

ORIGINAL



STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF) NEUSTAR, INC., ON BEHALF OF THE) INDIANA TELECOMMUNICATIONS) INDUSTRY, FOR APPROVAL OF NPA) RELIEF PLAN FOR THE 317 NPA)	CAUSE NO. 44513 APPROVED: AUG 31 2016
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ORDER OF THE COMMISSION

Presiding Officers:

Carol A. Stephan, Commission Chair
David E. Veleta, Administrative Law Judge

On July 26, 2016, the Indiana Broadband and Technology Association (“IBTA”) filed a request to reopen the record in this proceeding for the purposes of allowing the parties an opportunity to provide evidence regarding the timing of the 317 area code relief implementation. Further, out of consideration for the Electronic Security Association’s (“ESA of Indiana”) request for additional time, the IBTA proposed that the Commission extend the mandatory 10-digit dialing deadline to October 15, 2016 from the current September 17, 2016 deadline.

On August 2, 2016, the Indiana Utility Regulatory Commission (“Commission”) issued an Order determining that an emergency situation existed, and ordered the all-services distributed overlay for the 317 Numbering Plan Area (“NPA”) remain in the permissive 10-digit dialing phase until otherwise ordered by the Commission. In addition, the Commission reopened the record in this proceeding pursuant to Indiana Code § 8-1-2-72 to allow the opportunity to determine if the 317 Order should be modified in regard to the timing of the implementation of the all-services distributed overlay due to new facts and circumstances.

In accordance with the deadlines set forth in our August 2, 2016 Order, the IBTA prefiled supplemental testimony on August 9, 2016.

The Commission convened an evidentiary hearing in this Cause at 10:30 a.m. on August 23, 2016 in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. The IBTA, NeuStar, Inc. (“Neustar”), and the Indiana Office of Utility Consumer Counselor (“OUCC”) appeared and were duly represented by counsel. No members of the general public sought to testify at the evidentiary hearing.

Having considered the evidence of record and the applicable law, the Commission now finds as follows:

1. **Background.** On July 10, 2014, Petitioner, NeuStar, the North American Numbering Plan Administrator (“NANPA”) filed its petition (“Petition”) with the Commission initiating the above-captioned Cause. In the Petition, NeuStar, in its role as the neutral third party NPA Relief Planner under the North American Numbering Plan and on behalf of the Indiana Communications Service Provider (“CSP”) Industry (the “Industry”), asked the Commission to approve the Industry’s consensus recommendation for an all-services distributed overlay of the 317 NPA as the preferred form of relief for the 317 NPA.

On April 8, 2015, the Commission issued an Order in this Cause granting NeuStar’s Petition for an all-services distributed overlay for the 317 NPA (the “317 Order”). The 317 Order approved the Industry’s recommendation of a 13-month schedule for implementing the all-services distributed overlay. The schedule included intervals for each implementation phase, including six months for network preparation and customer education followed by six months for permissive 10-digit dialing and continued customer education. Mandatory 10-digit dialing is to begin at the end of the permissive dialing period. The permissive dialing period was scheduled to run through September 17, 2016, with code activation in the new 463 NPA beginning one month later on October 17, 2016.

On July 14, 2016, the Commission received information from the ESA of Indiana that certain alarm companies may be behind in their preparations for the switch to mandatory 10-digit dialing. As a result, the Commission met with representatives of the alarm companies to determine the scope of the problem. Furthermore, the Commission participated in a conference call with the Indiana Industry Implementation Committee (“Industry Committee”) regarding the ESA of Indiana’s concerns.

On July 26, 2016, the IBTA filed a request to reopen the record in this proceeding to allow the parties to provide new evidence regarding the timing of the 317 Area Code Relief Implementation. Further, out of consideration for ESA of Indiana’s request for additional time, the IBTA proposed that the Commission extend the mandatory 10-digit dialing deadline to October 15, 2016 from the current September 17, 2016 deadline.

