

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF)
 NEUSTAR, INC., ON BEHALF OF THE) CAUSE NO. 44233
 INDIANA TELECOMMUNICATIONS)
 INDUSTRY, FOR APPROVAL OF NPA) APPROVED:
 RELIEF PLAN FOR THE 812 NPA)

OCT 22 2014

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ORDER OF THE COMMISSION

Presiding Officers:

Carol A. Stephan, Commission Chair

David E. Veleta, Chief Administrative Law Judge

On August 6, 2014, the Indiana Utility Regulatory Commission (“Commission”) initiated the above-captioned cause to determine compliance with the Commission’s July 31, 2013 Order (the “812 Order”) in this proceeding and to address concerns regarding the ability of certain businesses that service the medical and law enforcement industry to switch to mandatory 10-digit dialing. The Commission convened a technical conference on September 3, 2014 to further discuss the preparations for 10-digit dialing and related issues.

On September 17, 2014, the Indiana Telecommunications Association (“ITA”) prefiled testimony in this proceeding. On September 23, 2014, the Indiana Office of Utility Consumer Counselor (“OUCC”) provided notice that it would not file responsive testimony.

The Commission convened an evidentiary hearing in this Cause at 1:00 p.m. on October 2, 2014 in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. The ITA and the OUCC appeared and were duly represented by counsel. No members of the general public appeared or sought to testify at the evidentiary hearing.

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

1. Background. On August 3, 2012, Petitioner, NeuStar, Inc. (“NeuStar”), the North American Numbering Plan Administrator (“NANPA”) filed its petition (“Petition”) with the Commission initiating the above-captioned Cause. On September 7, 2012, Neustar filed its amended verified petition (“Amended Petition”) with the Commission. In the Amended Petition, NeuStar, in its role as the neutral third party Numbering Plan Area (“NPA”) Relief Planner for Indiana under the North American Numbering Plan and on behalf of the Indiana telecommunications industry (the “Industry”), petitioned the Commission to approve the Industry’s consensus recommendation for an all-services distributed overlay of the 812 NPA as the preferred form of relief for the 812 NPA.

On July 31, 2013, the Commission issued the 812 Order approving 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 was to begin at the end of the permissive dialing period, which was scheduled to run through September 5, 2014.

After the issuance of the 812 Order, the Commission received information that certain critical segments of the business community and telecommunications providers could have been behind in their preparations for the switch to mandatory 10-digit dialing. While the schedule approved in the 812 Order was designed to provide adequate time for preparation and customer education, we exercised caution to ensure both the safety of the public and a smooth transition to mandatory 10-digit dialing. Therefore, we ordered that 812 NPA remain in the permissive 10-digit dialing phase until otherwise ordered by the Commission. Further, the Commission reopened the evidentiary record in this proceeding pursuant to Indiana Code § 8-1-2-72 to determine compliance with the 812 Order and allow the opportunity to provide evidence to determine if the 812 Order should be modified with respect to the timing of implementation of the all-services distributed overlay in light of new facts and circumstances.

Pursuant to the reopening of the evidentiary record, the ITA filed Comments (“ITA Comments”) regarding the timing of the implementation of the all-services distributed overlay. The ITA Comments indicated that there have been monthly Industry committee meetings for network preparation and customer education, and deadlines have been established for each implementation phase. The ITA’s members that operate in the 812 NPA sent the appropriate customer notices via direct mail or bill messages; posted instructions on their websites; and were fully prepared to implement mandatory 10-digit dialing on September 6, 2014, absent the Commission’s August 6, 2014 Order.

The ITA Comments expressed concern over the potential ramifications of an indefinite delay and the ultimate rescheduling of mandatory 10-digit dialing. Of primary concern is a revised implementation schedule that could move the activation of mandatory 10-digit dialing into the November and December holiday periods. The ITA recommended the Commission establish a new deadline for mandatory 10-digit dialing in the 812 NPA that would allow 60 days to prepare and send notice to customers at least 30 days in advance of the new February 7, 2015 deadline.

