

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 632 Session of
2003

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WANSACZ, WASHINGTON, J. WILLIAMS, WOJNAROSKI, YOUNGBLOOD AND
YUDICHAK, MARCH 4, 2003

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 4, 2003

AN ACT

1 Amending Title 66 (Public Utilities) of the Pennsylvania
2 Consolidated Statutes, providing for utilization of NXX codes
3 and duties of commission, rate center consolidation and
4 reports, guidelines and regulations.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 66 of the Pennsylvania Consolidated
8 Statutes is amended by adding sections to read:

9 § 531. Utilization of NXX codes and duties of commission.

10 (a) Establishment of new area codes.--The commission shall
11 not approve the establishment of a new area code in any
12 Numbering Plan Area of this Commonwealth unless at least 75% of
13 the telephone numbers within the existing area codes are being
14 used by consumers of telecommunications services.

15 (b) NXX code utilization study.--Whenever the commission
16 receives a petition from the NPA relief planner for Pennsylvania

1 requesting approval of a plan to establish a new area code, the
2 commission shall complete a study of NXX code utilization data
3 to determine whether the utilization rate of telephone numbers
4 in the affected NPA supports establishment of a new area code,
5 so as to reduce the burdens and inconveniences to consumers
6 associated with the implementation of new area codes. The
7 commission shall review and analyze NXX code utilization data
8 from the NANPA for any area code in which area code relief is
9 proposed, prior to adopting a plan for, or setting a date for,
10 area code relief. Commission review and analysis of NXX code
11 utilization data shall be initiated within seven days of receipt
12 of the petition for area code relief. No plan for area code
13 relief shall be implemented in any area code in this
14 Commonwealth unless and until the following conditions are met:

15 (1) The commission completes a study of NXX code
16 utilization data in the affected area code.

17 (2) The study is submitted to the chairman and minority
18 chairman of the Consumer Protection and Professional
19 Licensure Committee of the Senate and the chairman and
20 minority chairman of the Consumer Affairs Committee of the
21 House of Representatives.

22 (3) The conclusion of the study demonstrates that 75% of
23 the telephone numbers in the affected area code are assigned
24 to end-users.

25 (4) Local Number Portability (LNP) has been fully
26 deployed in the affected area code.

27 (c) Results of data review and analysis.--If the NXX code
28 utilization study reveals that telephone numbers in the
29 inventories of service providers in the affected area code are
30 underutilized, the commission shall not commence area code

1 relief activities and shall develop and implement measures to
2 reclaim and allocate unused telephone numbers to service
3 providers that have demonstrated that they do not have the
4 numbering resources to meet specific customer requests. Such
5 measures may include reclamation of telephone numbers, rate
6 center consolidation or any other numbering conservation or
7 numbering optimization measure available to the commission to
8 reclaim unassigned telephone numbers. The commission shall
9 encourage carriers to voluntarily implement thousands-block
10 number pooling, unassigned number porting, individual number
11 porting, and any other strategy designed both to minimize
12 stranded numbers in the inventories of service providers, and to
13 share telephone numbers among multiple switches in the same rate
14 center.

15 (d) Utilization threshold.--To determine if telephone
16 numbers of service providers are underutilized, in accordance
17 with subsection (c), the commission shall adopt a 75% rate
18 center utilization threshold or any rate center utilization
19 threshold adopted by the Federal Communications Commission, and
20 any subsequent revision thereof.

21 (e) Interim measure.--The commission shall require, as an
22 interim measure until it develops and adopts procedures for
23 reclamation and rate center consolidation or any other numbering
24 conservation or numbering optimization measure, that number
25 assignments made by carriers to their customers shall be made
26 first from NXX codes that are more than 25% in use. Except that,
27 a carrier may assign numbers from NXX codes with less than 25%
28 use only to the extent necessary, if numbers from NXX codes that
29 are more than 25% in use are not otherwise available. For the
30 purpose of this subsection, the commission shall define the

1 terms "in use" and "not in use."

2 (f) Data collection and review.--To carry out its duties
3 under subsection (b), the commission shall use disaggregated,
4 carrier-specific data that carriers are required to report to
5 the NANPA on a semiannual basis pursuant to 47 CFR 52.15(f)
6 (relating to central office code administration), or utilization
7 data contained in a customized report which the NANPA may
8 provide to the commission upon request for a fee.

9 (g) Confidentiality of data.--All disaggregated, carrier-
10 specific data shall be treated as proprietary and confidential
11 and shall not be considered public record for the purposes of
12 the act of June 21, 1957 (P.L.390, No.212), referred to as the
13 Right-to-Know Law, and any applicable Federal law, and shall be
14 exempt from mandatory public disclosure. Any entity employed by
15 the commission to process disaggregated, carrier-specific data
16 shall be subject to the same confidentiality requirements that
17 the commission is subject to when it is given access to such
18 carrier-specific data.

