

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 868 Session of
2001

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C. WILLIAMS, YOUNGBLOOD, YUDICHAK AND WOGAN, MARCH 8, 2001

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 8, 2001

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 (c) 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 e.g. 800.

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

25 "Consumer advocates." The Office of Consumer Advocate and
26 the Office of Small Business Advocate of the Commonwealth of
27 Pennsylvania.

28 "North American Numbering Council (NANC)." An advisory
29 committee created under Federal law to advise the Federal
30 Communications Commission and to make recommendations, reached

1 through consensus, that foster efficient and impartial number
2 administration.

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

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

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

12 "Numbering Plan Area (NPA)." The technical term for area
13 code.

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

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

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

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

1 "Telecommunications." The transmission, between or among
2 points specified by the user, of information of the user's
3 choosing, without change in the form or content of the
4 information sent and received.

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

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

14 "Telephone number" or "number." A ten digit-numbering
15 scheme, which consists of a three digit area code or Numbering
16 Plan Area (NPA), a three digit prefix or NXX code (NXX) and a
17 four digit line number (XXXX); in the form NPA-NXX-XXXX (or 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.

20 "Utilization data." A report of the current inventory of all
21 telephone numbers held by a carrier, which some carriers are
22 required to submit to the North American Numbering Plan
23 Administrator on a semiannual basis in accordance with 47 CFR
24 52.15(f)(5) (relating to central office code administration).

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

1 assigned to the carrier in the specific rate center, multiplied
2 by 100. The term "assigned numbers" or "assigned telephone
3 numbers" shall have the meaning given to it under 47 CFR
4 52.15(f)(iii) (relating to central office code administration).
5 § 532. Rate center consolidation.

6 (a) Duties of commission.--The commission is hereby directed
7 to initiate a collaborative proceeding with the
8 telecommunications industry and consumer advocates to
9 investigate and implement rate center consolidation as a
10 telephone numbering optimization measure in this Commonwealth,
11 so as to reduce the burdens and inconveniences to consumers
12 associated with the implementation of new area codes. Such
13 collaborative proceeding shall be initiated within 30 days of
14 the effective date of this section. The plan to implement rate
15 center consolidation shall be approved by the commission no
16 later than January 21, 2002.

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

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

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

29 (3) The consolidation, with each other, of contiguous
30 rate centers of a single local exchange carrier with common

1 callings areas, without regard to exchange boundaries.

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

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

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

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

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

24 (9) Any other option or options to facilitate the
25 implementation of rate center consolidation in a manner which
26 will minimize or avoid local rate adjustments, which will not
27 disrupt or degrade the provision of 911 and E911 emergency
28 service, and which will avoid expensive modification to local
29 exchange carrier's switches and operational support system.

30 (c) Scope of plan.--Any rate center consolidation plan

developed under a collaborative proceeding or any industry established plan shall ensure that the costs of rate center consolidation are minimized while still achieving the overall consumer benefit of rate center consolidation. Any such plan shall:

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

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

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

(4) Address any modifications, which may be necessary to the provision of 911 and E911 emergency service.

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

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

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

(d) Alternative solutions.--If the commission determines that rate center consolidation cannot be implemented in a local calling area without significant and expensive modification to a carrier's switches and operational support system and without degrading emergency services, the commission shall investigate ways in which the call-rating function may be separated from the call-routing function, which would result in a reduced demand for telephone numbers. The commission may also explore the

feasibility of implementing dialing parity as an incentive for carriers to voluntarily implement rate center consolidation.

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

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

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

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

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

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

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

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

"Local exchange carrier." A public utility which is

1 certificated to provide local telephone service exclusively or
2 which may, in addition, provide toll service.

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

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

9 § 533. Reports, guidelines and regulations.

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

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

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

29 (3) A summary of any activities carriers have
30 implemented, or plan to implement, to relieve the telephone

1 numbering crisis in the Commonwealth.

2 (4) An assessment and overview of thousands-block number
3 pooling trials implemented, or planned in any Numbering Plan
4 Area of the Commonwealth.

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

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

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

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

1 of not more than two years from the effective date of this act.
2 After the expiration of the two-year period, the guidelines
3 shall expire and shall be replaced by regulations, which shall
4 have been promulgated, adopted and published as provided by law.

5 Section 2. This act shall take effect immediately.