



STATE OF NEW JERSEY
Board of Public Utilities
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**OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS**

IN THE MATTER OF THE PETITION OF NEUSTAR,) ORDER
INC. ON BEHALF OF THE NEW JERSEY)
TELECOMMUNICATIONS INDUSTRY FOR)
APPROVAL OF THE NPA RELIEF PLAN FOR THE 609)
NPA AND ELIMINATION OF PROTECTED CODES IN)
THE 856 NPA) DOCKET NO. TO13121166

Parties of Record:

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Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

BACKGROUND

On December 10, 2013, NeuStar, Inc. ("Neustar"),¹ the national administrator for the North American Numbering Plan Administration ("NANPA"),² filed a petition with the New Jersey Board of Public Utilities ("Board") requesting approval of an all-services distributed overlay method to provide area code relief for the 609 numbering plan area ("NPA") and to eliminate protected codes³ in the 856 and 609 NPAs. In that filing, the supply of central office codes was forecasted to be exhausted by the first quarter of 2016.

¹ Neustar, Inc. is a private Virginia-based company designated by the Federal Communications Commission as the third party manager of the North American Number Plan to manage telephone numbering resources.

² The NANPA performs area code relief planning in the U.S. and its territories and it is responsible for neutral administration of the North American Numbering Plan ("NANP"), dividing territories primarily in North America into calling areas based upon the use of numbering plan areas or area codes. The NANPA forecasts the exhaust date of geographic area codes and initiates the area code relief planning process. Three years prior to the exhaust date, the NANPA identifies alternatives, convening affected telecommunications service providers to review, decide, and recommend a method for area code relief. Once participants reach substantial agreement by consensus on a particular relief plan, the NANPA national administrator submits a petition for state authority approval.

³ A protected code is a central office code assigned in one NPA that is not available for assignment in an adjacent NPA in order to permit 7-digit dialing across the NPA boundary.

Earlier on September 26, 2013, Neustar had convened a conference call of telecommunications industry ("Industry")⁴ participants to discuss protected codes in the 609 and 856 NPAs and unanimous consensus was reached to address the protected codes simultaneously with the 609 NPA relief plan. A planning document was distributed to the Industry on relief alternatives, including the proposed all-services distributed overlay relief alternative and two geographic split alternatives. Neustar thereafter convened a second conference call of Industry participants to discuss the attributes of relief alternatives on October 29, 2013. Of the 21 conference call participants, including AT&T, Cablevision Lightpath, CenturyLink, Cricket Mobile, MetroPCS, NANPA, NeuStar, Peerless Network, Sprint, Verizon, Windstream and Staff with the Board of Public Utilities ("Staff"), substantial agreement occurred on area code relief planning issues and all participants reached consensus (the "Industry consensus") in recommending to the Board the proposed implementation of an all-services distributed overlay method for area code relief.

On October 20, 2016, NeuStar formally notified the Board of its forecasted third quarter of 2018 exhaustion date on 609 NPA numbering resources, revised from an earlier initial forecast of the fourth quarter of 2019. Neustar explained in its supplemental filing that it had accelerated the projected exhaust date since the number of assignable central office codes had fallen significantly when demand for 609 NPA numbering resources increased. By December 14, 2016, NeuStar submitted additional information to the Board supporting the new forecast, noting available central office codes had been reduced by 33 codes from the 58 cited in the initial petition to 25. Thus, only 25 assignable codes remain. There was no mention of a jeopardy declaration at that time.

AREA CODE RELIEF PROPOSALS

Following the initiation of the area code relief planning process by Neustar, Industry participants evaluated three relief alternatives, the proposed all-services distributed overlay alternatives and two geographic split alternatives during relief planning conferences.

