

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF A GENERAL )
INVESTIGATION INTO THE EXHAUST OF THE ) CAUSE NO. PUD 201800086
405 NPA: APPLICATION OF THE NORTH )
AMERICAN NUMBERING PLAN )
ADMINISTRATOR ON BEHALF OF THE ) ORDER NO. 707261
OKLAHOMA TELECOMMUNICATIONS )
INDUSTRY )

HEARING: November 20, 2019, in Courtroom B
2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105
Before Dustin R. Murer, Administrative Law Judge

APPEARANCES: Lauren D. Willingham, Assistant General Counsel representing Public
Utility Division, Oklahoma Corporation Commission
Jared B. Haines and A. Chase Snodgrass, Assistant Attorneys General
representing Office of Attorney General, State of Oklahoma
Ron Comingdeer, Attorney representing Rural Telecommunications
Companies1
Marc Edwards and C. Eric Davis, Attorneys representing Cox Oklahoma
Telcom, LLC
Jack G. Clark, Jr., Attorney representing Verizon Companies2
John W. Gray, Jr., Attorney representing Southwestern Bell Telephone
Company, d/b/a AT&T Oklahoma
J. David Jacobson and Michael Hunsucker, Attorneys representing Valor
Telecommunications of Texas, LP d/b/a Windstream Communications
Southwest; Windstream Oklahoma LLC; Oklahoma Windstream LLC
And Windstream NuVox Oklahoma, Inc.
J. David Jacobson, Attorney representing CenturyTel of Northwest
Arkansas, LLC d/b/a CenturyLink

FINAL ORDER

The Corporation Commission ("Commission") of the State of Oklahoma being regularly
in session and the undersigned Commissioners present and participating, there comes on for
consideration and action the Application of the North American Numbering Plan Administrator
("NANPA") on behalf of the Oklahoma Telecommunications Industry ("Industry") for a general

1Atlas Telephone Company; Beggs Telephone Company; Bixby Telephone Company, Inc.; Canadian Valley
Telephone Company; Carnegie Telephone Company; Central Oklahoma Telephone Co., L.L.C.; Cherokee
Telephone Company; Chickasaw Telephone Company; Cross Telephone Company; Dobson Telephone Company;
Hinton Telephone Company; KanOkla Shidler, LLC; KanOkla Telephone Association, Inc.; Lavaca Telephone
Company, Inc. d/b/a Pinnacle Communications; McLoud Telephone Company; Medicine Park Telephone Company;
Oklatel Communications, Inc.; Oklahoma Western Telephone Company; Ozark Telephone Company; Panhandle
Telephone Cooperative, Inc.; Pioneer Telephone Cooperative, Inc.; Santa Rosa Telephone Cooperative, Inc.; Seneca
Telephone Company; South Central Telephone Association, Inc.; Southwest Oklahoma Telephone Company;
Valliant Telephone Company; and Wyandotte Telephone Company.

2 These companies include MCI metro Access Transmission Services Corp. d/b/a Verizon Access Transmission
Services; MCI Communications Services, Inc. d/b/a Verizon Business Services; Verizon Long Distance, LLC;
Verizon Enterprise Solutions, LLC; Verizon Select Services, Inc.; and Cellco Partnership and its commercial mobile
radio service subsidiaries operating in the State of Oklahoma (collectively, "Verizon").

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investigation into the exhaust of the 405 Numbering Plan Area (“NPA”), filed on July 10, 2018. The Hearing on the Merits was set for hearing on November 20, 2019, and was heard and recommended on that date by the Administrative Law Judge (“ALJ”). There were no objections to the Application.

## I. PROCEDURAL HISTORY

On July 10, 2018, Neustar, Inc., the North American Numbering Plan Administrator, in its role as the neutral third party NPA Relief Planner for Oklahoma, and on behalf of the Oklahoma Telecommunication Industry (“Industry”) filed an Application petitioning the Commission for approval of the Industry’s consensus decision<sup>3</sup> to recommend to the Commission an all-services distributed overlay as the preferred form of relief for the 405 NPA.

