

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission's own motion,)	
to consider implementation of an 810 area code)	Case No. U-12588
relief plan.)	
_____)	

At the August 31, 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 810 area code could be exhausted by the second quarter of 2000. Based upon the projected exhaustion date and an unanticipated increase in the demand for NXX codes within the 810 area code, the North American Numbering Plan (NANP) Administrator, which is currently NeuStar, Inc.,¹ formally declared the 810 area code's numbering plan to be in jeopardy and, on April 2, 1999, notified the Commission and the telecommunications industry of that fact. Following discussions both among its members and with NeuStar, the industry adopted procedures intended to delay the exhaustion of NXX codes within the 810 area code until the second quarter of 2001.

¹In late 1999, all NANP and other numbering functions were transferred from Lockheed Martin IMS, Inc., to NeuStar.

On May 18, 1999, members of the industry met again with NeuStar, this time to discuss long-term relief alternatives for the 810 area code. In the course of that meeting, the relative benefits and pitfalls of several alternative relief plans were discussed. Those alternatives included proposals to implement various geographic splits or overlays.² As a result of that meeting, an all-services distributed overlay was recommended as the preferred means of relief. According to NeuStar and the industry, they reached this conclusion because customers located within the 810 area code have already been subject to a geographic split, and implementing the all-services distributed overlay would allow them to retain their existing 810 area code and not require them to change their seven-digit phone numbers. 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 a petition to the Federal Communications Commission (FCC) for review and approval of their proposal.

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:

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.

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, each with a separate area code. In contrast, an overlay provides relief by opening up another area code within the same geographic area as the area code requiring relief.

MCL 484.2303(4); MSA 22.1469(303)(4). In light of this recent extension of the Commission's authority, the FCC returned the issue of the 810 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 two public hearings concerning the 810 area code relief plan proposed by NeuStar and the industry. The first hearing will be held on November 9, 2000 at 1:30 p.m. in the Council Chambers, 1101 South Saginaw Street, Flint, Michigan. The second hearing will take place on November 20, 2000 at 1:30 p.m. in the Mount Clemens Community Center, 300 North Groesbeck, Mount Clemens, Michigan. During those hearings, 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.⁴ Written comments, which should reference the case number of this proceeding, must be received no later than November 21, 2000 in order to be considered. NeuStar and members of the industry that helped develop the plan will then be given 14 days to file responses regarding any substantive comments received by that date.

³Copies of the petition filed by NeuStar and the industry in support of their proposed 810 area code relief plan may be obtained from the Commission by calling either 1-800-292-9555 or 1-517-241-6170 or by writing to the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909.

⁴Section 303(5) of the Act provides that the Commission should consider modifying area code boundaries to conform to county lines "to the extent that it is technically and economically feasible." MCL 484.2303(5); MSA 22.1469(303)(5). It has come to the Commission's attention that at least two local exchange carriers, namely Ameritech Michigan and Verizon North Incorporated, f/k/a GTE North Incorporated (Verizon), have expressed concern about the potential effect that Section 303(5) may have on cases like this. The Commission therefore recommends that these two providers submit in this docket (on or before November 21, 2000) written comments specifically addressing the implications of Section 303(5).

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

b. Two public hearings should be held concerning the 810 area code relief plan proposed by NeuStar (serving in its capacity as the North American Numbering Plan Administrator) and members of the telecommunications industry.

THEREFORE, IT IS ORDERED that:

A. Public hearings concerning the 810 area code relief plan proposed by NeuStar, Inc., and members of the telecommunications industry shall be held: (1) on November 9, 2000 at 1:30 p.m. in the Council Chambers, 1101 South Saginaw Street, Flint, Michigan; and (2) on November 20, 2000 at 1:30 p.m. in the Mount Clemens Community Center, 300 North Groesbeck, Mount Clemens, Michigan.

B. The Commission shall provide notice of these public hearings 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., and 1991 PA 179, as amended, MCL 484.2101 et seq.; MSA 12469(101) et seq.

C. The public hearings will be legislative in nature and any person may present data, views, questions, and arguments regarding the proposed 810 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 810 area code relief plan. Written comments must be submitted to both the Michigan Public Service Commission, P.O. Box 30221, 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 November 21, 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 31, 2000.

/s/ Dorothy Wideman
Its Executive Secretary

D. Any person may submit written comments, suggestions, data, views, questions, and arguments concerning the proposed 810 area code relief plan. Written comments must be submitted to both the Michigan Public Service Commission, P.O. Box 30221, 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 November 21, 2000.

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MICHIGAN PUBLIC SERVICE COMMISSION

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Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated August 31, 2000 commencing public hearings regarding implementation of an 810 area code relief plan, as set forth in the order.”