The first alternative, an all-services distributed overlay relief alternative, allows for a new area code to be assigned to the same geographic area as the existing 609 NPA. Customers would retain their existing telephone numbers, however 10-digit local dialing would be required within the NPA and 1 plus 10-digit dialing between NPAs. This alternative would extend the projected life of the 609 NPA to 46 years. All Protected Codes would be eliminated and customers in the 856 NPA would retain 7-digit dialing within the 856 NPA. Calling between 609 and the newly assigned Area Code would be consistent with 10-digit dialing patterns, but local calls between communities which were connected via 7-digit dialing due to the protected codes across the 609/856 NPAs would now require dialing 1 + 10 digits.

The second and third proposals involve different geographic split alternatives. The second alternative, an east-to-west boundary line geographic split, proposes a split through the boundary lines along rate centers generally east to west, tracing the southern borders of Allentown, Mercerville and Trenton rate centers. This would result in areas north of the dividing line retaining the 609 Area Code and a new Area Code established in the Southern portion. The third alternative, a southern border geographic split, proposes establishing a new boundary tracing the southern border of Mount Holly, Fort Dix, and the New Egypt rate centers. While projected lives would be extended to 43 and 40 years respectively, implementation would be disruptive to residential and business customers forced to change telephone numbers,

⁴ The Industry is composed of current and prospective telecommunications carriers operating in, or considering operations within, the 609 and 856 Area Codes of New Jersey.

advertising materials, business cards, letterhead, and other materials. Both geographic split alternatives were considered and discussed during conferences, but ultimately rejected.

The all-services distributed overlay relief plan, devised by Industry consensus and submitted to the Board by Neustar, is proposed for approval as the least disruptive, most efficient relief plan. It does not require a redrawing of existing boundaries as would a geographic split. As described above, the all-services distributed overlay method of area code relief proposal would superimpose a new NPA over the same geographic area covered by the existing 609 NPA and not affect existing boundaries. All existing customers would retain the 609 area code and would not have to change their telephone numbers. The projected life of the NPA is 46 years.

To allow for sufficient time to implement the relief plan prior to numbering resource exhaustion and to fully address customer education needs, the Industry recommends that the Board approve a 15-month implementation schedule. The proposed 15-month implementation schedule requires: an initial 7-month period of network preparation and customer education; a second 7-month period of permissive 10-digit dialing and continued customer education (where calls within the 609 NPA can be dialed using 7 or 10 digits) followed by a mandatory dialing period beginning at the end of the permissive dialing period; and a 1-month period of First Code Activation to occur one month after the end of the permissive dialing period under the effective date for new NPA codes, reflected in the table below.

15-Month Implementation Schedule

EVENT	TIMEFRAME
Total Implementation Interval	15 months
Network Preparation and Customer Education Period	7 months
Permissive 10-Digit Dialing and Continued Customer Education Period (Calls within 609 NPA can be dialed using 7 or 10 digits); Mandatory dialing begins at the end of the Permissive Dialing Period	7 months
First Code Activation - 1 month after the end of Permissive dialing period (the new NPA code "effective date")	1 month (after Mandatory Dialing)

COMMENTS

On January 25, 2017, the Board issued a Notice of Public Hearing and Request for Comments on the area code relief plan alternatives. The notice was posted on the Board website and published in multiple newspapers of general circulation.⁵ Also on January 25, 2017, the Board issued two press releases, providing an overview of the Industry proposed all-services overlay method and providing a question and answer ("Q&A") format entitled "Frequently Asked Questions" to further inform the public and interested parties. In addition to giving notice of an

⁵ Newspaper advertisements were placed in the Asbury Park Press, Courier Post, Star-Ledger, Home News Tribune (My Central Jersey), Times of Trenton, Press of Atlantic City, Burlington County Times, Trentonian and Philadelphia Inquirer.

opportunity to provide oral comment at public hearing, the Board opened a written public comment period.

A public hearing was held in the affected centrally-located municipality of Trenton, New Jersey on February 23, 2017. The public hearing was attended by Board Staff and the Division of Rate Counsel ("Rate Counsel"). No member of the public attended.