On August 8, 2019, Brandy L. Wreath, Director of the Commission’s Public Utility Division (“PUD”) filed a Motion to Establish Procedural Schedule along with a Notice of Hearing setting the Motion to Establish Procedural Schedule for hearing on August 15, 2019.

On August 14, 2019, Jared B. Haines and A. Chase Snodgrass filed an Entry of Appearance on behalf of the Oklahoma Attorney General (“Attorney General”).

On August 15, 2019, the Motion to Establish Procedural Schedule was heard and recommended.

On September 6, 2019, Jack G. Clark, Jr. filed an Entry of Appearance on behalf of Verizon.

On September 10, 2019, J. David Jacobson and Michael Hunsucker filed an Entry of Appearance on behalf of Valor Telecommunications of Texas, LP d/b/a Windstream Communications Southwest; Windstream Oklahoma LLC; Oklahoma Windstream LLC and Windstream NuVox Oklahoma, Inc. (collectively “Windstream”).

Also on September 10, 2019, J. David Jacobson filed an Entry of Appearance on behalf of CenturyTel of Northwest Arkansas, LLC d/b/a CenturyLink (“CenturyLink”).

On September 16, 2019, John W. Gray, Jr. filed an Entry of Appearance on behalf of Southwestern Bell Telephone Company, d/b/a AT&T Oklahoma (“AT&T Oklahoma”).

On September 17, 2019, the Commission issued Order No. 702283, Order Granting Motion to Establish Procedural Schedule.

On September 18, 2019, the Notice of Hearing setting the Hearing on the Merits for November 20, 2019, was filed.

On September 23, 2019, a second Notice of Hearing setting the Hearing on the Merits for December 11, 2019, was filed.

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<sup>3</sup> Consensus as used in this document means: Consensus is established when substantial agreement has been reached among those participating in the issue at hand. Substantial agreement means more than a simple majority, but not necessarily unanimous agreement. *The Alliance for Telecommunications Industry Solutions Inc. (ATIS) Operating Procedures at [https://www.atis.org/01\\_legal/docs/OP.pdf](https://www.atis.org/01_legal/docs/OP.pdf), §7.1, ver. 5.4 (ATIS Mar. 1, 2015).*

On September 24, 2019, PUD filed an Amended Notice of Hearing correcting any conflict regarding the hearing date for the Hearing on the Merits.

On September 26, 2019, Ron Comingdeer filed an Entry of Appearance on behalf of Rural Telecommunications Carriers (“Rural Carriers”).

On September 30, 2019, Marc Edwards and C. Eric Davis filed an Entry of Appearance on behalf of Cox Oklahoma Telcom, L.L.C. (“Cox”).

On October 2, 2019, the Attendance Sign-In Sheet from the Technical Advisory Group Meeting was filed.

On October 4, 2019, Public Comment was filed.

On October 11, 2019, Proof of Publication was filed for the following newspapers: the *Watonga Republican*, *The Anadarko Daily News*, the *Enid News & Eagle*, the *Pauls Valley Democrat*, *The Express-Star*, the *Holdenville News*, *The Kingfisher Times and Free Press*, *The Lincoln County News*, the *Guthrie News Leader*, the *Perry Daily Journal*, the *Okemah News Leader*, *The Oklahoman*, the *Stillwater News Press*, *The Wewoka Times*, and *The Cordell Beacon*.

On October 17, 2019, the Testimony of Jenny Dillon for PUD was filed.

On October 21, 2019, the Attorney General, Verizon, and the Rural Carriers filed their respective Statements of Position.

Also on October 21, 2019, Cox filed Comments concerning the area code relief planning process.

On November 20, 2019, the Hearing on the Merits was heard and the ALJ recommended approval of the Application.

## **II. NOTICE**

On September 17, 2019, the Commission issued Order No. 702283, which required notice of a Hearing on the Merits in this Cause to be filed and sent to the Attorney General and NANPA at least ten (10) days prior to the Hearing on the Merits. On September 18, 2019, PUD filed and provided a Notice of Hearing of the Hearing on the Merits to take place on November 20, 2019. On September 23, 2019, PUD inadvertently filed a second Notice of Hearing in this Cause bearing an incorrect date for the Hearing on the Merits. To correct the conflict, PUD filed an Amended Notice of Hearing on September 24, 2019, with the correct date and time of the Hearing on the Merits. Notice is proper in this Cause.

