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February 24, 2017

*Via Electronic and Hand Delivery*

Irene Kim Asbury, Board Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 3<sup>rd</sup> Fl., Ste. 314  
P.O. BOX 350  
Trenton, New Jersey 08625-0350

Re: I/M/O 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. BPU Docket No. TO13121166

Dear Secretary Asbury:

The Division of Rate Counsel ("Rate Counsel") hereby files an original and ten copies of comments annexed hereto in the above referenced matter with the New Jersey Board of Public Utilities ("Board") for the Board's consideration. Kindly return a date-stamped "Received/Filed" copy for Rate Counsel's records.

Thank you for your attention to this matter.

Respectfully Submitted,

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w/encl.  
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**IMO 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**

**BPU Docket No. TO13121166**

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FOR APPROVAL OF NPA RELIEF PLAN  
FOR THE 609 NPA AND ELIMINATION  
OF PROTECTED CODES IN THE 856 NPA

BPU Docket No. TO13121166

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On the Comments  
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## I. Introduction

The New Jersey Division of Rate Counsel (“Rate Counsel”) and its consultant have reviewed the plan for relief proposed by NeuStar, Inc., the North American Numbering Plan Administrator (“NeuStar” or “the NANPA”), the third party area code relief planner for New Jersey and submit the within comments and recommendations for the New Jersey Board of Public Utilities’ (“Board”) consideration in this matter. NANPA reports that the unprecedented growth of new technology that requires an individual phone number, such as cellular and PCS phones, pagers, tablets, lines used for fax machines, modems, internet access, and other uses have strained existing telephone number resources and have escalated the demand and need for new phone numbers.<sup>1</sup> Moreover, NANPA indicates that in most if not all of the new area codes created in the United States over the past several years have been implemented via an overlay method and occurs when a new area code is superimposed over an existing calling area, and, by definition, it results in more than one area code serving the same calling area or region.<sup>2</sup> Under an overlay plan, existing telephone numbers remain unchanged, and all new telephone numbers would be assigned the new area code and customers served by both the old area code and the new area code will need to dial 10 digits (the area code plus the 7-digit number) on calls in their area code, and 1 plus 10 digits for calls to numbers outside their area code.<sup>3</sup> NANPA has predicted number exhaustion of the 609 area code in 2018 making swift action by the Board via an Order for relief emergent.

On February 23, 2017, the Board held a Public Hearing in Trenton, New Jersey in this matter and will accept the public’s written comments through February 27, 2017. The Public

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<sup>1</sup> Neustar, North American Numbering Plan Administration (“NANPA”), “Area Code Relief Frequently Asked Questions”, Neustar, Inc. © 2016. [https://www.nationalnanpa.com/relief\\_planning/FAQs\\_Area\\_Code\\_Relief.pdf](https://www.nationalnanpa.com/relief_planning/FAQs_Area_Code_Relief.pdf)

<sup>2</sup> *Id.*, at p. 7.

<sup>3</sup> *Id.* See also, Petition at p. 6.

Hearing was presided by a Hearing Officer, and was attended by three Board Staff members from the Board's Office of Cable and Telecommunications Division, and by Rate Counsel. Rate Counsel notes that no member of the public attended the Public Hearing. Rate Counsel filed its Public Hearing Statement at the public meeting.<sup>4</sup> For the reasons discussed below, Rate Counsel respectfully recommends that the Board adopt the distributed overlay recommended by the NANPA to provide relief of number resources in the 609 NPA. Rate Counsel further recommends that the Board require providers to propose and subsequently implement timely outreach and education plans to ensure that consumers transition to new dialing patterns with minimal disruption as discussed in more detail in Section IV further below.

## **II. The need for area code relief and the proposal submitted by the North American Number Plan Administrator**

On December 10, 2013, NeuStar petitioned Board for permission to implement an "all services distributed overlay" as the preferred form of relief for the anticipated exhaust of numbers in the 609 numbering plan area ("NPA"). The last major area code restructuring involving the 609 NPA occurred in 1999, when the Board ordered a geographic split that resulted in a smaller 609 NPA and a new, contiguous 856 NPA.<sup>5</sup>

In its petition, NeuStar describes in detail the process by which the Industry (which NeuStar identifies as consisting of "current and prospective telecommunications carriers operating in, or considering operations within, the 609 and 856 area codes of New Jersey") arrived at their consensus recommendations.

