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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 )	COMMENTS
NUMBERING PLAN AREA RELIEF FOR THE )	BY VERIZON WIRELESS
<u>208 AREA CODE )</u>	

**COMMENTS BY VERIZON WIRELESS**

Verizon Wireless, by and through its attorneys, Givens Pursley LLP, submits these comments in response to the Idaho Public Utilities Commission's ("Commission") August 23, 2001, Notice of Modified Procedure Notice of Comment Deadline (Order No. 28819). The Commission's Notice requested comment on several relief and conservation options for the 208 NPA.

The Commission requested comment on whether to implement a geographic split, an all-services overlay, or a technology-specific overlay ("TSO").<sup>1</sup> The Commission preliminarily found that TSOs may offer the most benefits for the least costs to the public. Verizon Wireless strongly supports the all-services overlay recommended by the industry and urges the Commission to reject the TSO and geographic split options. As

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<sup>1</sup> Verizon Wireless requests that the Commission conduct a hearing before finalizing any decision to adopt a TSO or a geographic split. If the Commission decides to adopt the industry-recommended all-services overlay, Verizon Wireless does not request a hearing.

the FCC has determined repeatedly, TSOs are inherently discriminatory and anti-competitive. If a geographic split is adopted, Verizon Wireless requests that the Commission provide an extended permissive dialing period for wireless carriers to enable reprogramming of customers' handsets.

Verizon Wireless agrees with the Commission that number conservation tools like reclamation can play a critical role in extending the life of NPAs. However, as the Commission's Notice recognized, conservation is not substitute for area code relief. Conservation and relief measures should be used in tandem to ensure that carriers and customers have access to numbers when needed.

#### **THE COMMISSION SHOULD ORDER AN ALL-SERVICES OVERLAY**

Verizon Wireless urges the Commission to take another look at the overlay method of relief. Several states have ordered overlays recently. The Michigan Commission ordered an overlay for the 248 NPA stating, "...research indicates that overlays have become much more accepted throughout the country over the last few years. As of February 2001, nearly 75% of the pending area code relief plans approved by state commissions have been in the form of overlays."<sup>2</sup> Just this month, the Michigan Commission again ordered an overlay to cover both the 734 and 313 NPAs. According to the Michigan Commission, support for the overlay "was based largely on the fact that overlays: (1) are easier, and thus substantially faster, to implement than geographic splits, (2) require no customers to change their current telephone numbers, (3) avoid dividing communities of interest into progressively smaller areas, (4) make it significantly easier to provide future area code relief through application of additional overlays, if needed,

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<sup>2</sup> See *Opinion and Order*, MPSC Case No. U-12721, at pp. 10-11.

and (5) provide more flexibility when implementing number conservation.”<sup>3</sup> Similarly, the New Jersey Board of Public Utilities ordered an overlay for the 201, 973 and 732 NPAs earlier this year and North Carolina, Georgia, Maryland and Alabama have also adopted overlays.

The FCC recently considered the relative advantages and disadvantages of geographic splits and overlays.<sup>4</sup> Among the disadvantages recognized by the FCC of geographic splits when compared to overlays are:

- (1) the fact that approximately half of the subscribers in the existing NPA must bear substantial costs associated with changing to a new NPA, which for wireless customers means reprogramming handsets;
- (2) the difficulty of forecasting growth versus non-growth areas accurately, thereby increasing the likelihood of premature exhaust. Overlays allow use of the new numbering resource throughout the entire geographic area covered by the old NPA, allowing resources to follow demand throughout an area receiving relief. As a result, the consequences associated with inaccurate growth forecasts may be reduced. With an overlay there is no need to draw a boundary and to guess at growth projections;<sup>5</sup>
- (3) splits can often create dialing confusion by requiring customers to use one dialing pattern for some calls (seven digits) and another dialing pattern for others (ten digits).<sup>6</sup>

Overlays are the least disruptive method of relief because they do not force number changes, can be implemented quickly, and are the most cost effective form of relief. Verizon Wireless believes that overlays have become an accepted form of relief for states because of these factors:

1. *Overlays spare customers forced number changes.* Thousands of residents and businesses would be forced to change phone numbers under a geographic split, with

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<sup>3</sup> See *Opinion and Order*, MPSC Case Nos. U-12743 and U-12880, dated September 7, 2001.