## **III. SUMMARY OF THE EVIDENCE**

### **A. Testimony of Jenny Dillon**

Jenny Dillon, Regulatory Analyst for PUD, provided both prefiled testimony on October 17, 2019, and oral testimony at the Hearing on the Merits on November 20, 2019, in this

Cause on behalf of PUD. Ms. Dillon testified that the purpose of her testimony was to present PUD's analysis of the Application of NANPA on behalf of the Oklahoma Telecommunications Industry ("Application") in conjunction with its request for approval of an all-services distributed overlay as the preferred form of relief for the 405 area code, also known as a NPA. Ms. Dillon testified that this Application was filed because the supply of central office codes (also known as CO codes or NXX codes) in the 405 NPA is currently projected to exhaust during the fourth quarter of 2021 and the Commission has authority, pursuant to 47 C.F.R. § 52.19, to resolve matters involving new area codes in Oklahoma.

To provide context, Ms. Dillon testified that NANPA, pursuant to 47 C.F.R. § 52.12(a)(1), is an impartial non-governmental entity contracted by the Federal Communications Commission ("FCC") to administer numbering resources in the United States, Canada, seventeen (17) Caribbean countries, and Bermuda. Ms. Dillon further testified that NANPA's primary responsibility is to ensure the telecommunications industry has sufficient numbering resources. As such, NANPA forecasts which area codes will soon run out of numbers, or exhaust. When NANPA identifies an NPA that will exhaust, NANPA initiates the area code relief planning process and coordinates with industry and regulatory bodies to introduce a new area code. As an impartial non-governmental entity, NANPA files the required documents with every state regulatory body on behalf of that state's telecommunications industry.

Ms. Dillon testified that this Cause is before the Commission, because 47 C.F.R. § 52.19(a) provides:

"State commissions may resolve matters involving new area codes within their states. Such matters may include, but are not limited to: Directing whether area code relief will take the form of a geographic split, an overlay area code, or a boundary realignment; establishing new area code boundaries; establishing necessary dates for the implementation of area code relief plans; and directing public education efforts regarding area code changes."

Accordingly, the Commission has authority to proactively monitor area code relief planning, to oversee the integrity and competitive neutrality of the industry relief planning process, and to ultimately approve an area code relief plan.

Ms. Dillon also provided testimony concerning industry guidelines that are involved in this Application. The Industry Numbering Committee ("INC") of the Alliance for Telecommunications Industry Solutions ("ATIS") maintains the NPA Code Relief Planning and Notification Guidelines ("ATIS INC Guidelines"). The ATIS INC Guidelines outline processes and procedures for NPA code relief planning activities for NANPA and Industry. ATIS INC Guidelines recommend that: relief options cover a period of at least five (5) years beyond the predicted exhaust date; customers who undergo number changes not be required to change again for at least eight (8) years; and that the relief plan shall result in the most effective use of all possible area codes serving a given area (such that, where possible, all of the codes in a given area shall exhaust at approximately the same time).

Ms. Dillon also testified about the steps NANPA took to inform PUD and Industry of the impending exhaust of the 405 NPA. Notice was first provided on April 26, 2018. In accordance with ATIS INC Guidelines, NANPA distributed to Industry and PUD an Initial

Planning Document (“IPD”) specific to the 405 NPA exhaust. Ms. Dillon testified that the IPD outlined the agenda for the Oklahoma 405 NPA Initial Relief Planning Industry Meeting via Conference Call (“Industry Meeting”) that was held on May 30, 2018. The goal of this conference call was to develop a recommended relief plan for the 405 NPA, which would then be recommended to the Commission for consideration. The IPD included excerpts from the ATIS INC Guidelines explaining the industry consensus process, the process for notifying the appropriate regulatory body and affected parties, issues to be considered during NPA relief planning, and details of the viable relief methods as proposed by NANPA. The IPD also proposed a recommended implementation timeframe for the two viable relief methods.

