

BUTLER SNOW, O'MARA, STEVENS & CANNADA, PLLC

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September 25, 2013

T.R.A. REQUEST ROOM

**VIA HAND DELIVERY**

Hon. James Allison, Chairman  
c/o Sharla Dillon, Dockets Manager  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

**RE: In the Matter of: NeuStar, Inc. in its Role as North American Numbering  
Plan Administrator; Petition for Approval of Numbering Plan Area Relief  
for Plan for the 615 NPA  
Docket No. 11-00018**

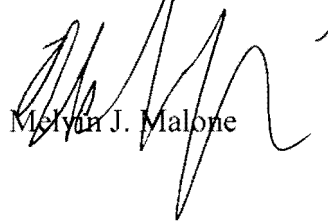
Dear Chairman Allison:

Enclosed please find the original and thirteen (13) copies of *Comments of the Joint Telecommunications Carriers* in response to the TRA's Press Release dated August 13, 2013. An extra copy is also attached to be filed-stamped for our records.

Should you have any questions concerning this filing, or require additional information, please do not hesitate to let us know.

Very truly yours,

BUTLER, SNOW, O'MARA, STEVENS &  
CANNADA, PLLC

  
Melvin J. Malone

clw  
Enclosure

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BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

In the Matter of:	)	
NeuStar, Inc. in its Role as North American	)	
Numbering Plan Administrator	)	
	)	Docket No. 11-00018
Petition for Approval of Numbering Plan Area Relief	)	
for Plan for the 615 NPA	)	

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**COMMENTS OF THE JOINT TELECOMMUNICATIONS CARRIERS**

The Joint Telecommunications Carriers,<sup>1</sup> representing a coalition of telecommunication and wireless carriers, submit the following comments in response to the Tennessee Regulatory Authority's (Authority) Press Release dated August 13, 2013 indicating that the Authority would be considering alternatives to addressing the imminent exhaustion of the 615 area code and inviting interested parties to submit comments.

**I. Overview**

On January 11, 2011, NeuStar, Inc. in its Role as North American Numbering Plan Administrator (NANPA), filed with the Authority a Petition for area code relief for the 615 numbering plan area (NPA). In its Petition, NANPA requested that the Commission approve the Industry's consensus decision to recommend an all-services

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<sup>1</sup> The telecommunications and wireless carriers collectively referred to herein as the "Joint Telecommunications Carriers" are Sprint Spectrum, L.P., and Sprint Communications Company L.P. (collectively, "Sprint"); Powertel/Memphis, Inc. d/b/a "T-Mobile"; and Verizon Wireless and MCI Metro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (collectively "Verizon").

distributed overlay plan as the preferred form of area code relief for the 615 NPA. NANPA further requested the Commission adopt a 15-month implementation schedule for the overlay. At the time of NANPA's filing, the 615 NPA was projected to exhaust during the fourth quarter of 2013.

On February 29, 2012, the Authority issued a "Notice of Filing Comments" in which it noted that NANPA's Number Resource and Utilization Forecast (NRUF), released in October 2011, revised the projected exhaustion date for the 615 NPA to the third quarter of 2016. The Authority asked NANPA, the industry and other interested parties to comment on whether NANPA's January 2011 petition should be dismissed.

On March 16, 2012, NANPA filed comments advising the Authority that the exhaustion date had been revised to the second quarter of 2015. Various parties subsequently filed comments urging the Authority to proceed with the case.<sup>2</sup>

On August 13, 2013, the Authority issued a press release announcing its intent to consider alternatives and to implement a solution to address the imminent exhaust of the 615 NPA.

## **II. The All-Services Overlay Plan Is the Most Equitable Approach to Area Code Relief for the 615 NPA**

The Joint Telecommunications Carriers strongly support NANPA's requested all services overlay recommendations for the reasons stated in NANPA's Petition and those stated herein. Such actions will significantly minimize inconvenience to consumers and support the continuing trend throughout the United States to use the overlay method as the preferred form of area code relief.

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<sup>2</sup> See, e.g. Comments of Verizon, Docket No. 11-00018, filed March 19, 2012.

As indicated in NANPA's Exhibit A to its Petition at pages 5-8, the overlay has numerous advantages over an area code split, including less customer impact and fewer technical issues. Moreover, as seen in the recent implementation of overlays in numerous states across the nation, overlays are the least disruptive for consumers and can be effectively and efficiently implemented. As a result, overlays are increasingly common across North America as the preferable form of area code relief.<sup>3</sup>

Thus, it is not surprising that the North American Numbering Council (NANC), an advisory group to the Federal Communications Commission (FCC), approved the proposal of its Local Number Portability Administration Working Group (LNPAWG) to transmit a recommendation to the FCC to adopt overlays as an industry "Best Practice" at its recent September 2013 meeting. The LNPAWG Best Practice # 30 detailing the basis of the overlay recommendation is attached as Exhibit A.