<sup>4</sup> Numbering Resource Optimization, *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*, released December 29, 2000 at ¶¶ 62-70 (“Second NRO Order”).

<sup>5</sup> *Id.* at ¶66.

businesses and residents incurring significant costs to repaint vehicles, make new signs, reprint business cards and letterhead, and update records; to reprogram telephones, fax machines, rolodexes and computer equipment; and, to notify friends, family and associates of their number change. The disproportionate burden of geographic splits on Verizon Wireless' customers, due to the need to reprogram wireless handsets, is discussed in more detail in Section IV of these comments.

2. *Overlays allow more flexibility to assign resources once number conservation measures are adopted.* An overlay will provide Idaho with flexibility in the future when conservation measures free up numbering resources. With an overlay in place, number conservation measures, such as code reclamation and thousands block number pooling can, in effect, work retroactively. Freed-up numbers can be utilized throughout the state. If a geographic split is implemented, however, customers who have had their area code changed will no longer have access to any 208 numbers that conservation measure may release. Once a split is implemented, there is no going back. Conservation measures used in conjunction with the overlay could yield a longer life for Idaho NPAs. On this point, the Michigan Commission noted that ordering an overlay over a large area increased the opportunity for customers who are assigned numbers in the overlaid area code to switch back to a subsequently freed-up number. If a split is implemented, customers who have had their area code changed will no longer have access to previously held numbers that reclamation and pooling efforts might ultimately make available for use.<sup>7</sup>

3. *Any burden associated with a dialing change can be minimized.* Although an overlay requires ten-digit dialing, a split would not avoid this circumstance. The

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<sup>6</sup> *Id.* at ¶ 63.

perceived advantage of geographic splits in avoiding 10-digit dialing is often illusory. As communities of interest are further splintered with successive splits, the frequency of 10-digit dialing increases as the universe of numbers dialable with seven digits shrinks further. Moreover, speed dialing, automatic dialing, and customer education efforts can ease the transition to ten-digit dialing. Ten-digit dialing already is becoming routine for many wireline and wireless customers throughout the country. For example, the Maryland Commission ordered 10 digit dialing in 1995 concluding, “ ...it is clear that unforeseen proliferation of telephonic equipment and services utilizing telephone numbers makes seven-digit dialing an objective that cannot be maintained into the future...Under any split option, the number of 10-digit local calls will greatly increase as seven-digit dialing can only be retained for those local calls within the same area code.”<sup>8</sup>

4. *Any future relief can be added easily once an overlay is implemented.*

With an all-services overlay already in place, the Commission can add new numbers as necessary without splitting communities, drawing difficult boundaries, or holding additional proceedings. A geographic split, on the other hand, would require more proceedings, a permissive dialing period and more customer disruption when additional relief is needed.

#### **TSOs ARE DISCRIMINATORY AND DO NOT PROMOTE EFFICIENT USE OF NUMBERING RESOURCES**

As the Commission acknowledges, TSOs are prohibited by the FCC.<sup>9</sup> TSOs are infirm on competitive, number efficiency and customer welfare grounds. There is no need or justification to depart from the FCC’s well justified *Ameritech* precedent. Absent

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<sup>7</sup> See *Opinion and Order*, MPSC Case Nos. U-12743 and U-12880 at 8, dated September 7, 2001.

<sup>8</sup> See *In the Matter of the Inquiry into the Merits of Alternative Plans for New Telephone Area Codes in Maryland*, *Order No. 72274*, Case No. 8705, November 22, 1995.

further direction from the FCC, states are not authorized to consider TSOs as a valid relief method.

The wireless industry has opposed TSOs because they involve taking back telephone numbers from wireless consumers, dialing disparities, and permanent segregation of wireless consumers into certain NPAs. Take-backs would be severely anti-competitive<sup>10</sup> and extremely burdensome for Verizon Wireless and its customers due to the need to reprogram number changes directly into customers' handsets.