Ms. Dillon testified that the outcome of the Industry Meeting was a consensus of the Industry and PUD regarding a recommended relief plan. The relief recommended by consensus was an all-services distributed overlay. This is the same relief method proposed in the Application for the Commission’s consideration. Ms. Dillon also described the Industry consensus process, which is outlined in the ATIS Operating Procedures, which states:

“Consensus is established when substantial agreement has been reached among those participating in the Issue at hand. Substantial agreement means more than a simple majority, but not necessarily unanimous agreement. Consensus requires that all views and objections be considered, and that a concerted effort be made toward their resolution ... A participant’s silence is perceived as agreement by the Forum and its leadership. If participants do not agree, they should be encouraged to speak up and voice their opinion.”

During the Industry Meeting, NANPA sought ideas for additional relief method alternatives that were not included in the IPD. No additional alternatives were suggested. Additionally, no Industry Meeting participant voiced opposition to recommending an all-services distributed overlay as the preferred relief method, and there were no statements made for the record.

Ms. Dillon testified concerning PUD’s review of the Application in this Cause. Ms. Dillon testified that PUD agreed that the 405 NPA is nearing exhaust and that action must be taken by the Commission. Ms. Dillon testified that NANPA has followed the industry guidelines and considered the available information in reaching its projection of exhaust in the 405 NPA in the fourth quarter of 2021. Accordingly, it is appropriate for the Commission, which has authority under 47 C.F.R. § 52.19, to take action to resolve this situation by adopting a relief mechanism.

Ms. Dillon described the alternative methods for area code relief that were proposed. NANPA proposed two relief alternatives in the 405 NPA. Alternative #1 is an all-services distributed overlay. Alternative #2 is an NPA boundary elimination overlay. Industry reached consensus to recommend Alternative #1, the all-services distributed overlay, as the preferred method of relief. Accordingly, in the Application, NANPA requested the Commission approve an all-services distributed overlay as the relief method in the 405 NPA. Ms. Dillon also described a geographic split alternative, which was considered during the planning phase but was rejected because the 405 NPA includes a Wide Area Calling Plan (“WACP”) in the Oklahoma City metro area. This WACP contains 45% of all code assignments in the 405 NPA. WACP’s cannot be geographically split; therefore, NANPA determined that there is no geographic split alternative in the 405 NPA that will meet the ATIS INC Guidelines.

Ms. Dillon testified concerning the all-services distributed overlay. The all-services distributed overlay, also known as Alternative #1, would assign a new NPA code to the same geographic area occupied by the existing 405 NPA. Customers would retain their current telephone numbers, and the new NPA code would only be applied to requests for new telephone numbers. However, all customers in the existing 405 NPA geographic area would be required to dial ten digits, even for local calls. The all-services distributed overlay has a projected life span of 43 years. The all-services distributed overlay relief method is supported by the FCC's North American Numbering Council's Local Number Portability Administration Working Group as the preferred form of area code relief generally, and was endorsed by the North American Numbering Council on September 18, 2013. Industry reached consensus to recommend an all-services distributed overlay as the preferred relief method in the 405 NPA.

Ms. Dillon also offered testimony regarding the relief alternative that was not selected. The NPA boundary elimination overlay, also known as Alternative #2, would eliminate the boundary between the 405 and 918/539 NPA geographic areas. Customers would retain their current telephone numbers. However, upon implementation, customers in the current 405 NPA geographic area could be assigned a telephone number with a 918 or 539 area code. Conversely, customers in the current 918/539 NPA geographic area that request a new telephone number could be assigned a number with a 405 area code. Additionally, just as with Alternative #1, customers located in the geographic area covered by the 405 NPA would be required to dial ten digits for all calls. The NPA boundary elimination overlay has a projected life span of 27 years.

