

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2019-00059

Ex Parte: In the matter of the Commission's investigation into exhaust relief for the 757 area code

ORDER ON AREA CODE RELIEF

On April 5, 2019, the North American Numbering Plan Administrator ("NANPA"), as the neutral third-party numbering plan area relief planner for the Commonwealth of Virginia and on behalf of Virginia's telecommunications industry ("Industry"),¹ filed an application ("Application") requesting that the State Corporation Commission ("Commission")² approve the Industry's consensus recommendation for an all-services overlay as the form of relief for the 757 NPA or area code.³ NANPA stated that absent NPA relief, the supply of available telephone numbers in the 757 area code will be exhausted during the fourth quarter of 2021.⁴

According to NANPA, the recommended all-services overlay would superimpose a new NPA (or area code) over the same geographic area covered by the existing 757 NPA and that the overlay approach has a projected life of 41 years.⁵ Under the Industry's recommended approach, all existing customers would retain the 757 area code and would not have to change their

¹ The Industry is described as current and prospective telecommunications carriers operating in, or considering operations within, the 757 area code. Application at 1.

² According to the Application, the Federal Communications Commission ("FCC") delegated authority to the states to review and approve numbering plan area ("NPA") relief plans. Application at 1 (citing *see* 47 C.F.R. § 52.19).

³ Application at 1.

⁴ *Id.* NANPA also stated that as the neutral third-party administrator, NANPA has no independent view regarding the relief option selected by the Industry. *Id.*

⁵ *Id.* at 3.

telephone numbers.⁶ However, NANPA represented that, consistent with FCC regulations,⁷ the relief plan would require ten-digit dialing for all calls within and between the 757 NPA and the new NPA, including local calls, once a phased-in implementation period is complete.⁸

On April 24, 2019, the Commission issued an Order Assigning Hearing Examiner which, in part, found that public comments should be invited regarding the proposed area code relief plan for the 757 NPA and that public hearings should be scheduled in the affected area to receive testimony from public witnesses. The Commission assigned a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission and to file a final report containing the Hearing Examiner's findings and recommendations. The Commission also directed the Staff of the Commission ("Staff") to assist with arrangements and scheduling of the public hearings.

On May 28, 2019, a Hearing Examiner's Ruling ("May 28, 2019 Ruling") was entered scheduling a local hearing in Courtland, Virginia, two local hearings (afternoon and evening) in Williamsburg, Chesapeake, and Accomack, Virginia, and an evidentiary hearing at the Commission in Richmond, Virginia. This May 28, 2019 Ruling also directed the Staff to effect newspaper publication of the proceeding through the 757 area code as well as established a procedural schedule by which interested parties could file to participate in the proceeding as a respondent or file comments on the proposed relief plan. The Hearing Examiner also directed the Staff to file a report on the Application containing the Staff's findings and recommendations by September 6, 2019. A copy of the Hearing Examiner's Ruling was sent to all telephone

⁶ *Id.*

⁷ *Id.* at 3 (citing 47 C.F.R. § 52.19(c)(3)(ii)).

⁸ Application at 3-4.

companies potentially affected by the Application and to representatives of each county, city, and town within the 757 area code.

Local hearings were conducted between August 12 and August 22, 2019, in accordance with the Hearing Examiner's May 28, 2019 Ruling. While no parties filed to participate formally as respondents in this proceeding, NANPA did file on August 2, 2019, the prefiled direct testimony of its NPA Relief Planner, Heidi A. Wayman, for use in the Commission's evidentiary hearing on the Application.