The Board received a total of three written comments from the public on February 7, 2017. Two comments favored the overlay suggesting that the new area code be distinct from the existing 609 NPA to avoid confusion. The third comment expresses concern with the overlay method regarding 10-digit dialing to place a call in the immediate vicinity.

On February, 21, 2017, AT&T, Sprint Communications Company LP, T-Mobile and Verizon ("the carriers") submitted joint comments. The carriers urge the Board to approve an all-services distributed overlay for the existing 609 NPA. The carriers propose a 15-month implementation schedule, assuming a March 31, 2017 approval to eliminate protected central office codes in the 856 and 609 NPAs, including the maintenance of 7-digit dialing within the 856 NPA and the elimination of 7-digit dialing for inter-NPA calls between the 609 and 856 NPAs. According to the carriers, an all-services distributed overlay would provide more advantages than the geographic split alternatives. The carriers contend the overlay alternative would treat all 609 NPA customers equitably as opposed to a split forcing only some customers to change their area code. The overlay alternative would be least disruptive to customers, paving the way towards 10-digit dialing to ultimately minimize future area code exhaust situations. The overlay alternative would also avoid certain local number portability and other technical implementation problems associated with a split. The carriers support the Neustar proposal, arguing the overlay alternative has numerous advantages over any geographic split alternative, including equitable customer treatment, less customer disruption and fewer technical issues on implementation.

On February 24, 2017, the Division of Rate Counsel ("Rate Counsel") filed comments in support of an all-services distributed overlay method as an efficient and equitable approach to provide 609 NPA relief. Rate Counsel recommends carriers propose and subsequently implement timely consumer outreach and education plans to ensure transition to new dialing patterns with minimal disruption. Rate Counsel states a carefully planned, thorough outreach and consumer education occurring prior to and during permissive dialing, whereby each service provider managing numbers would be responsible for communicating with its customers regarding education and the need to possibly reprogram customer devices. Given most providers are experienced with prior distributed overlay implementation in other jurisdictions, Rate Counsel argues similar materials may be developed timely and suggests that the providers be polled on best practices and implementation for the transition period. Rate Counsel further recommends multi-lingual material, translation support, and outreach to vulnerable populations. Rate Counsel requests plan submissions within 90 days of an approval order with plans subject to review and approval by Board Staff and Rate Counsel prior to implementation. Lastly, Rate Counsel acknowledges that bill inserts are the most economical means to communicate with consumers where communications are done by means of hard-copy; therefore, at least one separate stand-alone notice should be required. However, for electronic billing customers, Rate Counsel recommends at least one separate and clearly marked email with pertinent information be sent at the beginning of the permissive dialing interval and again within 10 days of the end of permissive dialing. Rate Counsel additionally recommends requiring implementation of a permanent intercept reminding consumers dialing 7 digits to instead dial the full 10-digit number, which it avers will provide an enduring benefit to public safety.

The written comment period closed on February 27, 2017. No comments were received out of time.

DISCUSSION AND FINDINGS

Before addressing the area code relief planning proposal, comments, and issues, it is appropriate to briefly discuss the Board's jurisdiction in matters of telephone numbering. Pursuant to the Communication Act of 1934, 47 U.S.C. §151 et seq. (the "1934 Act"), Congress created a dual regulatory system preserving state jurisdiction with respect to intrastate telecommunications services. 47 U.S.C. §152(b). The 1934 Act created the Federal Communications Commission ("FCC") for the purpose of regulating interstate telecommunications so as to make available, so far as possible, to all people of the United States rapid and efficient telecommunications services at reasonable charges. 47 U.S.C. §151. In seeking to achieve this goal, Congress directed that the FCC be guided by principles that require the practices and services of carriers to be just and reasonable and to preclude carriers from unreasonably discriminating in their charges, practices, classifications or services.