Ms. Dillon testified that Industry concluded that an NPA boundary elimination overlay is not the preferred relief method, due to the complicated customer education that would be required and the shorter projected life span. Further, this option would impact not only the geographic area covered by the 405 NPA, it would have implications for the geographic area currently served by the 918/539 NPA, as community identities tied to the NPA (e.g., the Tulsa metro area is associated with the 918/539 NPA) would no longer be valid. As indicated, under Alternative #2, a 405 telephone number could be assigned to an entity located in Tulsa and, conversely, a 918 telephone number could be assigned to an entity located in Oklahoma City. No longer would the NPA serve as a quick reference for the geographic location of the entity being called or from which a call is being received under Alternative #2.

Ms. Dillon testified that the Industry supports the all-services distributed overlay, because customer education will be less complicated with this relief method. Additionally, Industry is in favor of the significantly longer projected life span of an all-services distributed overlay.

Ms. Dillon also testified about the efforts made by the Commission to inform the public of the NPA relief process. PUD published notice of the Application in newspapers in each county within the 405 NPA geographic area. A Technical Advisory Group meeting was held on October 2, 2019, which allowed for input from both industry and the public. During this meeting, PUD and NANPA hosted a joint presentation which included the current status of the 405 NPA, the two viable relief plans identified by NANPA for the 405 NPA, and impacts and implementation considerations for the preferred relief method. Eighteen (18) telecommunications companies and the Oklahoma Attorney General were represented at this meeting; however, there were no comments offered. This meeting was also open for public comment; again, no comments were offered. Finally, Ms. Dillon conducted a town hall event on Facebook Live on behalf of the Commission on November 6, 2019, in order to provide public

education about the 405 NPA exhaust relief proceeding. A recording of the Facebook Live continues to be available on PUD's Facebook page.

Ms. Dillon also testified that industry will provide continuing public education. The Final Meeting Minutes from the Industry Meeting include the implementation schedule for an overlay as agreed to by Industry. The proposed implementation schedule is the same for an all-services distributed overlay or NPA boundary elimination overlay relief method. Ms. Dillon testified that after the Commission issues a final order selecting either Alternative #1 or Alternative #2 as the relief method, Industry enters a six (6) month network preparation period. When the network preparation period concludes, a six (6) month permissive 10-digit dialing and customer education period begins. During this period, Industry will conduct its own customer education efforts. Customers will be encouraged to make calls using ten (10) digits, but 7-digit calls will still be completed during this period. At the conclusion of the permissive 10-digit dialing and customer education period, mandatory 10-digit dialing begins where all calls must be made using ten (10) digits (i.e., include the area code). If a customer dials a 7-digit number by mistake, the customer will hear a recorded announcement stating the number must be dialed with ten (10) digits and they must hang up and redial, including the area code. This recording will always be available.

#### **B. Attorney General's Statement of Position**

The Attorney General supports approval of the industry's consensus, Alternative #1's all-services distributed overlay. The Attorney General believes this is a fair, equitable, and efficient remedy for the 405 NPA exhaust. The Attorney General encourages industry stakeholders to work diligently to educate their customers and the public of these coming changes, especially that 10-digit dialing will be required following implementation of the overlay.

#### **C. Statement of Position of Verizon**

Verizon filed a Statement of Position supporting the testimony filed by Ms. Jenny Dillon on behalf of PUD, and agrees with the recommendation that the all-services distributed overlay is the preferred relief method in this matter.

#### **D. Statement of Position of Rural Companies**

Atlas Telephone Company, Beggs Telephone Company, Bixby Telephone Company, Inc., Canadian Valley Telephone Company, Carnegie Telephone Company, Central Oklahoma Telephone Co., L.L.C., Cherokee Telephone Company, Chickasaw Telephone Company, Cross Telephone Company, Dobson Telephone Company, Hinton Telephone Company, KanOkla Shidler, LLC, KanOkla Telephone Association, Inc., Lavaca Telephone Company, Inc., d/b/a Pinnacle Communications, McCloud Telephone Company, Medicine Park Telephone Company, Oklatel Communications, Inc., Oklahoma Western Telephone Company, Ozark Telephone Company, Panhandle Telephone Cooperative, Inc., Pioneer Telephone Cooperative, Inc., Santa Rosa Telephone Cooperative, Inc., Seneca Telephone Company, South Central Telephone Association, Inc., Southwest Oklahoma Telephone Company, Valliant Telephone Company, and Wyandotte Telephone Company, filed a joint Statement of Position supporting the testimony filed by Ms. Jenny Dillon on behalf of PUD and supporting the all-services distributed overlay as the preferred relief method in this matter.