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<sup>4</sup> As of the date of this filing the Board has received seven comment letters from the public regarding this matter.

<sup>5</sup> Petition at 2. The Petition included a secondary request that the Board free up 71 central office codes in the 609 NPA that had been grandfathered (at the time of the prior 609 NPA split in 1999) for use by wireless customers in NPA 856 rates centers (the "protected codes"). Id. The Notice alludes to this secondary request but neither the Notice or either of the accompanying press releases discuss it further. See Notice at 1.

On January 25, 2017, the Board issued a Notice of Public Hearing and Request for Comments on the NANPA petition (“Notice”). The Board also issued two press releases, one that provided an overview of the proposed overlay (“Press Release”) and the other in a “Frequently Asked Questions” format (“FAQ”). According to the Notice, NeuStar currently projects that available NXX codes in the 609 NPA will “exhaust” by the third quarter of 2018, slightly earlier than a previous estimate that projected exhaust in 2019.<sup>6</sup>

Decisions regarding area code relief rest with the utilities commission of the affected state.<sup>7</sup> The Board has indicated that it will act on the Petition in a timely manner: “If approved by the Board, an all-services distributed overlay would be phased in over a 15-month period. To ensure impacted customers have a full understanding of the process and impacts, the phase in would begin with a seven-month Network Preparation and Customer Education program.”<sup>8</sup>

As previously noted, the NANPA for New Jersey has recommended that area code relief relative to the 609 NPA take the form of an all services distributed overlay. Under this approach, customers who currently have 609 numbers would be entitled to retain those numbers, while requests for new numbers would be fulfilled with numbers from the new NPA. The alternative approach, which is not recommended by the NANPA, would be a geographic split, in which customers located in a designated portion of the geographic area currently assigned to the 609 NPA, regardless of technology, would be assigned a new area code.<sup>9</sup>

Each of the options examined by the NANPA and discussed in the Petition would extend the life of the 609 NPA by more than 40 years, although the overlay proposal has the longest life (if one averages the lives of the two “split” codes in either of the two non-preferred

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<sup>6</sup> Notice at 1.

<sup>7</sup> See 47 CFR 52.19, “Area code relief.”

<sup>8</sup> Press Release at 2.

<sup>9</sup> See Petition at 4, describing two options that were considered for splitting the 609 NPA along geographic lines (designated as alternatives 2 and 3).

alternatives).<sup>10</sup> Improvements in number management practices (such as mandatory 1000 block pooling) have extended the life of NPAs in New Jersey and elsewhere around the country, and many providers that would have been entitled to reserve 1000-number blocks have been eliminated (e.g., CLECs such as MCI and legacy AT&T through combinations of providers resulting from industry mergers). Moreover, it is unlikely that the rate of growth in demand for numbers that accompanied rapid expansion of the wireless telecommunications market (with one number per phone, rather than per household) will continue at a similar pace. Thus, whereas the previous area code relief for the 609 NPA occurred less than 20 years ago, the projected life for the distributed overlay that has been recommended to the Board by the NANPA is 46 years.

### **III. Advantages of the distributed overlay relative to a split of the 609 NPA**

The evaluation of whether to employ an overlay or a split typically involves comparing the advantages and disadvantages of the two approaches. In its Petition, the NANPA evaluated three alternatives – the recommended distributed overlay and two different versions of a geographic split. The recommended distributed overlay is clearly the more equitable approach – rather than creating one advantaged group (those who retain the 609 NPA) and one disadvantaged group (those forced to accept a new area code), it permits all existing customers throughout the current 609 NPA footprint to retain their current phone numbers, and that geographic footprint remains unchanged.<sup>11</sup>

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<sup>10</sup> Per the NANPA, the expected life (time to exhaust) of the various options is as follows: *Overlay (Alternative #1)*: 46 years; *Geographic split #1 (Alternative #2)*: 43 years (per area); *Geographic split #2 (Alternative #3)*: 40 years for Area A/47 for Area B.

