

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2019-00148

Ex Parte: In the matter of the Commission's
investigation into exhaust relief for the 540 area code

HEARING EXAMINER'S RULING FOR NOTICE AND HEARING

November 21, 2019

On September 9, 2019, the North American Numbering Plan Administrator ("NANPA"), as the neutral third-party numbering plan area ("NPA") relief planner for the Commonwealth of Virginia and on behalf of Virginia's telecommunications industry ("Industry"), filed an application ("Application") requesting that the State Corporation Commission ("Commission") approve the Industry's consensus recommendation for an all-services overlay as the form of relief for the 540 NPA or area code. NANPA represents that absent NPA relief, the supply of available telephone numbers in the 540 area code will be exhausted during the second quarter of 2022.

On October 3, 2019, the Commission entered an Order Assigning Hearing Examiner ("Docketing Order"). Among other things, the Docketing Order docketed the Application; appointed a Hearing Examiner to conduct further proceedings in this matter on behalf of the Commission; directed the Hearing Examiner to schedule hearings at appropriate places within the 540 area code to receive testimony from public witnesses; and provided an opportunity for interested persons to file written comments on the best method for implementing a new area code.

In accordance with the Docketing Order, I find it appropriate to enter a Ruling for Notice and Hearing. I also find it appropriate to provide an opportunity for interested persons and entities to participate in this matter as respondents by filing notices of participation. Although I will direct the Clerk of the Commission to send a copy of this Ruling for Notice and Hearing to all the persons and entities specified in the Docketing Order, including those identified on Appendices A, B, and C to the Docketing Order, and to the City of Covington,¹ copies of further Rulings or documents filed in this case, including my final Report, shall only be sent to counsel for NANPA and to persons electing to become respondents in this case. Documents filed in this docket are also available for viewing on the Commission's website: <http://www.scc.virginia.gov/case>.

Accordingly, **IT IS DIRECTED THAT:**

(1) Local hearings to receive public testimony on a plan of relief for the 540 NPA are hereby scheduled for 2:00 p.m. and 6:30 p.m. on March 3, 2020, in the Roanoke City Council

¹ On October 15, 2019, the City Attorney for Covington filed with the Clerk a request that the City of Covington be noticed and copied on any further legal proceedings. The City Attorney indicated that Covington is an affected local government in the 540 area code, but was not included as an affected locality in Appendix C to the Docketing Order.

Chambers, Noel C. Taylor Municipal Building, 215 Church Avenue, S.W., Room 450, Roanoke, Virginia 24011; 2:00 p.m. and 6:30 p.m. on March 4, 2020, in the Rockingham County Administration Center, Board of Supervisors Meeting Room, 20 E. Gay Street, Harrisonburg, Virginia 22802; 2:00 p.m. and 6:30 p.m. on March 5, 2020, in the Warren County General District Court, Courthouse Square, 1 East Main Street, Front Royal, Virginia 22630.

(2) A public hearing on the Application shall also be held on May 6, 2020, commencing at 10 a.m. in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, for the purpose of receiving any additional public witness testimony, evidence, and oral arguments concerning a relief plan for the 540 NPA.

(3) On or before December 31, 2019, the Commission's Division of Public Utility Regulation shall publish the following notice on one occasion as classified advertising with a display border in newspapers of general circulation within the existing 540 area code:

**VIRGINIA STATE CORPORATION COMMISSION NOTICE
OF PUBLIC HEARING ON THE APPROPRIATE MANNER
TO IMPLEMENT A NEW AREA CODE
IN THE EXISTING 540 AREA CODE
CASE NO. PUR-2019-00148**

The State Corporation Commission ("Commission") is inviting public comment and testimony regarding the best method for implementing a new area code in the current 540 area code. Pursuant to the authority delegated to it by the Federal Communications Commission, the Commission is authorized to determine the best method of addressing the depletion of telephone numbers within the 540 area code.

The Commission has been advised by the North American Numbering Plan Administrator ("NANPA"), a neutral third-party numbering plan area relief planner for the Commonwealth of Virginia, that the 540 area code will be exhausted during the second quarter of 2022 absent relief. NANPA requests that the Commission approve the consensus recommendation of the Virginia telecommunications industry, comprised of current and prospective telecommunications carriers operating or considering operations in the Virginia 540 area code, for an all-services overlay superimposing a new area code over the same geographic area covered by the existing 540 area code. NANPA's proposed relief plan would, however, require ten-digit dialing for all calls within and between the 540 area code and the new area code going forward once a phased-in implementation period is complete. Relief alternatives include an area code boundary elimination overlay with a neighboring area or a geographic split of the existing 540 area code in which part of the area would receive a new area code and part would retain the 540 area code.