#### **A. An Overlay Does Not Create "Winners" and "Losers"**

The Commission's two main choices for area code relief are an overlay or a geographic split.<sup>4</sup> The public interest detriments of an area code split are well-understood, and the 615 NPA is no exception. Unlike an overlay, an area code split

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<sup>3</sup> On a national level, 24 overlays have been implemented and only one split (NM 505) since January 1, 2005. An additional 15 overlays have been implemented in Canada and the Dominican Republic since January 1, 2005, and no other splits in other NANP nations in that timeframe.

<sup>4</sup> If the Authority orders a split, NANPA would be required to refer it to the Federal Communications Commission for review and approval. See Section 5.7 in the *NPA Code Relief Planning & Notification Guidelines*, ATIS-0300061 (Aug. 3, 2012):

5.7 Approval by Appropriate Regulatory Authority – When the regulator issues an order for NPA relief, NANPA shall confirm the approved plan meets the criteria for assignment as set forth in this document. If the approved plan meets the criteria, NANPA will assign a new NPA within one week of receipt of the approved plan. If the approved plan does not meet the criteria for assignment, NANPA will suspend the assignment pending FCC direction.

would not treat consumers who have a 615 telephone number today in an equitable manner. A split would force customers on the “losing” side of the new NPA boundary to change their 10-digit phone number, thus requiring them to contact their family, friends and business associates to provide their new number. An area code split would place potentially onerous financial burdens on business owners and operators in the affected area by requiring them to update their company stationery, business cards, texting information, Internet-related sites, including social media, and advertisements – in addition to contacting existing customers to inform them of a new business phone number. Further, today there are numerous non-telephone company databases that use full 10-digit telephone numbers as a search criterion, such as airlines, doctors, utilities, grocery reward programs, pharmacies, national missing children databases, and others that would need to be updated with a new telephone number if an area code split were chosen. As consumers and businesses alike become increasingly attached to and are identified by their telephone numbers, an area code split is significantly more burdensome than it might have been just five or 10 years ago.

#### **B. An Overlay Can Be Easily Implemented and Adapted to by Consumers**

The successes experienced with the recent overlay implementations in Texas in June 2013 (Area Code 512) and Pennsylvania in September 2013 (Area Code 570) demonstrate that the industry can smoothly implement overlays in an effective and efficient manner that will minimize adverse impact on consumers. Overlays represent a progressive approach to introducing additional numbering resources and are the most prevalent form of area code relief adopted by state commissions across the country since at least 2005. Indeed, other states that have previously only implemented splits

are now implementing overlays – including Tennessee’s northern neighbor, Kentucky.<sup>5</sup> Indiana and Nevada will implement their first overlays in 2014 as well.

In earlier years, state commissions expressed concern for the burden and inconvenience to consumers of 10-digit dialing on calls within the same area code. Today, however, the possibility of a telephone number change – and the resulting burdens and costs associated with the change – far outweigh the burden of 10-digit dialing for many customers. Recent experience shows that consumers easily adapt to making many “local” calls between area codes and dialing 10 digits as part of their routine calling patterns. Many work in one area code, live in another and have friends and family in numerous others. Plus, the growing use of wireless devices, and in particular smart phones, as a consumer’s primary phone<sup>6</sup> means that “dialing” for many consumers consists of highlighting a contact and choosing the called party’s number rather than inputting 10 digits. Thus, the concern that 10-digit dialing will be a burden for consumers when an overlay to the 615 NPA is implemented will have even less validity going forward.<sup>7</sup>

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<sup>5</sup> The overlay for the 270 NPA will be completed in early 2014.

<sup>6</sup> According to a report issued by the Centers for Disease Control and Prevention in June 2013, 38.2% of Tennessee households were wireless-only households, and fully 89% of Tennessee households had a wireless device.  
<http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201306.pdf>.

<sup>7</sup> Once 10-digit dialing becomes the accepted practice in an area, future area code exhaust situations are easily resolved by simply adding another area code overlay into the mix. In contrast, the negative consequences of splitting an area code will recur in the future, potentially requiring some percentage of the same consumers and business customers to incur the same costs and headaches to resolve the next number exhaust situation affecting in the same area.