<sup>11</sup> In its recent order adopting an overlay for the 518 NPA, this is how the NYPSC described the equity associated with adopting an overlay approach:

An overlay code permits all existing telephone users in the region to keep their entire current phone numbers, including the 518 area code and treats consumers in the region more fairly and equitably. By comparison, a geographic split would necessarily impose virtually all of the burdens of area code relief on residential, business, and institutional telephone users in the zone receiving

In the nearly twenty years ago since the 609 NPA last experienced exhaust, the balance of benefits vs. costs for adopting an overlay as opposed to a split has shifted significantly in favor of overlays. Today, consumers routinely dial 10 digits from their cell phones and are thus familiar and comfortable with this dialing format for local calls. Also, with the growth of e-commerce, businesses are more likely to market to customers outside their local area (thus already requiring them to publish a full 10-digit number on their marketing materials). As customers increasingly rely on devices capable of dialing pre-programmed numbers, the inconvenience of dialing extra digits has receded. Importantly, as long distance rates have dropped dramatically and most local exchange carriers offer all-distance calling plans, the cost (and associated stigma) associated with making “long distance” calls no longer stands in the way of consumer acceptance. In any event, no rate changes are associated with calls to the overlay area code from any existing 609 numbers.

Moreover, the limited benefits associated with the split approach have become less compelling: in particular, with every successive split, the affected “original” NPA continues to shrink. As a result, even those select customers who were able to retain the 609 NPA would end up having to dial 11 digits (1+NPA+ NXX-XXXX) for calls to more of their friends or businesses in nearby communities.

These conclusions are corroborated by recent analysis in other states. In preparation for its participation in the recent area code relief case at the New York Public Service Commission (“NYPSC”), Staff prepared a detailed report evaluating the recommended overlay and other alternatives. In that report, NYPSC Staff noted, “In reviewing national trends, overlay plans

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the new area code. At the same time, the users in the zone that retains the existing 518 code would bear essentially none of the burdens of area code relief.

New York Public Service Commission, CASE 16-C-0297, Petition of the North American Numbering Plan Administrator on Behalf of the New York Telecommunications Industry for Relief of the 518 NPA, Order Directing Overlay of the 518 Area Code Region (Issued and Effective September 15, 2016). (“NYPSC 2016 Overlay Order”)



have been the preferred alternative in area code relief cases for nearly a decade, with a geographic split last implemented in the United States nine years ago.”<sup>12</sup> The NYPSC Staff reported that the last time a public utility commission had adopted a split occurred in New Mexico in 2006 and resulted in widespread customer dissatisfaction.<sup>13</sup>

In its overview of the advantages associated with the overlay approach, the NYPSC Staff stated:

Due to technological and policy changes, overlays have simply become the expected form of area code relief. Industry representatives (including incumbent local wireline carriers, competitive local exchange carriers, cellular carriers, and broadband carriers) and NANPA Relief Planning experts all support all-services overlays, as they eliminate the need for consumer number changes, treat all consumers equitably, are simpler to implement from a technical standpoint, and subsequent relief is more easily implemented through an additional overlay code. Importantly, the FCC has adopted the recommendation of the North American Numbering Council (NANC) to endorse overlay relief plans as a “Best Practice” in implementing numbering relief.<sup>14</sup>

Based on the strength of the analysis supporting the Industry’s recommendation, along with the broad consensus among other state PUCs that have concluded over the past decade that area code overlays are the more efficient and more equitable approach to area code relief, Rate Counsel recommends that the Board adopt the proposed overlay in the current proceeding.

Rate Counsel’s focus for the balance of these comments will be to recommend the content and timing of consumer education to facilitate a smooth transition for the affected customers.

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<sup>12</sup> Area Code Relief for Eastern Upstate New York, 518 NPA Projected Exhaust Q1 2019, A Description of Options, A DESCRIPTION OF OPTIONS prepared by the Staff of the New York Public Service Commission, July 8, 2016, (“NYPSC Staff Report”), at 5. See also: <http://www3.dps.ny.gov/W/AskPSC.nsf/PFPPage/3208929225B720C785257FF600707084?OpenDocument>; and <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-C-0297&submit=Search> under NYS PUC Case No. 16-C-0297.

<sup>13</sup> *Id.* According to the NYPSC Staff Report (at 5), every one of the 19 pending plans for area code relief recommended an overlay as the preferred approach.

<sup>14</sup> NYPSC Staff Report at 6; see also, Petition at 6, citing WC Docket No. 07-244 et al., In the Matter of Local Number Portability Interval and Validation Requirements, Telephone Number Portability, Number Resource Optimization, *Order* (issued June 20, 2014).

