

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20054**

IN THE MATTER OF)
)
IDAHO PUBLIC UTILITIES COMMISSION) **CC Docket No.**
)
PETITION FOR DECLARATORY RULING)
for the Release of New Area Codes to Provide)
Relief for the 208 Numbering Plan Area)
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_____)

The Idaho Public Utilities Commission (IPUC) hereby requests the Federal Communications Commission (Commission) to place Idaho in the second quarter of the Thousand-Block Number Pooling Rollout Schedule, or in the alternative, to direct the North American Numbering Plan Administrator (NANPA or NeuStar) to release two new area codes to provide relief for the 208 numbering plan area (NPA).

BACKGROUND

Although Idaho is the thirteenth largest state geographically, it has a relatively small population of approximately 1.3 million people and to this date, only one area code. Of the 792 prefixes (7.9 million telephone numbers) available for assignment in Idaho’s 208 NPA, approximately 610 were in use as of January 1, 2002. Within those 610 prefixes, just 2.14 million (37%) of the telephone numbers were assigned.

In Order No. 28902¹ (the “208 Relief Order”), the IPUC determined that Idaho does not need a new area code if the requisite tools (e.g., number pooling) are made available to the

¹ *In the Matter of the Petition of the North American Numbering Plan Administrator for the Approval of Numbering Plan Area Relief for the 208 Area Code*, Case No. GNR-T-00-36, Order No. 28902 (December 5, 2001). This Order is attached.

IPUC so that it can conserve existing telephone numbers before the projected exhaust date. In the event that Idaho is not permitted to timely optimize its existing telephone numbers, the IPUC approved an area code relief plan for the 208 NPA resulting in a three-way geographic split.² The three resulting NPAs have projected lives of 13, 17 and 40 years, a difference greater than 10 years.

On December 17, 2001, NeuStar notified the IPUC that its request for two new NPA relief codes consistent with the 208 Relief Order was denied.³ NeuStar based its denial on the fact that the 208 Relief Order did not meet NPA Code Relief Planning Guidelines, which state that imbalances in the projected lives of proposed NPAs “greater than 10 years shall be avoided.”⁴ The IPUC carefully considered the industry guidelines in its 208 Relief Order, but for the reasons discussed below, could not “avoid” a projected life of one requested code being greater than 10 years. The justification given for NeuStar’s denial is insufficient to overcome the sound policy and legal bases for the issuance of the codes as requested by the IPUC. Consequently, the IPUC asks that the Commission direct the release of the new relief NPA codes for the 208 NPA.

ARGUMENT IN SUPPORT OF PETITION

A. The IPUC Is Aggressively Pursuing Several Number Conservation Measures

1. Number Reclamation: Because number reclamation may postpone the exhaust of the 208 area code, the IPUC and its Staff gave notice to the Administrator on October 4, 2001 that it seeks to assume reclamation authority. As a result of IPUC Staff efforts, 18 prefixes have been voluntarily returned thus far by two telecommunications providers that had not used their

² *Id.* at 12-16.

³ NeuStar’s letter is attached.

⁴ NPA Code Relief Planning Guidelines at § 5.0(g).

prefixes within their respective six-month periods. Furthermore, 12 prefixes will soon become available that were previously protected from use.

2. Rate Center Consolidation: By consolidating rate centers, carriers are able to serve larger areas with fewer prefixes and thus reduce the need for numbers. Although rate center consolidation may not postpone exhaust of the 208 area code on its own, it is a foundation that defines the effectiveness of other number conservation efforts. In the case of number pooling, numbers will be pooled for use by other carriers *within* a rate center.⁵

The IPUC recently authorized rate center consolidation of 37 Qwest Idaho exchanges with approximately 345 prefixes into 8 consolidated rate groups.⁶ Qwest serves approximately 70% of the wireline customers in Idaho and has local number portability.

3. Thousand Block Number Pooling: Idaho's number conservation efforts address the number efficiency goals that underlie the NPA guidelines. Idaho's 208 area code is forecasted to exhaust in the third quarter of 2003. According to the Commission's proposed schedule, thousand-block pooling will reach the Boise City Metropolitan Statistical Area (MSA)⁷ in the fourth quarter of implementation, or March 2003. According to current target dates, pooling will currently reach Idaho two months after mandatory dialing of the new NPAs would begin. To avoid this result and delay exhaust of the 208 NPA, the IPUC petitioned the Commission on November 6, 2001 and requested that the Boise City MSA be moved ahead to the second quarter in its proposed Thousand-Block Pooling Rollout Schedule. If approved, pooling Boise's telephone numbers will surely extend the life of the 208 NPA.

⁵ *Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at 7581, ¶ 117 (March 31, 2000).

⁶ *In the Matter of the Investigation into Rate Center Consolidation for Qwest Corporation in Southern Idaho to Conserve Available NXX Codes*, Case No. USW-T-99-21, Order No. 28943 (February 1, 2002).

