

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's Investi-)
gation Into Exhaust Relief for Area Code) Case No. 99-669-TP-COI
330.)

In the Matter of the Commission's Investi-)
gation Into Telephone Numbering and) Case No. 97-884-TP-COI
Number Assignment Procedures.)

ENTRY ON REHEARING

The Commission finds:

- (1) On October 28, 1999, the Commission issued an Opinion and Order in the above captioned cases. Specifically, the Commission approved a plan that will "overlay" a new area code or Number Plan Area (NPA)¹ into the existing "330" area code and required that mandatory 10-digit local dialing commence in these areas beginning October 1, 2000. Due to its belief that it is important for consumers to have as clear an indication as possible regarding the local or toll nature of their calls, the Commission directed that all local telephone companies serving the "330" NPA should have their switches capable of mandatory, and not permissive, 10-digit local dialing by April 1, 2000. The Commission clarified the mandatory 10-digit local dialing directive to signify that local calls cannot be completed with the usage of the "1" preceding the telephone number.

The Commission also determined that, consistent with the stated concern regarding the confusion between local and toll calls, and pursuant to the Commission's authority addressed in Case No. 97-884-TP-COI (97-884), *In the Matter of the Commission's Investigation Into Telephone Numbering and Number Assignment Procedures*, it may also be appropriate to institute mandatory, and not permissive, 10-digit dialing for all interNPA local dialing for all NPAs throughout the state of Ohio. To this end, the Commission directed all code holders in the state of Ohio and the Commission staff (staff) to convene for the purpose of making recommendation(s) with respect to mandatory 10-digit

¹ The North American Number Plan Administrator has designated that the New Area Code be the "234" area code.

interNPA local dialing in area codes other than the "330" NPA. Staff was ordered to file its recommendations in 97-884 by December 1, 1999.

- (2) On November 29, 1999, United Telephone Company of Ohio d/b/a Sprint (United) filed an application for rehearing and/or clarification. United alleges that the Commission's Opinion and Order is unlawful if it prohibits the completion of a local call when dialing "1" before the called number. United believes that mandatory 10-digit dialing for local calls should simply constitute a minimum of 10-digit dialing and not a prohibition on 11-digit dialing.

Further, United alleges that by not permitting the dialing of a "1" preceding the called number for measured-rate interNPA calls, the Commission has restricted a subscriber's right of choice in determining how to complete measured-rate extended local calling calls. According to United, harm is caused by eliminating the ability to access a dial-around toll-provider, via the dialing of a 1+1010XXX carrier access code, in lieu of the local telephone company. United points out that, pursuant to the Commission's dialing requirements, this harm will extend to all measured-rate calls regardless of whether the call is inter- or intraNPA in nature. United believes that it is inequitable to distinguish between measured-rate dialing capability simply because some measured-rate calls cross a NPA boundary.

Finally, United states that, if the Commission intended to require commercial mobile radio service (CMRS) providers to be subject to the requirement that toll calls must be preceded by the dialing of "1", such a requirement is unreasonable. United asserts that CMRS providers offer service packages that eliminate the traditional distinction between local and toll. As a result, United believes that requiring CMRS customers to dial a "1" before making a "toll call" would not serve a useful purpose and would cause some providers to incur significant and unnecessary expense to reprogram switches.

- (3) Section 4903.10, Revised Code, provides that any party who has entered an appearance in a proceeding may apply for rehearing with respect to any matter determined in the proceeding by filing an application within 30 days of the entry of the Order in the Commission's journal. The

Commission may grant and hold rehearing on the matter(s) specified in the application if, in its judgment, sufficient reason appears to exist.