Moreover, TSOs are inefficient and counterproductive because the proliferation of wireless-only area codes would not allow all carriers to share NXX codes or thousands blocks. Number utilization will be optimized by sharing the underlying number supply across the maximum number of carriers and customers. If TSOs are implemented, codes reclaimed from wireless service providers would not be able to be used by wireline service providers and vice versa; Instead, when either class of carrier needed new codes, more technology-specific codes would need to be opened. In this manner, permanent segregation into a technology-specific overlay would undermine the objective of maximizing number conservation. The end result would be implementation of more area codes than necessary – which will also work against the critical policy objective of preserving the NANP.

It is unclear if a permanent technology-specific overlay will actually provide any benefits. There are now many tools to improve the efficiency of number assignment and utilization (fill rates, utilization reporting, auditing) – which will ensure that area codes are implemented only when needed to meet the demands of customers.

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<sup>9</sup> See *Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois*, 10 FCC Rcd 4596 (1995) (“*Ameritech Order*”).

<sup>10</sup> *Id.*

**IF THE COMMISSION ORDERS A GEOGRAPHIC SPLIT,  
THE COMMISSION SHOULD GRANT AN  
EXTENDED PERMISSIVE DIALING PERIOD FOR WIRELESS CARRIERS**

Geographic splits have a disproportionately negative impact on wireless customers and carriers. That burden results from the need to reprogram wireless handsets with the customer's new telephone number because, unlike wireline telephone numbers, the telephone number of each cellular phone customer is programmed or coded into the customer's individual phone. The telephone number in each Verizon Wireless handset uniquely identifies that handset to the wireless network for purposes of call registration, set-up, routing, and billing. The assigned number cannot be changed at the switch, but rather must be done for each individual handset. The disproportionate burden is exacerbated by need to reprogram Verizon Wireless customers' handsets during a condensed time period between the start of permissive dialing and the start of mandatory dialing. Some customers must incur significant personal costs from reading Verizon Wireless' notices, taking carrier telephone calls, traveling to service centers, or communicating with service representatives to reprogram their phones.

The Commission should consider factors such as the number of wireless customers affected and the location of wireless customers when considering geographic split boundaries and should seek to minimize consumer and carrier burden. Currently, the Commission has narrowed the eight split alternatives considered by the industry to options one and two. More of Verizon Wireless' customers would need to have their handsets reprogrammed if the Commission orders split option one. Fewer of Verizon Wireless' customers will face this inconvenience if split option two is adopted and area A is allowed to retain the 208 area code.

Regardless of the boundary determination, if a geographic split is adopted, the Commission should authorize an extended permissive dialing period to provide sufficient time for carriers to reprogram their customers' phones. While certain classes of wireline customers may have to reprogram autodialers, facsimile machines, computers, burglar alarms, and other devices, all Verizon Wireless subscribers subject to the split would need to have their phones reprogrammed in order to continue receiving cellular service. As noted above, this can entail bringing phones into service outlets or retail stores for reprogramming.

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. 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.<sup>11</sup>

### **CONCLUSION**

The Commission should proceed with its determination of the optimal area code relief plan because the 208 NPA will exhaust in 2003. Specifically, the Commission should order an all-services overlay for the 208 NPA as it decides whether to request authority from the FCC to implement additional conservation measures. The Commission should reject the TSO option. If a geographic split is ordered, wireless carriers should be granted an extended permissive dialing period to facilitate reprogramming wireless customers' handsets. Consideration of prospective conservation methods should not serve to stall implementation of needed area code relief. In this

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<sup>11</sup> 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.

manner, the Commission can balance its obligation to relieve the 208 NPA with the need to achieve efficient number utilization, minimize customer disruption, and promote competition by ensuring a reliable source of numbers in the future.

Respectfully submitted this 14<sup>th</sup> day of September, 2001.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 14<sup>th</sup> day of September, 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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