

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)
relief plan.)
_____)

Case No. U-12588

At the April 17, 2001 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Laura Chappelle, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

OPINION AND ORDER

On December 11, 2000, the Commission issued an order approving an 810 area code relief plan that assigned a new 586 area code designation to Macomb County and retained the 810 designation for the remainder of the existing area code. The Commission further indicated that its approval of the plan included “wireless grandfathering” that would permit wireless customers in the new 586 area code to retain their existing 810 telephone number and avoid the need to reprogram their handsets.

On February 22, 2001, the Commission issued an order requesting comments regarding whether carriers invoking wireless grandfathering should be provided either an “extended permissive dialing” period or permanent “wireless grandfathering.” An extended permissive dialing period would require the wireless carriers eventually to relinquish the 810 area code for

their existing central office codes located within the 586 area code, although it would give them more time to make the transition than other providers. (As determined in the December 11, 2000 order, all other providers must implement permissive 586 dialing by September 22, 2001 and mandatory dialing by March 23, 2002.) In contrast, permanent grandfathering would enable wireless carriers and their customers to retain their existing 810 telephone numbers indefinitely.

Verizon Wireless, AT&T Wireless PCS, LLC (AT&T Wireless), Nextel Communications, Inc. (Nextel), the Burglar and Fire Alarm Association of Michigan (BFAAM), Ameritech Michigan, and the North American Numbering Plan Administrator, which is NeuStar, Inc., filed comments relating to the wireless grandfathering issue.

In their comments, AT&T Wireless and Nextel support permanent grandfathering. They are concerned that extended permissive dialing would not be a viable solution if combined with the accelerated implementation schedule that they and other wireless carriers are currently requesting. (Their pending motion to accelerate the implementation schedule is discussed below.) Verizon Wireless, on the other hand, does not oppose extended permissive dialing if the permissive period is long enough to accommodate the reprogramming of customer handsets. Verizon Wireless suggests an extended permissive dialing period of two years (cumulative to the mandatory dialing deadline applicable to all other carriers).

Ameritech Michigan says that it is able to implement either extended permissive dialing or permanent grandfathering, although each approach would have different effects on providers, customers, and numbering resources. Ameritech Michigan explains that extended permissive dialing reserves a wireless customer's telephone number in both area codes during the permissive dialing period, but that it frees the number for reassignment in the 810 area code after the extended permissive dialing period ends. According to Ameritech Michigan, the advantage of permanent

grandfathering is that it avoids reprogramming the handsets altogether, but it would also reduce the life of the 810 area code after the split. Ameritech Michigan opposes permanent grandfathering of wireless numbers if it creates a disparity between the projected lives of the two split areas of more than ten years or if it results in a projected life in either area of less than five years, as recognized in industry guidelines. Ameritech Michigan notes that there are technical limitations recognized by the Federal Communications Commission that restrict permanent grandfathering to Type II wireless codes.

NeuStar identified 164 wireless central office codes that are eligible for permanent grandfathering in the 810 area code and subsequently determined that two wireless carriers were planning to invoke grandfathering for 37 of those codes. (There are a total of 358 wireless and wireline codes that would be eligible for reassignment in the split 810 area code without grandfathering.) NeuStar says that permanent grandfathering would reduce the life of the split 810 area, although it cannot predict the rate of reduction.

The Commission determines that an extended permissive dialing arrangement is the most reasonable means of furthering the objectives of accommodating the transitional needs of wireless carriers and conserving numbering resources. A disadvantage of permanent grandfathering is that it would reduce the expected life of the split 810 area code by permanently withholding a number of central office codes from reassignment. An extended permissive dialing arrangement has the advantage of freeing up the wireless numbers for reassignment after the permissive dialing period ends. Although a permissive dialing arrangement requires an eventual reprogramming of wireless handsets, it gives wireless carriers more time to guide their customers through that transition. Given the relative urgency of maximizing the availability of additional numbering resources in the 810 area code, the Commission is not inclined to grant Verizon Wireless's request for a two-year

extension, but it finds instead that a one-year extension best accommodates the interests of those wireless carriers desiring some form of grandfathering without unduly prolonging the transition. Therefore, the extended permissive dialing period for wireless carriers must end by March 22, 2003.

