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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF THE)
NORTH AMERICAN NUMBERING PLAN) **CASE NO. GNR-T-00-36**
ADMINISTRATOR FOR THE APPROVAL OF)
NUMBERING PLAN AREA RELIEF FOR THE) **COMMENTS OF THE**
208 AREA CODE.) **COMMISSION STAFF**
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COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Lisa D. Nordstrom, Deputy Attorney General, submits the following comments in response to the Notice of Application and Notice of Modified Procedure, Order No. 28819, issued on August 23, 2001.

On October 27, 2000, a Petition for telephone area code relief was filed by NeuStar, Inc., the North American Numbering Plan Administrator (Administrator, NANPA). The NANPA is appointed by the Federal Communications Commission (FCC) to manage and administer the use of telephone area codes. In its Petition, the Administrator projected that Idaho's "208" area code would run out of telephone numbers (i.e., "exhaust") in the first quarter of 2003. In May 2001, NeuStar updated its projection to indicate that the supply of telephone numbers for the "208" area code will exhaust during the third quarter of 2003. The Administrator's Petition represents that it was filed on its own behalf and that of "the Idaho Telecommunications Industry"

(Industry), which the Petition states “is composed of current and prospective telecommunications carriers operating in, or considering operations within, the state of Idaho.”

In Order No. 28819, the Commission requested comments on a technology-specific overlay, an option not presented in the Petition, as well as two preferred options to implement a geographic split of area codes in the event a technology-specific overlay is found to be infeasible or undesirable. Staff has considered the options and discusses their respective advantages and disadvantages below.

All-Services Overlay

Although the Commission has preliminarily removed this option from consideration, several aspects of the all-services overlay are worth discussing. First, the all-services overlay allows all existing customers to keep their area code, thereby removing the need to make changes to stationary, advertising, and possibly reprogramming customer premises equipment (CPE). Second, numbers are allocated to regions of the state as the demand occurs. This removes the guesswork from future demand projections associated with a geographic split. Finally, once an all-services overlay has been established, future area code additions and the public education necessary to implement them will be significantly easier because split options will not need to be revisited.

However, an all-services overlay is similar to a technology-specific overlay in that it would require all customers to dial ten digits for local calls. As this issue is largely one of minimizing inconvenience, public sentiment appears to value the preservation of seven-digit dialing for local calls. Also, if the FCC requires ten-digit dialing at some point in Idaho's future, it would still be possible for the Commission to remove split boundaries and implement an all-services overlay at that time.

Technology-Specific Overlay

A technology-specific overlay assigns numbers from a new area code to certain technologies such as wireless and paging. This type of overlay would allow existing wireline customers to extend their use of "208" by diverting a portion of the demand for numbers in that area code. This option may be popular among those customers who feel it is easier or useful to identify certain technologies with a particular area code.

However, Staff has several concerns regarding the technology-specific overlay. First, the FCC currently prohibits this type of area code relief. The FCC has repeatedly stated that:

... numbering administration should promote entry into the communications marketplace by making resources available on an efficient and timely basis, should not unduly favor or disadvantage a particular industry segment or group of consumers, and should not unduly favor one technology over another.¹

The FCC also found technology-specific overlays "would be unreasonably discriminatory and would unduly inhibit competition."² A technology-specific overlay may place certain technologies at a competitive disadvantage because their customers would bear the cost and inconvenience of having to change over to the new area code.

If the ban on technology-specific overlays is not lifted soon, the Administrator will not release an area code to Idaho. This may cause Idaho to pursue legal action with the FCC, defend legal action initiated by the wireless industry, and possibly delay the choice of another relief alternative. While the FCC has expressed its willingness to reconsider and accept comments on this matter, it is Staff's impression that the FCC is only contemplating a transitional technology-specific overlay when it states:

We focus, in particular, upon proposals to permit state commissions to implement service- or technology-specific overlays on a "phased-in," or transitional basis, subject to certain conditions.³

A transitional technology-specific overlay suggests a temporary solution with an eventual move to an all-services overlay. The Commission would need to make additional decisions regarding 1) how to treat existing wireless customers, 2) which technologies would be required to use the new area code, and 3) what dialing patterns will be required during this transition to an all-services overlay.

¹ 47 C.F.R. § 52.9(a)(1)-(3).