#### IV. Creating the conditions for a smooth and safe transition for all consumers

Given the strong consensus behind adopting the recommended overlay approach, the Board's focus should be on ensuring that the transition associated with implementing the overlay occurs as smoothly and seamlessly as possible. It is critical to public safety, as well as to maintaining uninterrupted social and commercial contacts among residents and businesses in the existing 609 NPA footprint that everyone affected (that is, all households and businesses located within the 609 footprint) receive timely and adequate information.

In its Petition, the NANPA, with input from the Industry, proposed an implementation schedule spanning 15 months, with a 7 month "permissive dialing period," during which calls within the original NPA could be dialed either on a 10- or 7-digit basis.<sup>15</sup> At that end of the 7 months, all local calls originated by a customer in the 609 NPA would have to be dialed using 10 digits (regardless of whether they were local or toll calls).<sup>16</sup> The activation of numbers in the new overlaid NPA would start a month later.<sup>17</sup> No change would occur with regard to the dialing pattern for calls to "foreign" NPAs (neither 609 or the overlay code), which would continue to be dialed as 11 digit calls (1+(NPA) NXX-XXXX.) The Commission's FAQs refer to this proposed schedule, but does not specifically address other aspects of consumer education.

Rate Counsel agrees that a 7-month permissive dialing period should be sufficient to permit consumers to adjust to the new 10-digit dialing sequence for local calls. However, Rate Counsel also urges the Board to require the industry to implement a permanent "intercept" that will remind consumers who continue to dial 7 digits that they must hang up and dial the full 10-

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<sup>15</sup> Petition at 6; see also Press Release at 2.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

digit number.<sup>18</sup> This would help to safeguard consumers from incomplete calls, providing an enduring benefit to public safety.

In order to ensure a safe transition, there should also be a carefully planned, thorough outreach and consumer education that occurs prior to and during the permissive dialing period. Each telecommunications service provider in New Jersey that manages numbers on behalf of its customers should be responsible for communicating with its customers about the overlay and new dialing requirements, as well as any actions the customer will need to take to update equipment that is programmed to dial numbers automatically (to convert from a 7-digit format to the new 10-digit format). Given that the industry has been aware of the NANPA area code relief proposal for some time now and that most, if not all, of the providers have experience in other jurisdictions with customer outreach and education associated with prior distributed overlay implementation, providers should not require an extended time to prepare these materials. Even before such plans are due, the Board might consider polling the industry concerning best practices for education and outreach. Among the areas that deserve particular attention are such things as multi-lingual materials and translation support, and outreach to vulnerable populations (such as older consumers who might require assistance reprogramming safety devices that include autodialing capabilities). Rate Counsel recommends that the Board use the input about “best practices” to evaluate provider plans. Rate Counsel recommends that providers’ proposed plans be submitted within 90 days of the Board’s order and that such plans be subject to review and approval by Board Staff and Rate Counsel prior to their implementation.

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<sup>18</sup> See NYPSC 2016 Overlay Order at 23. Search for Order and other filings at: <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=16-C-0297&submit=Search> under NYS PUC Case No. 16-C-0297.

Although bill inserts are the most economical way for providers to communicate with their customers, they are frequently overlooked by the customer. Thus, as part of plans for outreach and education, if a provider's normal way of communicating with its customer is by means of hard-copy, mailed materials, the provider should be required to send at least one stand-alone hard-copy notification to the customer during the outreach and education interval. When the customer has opted for electronic billing, there is no (or minimal) additional cost for the provider to send a separate and clearly marked email with the pertinent information and should be required to send such notification once at the beginning of the permissive dialing interval and again within 10 days of the end of permissive dialing.


Rate Counsel further recommends that the Board take a direct and active role in promoting consumer awareness, by encouraging coverage in print and broadcast media and by maintaining comprehensive information on a dedicated page on the Board's website.

## **V. Conclusion**

For the foregoing reasons, Rate Counsel recommends that the Board adopt the distributed overlay recommended by the NANPA to provide relief upon the imminent exhaust of number resources in the 609 NPA. Rate Counsel further recommends that the Board require providers to propose and subsequently implement timely outreach and education plans to ensure that consumers transition to new dialing patterns with minimal disruption.

Respectfully Submitted,

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