

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC
OCT -7 PM 12:38
RECORDS AND REPORTING

DATE: OCTOBER 7, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAKER)

FROM: DIVISION OF COMMUNICATIONS (ILERI) *ic*
DIVISION OF LEGAL SERVICES (CALDWELL) *Over BK*

RE: DOCKET NO. 980671-TL - REQUEST FOR REVIEW OF PROPOSED NUMBERING PLAN RELIEF FOR THE 407 AREA CODE

AGENDA: OCTOBER 19, 1999 - REGULAR AGENDA - MOTION FOR EXTENSION OF TIME - POST HEARING DECISION - ORAL ARGUMENT NOT REQUESTED

CRITICAL DATES: DECEMBER 1, 1999 (EXHAUSTION DATE)

SPECIAL INSTRUCTIONS: EMERGENCY REQUEST - DECISION NEEDED BEFORE DECEMBER 1, 1999

FILE NAME AND LOCATION: S:\PSC\LEG\WP\980671D.RCM

CASE BACKGROUND

By Order No. PSC-98-1761-FOF-TL, issued December 29, 1998, this Commission approved the 407 area code relief plan. On December 22, 1998, BellSouth filed a motion for modification of the implementation schedule. By Order No. PSC-99-0384-FOF-TL, issued February 23, 1999, the Commission modified the implementation schedule for the 407 area code relief plan to reflect the dates as shown in the following table:

DOCUMENT NUMBER-DATE

12172 OCT-7 99

FPSC-RECORDS/REPORTING

County	Permissive Dialing Starts	Mandatory Dialing Starts
Orange, Osceola, and Seminole (A)*	April 1, 1999 (7 or 10-digit dialing with 407 NPA)	December 1, 1999 (10-digit dialing with 407 and 321 NPAs ¹)
Brevard (B)*	November 1, 1999 (7 or 10-digit dialing with 407 and 321 NPAs)	October 1, 2000 (7 or 10-digit dialing with 321 NPA)

* For the rest of this recommendation, Area A will refer to Orange, Osceola, and Seminole counties, and Area B will refer to Brevard county.

On September 10, 1999, ADT Security Services, Inc. (ADT) filed an Emergency Request for Extension of Permissive Dialing in Docket No. 980671-TL. ADT requests an extension of the start of mandatory 10-digit dialing for an additional four months (i.e., until April 1, 2000). A copy of the petition is attached. On September 23, 1999, Sprint-Florida Incorporated (Sprint) filed a letter with the Commission's Division of Records and Reporting to lodge an initial objection to ADT's Emergency request. Therefore, this is staff's recommendation on ADT's emergency request for extension of the permissive dialing period.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant ADT's Emergency Request for Extension of the Permissive Dialing period until April 1, 2000?

RECOMMENDATION: No. Staff recommends that the Commission deny ADT's Request for Extension of the Permissive Dialing period until April 1, 2000. The Commission has recently addressed the same

¹In the overlay area, the 321 NXXs will be issued after December 1, 1999 when all the 407 NXXs exhaust.

substantive issue regarding the extension of the permissive dialing period for the 407 area code relief in Order No. PSC-99-0384-FOF-TL, issued February 23, 1999. Staff recommends that ADT should send via certified mail a notice to all of its customers, who have not been converted as of November 1, 1999, advising them of the necessity of making the conversion. Specifically, this notice should emphasize the ramifications of missing the December 1, 1999 deadline. (ILERI)

STAFF ANALYSIS: In Order No. PSC-99-0384-FOF-TL, issued February 23, 1999, the Commission approved an overlay plan for Orange, Osceola, and Seminole counties (Area A). In addition, Brevard county (Area B) was separated out of the overlay plan and assigned the area code 321. Seven or ten-digit permissive dialing of the 407 NPA for Area A began on April 1, 1999, and will end on December 1, 1999. Mandatory ten-digit dialing with the 407 and 321 NPAs for Area A will begin on December 1, 1999. Permissive seven or ten-digit dialing will begin in Area B on November 1, 1999, and will end on September 30, 2000.

In its Petition, ADT requests a temporary variance from Commission Order No. PSC-99-0384-FOF-TL in the nature of an extension of the mandatory ten-digit dialing period for Area A. ADT states that it has approximately 15,000 customers in Area A, 65 percent of whom are residential customers. ADT received notice from BellSouth via certified mail on April 9, 1999, and from Sprint via facsimile on April 14, 1999, that the ten-digit dialing would become mandatory on December 1, 1999. ADT states that since the notification, it has taken all necessary and reasonable steps to complete the conversions by the deadline, but will be unable to complete all of them by the mandatory dialing date because customers failed to respond to their letters and phone requests to schedule a conversion appointment.

