

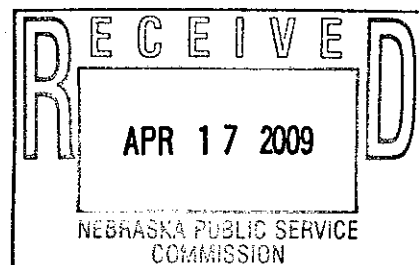
BEFORE THE
PUBLIC SERVICE COMMISSION OF NEBRASKA

In the Matter of the Nebraska Public Service Commission, on its own motion, to adopt a relief plan for the 402 area code.

Docket No. C-4152

**JOINT COMMENTS OF SPRINT NEXTEL, AT&T,
VERIZON WIRELESS, VERIZON BUSINESS, AND CTIA**

Sprint Communications Company L.P., Sprint Spectrum L.P., Nextel West Corp., and NPCR, Inc. (collectively, "Sprint Nextel"), AT&T Communications of the Midwest, Inc. and TCG Omaha, Inc., New Wireless PCS, LLC d/b/a AT&T Mobility (collectively referred to as "AT&T"), Alltel Communications Holdings of the Midwest, Inc. and Cellco Partnership d/b/a Verizon Wireless (collectively, "Verizon Wireless"), MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services and MCI Communications Services, Inc., d/b/a Verizon Business Services (collectively, "Verizon Business"), and CTIA- The Wireless Association® ("CTIA") (collectively, the "Joint Commenters") jointly submit the following comments in response to the Order Opening Docket and Setting Workshop (the "Order Opening Docket") issued by the Nebraska Public Service Commission ("Commission") on March 17, 2009 addressing area code relief for the 402 area code. As explained in more detail below, the Joint Commenters strongly urge the Commission to adopt an all-services distributed overlay as the method of relief for the 402 area code.



I. Commission Action is Necessary to Prevent Exhaust

As noted in the Commission's Order Opening Docket, the 402 area code is facing a forecasted exhaust date of the third quarter of 2010.¹ The Commission must now take action to prevent exhaust and to re-supply the depleted inventory of telephone numbering resources.² The FCC relies upon state commissions to implement timely area code relief.

These numbering resources are necessary to meet Nebraska consumer demand for a variety of telecommunications services including wireless voice and data services and Voice over Internet Protocol ("VoIP") services.³ Apart from meeting consumer demand, ensuring access to numbering resources for all carriers to enter into the telecommunications marketplace also enhances competition for that consumer demand.⁴ When carriers can vigorously compete, unfettered by their access to numbering resources, consumers benefit from the provision of a variety of new products and services and lower prices.⁵ Moreover, unavailability of numbers could "prevent or discourage consumers from taking new services."⁶ The link between meeting consumer demand on one hand

¹ See, Order Opening Docket at p. 3.

² See Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd. 7574, ¶ 8 (2000) ("First NRO Order").

³ The FCC has stated, "Traditionally, when the supply of numbers available within an area code is estimated to exhaust during the planning horizon, some form of area code relief must be implemented so that customers in that area can continue to obtain the services they desire from the carrier of their choice." Numbering Resource Optimization, *Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Dkt No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, 16 FCC Rcd. 306, ¶ 54 (2000) ("Second NRO Order").

⁴ *Second NRO Order*, ¶ 58.

⁵ *Id.*, ¶ 59:

⁶ *Id.* The FCC further stated, "Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for a want of numbering (footnote continued)

and enabling competition that consumers can benefit from in the form of a wider array of products, services and lower prices on the other hand, requires timely access to new numbering resources.

II. All-Services Overlays Have Many Advantages Compared to Geographic Splits

After weighing the pros and cons of an all-services overlay and a geographic split, the Joint Commenters strongly support an all-services overlay for the 402 area code. An all-services overlay is in the best interest of the state of Nebraska and its consumers. Simply put, an all-services overlay has comparatively little impact on consumers; and, unlike a geographic split, an all-services overlay does not create “winners and losers” within the 402 NPA.

