

Central Office Code Reclamation and Requests for Extensions

SUMMARY

This document explains the procedures to be followed for reclamation of central office codes (NXX or area codes) by the Commission and for carriers' requests for extensions of time in which to activate codes.

INTRODUCTION

Since the passage of the Telecommunications Act in 1996, opportunities have been created for new telephone companies to compete against existing companies for local telephone business. This newly competitive marketplace has created an unprecedented demand for NXX codes. Consequently, area codes are rapidly exhausting, in Maryland and nationwide. In recent years, the solution to this exhausting area code problem has been to establish new area codes. In 1991 Maryland's single area code of 301 was geographically split into 301 and 410; in 1997 both 301 and 410 received overlays (240 and 443, respectively), making 31.2 million numbers available. In 2000, NeuStar requested that a second area code overlay be introduced for both the original 301 and 410 area codes. In March 2012, the original 410 area code received another overlay in the form of the 667 area code, resulting in five area codes operative in Maryland.

Whereas new area codes make more numbers available for use, they also create a vast array of new problems for both consumers and telecommunications carriers. The increased use of area codes is also hastening the end of 10-digit dialing in North America. When the current supply of area codes is exhausted, 11-digit dialing will be required. The cost of adding this extra digit into the system is estimated to be between \$50 and \$150 billion and will be paid, ultimately, by the ratepayer.

State and federal regulators, as well as the telecommunications industry, have been working on addressing this extremely complex numbering problem for several years. Efforts have focused both on developing methods of allocating numbers more efficiently and on developing methods for increasing carriers' accountability for the numbering resources they obtain. These efforts have resulted in orders issued by the Federal Communications Commission (FCC) establishing number conservation measures to be implemented by the states. This grant of authority marks a significant change in the role state commissions can play in ensuring that numbering resources are available to all carriers without the constant need to keep implementing new, but unnecessary, area codes.

BACKGROUND

The FCC assigned the North American Numbering Plan Administrator (NANPA) the job of allocating NXX codes to requesting carriers. Until recently, after an NXX code was given to a carrier and made available for use, the carrier had six months to activate the code and submit verification to the NANPA that the code was activated. Formerly, this certification was satisfied when the carrier submitted a "Part 4" form to the NANPA.

After giving carriers several opportunities to submit their Part 4 form verifications or request an extension of time within which to activate their NXX code, the NANPA would recommend to the Industry Numbering Committee (INC) which NXX codes should be reclaimed.

On March 31, 2000, the FCC made a substantial change in numbering resource management by taking reclamation authority away from NANPA and delegating it to the states. Following this grant of authority from the FCC, state commissions can investigate and determine whether code holders have activated NXX codes within six months of them being made available for use by the carrier. Further, state commissions may request proof from all code holders that NXX codes have been activated and assignment of the numbers has commenced. By FCC Order, the NANPA must abide by the state commission's determination to reclaim an NXX code if the state commission is satisfied that the code holder has not activated the code within the time specified in the FCC Numbering Order.

The FCC expressed the belief that state-level reclamation management may increase the effectiveness of state-level number conservation measures. If a state chooses not to exercise its delegated authority, reclamation management for that state cedes back to the FCC, which may require NANPA to perform reclamation management for that state in consultation with the FCC.

RECLAMATION PROCEDURES

On October 20, 2000, the Maryland Public Service Commission notified NANPA that it would administer the reclamation process in Maryland. The reclamation process discussed below is intended to provide a reasonable degree of flexibility for those codeholders that may need to delay the activation of their assigned codes for reasons beyond their control, while ensuring that scarce numbering resources remain available to serve the immediate needs of end-users.

NANPA will continue to receive and process Part 4 confirmations during the six month period following the publication of the effective date in the Local Exchange Routing Guide (LERG). NANPA will continue to send each carrier a notice during the month when the carrier's Part 4 is due with respect to a particular NXX code. If the Part 4 is not received when due, NANPA will then forward a list of codes for which the Part 4 form has not been received. Each month, NANPA will submit to the Commission a list of NXXs with past-due Part 4 confirmations ("past-due list"). NANPA will not accept any Part 4 confirmations after the six-month deadline has passed nor will NANPA grant extensions of the Part 4 confirmation deadline ("Part 4 extensions").