ADT states that some of its customers were obtained in the acquisition of Entergy Security Systems in January 1999. Entergy was comprised of many smaller alarm companies. The age of the alarm systems of those companies has made it difficult for ADT to acquire the appropriate reprogramming equipment to complete the

task. In addition, ADT states that it must make an appointment in order to gain entry to the homes of its residential customers. ADT states that in approximately five to ten percent of the site visits, a total replacement of the equipment is required before conversion can be made.

ADT argues that unless an extension of time is granted, approximately 20 percent of its customers (3,000) will be without monitoring service. ADT states that a denial of its request would create a substantial hardship on ADT and its customers. This situation could expose ADT's customers to significant and unintended harm. ADT estimates it will need approximately four months, until April 1, 2000, to complete the conversions. Therefore, ADT is requesting a waiver of the mandatory ten-digit dialing for those exchanges where ADT has affected customers in Area A.

On September 14, 1999, staff discussed this issue with Mr. Wayne Milby, the eastern North American Numbering Plan (NANP) relief planner. Mr. Milby stated that the current code rationing procedure allows for the distribution of 11 NXX codes per month. Thus, as of December 1999, the total number of NXX codes remaining for Area A will be 14, or in other words, approximately one month's allotment of NXXs. In Area A, the 321 NXX codes will be effective immediately once the 407 NXX codes exhaust. Pursuant to Federal Communications Commission Order No. 96-333, in CC Docket No. 96-98, 321 NXXs cannot be issued in Area A until mandatory ten-digit dialing is implemented.

On October 4, 1999, staff met with representatives from ADT, Sprint, and BellSouth to discuss the issue of extending the area code overlay deadline. Staff's concerns that ADT had not taken sufficient action to address converting equipment were allayed. ADT indicated that since July 1, 1999, it had reassigned eight existing experienced service technicians and five data specialists to system conversions/programming, and trained new employees for a total of 11 technicians and 14 specialists. ADT also indicated that it would reassign or hire personnel to meet the demands for conversions.

ADT has sent three mailings to its customers explaining the need for reprogramming and requesting the customers to call for an appointment. On average, ADT received approximately a five percent call back. ADT also calls its customers that have not had their system reprogrammed on an average of every two weeks. ADT makes appointments for approximately ten percent of those calls made. ADT stated that appointments are made and a technician dispatched within one to two days of the customer's call. The main problem is getting customers to respond and make appointments. ADT believes that the low response rate is due in part to the number of seasonal residents living in this area.

ADT stated that the average conversion time is 1.8 hours and that one technician could average four site visits per day. ADT further stated that their customers' poor response to converting their equipment was the reason for the extension request. The requested four-month extension was based upon current appointment schedules. ADT represented to staff that should customer response increase it will do whatever it takes to meet that response to reprogram systems.

Sprint's initial objections state that Sprint would incur substantial cost to renotify customers of the new date in the event the Commission grants ADT's motion. Sprint states that additional out-of-pocket translation costs would occur but has not yet had the opportunity to calculate those costs. More importantly, Sprint argues that the NXXs available in the 407 area code are rapidly dwindling and the remaining numbers will not last until April 1, 2000. Sprint states that a lack of numbers will have a tremendous cost to carriers who cannot get numbers.

During the October 4, 1999 meeting, the issue of extending the permissive dialing period for Area A was discussed. ADT confirmed that there are 280 affected NXXs. Staff notes that in the prior cases, the PSC granted an extension for those NXXs which were affected. However, in this case, due to the high number of affected NXXs, any revision to the implementation schedule would have to be in the entire 407 area.

Imposing the mandatory 321 area code change to Area B without any permissive dialing period was also discussed during this meeting as a way to free up 407 NXXs. Such an approach would not only give insufficient time to notify customers, businesses and their associates, but also the industry would not be able to accommodate an immediate area code change in the central offices. Staff believes that eliminating the permissive dialing period for Brevard county would create extreme customer confusion, hardship, and a burden to businesses, county officials, and customers.

Extending the start of mandatory 10-digit dialing date for the overlay area is also a serious problem because under the rationing procedure, the current 407 NXXs are expected to exhaust in late December. Further, in order to institute stricter rationing for the entire 407/321 overlay area, the industry must reach a consensus. The industry and NANP Administration (NANPA) may not be willing to implement stricter rationing procedures because each carrier must be able to compete and have equitable access to numbering resources in a timely manner. In addition, pursuant to Federal Communications Commission Order No. 96-333, in CC Docket No. 96-98, 321 NXXs cannot be issued in the overlay area until mandatory ten-digit dialing is implemented. Moreover, the wireless carriers need access to telephone numbers during the month of December due to seasonal sales increases. Thus, staff believes that the current implementation schedule for the entire 407 area (Areas A and B) should remain intact.