### **C. An Overlay Avoids Certain Local Number Portability and Other Technical Implementation Problems Associated With a Split**

An additional benefit of overlays over splits is that implementation of an overlay avoids technical problems carriers have experienced in complying with customers' local number portability (LNP) requests. Specifically, there are significant technical challenges to complying with LNP requirements during the permissive dialing period of an area code split. Under relevant federal rules, the Number Portability Administration Center (NPAC) houses all of the ported and pooled number data. During the night on which permissive dialing is implemented, NPAC personnel must update the NPAC database to include both the old and the new NPA. On the same night, all carriers in the NPA must update their operational support systems with the new and old NPA so that port requests will complete within the designated porting intervals. Port requests can fail or create a backlog if the carriers' operational support systems are not in sync with the NPAC's database. If such coordination fails, calls can also be misrouted or denied, leading to consumer dissatisfaction and undermining the unquestionable competitive and consumer benefits of LNP.

In addition, many carriers have implemented newer network routing technologies such as Voice over Internet Protocol (VoIP). These technologies would require significant and costly operational developments to accommodate an NPA split versus an overlay solution because the VoIP call routing platforms are centralized on a national basis rather than a local switching basis as with the traditional TDM network.

Finally, there are a number of other technical implementation problems that can arise for wireless customers when an area code split is implemented. These include, but are not limited to:

- **Caller ID Customer Confusion** - During the permissive dialing period, the called party's Caller ID device or handset may indicate that a received call originates from a number with the new area code even though the caller is still using a number in the old area code. Although this issue does not technically affect the ability of the call to complete, it can lead to confusion on the called party's part. The called party may choose not to answer the call because the indicated originating number or the new area code is not recognized, or the stored contact list in the called party's device or handset has not been updated. There is no such problem with an overlay because no customer is forced to change his or her number.
- **Text and Multi-Media Messaging Completion** - Some wireless systems currently are able to handle only one 10-digit telephone number for text and multi-media (e.g., picture) messaging. Therefore, if during the permissive dialing period the calling party inputs a different 10-digit number (*i.e.*, using the new area code) than the one which is in the called party's wireless provider's system (*i.e.*, the old area code number), the message will fail and not be delivered.
- **Smart Phone Applications Impacts** – With the growing proliferation of smart phones, wireless customers have the ability to add various types of third-party applications to their phones without the approval or even the knowledge of their wireless service providers. These applications, which can run into the hundreds or even thousands depending upon the smart phone's storage capacity, are routinely identified by the customer's existing 10-digit number. As a result, changing a customer's area code in a split would likely impact the operation of many of these advanced data applications, causing customer confusion and generating complaints.
- **Wireless Phone Reprogramming Issues** – When implementing a split, most wireless providers will change the area code of affected customers' phones over-the-air, if the handset is over-the-air capable, to avoid manually reprogramming each handset. But where customers with handsets that are not over-the-air capable do not bring their handsets in to the provider for manual reprogramming, or are military personnel or other customers living abroad whose phones are outside the range of over-the-air reprogramming, these customers' new area code will not get timely programmed before mandatory dialing begins. As a result, they will not be able to receive calls because their old area code 10-digit number in their phones will not match the new area code number that is in the service provider's customer record.
- **Administrative Number Impacts** -- Most wireless carriers have various administrative numbers in their networks, and those numbers can be affected by a split as well. For example, temporary local directory numbers (TLDNs) in a network are used to facilitate the delivery of calls to customers that are roaming on that network. If TLDNs are in central office codes where area



codes have changed, then wireless carriers have to take great care in changing those numbers during the permissive dialing period of the split to avoid negatively impacting call completion for those roaming customers. Carriers have to do extensive testing before the start of permissive dialing and again before mandatory dialing in a split to ensure that changing the area code of any administrative number in the network will not negatively impact a customer's ability to receive calls. There are no such concerns with an overlay because none of the existing administrative numbers would need to change. Additionally, the SMS 800 Data Base, which houses all of the underlying 10-digit routing numbers for toll free numbers, would need to be changed to for all numbers affected by an area code split.

#### **D. The Available Split Option Does Not Satisfy the NPA Code Relief Planning and Notification Guidelines**

The NANPA Petition notes that under Alternative # 2 – NPA Split, the existing 615 area code would be split into to two distinct area codes with the proposed split running around the Nashville rate center.<sup>8</sup> However, due to the concentration of central office codes assigned in the Nashville rate center, the new area code encompassing the Nashville rate center would have an expected life of 13 years, whereas the other new area code would have an expected life of 28 years.

According to the NPA Code Relief Planning and Notification Guidelines, severe imbalances in area code lives of more than 10 years are to be avoided. The basis for the guideline is equity between consumers in the newly split area codes. In this instance, subjecting consumers in the Nashville rate center to further area code relief 15 years sooner than consumers in the adjacent area code is inequitable and should be avoided. The lack of a viable split option that avoids such an inequitable result further justifies the adoption of the all services overlay alternative recommended by NANPA.