An all-services overlay has the following advantages over any geographic split:

- No consumers with numbers in the existing 402 area code will have to change or “give back” their telephone numbers.
- All consumers within an NPA are treated equally, i.e., there is no “wrong side” whereby some consumers “win” and some consumers “lose” (like there is in a geographic split) and the new 10-digit dialing requirement is imposed equally on all communities throughout the area code.
- Only customers obtaining new services would be assigned telephone numbers in the new area code, and only when there are no more telephone numbers available in the existing area code from their carrier of choice.
- No businesses, especially small businesses, have to endure the costs of changing signage, stationery, yellow pages advertising and other advertising, web sites, brochures, catalogs, business cards, etc. to reflect their new number.
- No businesses risk the loss of former customers who are no longer able to find them because of the forced number change resulting from the geographic split.

resources. For consumers to benefit from the competition envisioned by the 1996 Act, it is imperative that competitors in the telecommunications marketplace face as few barriers to entry as possible.” *Id.*, ¶ 61.

- Adopting an all-services overlay instead of a geographic split obviates the need for consumers to distribute updated phone numbers to virtually everyone they know, including family, friends, doctors, dentists, acquaintances and customers.
- An all-services overlay is less confusing for customers because the existing area code boundary will remain intact.
- Wireless consumers with phones that cannot be reprogrammed “over the air” (“non-OTA phones”), will be spared the burden of manually reprogramming their phones.
- Geographic splits can often create dialing confusion by requiring customers to use one dialing pattern for some local calls (seven digits) and another dialing pattern for other local calls (ten digits).
- Carriers can usually implement an all-services overlay more quickly and easily than a geographic split and therefore can continue to offer the choice of carrier, products and services that consumers expect without disruption.
- There is no “flash cut” with an all-services overlay. Thus, new numbering resources are assigned only as needed instead of forcing all of the current consumers on the “wrong side” of the geographic split to undergo a number change because of future demands.
- Significant technical problems (and the resulting consumer dissatisfaction) associated with a geographic split are avoided.

As these bullet points demonstrate, there are many advantages to area code relief via an all-services overlay.⁷ Indeed, a growing number of states have adopted all-services overlays as their preferred method of area code relief.⁸ The Commission acknowledged in the Order

⁷ The Federal Communications Commission has also considered the advantages and disadvantages of geographic splits and all-services overlays. *See*, In the matter of Numbering Resource Optimization, *Second Report and Order, Order on Reconsideration and Second Further Notice of Proposed Rulemaking*, CC Docket Nos. 96-98 and 99-200, at ¶¶ 62-70 (2000) (“Second NRO Order”).

⁸ States that have implemented an all-services overlay include: Colorado, Florida, Georgia, Illinois, Massachusetts, Maryland, Michigan, Mississippi, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Puerto Rico, Texas, California, Virginia, Utah, and West Virginia. States that have selected the all-services overlay method of relief for implementation later this year include: Connecticut, Oregon, Wisconsin, and Alabama.

Opening Docket that “the overlay method of providing relief is the most widely used method among states at the present time.”⁹

During these difficult economic times, it is imperative that the Commission also acknowledge the unnecessary economic burden and inconvenience that a geographic split would place on small businesses. The prospect of a number change and the attendant need to change out stationery, signs, advertising, and inform customers of a new telephone number is a burden for all consumers on the “losing” side of any geographic split, but it is a particularly significant burden on small businesses struggling to maintain already thin profit margins in a deep recession.