The Commission appointed a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission. Thereafter, the Hearing Examiner entered a Ruling for Notice and Hearing that, among other things, scheduled local hearings at the following locations and times to receive public testimony on the best method for implementing a new area code:

March 3, 2020, at 2:00 p.m. and 6:30 p.m.
 Roanoke City Council Chambers
 Noel C. Taylor Municipal Building
 215 Church Avenue, S.W., Room 450,
 Roanoke, Virginia 24011

March 4, 2020, at 2:00 p.m. and 6:30 p.m.
 Rockingham County Administration Center
 Board of Supervisors Meeting Room
 20 E. Gay Street
 Harrisonburg, Virginia 22802

March 5, 2020, at 2:00 p.m. and 6:30 p.m.
 Warren County General District Court
 Courthouse Square
 1 East Main Street
 Front Royal, Virginia 22630.

Any person desiring to testify at one of the local public hearings should appear at one of the locations set forth above fifteen (15) minutes before the starting time of the hearing and contact the Commission's Bailiff.

The Ruling for Notice and Hearing also scheduled a public and evidentiary hearing to commence at 10 a.m. on May 6, 2020, in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive additional public witness testimony, evidence, and oral arguments concerning a relief plan for the 540 area code.

On or before April 29, 2020, any interested person may file written comments on the best method for implementing a new area code by submitting such comments to: Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Comments may be submitted electronically by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. Compact discs or any other form of

electronic storage medium may not be filed with the comments. All comments shall refer to Case No. PUR-2019-00148.

Any interested person may participate as a respondent in this proceeding by filing a notice of participation on or before March 20, 2020. If not filed electronically, an original and fifteen (15) copies of a notice of participation shall be submitted to the Clerk of the Commission at the address above. Pursuant to 5 VAC 5-20-80 B of the State Corporation Commission Rules of Practice and Procedure (“Rules of Practice”), *Participation as a respondent*, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2019-00148.

On or before March 20, 2020, each respondent may file with the Clerk of the Commission, and serve on the Commission’s Staff, and all other respondents, any testimony and exhibits by which the respondent expects to establish its case, and each witness’s testimony shall include a summary not to exceed one page. If not filed electronically, an original and fifteen (15) copies of such testimony and exhibits shall be submitted to the Clerk of the Commission at the address above. All filings shall refer to Case No. PUR-2019-00148.

THE STATE CORPORATION COMMISSION OF VIRGINIA

(4) On or before January 31, 2020, the Commission’s Division of Public Utility Regulation shall file with the Clerk of the Commission the proof of notice required in Paragraph (3) above.

(5) On or before April 29, 2020, and in accordance with Paragraph (6) of the Docketing Order, any person may file written comments on the best method for implementing a new area code by submitting such comments to: Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Comments may be submitted electronically by following the instructions on the Commission’s website: <http://www.scc.virginia.gov/case>. Compact discs or any other form of electronic storage medium may not be filed with the comments. All comments shall refer to Case No. PUR-2019-00148.

(6) Any interested person may participate as a respondent in this proceeding by filing a notice of participation on or before March 20, 2020. If not filed electronically, an original and fifteen (15) copies of a notice of participation shall be submitted to the Clerk of the Commission at the address above. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the

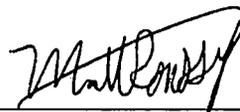
Commission's Rules of Practice,² any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2019-00148.

(7) On or before March 20, 2020, each respondent may file with the Clerk of the Commission, and serve upon Commission Staff and all other respondents, any testimony and exhibits by which the respondent expects to establish its case, and each witness's testimony shall include a summary not to exceed one page. If not filed electronically, an original and fifteen (15) copies of such testimony and exhibits shall be submitted to the Clerk of the Commission at the address above. In all filings, the respondent shall comply with the Rules of Practice, including 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2019-00148.

(8) Staff shall investigate the Application. On or before April 15, 2020, Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of a Staff Report containing its findings and recommendations. The Staff shall serve a copy thereof on all respondents.

(9) Rule of Practice 5 VAC 5-20-260, *Interrogatories or requests for production of documents and things*, shall be modified for this proceeding as follows: answers to interrogatories and requests for production of documents shall be served within five (5) business days after receipt of the same. Except as modified above, discovery shall be in accordance with Part IV of the Rules of Practice.

(10) This matter is continued.



D. Mathias Roussy, Jr.
Hearing Examiner

Document Control is requested to mail a copy of the above Ruling for Notice and Hearing to: all local exchange carriers certificated in Virginia as set out in Appendix A; all interexchange carriers certificated in Virginia as set out in Appendix B; the chairman of the board of supervisors and county attorney of each county and upon the mayor or manager (or equivalent official) and city or town attorney of each city and town in the 540 area code as set out in Appendix C; Mark C. Popovich, Esquire, Guynn, Waddell, Carroll & Lockaby, P.C., 415 S. College Avenue, Salem, Virginia 24153; Kimberly Wheeler Miller, Esquire, North American Numbering Plan Administrator, 2411 Dulles Corner Park, Suite 250, Herndon, Virginia 20171; and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424.

² 5 VAC 5-20-10 *et seq.*