19 (h) Frequency of NANPA reports.--In no case shall the
20 commission reduce the reporting frequency of forecast and
21 utilization data which carriers are required to report to the
22 NANPA pursuant to 47 CFR 52.15(f)(6).

23 (i) Access to data, consumer advocates.--Whenever the
24 commission receives utilization data from the NANPA in
25 accordance with this section, it shall make the data available
26 to consumer advocates for review and analysis; provided,
27 however, that such consumer advocates have protections in place
28 to maintain confidentiality and prevent public disclosure of the
29 data. The consumer advocates shall be subject to the same
30 confidentiality requirements that the commission is subject to

1 when it is given access to disaggregated, carrier-specific data.

2 (j) Severability.--The provisions of this section are
3 severable. If any provision of this section or its application
4 to any person or circumstance is held invalid, the invalidity
5 shall not affect other provisions or applications of this
6 section which can be given effect without the invalid provision
7 or application.

8 (k) Definitions.--As used in this section, the following
9 words and phrases shall have the meanings given to them in this
10 subsection:

11 "Affected area code." An area code or Numbering Plan Area
12 (NPA) in which area code relief has been proposed.

13 "Area code." The first three digits (NXX) of a ten-digit
14 telephone number (in the form NXX-NXX-XXXX, where N represents
15 any one of the numbers 2 through 9 and X represents any one of
16 the numbers 0 through 9), which correspond to discrete
17 geographic areas served by the NANP or which do not correspond
18 to discrete geographic areas but which instead transcend
19 specific geographic boundaries, such as NPAs in the N00 format.

20 "Area code relief." The process by which Central Office (CO)
21 codes are made available when there are few or no unassigned
22 Central Office (CO) codes remaining in an existing area code and
23 a new area code is introduced.

24 "Consumer advocates." The Office of Consumer Advocate and
25 the Office of Small Business Advocate of the Commonwealth.

26 "North American Numbering Council (NANC)." An advisory
27 committee created under Federal law to advise the Federal
28 Communications Commission and to make recommendations, reached
29 through consensus, that foster efficient and impartial number
30 administration.

1 "North American Numbering Plan (NANP)." The basic numbering
2 scheme for telecommunications networks located in the United
3 States, Canada and other member countries of North America.

4 "North American Numbering Plan Administrator (NANPA)." The
5 entity or entities responsible for managing the North American
6 Numbering Plan.

7 "NPA relief planner." The entity designated by the North
8 American Numbering Counsel (NANC) to coordinate area code relief
9 activities in Pennsylvania.

10 "Numbering Plan Area (NPA)." The technical term for area
11 code.

12 "Numbering resources." The total number of telephone numbers
13 distributed, assigned or allocated to a telecommunications
14 carrier or other entity which receives numbering resources from
15 the North American Numbering Plan Administrator.

16 "NXX code" or "Central Office (CO) code." The second three
17 digits (NXX) of a ten-digit telephone number in the form NXX-
18 NXX-XXXX, where N represents any one of the numbers 2 through 9
19 and X represents any one of the numbers 0 through 9, the current
20 general configuration for Exchange Codes within each area code.

21 "Rate center." A specific geographic location, associated
22 with a local exchange carrier's Central Office (CO) switch, used
23 to calculate mileage for toll billing.

24 "Service provider." A telecommunications carrier or other
25 entity which receives numbering resources from the North
26 American Numbering Plan Administrator, a Pooling Administrator
27 or a telecommunications carrier for the purpose of providing or
28 establishing telecommunications service.

29 "Telecommunications." The transmission, between or among
30 points specified by the user, of information of the user's

1 choosing, without change in the form or content of the
2 information sent and received.

3 "Telecommunications carrier" or "carrier." Any provider of
4 telecommunications services, except that such term shall not
5 include aggregators of telecommunications service as defined
6 under 47 U.S.C. § 226(a)(2) (relating to telephone operator
7 services).

8 "Telecommunications service." The offering of
9 telecommunications for a fee directly to the public, or to such
10 classes of users as to be effectively available to the public,
11 regardless of the facilities used.

12 "Telephone number" or "number." A ten digit-numbering
13 scheme, which consists of a three digit area code or Numbering
14 Plan Area (NPA), a three digit prefix or NXX code (NXX) and a
15 four digit line number (XXXX); in the form NPA-NXX-XXXX (or NXX-
16 NXX-XXXX), where N represents any one of the numbers 2 through 9
17 and X represents any one of the numbers 0 through 9.