Upon receipt of the past-due list from NANPA, the Commission will send written notice by first class mail to the codeholders on the past-due list to remind them that their Part 4 confirmations are overdue. Codeholders are responsible for ensuring that NANPA and the Commission have current contact information on file, including contact name, phone numbers, fax number, street address, and electronic mail address. Notice sent to the street address listed for a codeholder in the NANPA database is deemed to have been received. In the event that the Commission is unable to contact a codeholder, that codeholder's

NXXs with past-due Part 4 confirmations will be subject to reclamation. Bankruptcy filings do not suspend the Commission's reclamation activities.

Codeholders will have fifteen (15) days from the date of the letter to provide the Commission with proof that the NXXs have been activated and are serving end-users, or, in the alternative, to request an extension of the Part 4 deadline.

REQUESTING AN EXTENSION

Current Central Office Code Assignment Guidelines allow a carrier to receive an extension for one of two reasons:

1. The activation has not occurred due to reasons beyond the carrier's control, such as a delay in interconnection with another carrier.
2. A single customer is to be assigned the full NXX code, but is not yet ready to accept numbers.

Codeholders seeking an extension of the Part 4 deadline must submit their requests to the Commission in writing and explain the reason for the delay in activating the NXXs.

In each request for an extension of the Part 4 deadline, the codeholders must:

1. Explain the reason for the delay in activating the NXXs.
2. Specify the duration of extension being sought and provide a date by which the NXXs in question will be in service.
3. Specify whether any third party has contributed to the codeholder's inability to activate the NXXs.
4. List the relevant NXXs, by NPA and rate center.
5. Specify whether prior extensions have been granted for the NXXs.
6. Specify the current Part 4 deadline.
7. Specify whether the codeholder has additional numbering resources at the same rate center.
8. Specify whether the codeholder has a current, working interconnection agreement with the dominant carrier.
9. Specify whether the codeholder has a contract for unbundled network elements.
10. Specify whether the codeholder has network information showing that equipment has been purchased and is operational.
11. Specify whether the codeholder has a collocation agreement for the rate center for which it is requesting a Part 4 extension.

Codeholders should be prepared to provide documentation and contact information sufficient to allow the Commission to verify any facts offered in support of their claims of compliance or requests for Part 4 extensions. Alternatively, the carrier may be able to make its case through a record of correspondence submitted with its request. Carriers may avail themselves of the Commission's procedures regarding protection of trade

secret information if they deem it necessary in complying with this process.

A codeholder must demonstrate that returning the codes and reapplying at a later date would be harmful to it or an end-use customer. The burden of proof lies with the codeholder requesting the extension and mere statements to that effect will not be acceptable.

Codeholders must specify and justify the length of the extension of time needed in which to activate a code. The duration of initial Part 4 extensions will be between 30 and 90 days. The Commission reserves the right to grant initial extensions of greater than 90 days and to grant additional extensions as necessary. Codeholders' requests for initial extensions in excess of 90 days, or seeking to renew previously granted extensions, will face a heightened degree of scrutiny.

NANPA does not track the status of past-due Part 4 confirmations for which the Commission grants an extension. Therefore, it is the responsibility of every codeholder that receives a Part 4 extension to submit a Part 4 confirmation or additional extension request before the end of the extension period. NXXs are subject to immediate reclamation at the end of the extension period unless the required communication is received from the codeholder.

COMMISSION ACTION

Once the Commission receives responses from the codeholders with delinquent Part 4s, it will review them and make a determination at a public meeting regarding whether or not the NXX codes should be reclaimed. Codeholders will be offered the opportunity to appear at such a meeting. After the public meeting, the codeholders will be sent notice of the Commission's decision informing it that the Commission intends to pursue one of three courses of action. First, the Commission may notify the carrier that reclamation of a particular NXX code is not warranted; consequently, no further action will be taken. Second, the Commission may notify the carrier it has been granted an extension of time within which to activate the NXX code; in this situation, the carrier will be expected to send verification to the Commission when the NXX code is activated and, once that is received, the Commission will not pursue any further action. Third, the Commission may notify the carrier that NXX code reclamation is necessary.

Following notice to the codeholder, the Commission will then inform the NANPA regarding its decision with respect to each NXX code. The NANPA will be informed on a monthly basis regarding the status of the Commission's investigation of the Maryland NXX codes identified by the NANPA as not being activated within the six month timeframe.

The Commission reserves to itself the right to supplement or revise these procedures from time to time, as necessary.