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<sup>8</sup> NANPA Petition at p. 3 and NANPA Exhibit A at 4-5.

### **III. The Joint Telecommunications Carriers Support the Proposed Implementation Schedule**

In its Petition at page 5, NANPA outlines a 15-month schedule for implementation of the recommended all-services overlay. Under the schedule, the first seven months are dedicated to customer education and network preparation, followed by seven months of permissive 7- or 10-digit dialing and continued customer education. After the first 14 months, mandatory 10-digit dialing begins and the first code activation from the new NPA will become effective after one month of mandatory 10-digit dialing. Based on the industry's experience with overlay implementations across the country, this 15-month period should provide adequate time for preparation and customer education, leading to a smooth implementation of the overlay and avoiding the denial or delay of service to customers due to the unavailability of new CO codes.

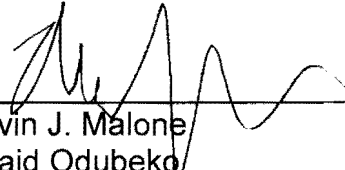
Because of all the technical issues associated with the implementation of an area code split, the industry would likely be unable to implement an area code split successfully in the same 15-month timeframe. Further, because the exhaust of the 615 NPA is currently projected as occurring in the second quarter of 2015, a prompt decision to implement an all-services overlay is warranted to ensure that the 15-month implementation schedule is achieved a few months in advance of the projected exhaust date.

### **IV. Conclusion**

For the foregoing reasons and those set forth in the NANPA Petition, and consistent with the NANC recommendation to the FCC to adopt overlays as an industry Best Practice, the Joint Telecommunications Carriers urge the Commission to adopt the all-services overlay plan and 15-month implementation schedule as NANPA

recommends in its Petition. By doing so, the Commission will implement area code relief for the 615 NPA with the least inconvenience possible to existing customers and will help avoid denial of service to new customers of certain telecommunications providers prior to the anticipated exhaust of the 615 NPA in the second quarter of 2015.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2013, a true and correct copy of the foregoing has been served via U.S. mail upon:

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## **The All Services Overlay is the Best Solution for the Area Code**

The LNPA WG supports the all-services overlay for Area Code Relief. This approach minimizes inconvenience to consumers and supports the continuing trend in the United States to utilize overlays as the preferred form of area code relief.

### **AREA CODE OVERLAY**

The application of Area Code Relief methods has continued to evolve since the late 1990's. Overwhelmingly, the preferred method of relief chosen is now the All- Services Area Code (NPA) Overlay. In fact, only one Area Code Split has been implemented in the last 5 years, compared to over 25 Overlays. NPA Overlays have both practical and technical positive implications for customers and service providers alike.

### **Benefits of All-Services Overlay**

1. All current customers retain their existing area code and telephone number; no winners or losers.
2. No discrimination against customers on different sides of a boundary line, as does a geographic split when determining which side gets the new area code.
3. Less customer confusion and easier education process.
4. Minimized financial impact on business customers since there is no need to change signage, advertising, websites, checks and stationery (unless they currently show 7-digit numbers rather than 10-digit numbers).
5. Residential customers are not forced to update personal printed material such as checks or make changes to websites storing telephone numbers (e.g., banking, insurance, credit cards), unless they currently show only 7-digit numbers.
6. Does not split cities or counties into different area codes, keeping communities of interest intact.
7. No impact on some wireless customers that would otherwise require their handsets to be manually reprogrammed.
8. No technical impacts to text messaging, multi-media messaging or smart phone applications.
9. Provides the most efficient distribution of numbering resources by allowing assignments to follow demand, not withstanding forecasts for growth.
10. Minimizes call routing issues, especially with ported numbers.
11. No need for synchronization of old and new area codes in NPAC databases.
12. No technical impacts to number portability or toll-free number routing.
13. Missing and exploited children continue to be able to contact parents since their parents' area code and telephone number would remain the same.
14. Deployed Military personnel continue to have service since their area code and telephone number would not change.
15. No Caller ID confusion.

## Exhibit A

### **The All-Services Overlay is the Best Solution for the Area Code**

#### **Summary**

In addition to the benefits above, an overlay is the superior option for area code relief for the following reasons:

- Most Equitable Approach – Treats all consumers the same
- Least disruptive for the consumer
- Easily implementable, as demonstrated by the large number of successful U.S. implementations since 2007
- Most consumers already comfortable with 10-digit dialing
- Avoids Local Number Portability (LNP) database problems associated with a split (e.g., updates to operational support systems with old and new area codes so port requests complete within the designated porting intervals)
- Facilitates future area code relief efforts