With the advent of intermodal number portability and the introduction of advanced telecommunications services, geographic splits also present technical barriers that are not otherwise presented by the use of an all-services overlay. The host of technical difficulties that arise in the context of a geographic split, and thus cause consumer confusion and dissatisfaction, include the following:

- Number Portability –Affects Ability to Complete Calls. For Number Portability to function correctly, all associated operational support and provisioning systems and databases must be in sync with the Number Portability Administration Center (NPAC), which houses all the pooled and ported number data. Hence, upon the initiation of Permissive Dialing, all carriers must update these systems and databases within the designated time frames, i.e. virtually “simultaneously.” During the night on which permissive dialing is initiated, (i.e. when customers can begin to dial using either the old or new NPA), NPAC personnel must update the data to add the new area code and the associated NXX Codes so that the 402 and the new area code will be associated with the correct NXX Codes. On the same night, all carriers must update their operational support systems with the new and old NPA so that port requests will complete within the designated time frames. If the carriers’ operational

⁹ Order Opening Docket at p. 3.

support systems are not in sync with the NPAC, customers' calls will fail or be misdirected, leading to consumer dissatisfaction. Thus, it is very difficult for all carriers and the NPAC personnel, to complete these implementation upgrades within the same timeframes on the same night.

- Caller ID – Telephone Number Confusion. During the permissive dialing period, the called party's Caller ID device or handset may indicate that he has received a call from a number with the new area code even though the person initiating the call is still using his current 402 number (or vice versa). Although this issue does not technically affect the ability of the call to complete, it leads to confusion on the called party's part. The called party may choose not to answer the call because he doesn't recognize the new area code and number, or because he hasn't updated that number in his stored contact list in the device or handset. There is no such problem with an all-services overlay because no one is forced to change his or her number.
- Text and Multi-Media Messaging – Service Disruption. Some mobile systems currently are able to handle only one version of the 10-digit telephone number for text messaging and multi-media messaging (i.e. picture messaging). Therefore, if during the permissive dialing period the calling customer inputs a different version of the 10-digit number (e.g. using the new area code) than that in the receiving party's mobile system (e.g. 402 area code), the message will fail and not be delivered.
- Handset Issues – Customer Inconvenience and Call Failure. Some wireless customers have older handsets that cannot be reprogrammed "over the air" and require customers to manually reprogram their handsets with their new phone numbers. If such phones are not reprogrammed by the end of the Permissive Dialing Period, calls will not complete after the start of mandatory dialing until reprogrammed.
- Coordination for 911 translations –Potential Delay. 911 database records must be changed to reflect the customer's new area code to prevent delay in receiving emergency fire, police, and health services. This is not required with an all-services overlay.
- Significant changes to carriers' operational support systems and switching network elements. Call completion to both the old and new telephone numbers during the Permissive Dialing Period, affects virtually every operational support system, including billing and provisioning systems, as well as all network elements such as subscriber specific numbering information, the mobile switching network, and signaling and routing information. In addition, all systems are interrelated, which means that changes must be made correctly to all systems in order for the customers' mobile phones to make and receive calls, as well as to ensure the billing information is accurate. Therefore, any issue with one component of a system will affect other systems. With the fast paced growth and development of the telecommunications industry, wireless carriers continue to offer innovative services and products that require significant back-office coordination with multiple systems. Therefore,

because a geographic split involves ensuring call completion to both the old and new telephone numbers during the Permissive Dialing Period and ultimately changing certain customers' telephone numbers, a greater likelihood exists, despite careful planning and coordination, that problems will arise that will affect customers.

Simply put, there are far fewer "moving parts" to coordinate with an all-services overlay compared to a geographic split. As such, there is a much lower likelihood that Nebraska consumers will experience problems and inconveniences if the Commission decides to adopt the all-services overlay method. Indeed, the collective experience of the Joint Commenters is that the implementation of an all-services overlay is extraordinarily smooth with little to no negative consumer reaction.

III. Consumers Adapt Well to 10-Digit Dialing

Against these numerous advantages of an all-services overlay, there is typically only one concern expressed – the requirement for 10-digit dialing for all local calls.¹⁰ The Commission correctly notes that an all-services overlay will result in ubiquitous 10-digit dialing throughout the 402 area code.¹¹ Based upon the industry's experience in implementing numerous all-services overlays throughout the country, consumers adapt very well and very quickly to this dialing pattern change. Ten-digit dialing is becoming increasingly common throughout the country, and consumers are increasingly mobile and traveling across the country. As a result, many people have been exposed to 10-digit dialing. In addition, service providers in other recent all-services overlay implementations have been highly effective in educating and preparing consumers for 10-digit dialing.