Number pooling has been very successful in other states. Maine - which like Idaho has a single NPA and a regional carrier serving 85% of its wirelines – has thus far extended its “207” NPA by more than three years since it implemented number pooling in June 2000. The NPA exhaust projections of Illinois’ “847,” New Hampshire’s “603,” and Nebraska’s “402” were also extended by at least 3 years when number pooling was instituted in their respective NPAs. Idaho deserves a similar opportunity and the IPUC urges the Commission to rule favorably on our request to move the Boise City MSA ahead in its pooling schedule. Doing so would enable Idaho to forestall implementation of a new area code in Idaho.

Idaho is diligently using the conservation tools it has available, but needs the Commission to implement number pooling in Idaho in the second quarter to prevent the exhaust of 208. This decision will dramatically prolong the life of the 208 NPA and give the citizens of Idaho what they want most: continuation of 208 as Idaho’s only area code.

B. The Choice of Relief Plans Is a Local Decision

According to the NPA Relief Planning Guidelines, the choice of relief plans is a local decision to be made in this instance by the IPUC.⁸ As the Commission has noted, “state commissions are uniquely positioned to determine when, and in what form, to implement area code relief.”⁹ Unfortunately, the industry guidelines do not take into account customer input nor do they allow state commissions the flexibility to consider matters beyond those guidelines. The Commission recognized that it “must rely on state commissions to make area code relief decisions because of their unique position to ascertain and weigh the very local and granular

⁷ The Boise City MSA is the only MSA within Idaho and is predominantly served by Qwest Corporation.

⁸ NPA Relief Planning and Notification Guidelines at § 5(d).

⁹ *In re Florida Public Service Com’n Petition for Expedited Decision for Release of New Area Code to Provide Relief for 561 Numbering Plan Area*, 16 F.C.C.R. 15,860, 16 FCC Rcd. 15,860, CC Docket No. 96-98, NSD File No. L-01-21 (August 28, 2001).

information inherent in area code relief decision making.”¹⁰ As such, we believe that the Commission and NANPA should give greater weight to our evidentiary process in determining area code relief.

The IPUC’s 208 Relief Order was based on a full public proceeding with extensive input from individual consumers, local governments and other local civic bodies, as well as the industry. In forming the basis of its 208 Relief Order, the IPUC reviewed more than 300 written public comments and four petitions with nearly 100 signatures. The IPUC also conducted four public hearings throughout Idaho in which 25 individuals testified. Seven witnesses specifically requested a three-way split. One public witness, State Representative Don Pischner, stated that Idaho’s rapid growth rate, regional geography and three hubs of commerce support this type of relief plan.¹¹ In contrast, the industry overlay proposal did not fully balance the interests of the wide range of constituencies affected by an area code split. Indeed, overwhelming public testimony and comment urged the IPUC to reject the overlay proposal.

In balancing the interests of industry and consumers, the IPUC approved the three-way geographic split for several reasons. It became obvious to the IPUC in the course of public comment and testimony that considerable support existed for a three-way split. Our split recognizes the three regions that naturally comprise the state of Idaho and is consequently a relief plan that customers can easily relate to. The IPUC also selected a three-way split because it achieves area code relief that will last longer than the eight or ten years found in a two-way

¹⁰ FCC 00-429, *In the Matter of Numbering Resource Optimization Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, CC Docket Nos. 96-98 and 99-200, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200. (December 29, 2000), Paragraph 59.

¹¹ IPUC Case No. GNR-T-00-36, Tr. at 29.

split. This is consistent with the public's desire for area code stability and a comprehensive solution to Idaho's "number shortage." In the event that additional area code relief is necessary, future relief plans can be limited in scope to just the area that will likely need it – southwestern Idaho.

This geographical division preserves local calling areas and follows Idaho's natural geographic regions, population, and communities of interest. The northern "panhandle" area of Idaho extends from the Canadian border south to include the Grangeville and Elk City rate centers. Most of these exchanges were aligned with the Spokane LATA¹² or the then GTE Northern Idaho market area. LATAs were to encompass contiguous local exchange areas possessing common social, economic and cultural interests. As northern Idaho's inclusion in the Spokane LATA recognized, our northern region possesses common interests separate from the rest of the state. Unlike southern Idaho, the northern area is predominantly in the Pacific Time Zone. The largest city in northern Idaho, Coeur d'Alene, is nearly 400 miles from Boise but only 33 miles from Spokane, Washington. Moreover, northern Idaho has a different climate and is separated from southern Idaho by several mountain ranges that are often difficult to travel in the winter. Due to this mountainous terrain, northern Idaho's economy is predominantly dependent on mining, recreation, and forest products.