The BFAAM represents providers of telephonic alarm services. In its comments, it says that an area code change affects thousands of homes and businesses subscribing to security, burglary, and fire alarm services by requiring manual reprogramming of the dialing equipment at each premises. The BFAAM says that a six-month permissive dialing window is inadequate to make these changes and requests that alarm service providers receive the same grandfathering protection as wireless carriers.

Although the transitional concerns noted in the BFAAM's comments are facially similar in some respects to those of wireless carriers, the BFAAM's statement of position does not provide an adequate basis to extend to alarm service providers an identical transitional arrangement. Unlike wireless providers, it is not clear that alarm service providers can secure the assignment of an entire block of telephone numbers associated with a central office code. The Commission encourages the BFAAM to enter into informal discussions with their telecommunications providers and the Commission's Communications Division to convey any unique concerns and circumstances. If necessary, alarm service providers may file a separate application to propose transitional arrangements tailored to their particular circumstances.

On March 6, 2001, Nextel, AT&T Wireless Services, Inc., Verizon Wireless, Sprint Spectrum L.P., d/b/a/ Sprint PCS (Sprint PCS), and VoiceStream Wireless collectively filed a motion to accelerate the implementation schedule for the 810 area code split by advancing the date for commencing permissive dialing from September 22, 2001 to June 30, 2001 and the mandatory

dialing deadline from March 23, 2002 to October 6, 2001.¹ They claim that accelerating the schedule is necessary to make new numbering resources available more quickly. They note NeuStar's projection that 810 central office codes will be exhausted in the second quarter of 2001 and state that, with current rationing procedures, the codes will last until August 2001. Given that new numbering resources do not become available until after the mandatory deadline, the current deadline will not create new numbering resources until April 2002. This leaves an eight-month period in which there will not be new numbers available, including the 2001 holiday season, which is a peak sales period for wireless carriers.

On March 27, 2001, Ameritech Michigan filed a response to the motion to advance the implementation schedule. In the response, Ameritech Michigan states that an accelerated schedule is not technically feasible, particularly in light of ongoing efforts to implement other area code relief plans. Ameritech Michigan argues that the wireless carriers have not provided valid reasons for granting rehearing on the determinations reached in the December 11, 2000 order. However, Ameritech Michigan says that it would be feasible to advance the mandatory dialing deadline to the end of July 2001 if the Commission were to adopt an area code overlay.

The wireless carriers' request to accelerate the schedule is not timely. The Commission issued the order establishing the implementation schedule on December 11, 2000. Thus, any motion to reopen the case or petition for rehearing should have been filed within 30 days, as provided in R 460.17403(1) and R 460.17401(2). There is no indication that the information used to justify the motion was unknown prior to the rehearing deadline or came to light after that deadline. Although

¹In addition to the motion of the wireless carriers collectively, Nextel filed a petition for leave to intervene and a motion to permit an attorney who is not licensed in Michigan to participate in the case. Sprint PCS also filed a petition for leave to intervene. Because this case was decided on the basis of comments, formal intervention is not necessary.

the February 22, 2001 order reopened this case, the reopened proceedings were limited to wireless grandfathering and other relevant issues. It did not invite carriers to propose a new implementation schedule. In addition to the procedural irregularities surrounding the motion, the record does not provide a basis for concluding that accelerating the schedule would be technically feasible or would be in the best interests of all providers and customers affected by the 810 area code split.

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. Wireless carriers affected by the 810 area code split should be permitted to use an extended permissive dialing period expiring by March 22, 2003.
- c. The motion to accelerate the implementation schedule for the 810 area code split should be denied.

THEREFORE, IT IS ORDERED that:

- A. Wireless carriers affected by the 810 area code split shall be permitted to use an extended permissive dialing period expiring by March 22, 2003.
- B. The motion to accelerate the implementation schedule for the 810 area code split is denied.

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

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ Laura Chappelle
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of April 17, 2001.

/s/ Dorothy Wideman
Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated April 17, 2001 authorizing wireless carriers to use an extended permissive dialing period of one additional year to provide an appropriate transition under the 810 area code relief plan, as set forth in the order.”