18 "Utilization data." A report of the current inventory of all
19 telephone numbers held by a carrier, which some carriers are
20 required to submit to the North American Numbering Plan
21 Administrator on a semiannual basis in accordance with 47 CFR
22 52.15(f)(5) (relating to central office code administration).

23 "Utilization threshold." The percentage of telephone numbers
24 a service provider must assign to end-users or customers from
25 its existing inventory in a rate center of an affected area code
26 before it can receive additional numbering resources. The
27 utilization threshold shall be calculated by dividing all
28 assigned telephone numbers by the total numbering resources
29 assigned to the carrier in the specific rate center, multiplied
30 by 100. The term "assigned numbers" or "assigned telephone

1 numbers" shall have the meaning given to it under 47 CFR
2 52.15(f)(iii) (relating to central office code administration).
3 § 532. Rate center consolidation.

4 (a) Duties of commission.--The commission is hereby directed
5 to initiate a collaborative proceeding with the
6 telecommunications industry and consumer advocates to
7 investigate and implement rate center consolidation as a
8 telephone numbering optimization measure in this Commonwealth,
9 so as to reduce the burdens and inconveniences to consumers
10 associated with the implementation of new area codes. Such
11 collaborative proceeding shall be initiated within 30 days of
12 the effective date of this section. The plan to implement rate
13 center consolidation shall be approved by the commission no
14 later than December 31, 2003.

15 (b) Industry plan.--In developing a plan for rate center
16 consolidation, the commission may issue an order directing the
17 telecommunications industry to develop options for
18 implementation of rate center consolidation on a Statewide, area
19 code or multiple rate center basis. Such options may provide for
20 the following:

21 (1) The consolidation of rate centers in metropolitan
22 exchanges within a local exchange carrier's existing local
23 exchange boundary, without affecting local calling areas.

24 (2) The consolidation of rate centers in metropolitan
25 exchanges within the local exchange carrier's existing local
26 exchange boundary, which will affect local calling areas.

27 (3) The consolidation, with each other, of contiguous
28 rate centers of a single local exchange carrier with common
29 callings areas, without regard to exchange boundaries.

30 (4) The consolidation, with each other, of the rate

1 centers of nonmetropolitan exchanges of a single local
2 exchange carrier, which currently has mandatory extended area
3 service, into the metropolitan exchange.

4 (5) The consolidation, with each other, of rate centers
5 of nonmetropolitan exchanges of a single local exchange
6 carrier, which currently has some form of extended area
7 service, into the metropolitan exchange.

8 (6) The consolidation of nonmetropolitan and
9 metropolitan rate centers of multiple local exchange
10 carriers, which currently have mandatory extended area
11 service.

12 (7) The consolidation, with each other, of existing
13 single local exchange carrier rate centers of nonmetropolitan
14 exchanges, which currently have some form of extended area
15 service, into the metropolitan exchange, on an optional
16 basis.

17 (8) The consolidation, with each other, of existing
18 multiple local exchange company rate centers of
19 nonmetropolitan exchanges, which have some form of extended
20 area service, into the metropolitan rate center, on an
21 optional basis.

22 (9) Any other option or options to facilitate the
23 implementation of rate center consolidation in a manner which
24 will minimize or avoid local rate adjustments, which will not
25 disrupt or degrade the provision of 911 and E-911 emergency
26 service, and which will avoid expensive modification to local
27 exchange carrier's switches and operational support system.

28 (c) Scope of plan.--Any rate center consolidation plan
29 developed under a collaborative proceeding or any industry
30 established plan shall ensure that the costs of rate center

1 consolidation are minimized while still achieving the overall
2 consumer benefit of rate center consolidation. Any such plan
3 shall:

4 (1) Fully address the revenue and rate impact of rate
5 center consolidation,

6 (2) Address which, if any, carriers should be allowed to
7 recover lost revenues, how such revenues should be recovered
8 and from what class of customer, and how any rate increases
9 can be minimized.

10 (3) Include mechanisms to recover the cost of rate
11 center consolidation implementation, if applicable.

12 (4) Address any modifications, which may be necessary to
13 the provision of 911 and E-911 emergency service.

14 (5) If feasible, include options for the development of
15 inconsistent rate centers for use by competitive local
16 exchange carriers.

17 (6) Address the feasibility of creating technology-
18 specific rate centers in metropolitan exchanges.

19 (7) Include provisions for the return of unassigned NXX
20 codes to the code administrator.

21 (d) Alternative solutions.--If the commission determines
22 that rate center consolidation cannot be implemented in a local
23 calling area without significant and expensive modification to a
24 carrier's switches and operational support system and without
25 degrading emergency services, the commission shall investigate
26 ways in which the call-rating function may be separated from the
27 call-routing function, which would result in a reduced demand
28 for telephone numbers. The commission may also explore the
29 feasibility of implementing dialing parity as an incentive for
30 carriers to voluntarily implement rate center consolidation.

