

**STATE OF INDIANA**

**INDIANA UTILITY REGULATORY COMMISSION**

<b>IN THE MATTER OF THE PETITION OF</b>	)	
<b>NEUSTAR, INC., ON BEHALF OF THE</b>	)	
<b>INDIANA TELECOMMUNICATIONS</b>	)	<b>CAUSE NO. 44513</b>
<b>INDUSTRY, FOR APPROVAL OF NPA</b>	)	
<b>RELIEF PLAN FOR THE 317 NPA</b>	)	

**JOINT SUBMISSION OF PROPOSED ORDER**

The Indiana Broadband and Technology Association<sup>1</sup> (“IBTA” or “Association”) and the Indiana Office of Utility Consumer Counselor (“OUCC”), by counsel, respectfully submit their Joint Proposed Order in the above-captioned Cause.

Respectfully submitted this 25<sup>th</sup> day of August, 2016,

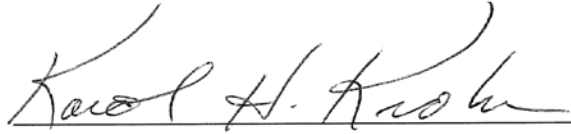
**By /s/ Jeremy L. Fetty**

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<sup>1</sup> This entity’s legal name is “Indiana Telecommunications Association, Inc.” The assumed business name is “Indiana Broadband and Technology Association, Inc.”

A handwritten signature in black ink, reading "Karol H. Krohn". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Karol H. Krohn (Atty. No. 5566-82)  
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<b>NEUSTAR, INC., ON BEHALF OF THE</b>	)	<b>CAUSE NO. 44513</b>
<b>INDIANA TELECOMMUNICATIONS</b>	)	
<b>INDUSTRY, FOR APPROVAL OF NPA</b>	)	<b>APPROVED:</b>
<b>RELIEF PLAN FOR THE 317 NPA</b>	)	

**ORDER OF THE COMMISSION**

**Presiding Officers:**

**Carol A. Stephan, Commission Chair**

**David E. Veleta, Administrative Law Judge**

On July 26, 2016, the Indiana Broadband and Technology Association (“IBTA”) filed a request to reopen the record in this proceeding for the purposes of allowing the parties an opportunity to provide evidence regarding the timing of the 317 Area Code Relief Implementation. Further, out of consideration for the Electronic Security Association’s (“ESA of Indiana”) request for additional time, the IBTA proposed that the Commission extend the mandatory 10-digit dialing deadline to October 15, 2016 from the current September 17, 2016 deadline.

On August 2, 2016, the Indiana Utility Regulatory Commission (“Commission”) issued an Order determining that an emergency situation exists, and ordered the all-services distributed overlay for the 317 Numbering Plan Area (“NPA”) remain in the permissive 10-digit dialing phase until otherwise ordered by the Commission. In addition, we reopened the record in this proceeding pursuant to Indiana Code § 8-1-2-72 to allow the opportunity to determine if the 317 Order should be modified in regard to the timing of the implementation of the all-services distributed overlay due to new facts and circumstances.

In accordance with the deadlines set forth in our August 2, 2016 Order, the IBTA prefiled supplemental testimony on August 9, 2016.

The Commission convened an evidentiary hearing in this Cause at 10:30 a.m. on August 23, 2016 in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. The IBTA, NeuStar, Inc. (“Neustar”), and the Indiana Office of Utility Consumer Counselor (“OUCC”) appeared and were duly represented by counsel. No members of the general public or the ESA of Indiana sought to testify at the evidentiary hearing.

At the August 23, 2016 evidentiary hearing, the IBTA offered into evidence the prefiled supplemental testimony of Mr. Alan I. Matsumoto as “Intervenor Exhibit 1”. There were no

objections to the admission of the IBTA's evidence and it was accepted into the record. No other parties prefiled additional testimony or sought to present additional evidence at the hearing.

Having considered the evidence of record and the applicable law, the Commission now finds as follows:

**1. Background.** On July 10, 2014, Petitioner, NeuStar, the North American Numbering Plan Administrator ("NANPA") filed its petition ("Petition") with the Commission initiating the above-captioned Cause. In the Petition, NeuStar, in its role as the neutral third party NPA Relief Planner under the North American Numbering Plan and on behalf of the Indiana Communications Service Provider ("CSP") Industry (the "Industry"), asked the Commission to approve the Industry's consensus recommendation for an all-services distributed overlay of the 317 NPA as the preferred form of relief for the 317 NPA.