On August 2, 2016, we issued an order requiring that the 317 NPA remain in the permissive 10-digit dialing phase until otherwise ordered by this Commission (“Emergency Order”). The Commission attached records of the communications described above to the Emergency Order. Further, the Commission reopened the evidentiary record in this proceeding pursuant to Indiana Code § 8-1-2-72 to determine compliance with the 317 Order and allow the parties the opportunity to provide evidence from which to determine when mandatory 10-digit dialing should be implemented in the 317 NPA; when numbers from the 463 NPA should be made available to requesting providers; and when CSPs should be permitted to assign numbers from the new 463 NPA, the final step in completing implementation of the approved all-services distributed overlay in light of new facts and circumstances described in Mr. Matsumoto’s supplemental testimony.

2. **Notice and Jurisdiction.** Notice of the evidentiary hearing in this Cause was given and published by the Commission as provided under Indiana law. The proofs of publication of the

notice of the hearing have been incorporated into the record of this proceeding. NeuStar filed the Petition on behalf of the Indiana telecommunications industry participants, who are CSPs and public utilities, as those terms are defined in Indiana Code chs. 8-1-2 and 8-1-2.6 and subject to the jurisdiction of the Commission in the manner and to the extent provided by the laws of the State of Indiana. The Commission has jurisdiction over the subject matter of this Cause in the manner and to the extent provided under state and federal telecommunications laws, including, but not limited to Indiana Code ch. 8-1-2.6, 47 U.S.C. § 251(e)(1), and 47 C.F.R. § 52.19.

3. The IBTA's Supplemental Testimony. Mr. Matsumoto's testimony supported the Industry Committee's recommendation that the Commission extend the deadline for the beginning of mandatory 10-digit dialing for the 317 NPA from September 17 to October 15, 2016, and extend the date for code activation of the new 463 NPA from October 17 to November 15, 2016. Mr. Matsumoto testified that at the time he prefiled his testimony only 8 NXXs remained available for assignment in the 317 NPA. The projected Numbering Resource Utilization Forecast ("NRUF") exhaust date in the 4th Quarter of 2016 has remained constant for the 317 NPA..

Mr. Matsumoto indicated the IBTA members serving the 317 NPA were prepared to implement the mandatory 10-digit dialing deadline by the original September 17, 2016 deadline. He also testified that the customer education plan previously filed by the IBTA in this proceeding provided adequate notice to allow customers to prepare for the implementation of the all-services distributed overlay of the 317 NPA and that the customer education plan was consistent with the industry notification process used throughout the country when an all-services distributed overlay is being implemented.

Mr. Matsumoto testified that in an effort to balance (i) the needs of the ESA of Indiana for additional time for its members to prepare for mandatory 10-digit dialing with (ii) the limited numbering resources available for the 317 NPA and impending 4th Quarter 2016 exhaust date, the Industry Committee recommended the October 15, 2016 date as the appropriate new deadline for the beginning of mandatory 10-digit dialing in the 317 NPA. The November 15, 2016 starting date for code activation of the new 463 NPA was determined to be one month after the original date of October 15, 2016.

Mr. Matsumoto's testimony stated that the October 15, 2016 date for the beginning of mandatory 10-digit dialing for the 317 NPA and the November 15, 2016 starting date for 463 NPA code activation ensures that relief is implemented before Thanksgiving and the November and December holiday period, when large numbers of wireless phones, tablets, and other electronic devices are typically activated, potentially increasing demand for numbers during the holiday season. It also avoids activation during these periods, when customer calling volumes typically increase and any changes in the dialing patterns could potentially exacerbate customer confusion.

The October 15, 2016 date was purposefully selected to fall on a Saturday because customer calls are typically lower on Saturdays and CSPs can perform implementation work outside of traditional customer business hours, and allow for any necessary translations or other updates outside of peak load periods. The selection of Saturday, October 15, 2016 as the new

deadline would fall on a Saturday, consistent with the original September 17, 2016 deadline, previously approved by the Commission, which also fell on a Saturday.