Mindful of these responsibilities, the FCC declared that "a nationwide, uniform system of numbering is essential to the efficient delivery of interstate and international telecommunications services" and that "it is a practical and economic impossibility to separate NPA's for local use from NPAs for interstate use." I/M/O Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois (Ameritech), Declaratory Ruling and Order, FCC 95-19, IAD File No. 94-102 (January 23, 1995), ¶¶13-14. The FCC, however, also recognized that state regulatory commissions clearly have legitimate interests in the administration of the North American Numbering Plan ("NANP"). Accordingly, the FCC permits states to exercise regulatory supervision over the NANP as it affects intrastate telecommunications. While the FCC continues to monitor the administration of the NANP to assure that its goals are met, state numbering actions are subject to preemption if those actions are deemed to thwart federal regulatory goals. Ameritech, supra, ¶14. Thus, while the FCC declared that "a nationwide, uniform system of numbering is essential" and that it is a practical and economic impossibility to separate NPAs for local use from NPAs for interstate use", the FCC has delegated to the states authority to initiate, plan, and adopt area code relief plans.

Further, state public utility commissions may "resolve matters involving the introduction of new area codes within their states," including determining whether area code relief will take the form of a geographic split or an overlay method, establishing necessary dates for implementation of area code relief plans, and directing public education efforts regarding area code changes. 47 C.F.R. § 52.19(a).

Prior to entering findings and determinations on the method of area code relief, relief plan implementation and public education efforts, the Board provided adequate notice of an opportunity to submit public comments during a comment period. The Board has since carefully and thoroughly reviewed the relief proposals and the written comments submitted. The record establishes available numbering resources in the 609 area code have decreased and are projected to exhaust by the third quarter of 2018, therefore the Board **FINDS** that area code relief is required for the 609 NPA. After reviewing the all-services overlay method proposal by Neustar, as well as comments submitted by the industry participants, Rate Counsel and the public supporting the proposal, the Board has considered the merits of both the all-services overlay alternative and the two geographic split alternatives. While the overlay method requires 10-digit call dialing in the immediate vicinity, the Board notes that timely customer education efforts will resolve this issue. The Board, therefore, **FINDS** that an all-services distributed overlay is the most efficient, effective and least disruptive method of area code relief for the 609

area code due to equitable customer treatment within the NPA, less customer disruption, and fewer technical issues on implementation. The Board **FURTHER FINDS** that the elimination of protected codes in the 856 NPA will serve to release codes that otherwise would not be available for assignment in the existing area codes, further extending the future exhaust date of the 609 NPA and meeting industry-wide best practices of 10-digit dialing to minimize future area code exhaust situations.

The Board addresses the comment by Rate Counsel recommending implementation of a permanent intercept reminding consumers dialing 7 digits to instead dial the full 10-digit number as an enduring benefit to public safety. This record reflects revised dialing arrangements will not impact 911 calls or public safety, therefore the Board declines to implement a permanent intercept because public safety is not affected by revised dialing arrangements thus a permanent intercept would not be an enduring benefit. However, with regard to the consumer need to be reminded at the conclusion of permissive dialing that traditional 7-digit dialing is no longer available, the Board agrees with Rate Counsel that public education efforts, in part by intercept, are required. As consumers become familiar with the concept of new dialing patterns and acclimate to the new system within a reasonable period of time, the intercept will no longer be required. Accordingly, a defined term for the intercept period is appropriate. The Board therefore **DIRECTS** all State local exchange carriers to provide an intercept for the benefit of the public for a minimum of 12 months after the conclusion of permissive dialing.

With regard to customer education on 10-digit dialing, the NPA or area code will be assigned upon the effective date of an approval order. However, codes will not be activated until the end of the permissive dialing period. Neustar will therefore notify the industry at least 2 weeks in advance of code activation and convene an implementation meeting via conference call for industry participants to develop implementation interval dates for the start of permissive dialing, mandatory dialing, and the in-service date for the new NPA. During implementation, industry participants will address any ongoing customer education concerns associated with the all-services area code overlay method. The Board **DIRECTS** its Staff and the State local exchange carriers to participate in the development of all materials and provide input on technical parameters.