- (4) On December 21, 1999, the Commission granted rehearing for the limited purpose of allowing the Commission additional time in which to consider the issues raised on rehearing.
- (5) The Commission finds that, pursuant to United's participation in the "330" Planning Team, and through its filing of comments in 97-884, United has entered an appearance in these cases. Upon review of the evidence in these cases, the Commission finds that, to the extent that United seeks rehearing of the Commission's Opinion and Order of October 28, 1999, the application for rehearing is granted. The Commission believes that the issues raised by United are addressed in staff's Report and Recommendation of December 1, 1999, in 97-884. While staff's recommendation was filed in 97-884, and did not necessarily intend to extend its analysis to the "330" NPA, the Commission finds that, due to the generic concerns related to numbering issues and the associated dialing issues relative to all Ohio NPAs, the proposed remedies enumerated in the staff's Report and Recommendation, as modified by the Commission's Entry of January 6, 2000, in 97-884, should be applicable to the "330" NPA as well.

In response to United's concerns regarding the need to maintain the capability of accessing dial around alternatives to nonoptional, measured-rate, extended area service offered by the incumbent local exchange providers in the "330" NPA, the Commission notes that in its Entry of January 6, 2000, in 97-884, the Commission specifically ordered that permissive 10-digit dialing² be provided in order to continue to allow for the accessing of dial around carriers as a potential alternative.³ Therefore, the similar requirement should be adopted for the "330" NPA.

Finally, the Commission, in its Entry of January 6, 2000, in 97-884, recognized concerns similar to those made by United that, due to the unique manner in which CMRS providers

² Pursuant to permissive ten-digit dialing, both ten and eleven-digit dialing should be provided.

³ See Entry of January 6, 2000, in 97-884 for additional rationale.

distinguish between local and toll, they should not, at this time, be subject to the mandatory dialing patterns. Therefore, similar treatment should be adopted for the "330" NPA.⁴

- (6) Pursuant to the aforementioned determinations, the Commission finds that beginning April 1, 2000, all local telephone companies, which excludes CMRS providers, in the "330" NPA should implement the previously ordered interNPA local dialing protocols, as modified by this Entry on Rehearing, in all of their switches. This includes that, pursuant to the rationale stated in the Commission's Entry of January 6, 2000 (97-884), beginning April 1, 2000, all local telephone companies, excluding CMRS providers, should take the appropriate measures to ensure that all basic local (both flat- and measured-rate) and nonoptional, flat-rate and non-optional measured-rate, extended area service interNPA calls occur on a permissive ten or eleven-digit basis.⁵ In the event that the North American Numbering Plan Administrator accelerates the projected exhaust of the "330" NPA, the Commission will consider accelerating the implementation date of required dialing patterns to coincide with the implementation of any relief plan for the NPA(s). Although the Commission's determination provides for the capability of both ten and eleven-digit dialing, the Commission believes that all local telephone companies, excluding CMRS providers, should still emphasize ten-digit dialing for basic local, nonoptional flat-rate and nonoptional measured-rate extended area service calls. Through this requirement, the Commission hopes to continue to have subscribers associate ten-digit dialing with local calls and eleven-digit dialing for toll calls, when possible. All other requirements of the Commission's October 28, 1999, Opinion and Order remain unchanged.

It is, therefore,

ORDERED, That United's application for rehearing is granted for the limited purposes discussed in this Entry on Rehearing. It is, further,

⁴ For the purpose of this Entry on Rehearing, CMRS is specifically limited to include mobile telephone, mobile cellular telephone, personal communication service, and specialized mobile radio service. Fixed wireless service is not intended to be included in the scope of this Entry on Rehearing.

⁵ With respect to optional local calling plans, these calls should only be completed with eleven-digit dialing, with no potential for the use of ten-digit dialing.

ORDERED, That a copy of this Entry on Rehearing be served upon all parties of record.

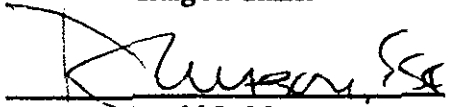
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Ronda Hartman Fergus


Craig A. Glazer


Judith A. Jones


Donald L. Mason

JSA/jkg