¹² A LATA (local access and transport area) is a geographic area designated by the United States District Court in the Modification of Final Judgment in the divestiture of AT&T and the Bell Operating Companies (BOCs). The LATAs were created to facilitate the division of assets between AT&T and the BOCs, and to mark the boundaries within which the BOCs could transport calls. These areas were to usually no more than one statistical metropolitan area and to be located in only one state. *United States, v. American Tel. & Tel. Co.*, 552 F.Supp. 131, 229 (1982) aff'd sub nom, *Maryland v. United States*, 460 U.S. 1001 (1983). As approved by the Court, all of the U S WEST (now known as Qwest) exchanges south of the Salmon River are included in a single LATA, called the Idaho LATA. A statewide exemption was permitted for eight exchanges served by U S WEST in north Idaho, which is included in the Spokane LATA.

The southwestern region encompasses the White Bird rate center south to the Nevada border and includes the Treasure Valley, Lowman, and the Glens Ferry rate centers. This region contains the Boise MSA, which has experienced significant population and business growth in the past decade. Boise acts as the regional hub where Treasure Valley residents converge for their educational, shopping, and business needs. Most telephone customers (90%) in the southwest region have local calling within or into the Treasure Valley calling area. This represents approximately 40% of Idaho's telephone customers. The IPUC found it prudent to limit the size of this fast-growing NPA, thus extending its projected exhaust date and minimizing the number of communities that will have to undergo area code relief in the future.

The third distinct area is southeastern Idaho and includes the Salmon, Stanley, Twin Falls, Burley, Idaho Falls, and Pocatello rate centers. Southeastern Idaho, extending to the Montana, Wyoming and Utah borders, has two major local calling areas that surround the greater Magic Valley (Twin Falls) and Pocatello/Idaho Falls areas respectively. Together, these calling areas roughly balance those contained in the southwestern region and represent approximately 30% of Idaho's telephone customers. Most telephone customers (85%) in the southeastern region have local calling within or into the Magic Valley or Pocatello/Idaho Falls calling areas. The cities of Idaho Falls and Pocatello serve as the regional hubs for southeastern Idaho. Because these cities are more than 235 miles and four and half hours from Boise, they naturally form a separate socioeconomic region.

Even though the IPUC's three-way split relief plan does not strictly conform to the industry guideline provision concerning lifetime disparities of the three regions, it substantially complies with the NPA Relief Planning Guidelines as a whole. It also creates long-lasting relief,

which is one of the primary objectives of a relief plan.¹³ The IPUC's conclusion, narrowly tailored to meet the specific conditions of Idaho, should take precedence over a generic policy developed on a national basis without regard to local circumstances.

C. Idaho's Special Circumstances Justify Deviation From Industry Guidelines of Avoiding Lines Greater Than 10 Years

Idaho is not the first state to ask the Commission to be flexible in its application of industry guidelines. In 1998 the Commission's Common Carrier Bureau approved Missouri's "314" NPA two-way relief plan even though it violated the industry's numbering guidelines requiring imbalances of greater than 15¹⁴ years to be avoided.¹⁵ The Commission appeared most concerned that Missouri's relief plan would create an early exhaust in less than five years without conservation measures yet approved the plan anyway.¹⁶ Despite the perceived imbalance found in our three-way split, our earliest exhaust is not projected to occur for 13 years. Moreover, the Commission recently directed the NANPA to release an area code to relieve Florida's "561" NPA, even though Florida's relief plan¹⁷ had a difference in NPA lifetimes of nearly 20 years and barely met the industry guideline that relief options cover a period of at least 5 years.¹⁸ In sum, we believe that special circumstances exist in Idaho, as they did in Missouri and Florida, which justify deviation from NPA Relief Planning Guidelines.

¹³ NPA Relief Planning and Notification Guidelines at § 2.4.

¹⁴ The latest version of the NPA Relief Planning and Notification Guidelines released on July 2, 2001 reduces the allowable NPA lifetime imbalances from 15 years to 10 years.

¹⁵ *In re Missouri Public Utility Commission Request for Relief for 314 Numbering Plan Area*, December 29, 1998, 17 FCC Daily Dig. 249, 1998 WL 902588. This can be located online at www.fcc.gov/Bureaus/Common_Carrier/Orders/1998/da982636.txt.

¹⁶ *Id.*

¹⁷ Florida's requested geographic split had projected area exhausts of 24.6 and 5.05 years.

¹⁸ *In re Florida Public Service Com'n Petition for Expedited Decision for Release of New Area Code to Provide*

CONCLUSION

For the foregoing reasons, the IPUC respectfully urges the Commission to direct the NANPA to release two new NPA codes for the State of Idaho consistent with the 208 Relief Order.

Respectively submitted this _____ day of February 2002.

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Relief for 561 Numbering Plan Area, 16 F.C.C.R. 15,860, 16 FCC Rcd. 15,860, CC Docket No. 96-98, NSD File No. L-01-21 (August 28, 2001).