On September 6, 2019, the Staff filed its report ("Staff Report") which described the analysis undertaken by Staff in the course of investigating the Application.⁹ Staff concluded that NANPA's information, including projected exhaust data and the utilization reports, reasonably demonstrated the need for area code relief by the fourth quarter of 2021; that the proposed overlay was the preferable alternative; and that NANPA and the Industry appear to have a reasonable educational and technical matrix for use during the implementation of the area code relief process.¹⁰ Therefore the Staff recommended that: (i) the Commission should approve the proposed all-services distributed overlay proposed by the Industry; (ii) NANPA and the Industry should follow the established Customer Education and Technical/E911 Implementation documents; (iii) the Industry operating in the 757 NPA should be required to provide copies of their consumer education plans to the Division of Public Utility Regulation; and (iv) the Commission should approve the proposed thirteen-month implementation schedule of the overlay, which includes a six-month customer permissive dialing period.¹¹

⁹ Staff Report at 9-12.

¹⁰ *Id.* at 10-12.

¹¹ *Id.* at 12-13.

On October 2, 2019, the Report of A. Ann Berkebile, Senior Hearing Examiner ("Hearing Examiner's Report") was entered. The Hearing Examiner's Report thoroughly reviewed the record, including the local hearings, written comments submitted in this proceeding, and the evidentiary hearing conducted on September 17, 2019. The Hearing Examiner noted in part that the record in this case reflects that two alternatives have been evaluated to address the forecasted 757 NPA exhaust - an all-services distributed overlay (Alternative 1) and a geographic split (Alternative 2).¹² An all-services distributed overlay contemplates the retention of the same telephone numbers, including the associated area code, by each existing customer but provides for the use of a new area code when assigning telephone numbers to new customers and requires the use of 10-digit dialing.¹³ In contrast, a geographic split contemplates the retention of the same telephone numbers, including the associated area code, by customers in a particular geographic area but the issuance of telephone numbers with a new area code, to all customers within a second geographic region.¹⁴

The Hearing Examiner found that the all-services distributed overlay is likely to generate less confusion and financial harm than a split, does not create winners and losers, can be easily implemented and adapted to by consumers, and avoids certain local number portability and other technical implementation problems associated with a split.¹⁵ Moreover, the Hearing Examiner

¹² Hearing Examiner's Report at 7.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

noted that the overlay method has become the preferred area code relief option throughout the United States.¹⁶

Accordingly, the Hearing Examiner found that:

- (1) NANPA reasonably demonstrated the need for area code relief in the 757 NPA by the fourth quarter of 2021;
- (2) The Commission should approve Industry's preferred alternative for an all-services distributed overlay as the most equitable and reasonable approach for providing area code relief in the 757 NPA;
- (3) The Commission should approve Industry's proposed 13-month implementation schedule with the understanding that area code relief will be implemented for the current 757 NPA before the fourth quarter of 2021;
- (4) The Commission should require NANPA and Industry to follow established Customer Education and Technical/E911 Implementation documents; and
- (5) The Commission should require Industry members operating in the current 757 area code to provide copies of their consumer education plans to the Division of Public Utility Regulation before the commencement of the 13-month implementation schedule.¹⁷

The Hearing Examiner recommended that the Commission enter an order adopting the findings and recommendations contained in the Hearing Examiner's Report and dismissing the case from the Commission's active docket.¹⁸

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the findings and recommendations as set forth in the Hearing Examiner's Report should be and hereby are adopted.

¹⁶ *Id.*

¹⁷ *Id.* at 8.

¹⁸ *Id.* at 8-9.

Accordingly, IT IS ORDERED:

(1) An all-services distributed overlay is approved to provide area code relief in the 757 NPA.

(2) The proposed 13-month implementation of an all-services distributed overlay for the 757 area code is approved.

(3) NANPA and Industry members operating in the current 757 area code shall follow the established Customer Education and Technical/E911 Implementation documents.

(4) Industry members operating in the current 757 area code shall provide copies of their consumer education plans to the Division of Public Utility Regulation before the commencement of the 13-month implementation schedule.

(5) This case is dismissed.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission 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 every city and town in the 757 area code as set out in Appendix C; 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. A copy hereof also shall be provided to the Commission's Office of General Counsel and Division of Public Utility Regulation.