¹⁰ 47 CFR § 52.19 (c)(3)(ii)

¹¹ Order Opening Docket at p. 3.

Companies within the industry have implemented dozens of all-services overlays throughout the country. The Joint Commenters' collective experience demonstrates that customers transition easily and the overall customer experience has been very positive. Indeed, the Joint Commenters have not received a significant number of customer complaints regarding the requisite dialing pattern change. In addition, state utility commissions who have ordered the implementation of all-services overlays as the form of area code relief, have detailed minimal number of consumer complaints regarding 10-digit dialing. Thus, while 10-digit dialing is perceived as a negative consequence of an all-services overlay, it is an easily learned behavior, particularly when compared to the numerous negative consequences of a geographic split.

Moreover, although an all-services overlay requires 10-digit dialing, a geographic split would not completely avoid 10-digit dialing for consumers in all circumstances. Where a geographic split line runs between telephone exchanges that currently have local calling, via extended area service (EAS) or extended community calling (ECC), the calling rates do not change; however, it becomes necessary to dial the area code for these local calls across the split boundary.

CONCLUSION

For the foregoing reasons, the Joint Commenters respectfully request that the Commission enter an order implementing an all-services overlay for relief in the 402 area code. The Joint Commenters appreciate the opportunity to provide these comments and reserve the right to reply to comments filed by other interested parties.

Dated this 17th day of April, 2009.

SPRINT NEXTEL

By 
Diane C. Browning
Counsel, State Regulatory Affairs
Sprint Nextel
6450 Sprint Parkway
Overland Park, KS 66251
913-315-9284
diane.c.browning@sprint.com

AT&T

By _____
Melanie N. McIntyre
General Attorney
4300 Market Pointe Drive, Suite 350
Bloomington, MN 55435
(952) 842-4706 Office
(952) 842-4763 Fax
msawyer.1@att.com


VERIZON WIRELESS

By _____
Steven G. Seglin
Crosby, Guenzel, LLP
134 South 13th St., Suite 400
Lincoln, NE 68508
402-434-7300
402-434-7303
sgs@crosbylawfirm.com

VERIZON BUSINESS

By _____
Thomas F. Dixon
Assistant General Counsel, NW Region
707 17th St., 40th Floor
Denver, CO 80202
303-390-6206
303-390-6333 (fax)
thomas.f.dixon@verizon.com

CTIA

By 
Dane Snowden
Vice President, External & State
Affairs
CITA - The Wireless Association®
1400 16th Street, N.W., Suite 600
Washington, DC 20036
202-736-3212
dsnowden@ctia.org

SPRINT NEXTEL

AT&T

By _____
Diane C. Browning
Counsel, State Regulatory Affairs
Sprint Nextel
6450 Sprint Parkway
Overland Park, KS 66251
913-315-9284
diane.c.browning@sprint.com

By Melanie N. McIntyre
Melanie N. McIntyre
General Attorney
4300 Market Pointe Drive, Suite 350
Bloomington, MN 55435
(952) 842-4706 Office
(952) 842-4763 Fax
msawyer.1@att.com

VERIZON WIRELESS

VERIZON BUSINESS

By _____

By _____
Thomas F. Dixon
Assistant General Counsel, NW Region
707 17th St., 40th Floor
Denver, CO 80202
303-390-6206
303-390-6333 (fax)
thomas.f.dixon@verizon.com

CTIA

By Dane Snowden
Dane Snowden
Vice President, External & State
Affairs
CITA - The Wireless Association®
1400 16th Street, N.W., Suite 600
Washington, DC 20036
202-736-3212
dsnowden@ctia.org

Dated this 17th day of April, 2009.