On April 8, 2015, the Commission issued an Order in this Cause granting NeuStar's Petition for an all-services distributed overlay for the 317 NPA (the "317 Order"). The 317 Order approved the Industry's recommendation of a 13-month schedule for implementing the all-services distributed overlay. The schedule included intervals for each implementation phase, including six months for network preparation and customer education followed by six months for permissive 10-digit dialing and continued customer education. Mandatory 10-digit dialing is to begin at the end of the permissive dialing period. The permissive dialing period was scheduled to run through September 17, 2016, with code activation in the new 463 NPA beginning one month later on October 17, 2016.

On July 14, 2016, the Commission received information from the ESA of Indiana that certain alarm companies may be behind in their preparations for the switch to mandatory 10-digit dialing. As a result, the Commission met with representatives of the alarm companies to determine the scope of the problem. Furthermore, the Commission participated in a conference call with the Indiana Industry Implementation Committee ("Industry Committee") regarding the ESA of Indiana's concerns.

On July 26, 2016, the IBTA filed a request to reopen the record in this proceeding to allow the parties to provide new evidence regarding the timing of the 317 Area Code Relief Implementation. Further, out of consideration for ESA of Indiana's request for additional time, the IBTA proposed that the Commission extend the mandatory 10-digit dialing deadline to October 15, 2016 from the current September 17, 2016 deadline.

While this Commission believes the schedule approved in the 317 Order was designed to provide adequate time for preparation and customer education, we exercised caution to ensure both the safety of the public and a smooth transition to mandatory 10-digit dialing. Therefore, on August 2, 2016, we issued an order requiring that the 317 NPA remain in the permissive 10-digit dialing phase until otherwise ordered by this Commission. Further, the Commission reopened the evidentiary record in this proceeding pursuant to Indiana Code § 8-1-2-72 to determine compliance with the 317 Order and allow the parties the opportunity to provide evidence from which to determine when mandatory 10-digit dialing should be implemented in the 317 NPA; when numbers from the 463 NPA should be made available to requesting providers; and when

CSPs should be permitted to assign numbers from the new 463 NPA, the final step in completing implementation of the approved all-services distributed overlay in light of new facts and circumstances described in Mr. Matsumoto's supplemental testimony.

**2. Notice and Jurisdiction.** Notice of the evidentiary hearing in this Cause was given and published by the Commission as provided under Indiana law. The proofs of publication of the notice of the hearing have been incorporated into the record of this proceeding. NeuStar filed the Petition on behalf of the Indiana telecommunications industry participants, who are CSPs and public utilities, as those terms are defined in Indiana Code chs. 8-1-2 and 8-1-2.6 and subject to the jurisdiction of the Commission in the manner and to the extent provided by the laws of the State of Indiana. The Commission has jurisdiction over the subject matter of this Cause in the manner and to the extent provided under state and federal telecommunications laws, including, but not limited to Indiana Code ch. 8-1-2.6, 47 U.S.C. § 251(e)(1), and 47 C.F.R. § 52.19. No party has challenged the Commission's determination of jurisdiction.

**3. The IBTA's Supplemental Testimony.** Mr. Matsumoto's supplemental testimony supported the Industry Committee's recommendation that the Commission extend the deadline for the beginning of mandatory 10-digit dialing for the 317 NPA from September 17 to October 15, 2016, and extend the date for code activation of the new 463 NPA from October 17 to November 15, 2016. Mr. Matsumoto testified that at the time he prefiled his testimony only 8 NXXs remained available for assignment in the 317 NPA. The projected Numbering Resource Utilization Forecast ("NRUF") exhaust date has remained constant for the 317 NPA, during the 4<sup>th</sup> Quarter of 2016.

Mr. Matsumoto indicated the IBTA members serving the 317 NPA were prepared to implement the mandatory 10-digit dialing deadline by the original September 17, 2016 deadline. He also testified that the customer education plan previously filed by the IBTA in this proceeding provided adequate notice to allow customers to prepare for the implementation of the all-services distributed overlay of the 317 NPA and that the customer education plan was consistent with the industry notification process used throughout the country when an all-services distributed overlay is being implemented.