With respect to the Commission’s concerns that certain Communications Service Providers (“CSP”) may be behind in their preparations for the switch to mandatory 10-digit dialing, the ITA recommended the Commission direct all providers in the 812 NPA to respond on their readiness to implement mandatory 10-digit dialing in the 812 NPA and to provide a company contact for any implementation issues. The ITA also recommended that the Commission allow any provider in the 812 NPA that is: (1) ready to implement mandatory 10-digit dialing in the 812 NPA; and (2) provides a company contact to the Commission, the option to forgo attending the September 3, 2014 technical conference.

In response to the ITA Comments, the Presiding Officers issued a Docket Entry on August 21, 2014 (the “Docket Entry”) requesting information from the Industry regarding: (1) the type of Industry outreach to the health and safety industry; (2) whether the Industry contacted the Electronic Security Association of Indiana (“ESA of Indiana”) regarding the transition to mandatory 10-digit dialing; (3) whether additional notices should be issued to alarm companies; (4) whether CSPs identified other critical industries that may be affected by mandatory 10-digit local dialing; and (5) what type of notice should be issued when the new deadline is established. The Presiding

Officers agreed that any CSP in the 812 NPA that notified the Commission of its readiness to implement mandatory 10-digit dialing in the 812 NPA and provided a company contact to the Commission, could forgo attending the September 3, 2014 technical conference.

The ITA filed responses to the Commission's Docket Entry on August 29, 2014 ("ITA Responses"). The ITA Responses noted that an Industry implementation committee sent special outreach letters in January 2014 and May 2014 to key stakeholders, including ESA of Indiana, Association of Directory Publishers, PSAP/E911 Board, and Payphone American Public Communications Council ("APCC"), as well as in June 2014 to the Indiana Chamber of Commerce, to ensure that all were aware of the 812 NPA relief plan dialing changes and to allow them to prepare for the changes. The Industry implementation committee created and provided customer education notice templates for service providers to use in educating their customers, with providers having discretion on best methods to notify and educate their customers. The notification process used in Indiana conforms to industry practices used nationally for area code relief implementation. In addition to the special outreach letters sent to the above members of the alarm and security industry, CSPs sent notices to each of their customers. The ITA Responses recommended customers be advised that while they were previously notified that mandatory 10-digit dialing was to be implemented effective September 6, 2014, the date was extended and to specify the new date. CSPs would need at least 90 days advance notice of the new deadline.

Sprint Spectrum, L.P. and Sprint Communications Company L.P., WideOpen West, LLC, T-Mobile, Smithville Communications, Inc. and Smithville Telecom, LLC, MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services, the Verizon Wireless affiliates doing business in Indiana, and the ITA filed Notifications of Readiness to Implement Mandatory 10-Digit Dialing for the 812 NPA.

2. Notice and Jurisdiction. Notice of the evidentiary hearing in this Cause was given and published by the Commission as provided for by Indiana law. The proofs of publication of the notice of the hearing have been incorporated into the record of this proceeding. NANPA 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 ITA's Testimony. Mr. Matsumoto's testimony supported the Industry's recommendation that the Commission establish February 7, 2015 as the new deadline for the beginning of mandatory 10-digit dialing in the 812 NPA. The February 7, 2015 date avoids the activation of mandatory 10-digit dialing in the November and December holiday periods when customer calling volumes typically increase and any changes in dialing patterns could potentially exacerbate customer confusion and disruption. The February 7, 2015 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, February 7, 2015 would be consistent with the original September 6, 2014 deadline, previously approved by the Commission, which also fell on a Saturday.

