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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATER OF THE PETITION OF THE)	CASE NO. GNR-T-00-36
NORTH AMERICAN NUMBERING PLAN)	
ADMINISTRATOR FOR THE APPROVAL OF)	PETITION FOR
NUMBERING PLAN AREA RELIEF FOR THE)	RECONSIDERATION
<u>208 AREA CODE</u>)	BY VERIZON WIRELESS

PETITION FOR RECONSIDERATION

BY VERIZON WIRELESS

Verizon Wireless, by and through its attorneys, Givens Pursley LLP, submits this Petition for Reconsideration (“Petition”) in response to the Idaho Public Utilities Commission's (“Commission”) December 5, 2001, Order (Order No. 28902). The Commission ordered implementation of a three-way geographic split. Verizon Wireless strongly supports overlays as the best form of relief for exhausting area codes. However, if the Commission chooses to implement a geographic split, especially one not previously raised in the Notice, it should first allow the telecommunications industry the opportunity to review and analyze any proposed split options, in consultation with Commission staff and Neustar. In addition, other interested parties, which may not have been present at the particular hearing where the three-way split was formulated or discussed, should have the

opportunity to comment. For many parties, the December 5th Order may be the first notice of the three-way split that will impact their home or business.

Remarkably, the Commission did not choose from the eight split alternatives considered and analyzed by the industry and other interested parties as part of the record of this proceeding. Instead, the Commission ordered an entirely new three-way split that was not the subject of the Notice in this proceeding and has not afforded sufficient opportunity for comment by the industry or other interested parties. Any geographic split should properly take into account the NPA relief guidelines, the location of most carriers' subscribers, and overarching conservation goals. The proposed three-way split runs afoul of the NPA relief guidelines and may unnecessarily cause the consumption of an extra area code. The Commission should give the industry an opportunity to fully consider the implications of this three-way split or other potential alternatives that may achieve the desired ends without consuming an additional area code. Moreover, the Commission failed to address Verizon Wireless' request for extended permissive dialing for wireless consumers coincident with selection of a geographic split.

Verizon Wireless appreciates the Commission's decision to proceed with area code relief, which recognizes that conservation is not a substitute for relief. With respect to the form of area code relief, the Commission should order an all-services overlay. In the alternative, implementation of a geographic split should not proceed without input from the telecommunications industry and authorization of extended permissive dialing for wireless consumers.

I. THE COMMISSION SHOULD RECONSIDER ITS DECISION TO ORDER A GEOGRAPHIC SPLIT INSTEAD OF AN ALL-SERVICES OVERLAY

Verizon Wireless again urges the Commission to adopt the overlay method of relief. The Commission's Order acknowledged strong support for an overlay by the telecommunications industry, businesses and some consumers and that this support was based on "several desirable attributes."¹ Verizon Wireless' comments explained the attributes of overlays in great detail, attributes recognized by the FCC and by several states that have ordered overlays recently.² The Commission's decision seems to be based solely on some consumers' preference for a split.³ The record, especially as described in the Commission's Order, does not provide sufficient factual support and legal justification for ordering the three-way split.

II. IF THE COMMISSION ORDERS A GEOGRAPHIC SPLIT, IT SHOULD GRANT AN EXTENDED PERMISSIVE DIALING PERIOD FOR WIRELESS CARRIERS AND ADOPT A PLAN THAT COMPLIES WITH THE FCC'S AREA CODE RELIEF GUIDELINES

A. Extended Permissive Dialing

Although the Commission acknowledged Verizon Wireless' request for an extended permissive dialing period to accommodate handset reprogramming upon implementation of a geographic split in the summary of industry comments, it did not address the proposal in the findings section of the Order. While the Commission

¹ Order, December 5, 2001, Order No. 28902, Case No. GNR-T-00-36, at 11.

² See Verizon Wireless Comments at 2-5.

³ The Commission indicated that consumers wish to avoid ten-digit dialing. However, Verizon Wireless' comments stated that the incidence of ten-digit dialing cannot truly be avoided even with implementation of a split. As the state is carved into distinct areas, especially for a three-way split, callers will need to dial ten digits frequently to reach family, friends, and businesses across the split boundaries. *Id.* at 4-5.

expressly denied wireless grandfathering, it did not grant or deny extended permissive dialing for wireless consumers.

