

ISSUE DATE: May 15, 1998

DOCKET NO. P-999/M-97-506

ORDER GRANTING AREA CODE NUMBERING RELIEF

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair
Commissioner
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Commissioner

In the Matter of a Relief Plan for the Exhaust of
the 612 Area Code

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NUMBERING RELIEF

PROCEDURAL HISTORY

On November 13, 1997, the Commission issued its ORDER ESTABLISHING AREA CODE RELIEF PLAN, SETTING POLICIES FOR NUMBER CONSERVATION, AND ESTABLISHING TASK FORCE in the above-captioned docket. In that Order, the Commission chose a two-step, East-West geographic split of the present (612) area code, with assignment of a new area code to the eastern side of the boundary, to forestall the approaching exhaust of available telephone prefixes. The area code relief plan was developed further in the Commission's January 26, 1998 Order after reconsideration.

On March 31, 1998, Aerial Communications, Inc. (Aerial), a wireless telephone service provider, submitted a petition requesting a waiver of the Commission's Orders establishing the area code relief plan. Aerial stated that its only Mobile Switching Center (MSC) in the Twin Cities area is located in Eagan, Minnesota, which is located on the east side of the area code boundary line and thus has been assigned a new area code (651). The vast majority of Aerial's customers live and work in the western portion of the geographic split. These customers, along with the rest of Aerial's customers, would be assigned the new area code. Aerial noted that it is the only wireless provider with a switching center to the east of the area code boundary line; Aerial's competitors would be at an advantage because their customers could retain their original area code. Aerial asked the Commission to "waive" the 612/651 area code boundary so that Aerial's MSC could be considered to be located on the west side of the boundary line, thus enabling Aerial's customers to retain their (612) numbers.

On April 15, 1998, the Commission issued its ORDER REAFFIRMING PREVIOUS ORDERS, AND APPROVING IMPLEMENTATION PLAN AND CUSTOMER EDUCATION PLAN. In that Order, the Commission found that Aerial's request for a waiver from previous Commission Orders was, in effect, an untimely request for reconsideration. While declining to take up the untimely request, the Commission noted the concerns raised by Aerial. The Commission also noted that the Numbering Plan Administrator had received other similar requests for prefix allocations. The Commission stated that it may need to consider requests for emergency prefix allocation relief on a case by case basis. The Commission therefore directed the Numbering Plan Administrator to refer any company requests for allocation of prefixes between the (612) area code and the (651) area code to the Commission for consideration. The Commission noted that Aerial's request for prefix relief could be considered by the Commission in such a procedure.

The Commission issued a notice of comment period on Aerial's request for a waiver.

On April 17, 1998, Aerial filed supplemental comments. Aerial renewed its request for a waiver of area code assignment so that its customers could retain their (612) numbers. Aerial again stated that it would be competitively disadvantaged under the current plan because it is the only wireless provider whose customers would experience area code reassignment.

Aerial raised several other arguments for a waiver of area code boundaries. First, Aerial stated that the vast majority of its (612) customers live and work within the new (612) area code boundaries; most of their minutes of use will be between locations in that area code. Second, Aerial argued that § 251(e) of the Telecommunications Act of 1996 provides that telecommunications numbers be made available "on an equitable basis." If Aerial were not granted the relief it seeks, the Company argued, it would not be treated "on an equitable basis" with other wireless providers. Finally, Aerial argued that the Commission could legitimately distinguish between its treatment of wireless providers and landline providers in the geographic relief plan. Wireless customers subscribe to the service because it allows them to maintain telephone contacts while retaining mobility; landline customers expect to be geographically based.

No other party submitted comments.

On May 5, 1998, the matter came before the Commission for consideration.

FINDINGS AND CONCLUSIONS

The Commission finds that wireless providers should be allowed to obtain prefixes within the area codes demanded by their customers, regardless of the location of the providers' mobile switches. The difference between landline service and wireless service justifies this treatment. Landline providers serve their customers from wire centers connected to specific geographic locations. Wireless providers, on the other hand, use their switches to serve their customers wherever the customers may be. A wireless customer could be served by the wireless provider using a prefix under either the new (612) or the (651) area code, but would presumably prefer a prefix in the area code in which the customer lives and/or works. It would therefore be illogical to preclude Aerial from continuing to offer service through its prefixes currently using the (612) area code, simply because Aerial's mobile switch happens to be located to the east of the area code boundary line. It would also be illogical to preclude any wireless provider, including Aerial, from choosing new prefixes under either area code, regardless of location of the mobile switch, if customers in the particular area code request service.

The alternative of requiring wireless providers to locate a switch in each area code in order to obtain prefixes in that code--a requirement that is not technically necessary--would be inefficient and needlessly costly. Such a situation would also be unfair to smaller and newer wireless providers, who may be able to initiate service through a single switch but may lack the means to locate duplicate switches. Furthermore, every adverse impact on wireless providers limits competitive choices for consumers.

Allowing wireless providers to use prefixes within their customers' respective area codes is consistent with the Commission's overall area code relief policies. The Commission notes that it studied extensive traffic data before deciding on the configuration of the (612) area code split. The data revealed that the great majority of telephone calls are made within the local area just surrounding the customer's residence or business. This fact moved the Commission toward the

choice of a geographic split, in which customers would be able to seven-digit-dial the majority of their telephone calls. By allowing wireless providers to obtain prefixes in their customers' respective area codes, the Commission can extend its policy of facilitating seven-digit-dialing to wireless customers.

Allowing Aerial, and other wireless providers, to use prefixes within either area code is preferable to granting Aerial's request to treat its switch as located on the west side of the boundary. The latter alternative would result in all current wireless providers using (612) as their area code. Under that scenario, customers in the (651) area code would have ten-digit-dialing to and from all cellular telephones, while customers in the (612) area code would have seven-digit-dialing.

For these reasons, the Commission will allow Aerial, and other wireless providers, to obtain prefixes within either the new (612) or the (651) area code, according to customer usage, regardless of where the providers' switches are located. Aerial will also be allowed to retain in the current (612) area code some or all of the central office codes it is currently using.

ORDER

1. The Commission grants Aerial its area code numbering relief by adopting a policy under which all wireless providers may obtain prefixes within either the (612) or the (651) area code, regardless of where the providers' switches are located. Aerial will also be allowed to retain in the current (612) area code some or all of the central office codes it is currently using.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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