Mr. Matsumoto's testimony provided the ITA's recommended customer notice that although customers were previously notified that mandatory 10-digit dialing was to be implemented effective September 6, 2014, the deadline was extended and the new date for mandatory 10-digit dialing is February 7, 2015. The ITA recommended the Commission's Order approving the new deadline provide a minimum of 90 days advance notice for CSPs. The 90-day advance notice interval provides CSPs sufficient time to educate customers of the upcoming mandatory 10-digit dialing date, i.e., up to 60 days to reinitiate customer communications with 30 days advance notice to customers.

The ITA recommended that customers be advised that any medical, alarm, and security services and equipment located in the 812 area code and programmed to dial only seven digits must be updated or reprogrammed to dial 10 digits (the area code plus the 7-digit telephone number) for all local calls from the 812/930 area code, and to continue dialing 11-digits (1 plus area code plus 7-digit number) for long-distance calls.

4. Discussion and Findings.

A. Date for Mandatory 10-Digit Local Dialing in the 812 NPA. The Commission is persuaded by Mr. Matsumoto's testimony that the Industry members thoroughly examined customer and CSP considerations in recommending the Commission establish February 7, 2015 as the new date for the beginning of mandatory 10-digit local dialing in the 812 NPA. The February 7, 2015 date avoids activation of mandatory 10-digit local dialing in the November and December holiday periods when customer calling volumes typically increase and could potentially exacerbate customer confusion and disruption. The selection of a Saturday date, when calling volumes are typically lower, also allows CSPs to perform their work outside of peak load periods.

Based on the record evidence, we agree with the ITA that selecting February 7, 2015 as the new date for mandatory 10-digit local dialing in the 812 NPA balances customer and service provider interests. Therefore, we find that the ITA's recommendation of February 7, 2015 as the new deadline for the beginning of mandatory 10-digit local dialing in the 812 NPA should be approved.

B. Customer Notice for Mandatory 10-Digit Local Dialing in the 812 NPA. The Commission concurs with the ITA's recommendations on the type of customer notice and that the Industry needs a minimum of 90 days of advance notice. The Commission finds that customers should be advised that although they were previously notified that mandatory 10-digit dialing was to be implemented effective September 6, 2014, the deadline was extended and the new date for mandatory 10-digit dialing is February 7, 2015. We agree with the ITA on the need for a minimum of 90 days of advance notice after the Commission issues its Order approving the new date to reinitiate customer communication, and that it is appropriate to allow CSPs to give at least 30 days advance notice to their customers.

The Commission is convinced of the need to include an alert to address health and safety issues in the customer notices announcing the new mandatory 10-digit dialing deadline. We agree with the ITA's recommendation that customers be advised that any medical, alarm, and security services or equipment located in the 812 area code and programmed to dial only seven digits for local calls should be updated or reprogrammed to dial the area code plus the 7-digit telephone

number for all local calls in the 812/930 area code. As an extra precaution, the Industry should send special notices to alarm and security associations serving the 812 area code.

Having reviewed the evidence, we find that the ITA's recommendations for CSPs to issue customer notices announcing February 7, 2015 as the new implementation date for mandatory 10-digit local dialing in the 812 NPA, including an alert for customers with medical, alarm, and security services or equipment, is hereby approved.

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

1. Consistent with the findings above, the Commission hereby approves February 7, 2015 as the new deadline for the beginning of mandatory 10-digit local dialing in the 812 NPA, with the first code activation for codes assigned from the new 930 overlay NPA to begin one month later, on March 7, 2015.

2. Consistent with our findings above, the Commission hereby approves the ITA's recommendation that CSPs issue customer notices advising of the new February 7, 2015 date for mandatory 10-digit local dialing, including an alert for customers with medical, alarm, and security services or equipment, and a special notice to alarm and security associations serving the 812 area code.

3. This Order shall be effective on and after the date of its approval.

STEPHAN, MAYS-MEDLEY, WEBER, AND ZIEGNER CONCUR; HUSTON NOT PARTICIPATING:

APPROVED: OCT 22 2014

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



Brenda A. Howe
Secretary to the Commission