1 (e) Definitions.--For the purposes of this section, the
2 following words and phrases shall have the meaning given to them
3 in this subsection:

4 "Call rating." The establishment of a pricing basis for
5 calls between two telephone numbers, usually in a long distance
6 or toll-calling situation.

7 "Call routing." The creation of an electronic or mechanical
8 communication path between two telephone numbers for the purpose
9 of local telephone service.

10 "Central Office (CO)." An operating unit equipped with
11 switching apparatus by means of which telephonic communication
12 is established between telephones connected to it or by the
13 additional aid of trunk lines between the telephones and
14 telephones connected to other central offices.

15 "Dialing parity." A dialing arrangement which permits
16 telephone customers to presubscribe to and use any provider of
17 telephone exchange service or toll service without having to
18 dial extra digits to route a call to that carrier's
19 telecommunications network.

20 "Exchange." An area served by one or more central offices
21 which has a unique local calling area and a defined rate center
22 from which toll distances are measured.

23 "Extended area service." The expansion of a local calling
24 area to include additional exchanges, generally for a fee.

25 "Local calling area." A geographic area, consisting of one
26 or multiple telephone exchanges, between which calls may be
27 completed without having interexchange toll rates applied.

28 "Local exchange carrier." A public utility which is
29 certificated to provide local telephone service exclusively or
30 which may, in addition, provide toll service.

1 "Rate center." A specific geographic location, associated
2 with a local exchange carrier's Central Office (CO) switch, used
3 to calculate mileage for toll billing.

4 "Rate center consolidation (RCC)." The combining of several
5 existing local exchange carrier rate centers into fewer rate
6 centers.

7 § 533. Reports, guidelines and regulations.

8 (a) Reports.--Beginning 12 months from the effective date of
9 this act, and every 12 months thereafter, the commission shall
10 submit to the chairman and minority chairman of the Consumer
11 Protection and Professional Licensure Committee of the Senate
12 and the chairman and minority chairman of the Consumer Affairs
13 Committee of the House of Representatives an annual report
14 outlining the activities it has undertaken to satisfy the
15 requirements of sections 531 (relating to utilization of NXX
16 codes and duties of commission) and 532 (relating to rate center
17 consolidation). The report shall further include:

18 (1) Information on telephone number utilization rates,
19 including a statistical breakdown of carriers' inventories of
20 assigned numbers and numbers available for assignment in each
21 Numbering Plan Area.

22 (2) An explanation of any numbering conservation or
23 numbering resource optimization measures the commission has
24 implemented, or plans to implement, to relieve the telephone
25 numbering crisis in this Commonwealth, including any NXX code
26 reclamation activities.

27 (3) A summary of any activities carriers have
28 implemented, or plan to implement, to relieve the telephone
29 numbering crisis in this Commonwealth.

30 (4) An assessment and overview of thousands-block number

1 pooling trials implemented, or planned in any Numbering Plan
2 Area of this Commonwealth.

3 (5) An assessment and overview of any numbering
4 conservation and numbering resource optimization measures
5 voluntarily implemented or planned by carriers in this
6 Commonwealth, including thousands-block numbering pooling,
7 unassigned number porting, and individual number porting.

8 (6) A summary of any petitions filed with the Federal
9 Communications Commission for additional delegated authority
10 to implement numbering conservation measures.

11 (7) Any recommendations or suggestions for legislation
12 to improve the management and allocation of telephone numbers
13 to carriers in this Commonwealth.

14 (b) Guidelines and regulations.--To facilitate the speedy
15 implementation of this act, the commission shall have the power
16 and authority to adopt and use guidelines to implement the
17 provisions of this act. Such guidelines shall not be subject to
18 review pursuant to section 205 of the act of July 31, 1968
19 (P.L.769, No.240), referred to as the Commonwealth Documents
20 Law, sections 204(b) and 301(10) of the act of October 15, 1980
21 (P.L.950, No.164), known as the Commonwealth Attorneys Act, or
22 the act of June 25, 1982 (P.L.633, No.181), known as the
23 Regulatory Review Act, but the guidelines shall be subject to
24 review by the Office of Consumer Advocate, the Office of Small
25 Business Advocate, the Consumer Protection and Professional
26 Licensure Committee of the Senate, and the Consumer Affairs
27 Committee of the House of Representatives. The guidelines shall
28 be effective for a period of not more than two years from the
29 effective date of this act. After the expiration of the two-year
30 period, the guidelines shall expire and shall be replaced by

1 regulations, which shall have been promulgated, adopted and
2 published as provided by law.

3 Section 2. This act shall take effect immediately.