Geographic splits have a disproportionately negative impact on wireless customers and carriers because of the need to reprogram wireless handsets with the customer's new telephone number. Wireless carriers need to reprogram customers' handsets during a condensed time period between the start of permissive dialing and the start of mandatory dialing. Carriers need time to educate customers about the need to reprogram their phones and to motivate them to take necessary action before the mandatory dialing date. Some customers will be inconvenienced by this process, which may require them to bring their handset to a service center and communicating with service representatives to reprogram their phones. Due to this unique and disproportionate burden, the Commission should provide an extended permissive dialing period for wireless carriers when ordering a geographic split. A number of other states have authorized extended permissive dialing periods when ordering geographic splits, including New York, North Carolina, and Michigan.⁴

B. Geographic Split Alternatives

The telecommunications industry supported implementation of an all-services overlay as the appropriate form of relief for the 208 NPA. The industry considered and rejected several geographic split alternatives, but did not specifically consider a three-way split. The industry does not typically propose three-way splits because of the negative impact of contributing to the premature exhaust of the North American Numbering Plan ("NANP"). One important consideration in development of a three-way split is whether it unnecessarily invokes use of scarce numbering resources where use of

⁴ See *Opinion and Order*, MPSC Case No. U-12588, dated February 22, 2001; See *Opinion and Order*, MPSC Case No. U-12588, dated April 17, 2001.

one new NPA and the associated NXX codes would suffice. This is especially true in Idaho where a normal two-way split will provide ample numbering resources for many years, even without implementation of various conservation measures like thousands-block number pooling. Implementation of conservation measures, including pooling, would extend the life of area codes even more. The Commission's Order did not provide any analysis or consideration of the impact of a three-way split on the NANP, but rather seemed focused on consumer preferences.

The Commission has ordered a three-way split without affording an opportunity for the industry to review the plan and provide input in consultation with the Commission staff and Neustar.⁵ The Commission should not finalize any relief plans without allowing the industry to consider relevant factors in a coordinated manner to minimize the number of customers affected by the split, maximize the life of the new NPAs, adhere to the area code relief guidelines, protect local calling scopes, preserve communities of interest as much as possible, and preserve the NANP for all consumers. The Commission's order violates applicable statutory and procedural rule requirements. It has not substantial record to support it. Further, it deprives all parties of due process by failing to allow presentation of evidence and cross-examination.

If the three-way split is retained, the boundaries should be changed to achieve more balanced relief. The ordered boundaries run afoul of the area code relief guidelines which require that the projected exhaust dates of the three regions must be balanced; in fact, the dates are severely imbalanced.⁶ The Commission explicitly recognized that

⁵ Previously, the Commission narrowed the eight split alternatives considered by the industry to two options. Verizon Wireless stated that fewer of its customers will face the inconvenience of reprogramming if split option two is adopted and area A is allowed to retain the 208 area code.

⁶ NPA Code Relief Planning & Notification Guidelines at § 5(h).

NANPA may reject a relief plan in this situation.⁷ Instead of inviting an adverse response from NANPA, which the FCC will have to resolve (resulting in undue delay), the Commission should allow the industry the opportunity to propose an acceptable split alternative.

CONCLUSION

The Commission should reconsider its decision and order an all-services overlay for the 208 NPA. If, however, a geographic split is retained, wireless carriers should be granted an extended permissive dialing period to facilitate reprogramming wireless customers' handsets. Furthermore, the Commission should solicit the input of the telecommunications industry before authorizing a three-way split and should reach a final determination on a split that offers balanced relief and does not unnecessarily consume an extra area code.

Respectfully submitted this 21st day of December, 2001.

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⁷ Order at 14. See www.NANPA.com to review a copy of NANPA's denial letter to the Idaho Commission regarding the three-way split.

CERTIFICATE OF SERVICE

I hereby certify that I have on this 21st day of December, 2001, served the foregoing Comments of Verizon Wireless upon all parties of record in this proceeding by mailing a copy thereof properly addressed with postage prepaid to:

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