digit number (ten-digit dialing). If only the seven-digit number is dialed at this time, the customer will reach a recorded announcement stating they must hang up and redial the number using the area code plus the seven-digit number. This recording will be available permanently. [↑](#footnote-ref-5)