4. Commission Analysis and Findings.

A. Date for Mandatory 10-Digit Local Dialing in the 317 NPA. The Commission is persuaded by Mr. Matsumoto's testimony that the Industry Committee members thoroughly examined customer and CSP considerations in recommending the Commission establish October 15, 2016 as the new date for the beginning of mandatory 10-digit local dialing in the 317 NPA. The November 15, 2016 date ensures activation of the new 463 NPA before Thanksgiving, so that relief is implemented before the November and December holiday periods when customer calling volumes typically increase and could potentially exacerbate customer confusion. The selection of October 15, 2016 is on a Saturday, when calling volumes are typically lower, allowing CSPs to perform their work outside of peak load periods.

Based on the record evidence, we agree with the IBTA that selecting October 15, 2016 as the new date for mandatory 10-digit local dialing in the 317 NPA accommodates customer and service provider interests. We concur with the IBTA that the selection of October 15, 2016 strikes an appropriate balance between the needs of the ESA of Indiana members for additional time to prepare for mandatory 10-digit dialing with the limited numbering resources for the 317 NPA and impending 4th Quarter 2016 exhaust date. Therefore, we find that the IBTA's recommendation of October 15, 2016 as the new deadline for the beginning of mandatory 10-digit local dialing in the 317 NPA should be approved.

B. Date for Code Activation of the New 463 NPA in the 317 NPA. The Commission concurs with the IBTA's recommendation for November 15, 2016 as the starting date for code activation of the new 463 NPA. The Commission finds that October 15, 2016, the new proposed deadline for the beginning of mandatory 10-digit local dialing in the 317 NPA, should be approved for all of the reasons discussed in 4. A., above. The November 15, 2016 code activation date was determined to be one month after the October 15, 2016 date and is hereby approved and is consistent with the one month interval after mandatory 10-digit dialing begins, as previously approved in our 317 Order.

C. Concerns with the Preparations of Certain Alarm Companies. On August 6, 2014, the Commission issued an emergency order in Cause No. 44233 regarding the 812 area code overlay, to "address concerns regarding the ability of certain business that service the medical and law enforcement industry to switch to mandatory 10-digit dialing." As a result of lessons learned during that proceeding, the Commission reached out to the Indiana alarm industry when it became clear that changes would be coming to the 317 NPA. The Commission held several field hearings throughout the 317 service territory and gave parties ample notice of the 13 month schedule for implementing the overlay. Despite these efforts, it appears that certain alarm companies are still not prepared for these changes. This Order approves October 15, 2016, as the new deadline for the beginning of mandatory 10-digit local dialing in the 317 NPA, which provides affected alarm companies with an additional month of preparation time. While the Commission

is aware that an additional month is not as much time as some alarm companies would like, it is the Commission's hope that the companies can complete the necessary steps to prepare for mandatory 10-digit dialing with this extra time. While we lack jurisdiction over alarm companies, in the event certain alarm companies will be unable to continue to serve all of their customers, we expect those companies will provide notice to affected customers well in advance of October 15, 2016 so those customers can find a new alarm service or prepare for a lapse in service.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Consistent with the findings above, the Commission hereby approves October 15, 2016 as the new deadline for the beginning of mandatory 10-digit local dialing in the 317 NPA.
2. Consistent with our findings above, the Commission hereby approves November 15, 2016 as the new deadline for the start of code activation of the new 463 NPA.
3. This Order shall be effective on and after the date of its approval.

STEPHAN, HUSTON, AND WEBER CONCUR; ZIEGNER ABSENT:

APPROVED: AUG 31 2016

I hereby certify that the above is a true and correct copy of the Order as approved.



Mary M. Becerra
Secretary of the Commission