SPRINT NEXTEL

By _____

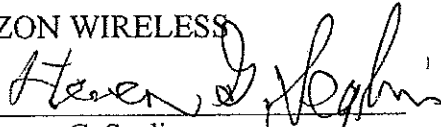
Diane C. Browning
Counsel, State Regulatory Affairs
Sprint Nextel
6450 Sprint Parkway
Overland Park, KS 66251
913-315-9284
diane.c.browning@sprint.com

AT&T

By _____

Melanie N. McIntyre
General Attorney
4300 Market Pointe Drive, Suite 350
Bloomington, MN 55435
(952) 842-4706 Office
(952) 842-4763 Fax
msawyer.1@att.com

VERIZON WIRELESS

By  _____

Steven G. Seglin
Crosby, Guenzel, LLP
134 South 13th St., Suite 400
Lincoln, NE 68508
402-434-7300
402-434-7303
sgs@crosbylawfirm.com

VERIZON BUSINESS

By _____

Thomas F. Dixon
Assistant General Counsel, NW Region
707 17th St., 40th Floor
Denver, CO 80202
303-390-6206
303-390-6333 (fax)
thomas.f.dixon@verizon.com

CTIA

By  _____

Dane Snowden
Vice President, External & State
Affairs
CITA - The Wireless Association®
1400 16th Street, N.W., Suite 600
Washington, DC 20036
202-736-3212
dsnowden@ctia.org

Dated this 17th day of April, 2009.

SPRINT NEXTEL

By _____
Diane C. Browning
Counsel, State Regulatory Affairs
Sprint Nextel
6450 Sprint Parkway
Overland Park, KS 66251
913-315-9284
diane.c.browning@sprint.com

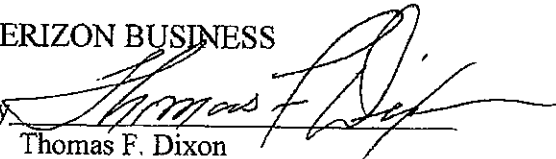
AT&T

By _____
Melanie N. McIntyre
General Attorney
4300 Market Pointe Drive, Suite 350
Bloomington, MN 55435
(952) 842-4706 Office
(952) 842-4763 Fax
msawyer.1@att.com


VERIZON WIRELESS

By _____
Steven G. Seglin
Crosby, Guenzel, LLP
134 South 13th St., Suite 400
Lincoln, NE 68508
402-434-7300
402-434-7303
sgs@crosbylawfirm.com

VERIZON BUSINESS

By 
Thomas F. Dixon
Assistant General Counsel, NW Region
707 17th St., 40th Floor
Denver, CO 80202
303-390-6206
303-390-6333 (fax)
thomas.f.dixon@verizon.com

CTIA

By 
Dane Snowden
Vice President, External & State
Affairs
CITA - The Wireless Association®
1400 16th Street, N.W., Suite 600
Washington, DC 20036
202-736-3212
dsnowden@ctia.org

SPRINT NEXTEL

By _____
Diane C. Browning
Counsel, State Regulatory Affairs
Sprint Nextel
6450 Sprint Parkway
Overland Park, KS 66251
913-315-9284
diane.c.browning@sprint.com

AT&T

By _____
Melanie N. McIntyre
General Attorney
4300 Market Pointe Drive, Suite 350
Bloomington, MN 55435
(952) 842-4706 Office
(952) 842-4763 Fax
msawyer.1@att.com


VERIZON WIRELESS

By _____

VERIZON BUSINESS

By _____
Thomas F. Dixon
Assistant General Counsel, NW Region
707 17th St., 40th Floor
Denver, CO 80202
303-390-6206
303-390-6333 (fax)
thomas.f.dixon@verizon.com

CITA - The Wireless Association®

By 
Dane Snowden
Vice President, External & State
Affairs
CITA - The Wireless Association®
1400 16th Street, N.W., Suite 600
Washington, DC 20036
202-736-3212
dsnowden@ctia.org