

December 3, 1999

Lawrence G. Malone  
General Counsel  
New York State Department of Public Service  
Three Empire State Plaza  
Albany, NY 12223-1350

Re: 914 Area Code Split

Dear Mr. Malone:

This letter responds to the State of New York Department of Public Service's (NYDPS) November 18, 1999 request that the Federal Communications Commission direct the North American Numbering Plan Administrator (NANPA) to release a new area code to provide relief for the 914 numbering plan area (NPA).<sup>1</sup> For reasons discussed below, by copy of this letter, we direct the NANPA to release the requested NPA code as soon as practical.

In an Opinion and Order issued on November 4, 1999, the NYDPS ordered implementation of a two-way geographic split of the existing 914 NPA along county boundaries. Because the relief plan would result in the splitting of certain rate centers between the old and the new NPAs, however, the NANPA determined that releasing the requested code would violate the industry's numbering assignment guidelines.<sup>2</sup> Consequently, the NANPA sought direction from the North American Numbering Council (NANC) prior to acting on the request for a new NPA. On November 16, 1999, the NANC forwarded to the Chief of the Common Carrier Bureau its recommendation that the NANPA not release the requested code.<sup>3</sup> On November 18, 1999, the NANPA informed the NYDPS that its request for a new area code had been denied.<sup>4</sup> The NYDPS responded with the instant request the same day.

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<sup>1</sup> Letter from Lawrence G. Malone, General Counsel, NYDPS, to Lawrence E. Strickling, Chief, Common Carrier Bureau, dated Nov. 18, 1999 (NYDPS Letter).

<sup>2</sup> See NPA Code Relief Planning & Notification Guidelines, INC 97-0404-016, §§ 2.11 and 6.1, Aug. 30, 1999.

<sup>3</sup> Memorandum from John Hoffman, NANC Chair, to Larry Strickling, Chief, Common Carrier Bureau, dated Nov. 16, 1999.

<sup>4</sup> See Letter from Ronald R. Connors, Director-North American Numbering Plan Administration, Lockheed Martin IMS, to Debra Renner, Acting Secretary, NYDPS, dated Nov. 18, 1999.

The New York plan, by dividing rate centers, requires existing carriers to obtain duplicate central office (CO) codes in each NPA in order to continue to serve existing customers in each half of the rate center without requiring those customers to change their seven-digit telephone number. This aspect of the plan violates the industry's numbering assignment guidelines. However, the NYDPS's plan to divide the 914 area code will split only five rate centers. The NYDPS estimates that the division of these five rate centers will necessitate the duplication of only ten to twenty CO codes, representing less than three percent of the additional CO code resources being created by the relief plan. Accordingly, on these facts, we believe that a departure from the industry guidelines is warranted.

We further find that granting New York's request is in the public interest since the area code relief plan was developed based on extensive input from the industry and from consumers affected by the decision, which balanced a number of public interest goals.<sup>5</sup> Growth rates in both the existing and new code are such that, although carriers would need numbers in both parts of split rate centers to provide service, utilization of the numbers would be high. The NYDPS is taking additional steps to conserve numbers in the 914 area, including initiating a proceeding to consider rate center consolidation and implementing thousands-block number pooling within the 914 area code and the new code.<sup>6</sup> The NYDPS already has sought and received additional authority from the Commission to conduct trials in number pooling and other number conservation measures.<sup>7</sup>

Based on the foregoing, the Bureau directs the release of a new NPA code under these specific circumstances to implement the NYDPS's area code relief plan for the 914 NPA. However, in doing so based on this factual showing, we in no way imply that the states are free not to follow the industry guidelines concerning the splitting of rate centers in other cases. The Bureau urges state commissions to conform to the industry guidelines and to avoid adopting area code splits that do not follow rate center boundaries, as far as practical. We also understand, however, that as states consolidate rate centers it may become increasingly difficult to avoid rate center splits altogether. As we have previously stated, we intend to review carefully and critically any future area code relief plans that are clearly outside the industry guidelines.<sup>8</sup> At the same time, we commend

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<sup>5</sup> NYDPS Letter at 1-2.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures, *Order*, CC Docket No. 96-98, FCC 99-247, NSD File No. L-99-21 (rel. Sep. 15, 1999).

<sup>8</sup> Letter from Yog R. Varma, Deputy Chief, Common Carrier Bureau, to Hon. Sheila Lumpe, Chair, Missouri Public Utility Commission, dated Dec. 28, 1998 (directing the release of a new NPA for the geographic split of the 314 NPA that did not conform to industry guidelines because of a significant disparity in the projected lives of the old and new codes) at 2.

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the NYDPS for its commitment to use the additional delegated authority that has received to explore other number conservation measures in these and other NPAs.

Sincerely,

Lawrence E. Strickling  
Chief, Common Carrier Bureau

cc: Ronald R. Conners, Director, North American Numbering Plan Administration  
John Hoffman, Chair, NANC  
Penny Rubin, NYDPS