

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 313 area code)	Case No. U-12880
relief plan.)	
_____)	

At the March 29, 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 313 area code could be exhausted by the first quarter of 2001. Based upon the projected exhaustion date and an unanticipated increase in the demand for NXX codes within the 313 area code, the North American Numbering Plan (NANP) Administrator, which is currently NeuStar, Inc.,¹ notified the Commission and the telecommunications industry, on May 28, 1999, that relief planning for the 313 area code needed to be addressed as soon as possible. Following discussions both among its members and with NeuStar, the industry determined that, based on changes in the

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

rate of assignment of central office codes and updated demand forecasts, the exhaustion of NXX codes within the 313 area code may be delayed until the first quarter of 2002.

On July 14, 1999, members of the industry met with NeuStar to discuss long-term relief alternatives for the 313 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 (1) the 313 area code currently is divided into the smallest practical area without dividing communities of interest, and (2) implementing the all-services distributed overlay would allow customers to retain their existing 313 area code and not require them to change their telephone 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 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, 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.

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 extension of the Commission's authority, the FCC returned the issue of the 313 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 313 area code relief plan proposed by NeuStar and the industry. The first hearing will be held at 3:00 p.m. on April 30, 2001 at the Coleman A. Young Municipal Center, 2 Woodward Ave., 13th Floor Auditorium, Detroit, Michigan. The second will take place at 1:30 p.m. on May 31, 2001 in the Grosse Pointe City Council Chambers, City Office Building, 17147 Maumee Ave., Grosse Pointe, Michigan. On either of those occasions, representatives of NeuStar, members of the industry, the Commission Staff, and any interested persons may present their positions regarding the proposed relief plan.³ Also, 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 June 1, 2001 in order to be considered. NeuStar and members of the industry that developed the plan 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

³Copies of the petition filed by NeuStar and the industry in support of their proposed 313 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.

economically feasible.” MCL 484.2303(5); MSA 22.1469(303)(5). It has come to the Commission’s attention that the largest local exchange carrier operating in the 313 area code, namely Ameritech Michigan, has expressed concern about the potential effect that Section 303(5) may have on cases like this. The Commission therefore recommends that this provider submit in this docket (on or before June 1, 2001) written comments specifically addressing the implications of Section 303(5). Moreover, the Commission recommends that this provider include in those comments its position 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 shall send to each of the public hearings at least one representative having sufficient knowledge concerning the issues and the 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. Public hearings should be held concerning the 313 area code relief plan proposed by NeuStar and members of the industry committee.

THEREFORE, IT IS ORDERED that:

- A. Public hearings concerning the 313 area code relief plan proposed by NeuStar, Inc., and members of the telecommunications industry shall be held at 3:00 p.m. on April 30, 2001 at the

Coleman A. Young Municipal Center, 2 Woodward Ave., 13th Floor Auditorium, Detroit, Michigan and at 1:30 p.m. on May 31, 2001 in the Grosse Pointe City Council Chambers, City Office Building, 17147 Maumee Ave., Grosse Pointe, Michigan.

B. The Commission shall provide notice of those 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 22.1469(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 313 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 313 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 June 1, 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 March 29, 2001.

/s/ Dorothy Wideman
Its Executive Secretary

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

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of March 29, 2001.

Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated March 29, 2001 commencing public hearings regarding implementation of a 313 area code relief plan, as set forth in the order.”