

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter, on the Commission's own motion,)	
to consider implementation of a 517 area code)	Case No. U-12552
relief plan.)	
_____)	

At the August 4, 2000 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER AND NOTICE OF HEARING

The 1999 Central Office Code Utilization Survey's projected demand for new central office codes (frequently referred to as NXX codes) indicated that the still-available NXX codes in the 517 area code could be exhausted by the third quarter of 2000. Based upon the projected exhaustion date and an unanticipated increase in the demand for NXX codes within the 517 area code, the North American Numbering Plan (NANP) Administrator, which is currently NeuStar, Inc.,¹ formally declared the 517 area code's numbering plan to be in jeopardy and, on May 17, 1999, notified the Commission and the industry of that fact. Following discussions both among its

¹During 1999, all NANP and other numbering functions were transferred from Lockheed Martin IMS, Inc., to NeuStar. For purposes of this order, all references to NeuStar more precisely relate to the NANP Administrator providing service at that time.

members and with NeuStar, the industry adopted procedures intended to delay the exhaustion of all NXX codes within the 517 area code until the third quarter of 2001.

On July 13, 1999, members of the industry met again with NeuStar, this time to discuss long-term relief alternatives for the 517 area code. As a result of that meeting, a geographic split² was recommended as the preferred means of relief. According to NeuStar and the industry, they reached this conclusion because the 517 area code (1) covers a large geographic area, (2) has not previously been subject to a geographic split, and (3) is composed of two LATAs that provide a natural dividing line for the implementation of a geographic split without separating communities of interest. It was further recommended that optional dialing (during which callers may use either the existing or the new area code to reach customers in the affected area) be initiated on August 19, 2000 and that required dialing (which makes a caller's use of the new area code mandatory) begin on January 20, 2001. Because the statutes then in effect did not allow the Commission to assert jurisdiction over the proposed area code relief plan when it was initially presented, NeuStar and the industry submitted the proposal to the Federal Communications Commission (FCC) for review and approval.

On July 17, 2000, Governor John Engler signed into law Public Act 295 of 2000, which amended the Michigan Telecommunications Act, 1991 PA 179, as previously amended, MCL 484.2101 et seq.; MSA 22.1469(101) et seq. (the Act). Among other things, the Act's recent amendments grant the Commission authority to address proposed area code changes in Michigan. Specifically, Section 303(4) of the Act, which was added by Public Act 295, states that:

²A geographic split refers to situations in which the geographic area served by an area code in which there are few or no NXX codes left for assignment is split into two or more geographic parts.

The commission has the authority to approve or deny a proposed addition, elimination, or modification of an area code in this state. The commission shall give public notice and shall conduct a public hearing in the affected geographic area before an addition, elimination, or modification of an area code is made in this state.

MCL 484.2303(4); MSA 22.1469(303)(4). In light of this recent extension of the Commission's authority, the FCC referred the issue of the 517 area code relief plan to the Commission for its consideration by letter dated July 28, 2000.

Pursuant to the authority and responsibility extended to it under Section 303(4) of the Act, the Commission finds that it should conduct a public hearing at 1:00 p.m. on August 31, 2000 at the Ogemaw County Building, Commissioners' Chambers, 806 W. Houghton, West Branch, Michigan, concerning the 517 area code relief plan proposed by NeuStar and the industry. At that time, representatives of NeuStar, members of the industry, the Commission Staff, and any interested persons may present their positions regarding the proposed relief plan.³ In addition, any person may submit written comments regarding the proposed plan. Written comments, which should reference the case number of this proceeding, must be received on or before September 1, 2000 in order to be considered. NeuStar and members of the industry that helped develop the plan will then be given 10 days to file responses regarding any substantive comments received by that date.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1991 PA 179, as amended, MCL 484.2101 et seq.;

MSA 22.1469(101) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101)

³Copies of the proposed 517 area code relief plan may be obtained from the Commission by calling 1-800-292-9555 or (517) 241-6170, or by writing to the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan 48909.

et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. A public hearing should be held concerning the 517 area code relief plan proposed by NeuStar (serving in its capacity as the NANP Administrator) and members of the industry.

THEREFORE, IT IS ORDERED that:

A. A public hearing concerning the 517 area code relief plan proposed by NeuStar, Inc., and members of the telecommunications industry shall be held at 1:00 p.m. on August 31, 2000 at the Ogemaw County Building, Commissioners' Chambers, 806 W. Houghton, West Branch, Michigan.

B. The Commission shall provide notice of that public hearing in accordance with the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.506(101) et seq.

C. The public hearing will be legislative in nature and any person may present data, views, questions, and arguments regarding the proposed 517 area code relief plan. Statements may be limited in duration in order to ensure that all interested parties have an opportunity to participate in the proceedings.

D. Any person may submit written comments, suggestions, data, views, questions, and arguments concerning the proposed 517 area code relief plan. Written comments must be submitted to both the Michigan Public Service Commission, 6545 Mercantile Way, Lansing, Michigan 48909, and Mr. Frank Colaco, NeuStar, Inc., 8 Stratford Drive, Livingston, New Jersey 07039. All written comments must be received on or before September 1, 2000.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of August 4, 2000.

/s/ Dorothy Wideman
Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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By its action of August 4, 2000.

Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated August 4, 2000 commencing a public hearing regarding implementation of a 517 area code relief plan, as set forth in the order.”