

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 616 area code	)	Case No. U-12850
relief plan.	)	
_____	)	

At the February 22, 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

**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 616 area code could be exhausted by the second quarter of 2002. Based upon the projected exhaustion date and an unanticipated increase in the demand for NXX codes within the 616 area code, the North American Numbering Plan (NANP) Administrator, which is currently NeuStar, Inc.,<sup>1</sup> formally declared the 616 area code's numbering plan to be in jeopardy and, on January 4, 2000, notified the Commission and the telecommunications industry of that fact. Following discussions both among its members and with NeuStar, the industry adopted jeopardy procedures and established a rationing of new NXX code assignments, which was intended to delay the

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

exhaustion of the 616 area code. Those procedures were amended on January 16, 2001, after which the exhaust date was estimated to be the fourth quarter of 2001.

Members of the industry met with NeuStar on February 16, 2000 to discuss long term relief alternatives for the 616 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.<sup>2</sup> As a result of that meeting, an all-services distributed overlay was recommended as the preferred means of relief.

Because the statutes then in effect did not allow the Commission to assert jurisdiction over the proposed area code relief plan, NeuStar and the industry submitted the proposal to the Federal Communications Commission (FCC) for review and approval. However, 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, those amendments granted the Commission authority to address proposed area code changes in Michigan. Specifically, Section 303(4) of the Act, which was added by 2000 PA 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.

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<sup>2</sup> A 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 within the same geographic area as the area code requiring relief. 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 extension of the Commission's authority, the FCC returned the issue of the 616 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 on March 19, 2001 at 1:30 p.m. at the Grand Rapids City Commission Chambers, 9<sup>th</sup> Floor, City Hall, City County Building, 300 Monroe, NW, Grand Rapids. At that time, representatives of NeuStar, members of the industry, the Commission Staff, and any interested person may present a position regarding the proposed relief plan.<sup>3</sup> 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 no later than March 20, 2001 in order to be considered. NeuStar and members of the industry will then be given 14 days to file responses regarding any substantive comments received by that date.

Additionally, Section 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 Inc., (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 March 20, 2001) written comments specifically addressing the implications of Section 303(5). Moreover, the Commission recommends that these providers include in

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<sup>3</sup> Copies of the petition filed by NeuStar and the industry in support of their proposed 616 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.

those comments their respective positions regarding the advisability of implementing an overlay versus a geographic split, as well as an estimate of the time that it would take to implement either of those options. Those estimates should reflect the time needed independent of work that may be going on in other area codes. Finally, Ameritech Michigan and Verizon shall send representatives to the public hearing that have sufficient knowledge concerning the issues and their respective company's positions regarding those issues to assist in answering questions from the public.

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. A public hearing should be held concerning the 616 area code relief plan proposed by members of the industry committee.

THEREFORE, IT IS ORDERED that:

A. A public hearing concerning the 616 area code relief plan proposed by NeuStar, Inc., and members of the telecommunications industry shall be held at 1:30 p.m. on March 19, 2001, at the Grand Rapids City Commission Chambers, 9<sup>th</sup> Floor, City Hall, City County Building, 300 Monroe, NW, Grand Rapids, 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 22.1469(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 616 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, view, questions, and arguments concerning the proposed 616 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., 1120 Vermont Ave. N.W., Suite 550, Washington, D. C. 20005. All written comments must be received no later than March 20, 2001.

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

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 February 22, 2001.

/s/ Dorothy Wideman  
Its Executive Secretary

C. The public hearing will be legislative in nature and any person may present data, views, questions, and arguments regarding the proposed 616 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.

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MICHIGAN PUBLIC SERVICE COMMISSION

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Commissioner

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Suggested Minute:

“Adopt and issue order dated February 22, 2001 commencing a public hearing regarding implementation of a 616 area code relief plan, as set forth in the order.”