Staff believes ADT took all reasonable steps to inform its customers of the situation. Those customers who failed to remedy their situation should not be allowed to delay implementation to the detriment of all the citizens in the area. Therefore, staff recommends that the Commission deny ADT's Request for Extension of the Permissive Dialing period until April 1, 2000. The Commission has recently addressed the same substantive issue regarding the extension of the permissive dialing period for the 407 area code relief in Order No. PSC-99-0384-FOF-TL, issued February 23, 1999. Staff recommends that ADT should send via certified mail a notice to all of its customers, who have not been converted as of November 1, 1999, advising them of the necessity of making the conversion.

DOCKET NO. 980671-TL
DATE: OCTOBER 7, 1999

Specifically, this notice should emphasize the ramifications of missing the December 1, 1999 deadline.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. With the approval or denial of Issue 1, this docket should be closed. (CALDWELL)

STAFF ANALYSIS: Regardless of whether the Commission approves or denies staff's recommendation in Issue 1, this docket should be closed.

DOCKET NO. 980671-TL
OCTOBER 7, 1999

BEFORE THE PUBLIC SERVICE COMMISSION

**IN RE: Request for review of
proposed numbering plan relief
for 407 area code.**

DOCKET NO. 980671-TL

FILED: _____

EMERGENCY REQUEST FOR TEMPORARY VARIANCE

ADT Security Services, Inc. ("ADT"), pursuant to 28-104.001, et. seq., Florida Administrative Code, by and through its undersigned counsel, does hereby file with the Public Service Commission ("Commission") its Emergency Request for Temporary Variance and in support thereof states as follows:

1. ADT is a Delaware corporation authorized to do business in Florida. ADT operates in Florida as an alarm company with its principal place of business located in Boca Raton, Florida.
2. The names and addresses of the persons to whom copies of all correspondence, notices, orders and other documents in this proceeding should be sent are as follows:

Daniel H. Thompson
Berger Davis & Singerman
215 South Monroe Street, Suite 701
Tallahassee, Florida 32301
850/561-3010 Telephone
850/561-3013 Facsimile

3. ADT requests a temporary variance from the Commission's Order Number 99-0384-FOF-TL in the nature of an extension of the mandatory ten-digit dialing established in that order until December 1, 1999, for Orange, Osceola and Seminole Counties and October 1, 2000, for Brevard County.

4. ADT is an alarm services company with approximately 15,000 customers in the Orange-Seminole County area, 65 per cent of whom are residential customers.

5. Once activated or tripped, many of ADT customers' alarm systems send an electronic signal via the telephone lines to one of ADT's monitoring stations. Presently, the alarms in the Orange-Seminole County area dial a local seven-digit phone number. In order to provide alarm service to ADT's existing customers, ADT must reprogram the alarm panels in each business or residence to allow for the mandatory ten-digit local dialing.

6. On April 9, 1999, ADT was notified by certified mail from Bell South that the ten-digit dialing would become mandatory on December 1, 1999. Orange-Seminole County is split by two different telephone companies. ADT was notified by Sprint on April 14, 1999, by facsimile that ten-digit dialing would become mandatory. Since receipt of notification that the ten-digit dialing would become mandatory, ADT has taken all necessary and reasonable steps to complete the conversion by the deadline. ADT has found, however, that it will be unable to complete the necessary conversion by December 1.

7. On January 29, 1999, ADT acquired Entergy Security Systems ("Entergy"). Entergy was comprised of many smaller alarm companies. The age of the alarm systems has made it difficult for ADT to acquire the appropriate reprogramming equipment to complete the task. Also, ADT is required to make an appointment in order to gain entry to the homes of the 65 per cent of ADT's customer base that is residential. ADT has discovered that approximately five to ten per cent of the site visits require a total replacement of the equipment before conversion can be made.

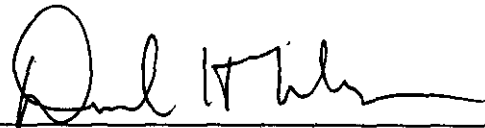
8. ADT will be unable to complete the conversion process until April 1, 2000. If an extension of time is not granted, approximately 3000 customers will be without monitoring service

for a period of time up to four months. The inability to provide service to those customers could expose ADT's customers to potential life threatening situations.