**E. Statement of Position of Cox Oklahoma Telcom, LLC**

Cox Oklahoma Telecom, LLC filed a Statement of Position supporting the all-services distributed overlay approach to the area code relief process. Cox stated that it had participated in discussions with stakeholders and agreed the all-services distributed overlay approach would minimize customer impacts, be simpler to understand for customers, and have a long life prior to the need for additional modifications to the NPA.

**IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

THE COMMISSION FINDS that it is vested with jurisdiction in this Cause pursuant to Art. IX, § 18 of the Oklahoma Constitution and 17 O.S. §§ 131 *et seq.*

THE COMMISSION FURTHER FINDS that notice in this Cause is proper as required by law and the rules of the Commission.

THE COMMISSION FURTHER FINDS that it has the authority pursuant to 47 C.F.R. § 52.19 to resolve matters involving new area codes in Oklahoma.

THE COMMISSION FURTHER FINDS that the projected exhaust date of the 405 NPA is the fourth quarter of 2021.

THE COMMISSION FURTHER FINDS that the only testimony filed in this Cause was filed on behalf of the Public Utility Division supporting the relief recommended in the Application, which is an all-services distributed overlay to relieve the impending exhaust of the 405 NPA.

THE COMMISSION FURTHER FINDS that the Oklahoma Telecommunications Industry has reached a consensus regarding its preferred method of area code exhaust relief for the 405 NPA, and that preferred method is an all-services distributed overlay.

THE COMMISSION FURTHER FINDS that no party to this Cause or member of the public has made objections or comment in opposition to the preferred relief method of the all-services distributed overlay.

THE COMMISSION FURTHER FINDS that an all-services distributed overlay provides for the most understandable public education program, allows the current 405 NPA as well as the 918/539 NPA to better maintain its local identity, and is the relief method with the longest life span.

THE COMMISSION FURTHER FINDS that the Oklahoma Telecommunications Industry will follow an implementation schedule which will allow for a six (6) month period of permissive ten digit dialing, during which time local calls will still be connected even when dialing seven (7) digits.

THE COMMISSION FURTHER FINDS that when mandatory ten (10) digit dialing takes place, calls which cannot be connected without an area code will receive an automated message explaining that the call requires an area code to be connected.



THE COMMISSION FURTHER FINDS that based upon all evidence in the record, an all-services distributed overlay is a relief method that is in the public interest.

**V. ORDER**

THE COMMISSION THEREFORE ORDERS that an all-services distributed overlay shall be utilized to provide relief for the impending exhaust of the 405 Numbering Plan Area.

THIS ORDER SHALL BE EFFECTIVE immediately.

OKLAHOMA CORPORATION COMMISSION

*J. Todd Hiett*

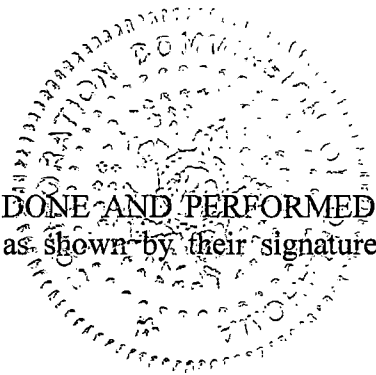
J. TODD HIETT, Chairman

*Bob Anthony*

BOB ANTHONY, Vice Chairman

*Dana L. Murphy*

DANA L. MURPHY, Commissioner



**CERTIFICATION**

~~2019~~ Order, as shown by their signatures above, this 8<sup>th</sup> day of January, 2020.

[Seal]

*Peggy Mitchell*

PEGGY MITCHELL, Secretary

**REPORT OF THE ADMINISTRATIVE LAW JUDGE**

The foregoing findings, conclusions, and order are the report and recommendation of the undersigned Administrative Law Judge.

*Dustin Murer*  
DUSTIN R. MURER  
Administrative Law Judge

12-20-19  
Date