On customer education plans for area code relief, given the number of service providers with access to numbering resources, the Board declines to require that each carrier submit independent outreach and education plans for approval by Staff and Rate Counsel. A comprehensive education and outreach program would most benefit the public and establish a uniform procedure within which the industry must operate to facilitate this change. The Board notes all customer education plans must include specific provisions to educate those customers who utilize the State's telecommunications relay services for the hearing and speech impaired, senior citizens, and other disabled customers. The Board further **DIRECTS** its Staff to ensure appropriate targeted customer outreach and education materials, to accommodate the complexities associated with an area code change, are developed in conjunction with local exchange carriers and made timely available to the public.

The Board anticipates Neustar will publish a comprehensive planning letter, which will include interval dates on all customer education and technical issues, within three weeks following the next convened conference call among Industry participants consistent with the Industry Numbering Committee ("INC")⁶ NPA Code Relief Planning and Notification Guidelines. The

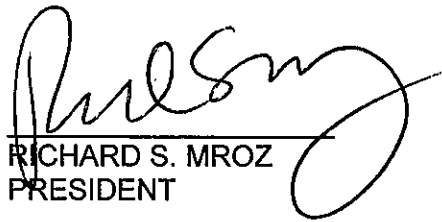
⁶ INC is a standing committee of the Alliance for Telecommunications Industry Solutions ("ATIS"), providing a forum to address issues with NANP numbering resources in a given area. The NPA Code Relief Planning & Notification Guidelines (ATIS-0300061:2016, Jan. 1, 2016) are used by the NANPA,

Board also anticipates the Industry, with Staff input, will develop a list of milestones for all customer education and technical issues and develop a standardized bill insert template. Press releases, the first before the start of permissive dialing and the second before the mandatory dialing date, as well as "special" letters sent to the Alarm Association, the directory printers, the Pay Phone providers and the State E-9-1-1 coordinator to advise its public safety answering points (the "PSAPs") will be disseminated. The Board **DIRECTS** its Staff and State local exchange carriers to convene with NeuStar to continue implementation of a 15-month schedule for the new NPA consistent with the educational and technical parameters outlined in this order. The Board thus **APPROVES** the proposed 15-month implementation schedule for network preparation, customer education and permissive dialing. However, given the scarcity of remaining central office codes (or "NXX" codes) in the 609 NPA, the Board **GRANTS** Staff authority to approve and modify changes to the schedule as needed to ensure the availability of central office codes until the 609 area code relief planning process has fully concluded.

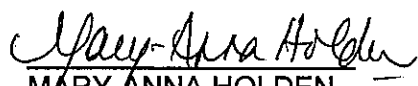
This Order shall become effective on May 1, 2017.


DATED: 4/21/17

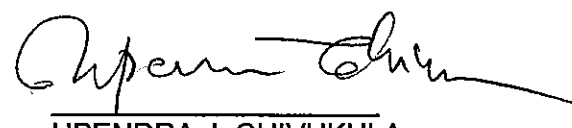
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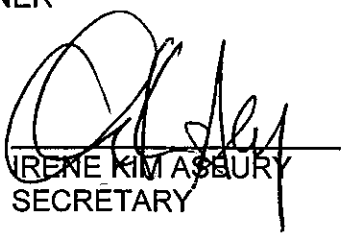

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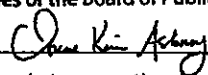

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IRENE KIM ASBURY
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



industry and state regulatory authorities to abide by the process, plan, implementation and execution of NPA relief.

SERVICE LIST

IN THE MATTER OF THE PETITION OF NEUSTAR, INC., ON BEHALF OF THE NEW
JERSEY TELECOMMUNICATIONS INDUSTRY, FOR APPROVAL OF NPA RELIEF PLAN
FOR THE 609 NPA AND ELIMINATION OF PROTECTED CODES IN THE 856 NPA

DOCKET NO. TO13121166

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