9. ADT requests a temporary variance and/or extension of time of the mandatory ten-digit dialing for a period of four months for those phone exchanges where ADT has affected customers. A denial of ADT's request would create a substantial hardship on ADT and its customers. Additionally, a denial could expose ADT's customers to significant and unintended harm.

10. Inasmuch as the pertinent order requires mandatory ten-digit dialing on December 1, 1999, for Orange, Osceola and Seminole Counties, emergency relief is requested and necessary.

This Emergency Request for Variance is respectfully submitted this 10th day of September, 1999.



DANIEL H. THOMPSON
Florida Bar No. 195101
BERGER DAVIS & SINGERMAN
Attorneys for ADT Security Services, Inc.
215 South Monroe Street, Suite 705
Tallahassee, Florida 32301
Telephone: 850/561-3010
Facsimile: 850/561-3013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an original of the foregoing has been furnished by U.S. Mail on this 10th day of September, 1999, to the following:

E. Gary Early, Esq.
Akerman, Senterfitt & Eidson
216 South Monroe St., #200
Tallahassee, Florida 32301
Represents: BellSouth Mobility, Inc.
Telephone: 850/222-3471
Facsimile: 850/222-8628

^h
Ronda P. Merritt
AT&T Comm. of the Southern States, Inc.
101 North Monroe Street, Suite 700
Tallahassee, Florida 32301-1549
Telephone: 850/425-6342
Facsimile: 850/425-6361

Jeffrey Wahlen
Ausley Law Firm
Post Office Box 391
Tallahassee, Florida 32302
Represents: Vista-United
Telephone: 850/224-9115
Facsimile: 850/222-7952

Representative Randy Ball
400 South Street, Suite 1C
Titusville, Florida 32780
Telephone: 407/383-5151
Facsimile: 407/383-5153

Bell South Mobility, Inc.
1100 Peachtree St., NE, #14-E06
Atlanta, GA 30309-4599
Represented by: Akerman Law Firm & Mark
Herron, P.A.
Telephone: none listed
Facsimile: 404/249-0453

Nancy H. Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301-1556
Telephone: 850/224-7798, 850/222-1201
Facsimile: 850/222-8640

Brevard County Board of Commissioners
County Attorney
2775 St. Johns St., Bldg. C., 3rd Floor
Viera, Florida 32940
Telephone: none listed
Facsimile: 407/633-2115

Richard Melson
Hopping Law Firm
Post Office Box 6526
Tallahassee, Florida 32314
Represents: MCI/MCImetro
Telephone: 850/222-7500
Facsimile: 850/224-8551

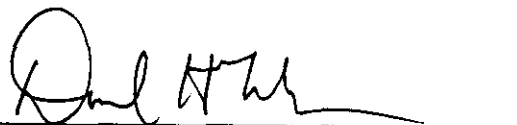
D. Wayne Milby
Lockheed Martin IMS
Communications Industry Services
1133 15th Street, N.W.
Washington, DC 20005
Telephone: 202/756-5600
Facsimile: none listed

Mark Herron
Akerman, Senterfitt & Edison
216 South Monroe Street, Suite 200-A
Tallahassee, Florida 32301-1859
Represents: BellSouth Mobility, Inc.
Telephone: 850/222-3471
Facsimile: 850/222-8628

Thomas K. Bond
MCI Telecommunications/MCI Metro Access
780 Johnson Ferry Road, Suite 700
Atlanta, GA 30342
Represented by: Hopping Law Firm
Telephone: 404/267-6315
Facsimile: 404/267-5992

Commissioner Helen Voltz
District 5
1515 Sarno Road, Bldg. B
Melbourne, Florida 32935
Telephone: 407/253-6611
Facsimile: 407/253-6620

Carl H. Schafer
4770 Key Drive East
Titusville, Florida 32780



Attorney

Orange County Attorney's Office
Orange County Administration Center
Post Office Box 1393
Orlando, Florida 32802-1393
Telephone: 407/836-7320
Facsimile: 407/836-5888

F. B. (Ben) Poag
Sprint-Florida, Incorporated (TL727)
Post Office Box 2214 (MC FLTLH00107)
Tallahassee, Florida 32316-2214
Telephone: 850/599-1027
Facsimile: 407/814-5700

Lynn B. Hall
Vista-United Telecommunications
Post Office Box 10180
Lake Buena Vista, Florida 32830-0180
Represented by: Ausley Law Firm
Telephone: 407/827-2210, 407/827-2170
Facsimile: 407/827-2424