² Second Report and Order, CC Docket No. 99-200, FCC 00-249, para. 124.

³ Second Report and Order, CC Docket No. 99-200, FCC 00-249, para. 130.

Specifically, the FCC appears to contemplate allowing *existing* wireless customers, for example, to retain the "208" area code when it states:

Because one of the Commission's principle concerns about the competitive effect of technology specific overlays has centered on "take backs" of numbers from existing customers of carriers assigned to the technology-specific overlay, we tentatively conclude that transitional technology-specific overlays may not include mandatory "take backs" and may only be implemented on a prospective basis.⁴

Thus, it would not be possible to associate a certain technology with a certain area code under those conditions.

The FCC also appears to contemplate a ten-digit dialing requirement for technology-specific overlays when it states:

In addition, we seek comment on whether and how our mandatory ten-digit dialing rule should apply in the context of transitional technology specific overlays. Normally, ten-digit dialing is triggered when an overlay is established, *i.e.*, consumers dial ten digits for all local calls in an area with an overlay area code.⁵ ... We are concerned about the potential competitive impacts that would result from a waiver of the ten-digit dialing requirement.⁶

Finally, Staff is concerned that a transitional technology-specific overlay may not be the most effective use of numbering resources. As Idaho pursues number conservation efforts such as number pooling, it is clear that the effectiveness of pooling is determined largely by having as many participants in a single pool as possible. By restricting certain technologies to one area code, the amount of pooling in that area code is limited to those customers. Therefore, the numbering resources of the technology-specific area code and the wireline area code may be used inefficiently.

Geographic Split Options

Geographically dividing the state into two area codes does provide some advantages. Specifically, a geographic split would preserve seven-digit dialing for local calls and would continue the association of one area code per geographic region. Staff believes that in light of

⁴ Second Report and Order, CC Docket No. 99-200, FCC 00-249, para. 134.

⁵ Second Report and Order, CC Docket No. 99-200, FCC 00-249, para. 137.

⁶ Second Report and Order, CC Docket No. 99-200, FCC 00-249, para. 138.

public sentiment against ten-digit dialing, the geographic split is preferable to an all-services overlay or a technology-specific overlay.

However, a geographic split would require a portion of existing Idaho telephone customers to change their area code. For those customers, this geographic split would require them to notify friends and relatives of the new area code, make changes to stationary and advertising, and possibly reprogram CPE. Also, the projected lives of the area codes on either side of the split are simply projections that may or may not follow actual growth in future telephone number demand.

Staff agrees with the Commission's decision to eliminate several of the geographic split options for the reasons stated in Order No. 28819. Options #3 and #4 produce projected area code lives that are unbalanced and would require a third area code in Idaho sooner than necessary. Options #5, #6 and #7 would disrupt existing local calling routes such as Tipanuk to Boise and Midvale to Weiser. Option #8, splitting the state into three area codes, would also disrupt local calling areas such as Lowman to Boise and may result in more confusion than simply dividing the state into two regions. Also, using an extra area code in Idaho may not be the best use of this limited national resource.

Of the remaining Options #1 and #2, both provide relatively balanced exhaust projections and do not, at this time, disrupt local calling areas. However, when future area codes are required in southwest Idaho, Option #1 would give the Commission more area to work with in devising another split option. Also, according to Staff's estimates, Option #1 would split the state's population, and therefore the number of people affected by a split, approximately in half.⁷ Therefore, Staff recommends that the Commission adopt Option #1 for implementing a new area code in Idaho. Under Option #1, the projected life of southwest Idaho's area code (8 years) is shorter than the rest of the state's after the split (13 years). Therefore, Staff believes the Commission should follow federal guidelines⁸ and assign area code 208 to southwest Idaho.

⁷ Idaho Department of Commerce. <http://www.idoc.state.id.us>

⁸ NPA Relief Guidelines at § 5(f).

Public Education

Regardless of which area code relief method is chosen by the Commission, Staff believes that a great deal of public education will be required to make the transition as smooth as possible. Staff suggests implementing a combination of educational approaches such as bill-stuffers, press releases, public announcements, and perhaps even workshops in such places as schools, businesses, retirement facilities and community centers. In general, a "successful" transition will require a commitment to extensive public outreach.

Respectively submitted this day of September 2001.

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