Mr. Matsumoto testified that in an effort to balance (i) the needs of the ESA of Indiana for additional time for its members to prepare for mandatory 10-digit dialing with (ii) the limited numbering resources available for the 317 NPA and impending 4<sup>th</sup> Quarter 2016 exhaust date, the Industry Committee recommended the October 15, 2016 date as the appropriate new deadline for the beginning of mandatory 10-digit dialing in the 317 NPA. The November 15, 2016 starting date for code activation of the new 463 NPA was determined to be one month after the original date of October 15, 2016.

Mr. Matsumoto's testimony stated that the October 15, 2016 date for the beginning of mandatory 10-digit dialing for the 317 NPA and the November 15, 2016 starting date for 463 NPA code activation ensures that relief is implemented before Thanksgiving and the November and December holiday period, when large numbers of wireless phones, tablets, and other electronic devices are typically activated, potentially increasing demand for numbers during the holiday season. It also avoids activation during these periods, when customer calling volumes

typically increase and any changes in the dialing patterns could potentially exacerbate customer confusion.

The October 15, 2016 date was purposefully selected to fall on a Saturday because customer calls are typically lower on Saturdays and CSPs can perform implementation work outside of traditional customer business hours, and allow for any necessary translations or other updates outside of peak load periods. The selection of Saturday, October 15, 2016 as the new deadline would fall on a Saturday, consistent with the original September 17, 2016 deadline, previously approved by the Commission, which also fell on a Saturday.

#### **4. Commission Analysis and Findings.**

**A. Date for Mandatory 10-Digit Local Dialing in the 317 NPA.** The Commission is persuaded by Mr. Matsumoto's testimony that the Industry Committee members thoroughly examined customer and CSP considerations in recommending the Commission establish October 15, 2016 as the new date for the beginning of mandatory 10-digit local dialing in the 317 NPA. The November 15, 2016 date ensures activation of the new 463 NPA before Thanksgiving, so that relief is implemented before the November and December holiday periods when customer calling volumes typically increase and could potentially exacerbate customer confusion. The selection of October 15, 2016 is on a Saturday, when calling volumes are typically lower, allowing CSPs to perform their work outside of peak load periods.

Based on the record evidence, we agree with the IBTA that selecting October 15, 2016 as the new date for mandatory 10-digit local dialing in the 317 NPA accommodates customer and service provider interests. We concur with the IBTA that the selection of October 15, 2016 strikes an appropriate balance between the needs of the ESA of Indiana members for additional time to prepare for mandatory 10-digit dialing with the limited numbering resources for the 317 NPA and impending 4<sup>th</sup> Quarter 2016 exhaust date. Therefore, we find that the IBTA's recommendation of October 15, 2016 as the new deadline for the beginning of mandatory 10-digit local dialing in the 317 NPA should be approved.

**B. Date for Code Activation of the New 463 NPA in the 317 NPA.** The Commission concurs with the IBTA's recommendation for November 15, 2016 as the starting date for code activation of the new 463 NPA. The Commission finds that October 15, 2016, the new proposed deadline for the beginning of mandatory 10-digit local dialing in the 317 NPA, should be approved for all of the reasons discussed in 3. A., above. The November 15, 2016 code activation date was determined to be one month after the October 15, 2016 date and is hereby approved and is consistent with the one month interval after mandatory 10-digit dialing begins, as previously approved in our 317 Order.

#### **IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION THAT:**

1. Consistent with the findings above, the Commission hereby approves October 15, 2016 as the new deadline for the beginning of mandatory 10-digit local dialing in the 317 NPA.

2. Consistent with our findings above, the Commission hereby approves November 15, 2016 as the new deadline for the start of code activation of the new 463 NPA.

3. This Order shall be effective on and after the date of its approval.

**COMMISSIONERS STEPHAN, HUSTON, WEBER, AND ZIEGNER CONCUR.**

**APPROVED:**

**I hereby certify that the above is a true and correct copy of the order as approved.**

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**Mary M. Becerra**  
**Secretary to the Commission**

**CERTIFICATE OF SERVICE  
IURC CAUSE NO. 44513**

The undersigned counsel hereby certifies that on the 24<sup>th</sup> day of August 2016, the foregoing “Joint Submission of Proposed Order” was served upon the following counsel by electronic transmission addressed to:

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