

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, NOVEMBER 16, 2022

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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2022-00083

*Ex Parte*: In the matter of the Commission's  
investigation into exhaust relief for the 804 area code

ORDER ON AREA CODE RELIEF

On May 18, 2022, the North American Numbering Plan Administrator ("NANPA"), as the neutral third-party numbering plan area ("NPA," (also referred to as "area code")) relief planner for the Commonwealth of Virginia and on behalf of Virginia's telecommunications industry ("Industry"),<sup>1</sup> filed an application requesting that the State Corporation Commission ("Commission")<sup>2</sup> approve an all-services distributed overlay of a new area code as the form of exhaust relief for the 804 area code.<sup>3</sup> On June 16, 2022, NANPA filed a revised application ("Application") correcting a typographical error in the May 18, 2022 filing and replacing the application previously filed.

In support of the Application, NANPA stated that absent NPA relief, the supply of available telephone numbers in the 804 area code will be exhausted during the third quarter of 2024.<sup>4</sup> Further, NANPA stated that an all-services distributed overlay would superimpose a new NPA over the same geographic area covered by the existing 804 NPA, and that an overlay is the

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<sup>1</sup> The Industry is described as current and prospective telecommunications carriers operating in, or considering operations within, the 804 area code. Application at 1.

<sup>2</sup> According to the Application, the Federal Communications Commission delegated authority to the states to review and approve NPA relief plans. Application at 1 (citing 47 C.F.R. § 52.19).

<sup>3</sup> Application at 1.

<sup>4</sup> *Id.*

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appropriate form of relief since the 804 area code was already transitioning to mandatory 10-digit local dialing due to national implementation of 988 as an abbreviated dialing code to reach the National Suicide Prevention Lifeline.<sup>5</sup> Further, NANPA noted that a prior Commission proceeding approved an overlay of the current 804 area code, but due to changes in the method of area code pooling and distribution, a new area code did not become necessary until this time.<sup>6</sup>

According to NANPA, the relief provided by any overlay approach will last approximately 32 years.<sup>7</sup> Under this approach, all existing customers would retain the 804 area code and would not have to change their telephone numbers.<sup>8</sup>

In the Application, NANPA describes the Industry's consensus recommendation to implement the new relief NPA in accordance with a nine-month schedule to be completed 6 months prior to the forecasted exhaust date if approved by the Commission.<sup>9</sup> The Industry's implementation plan includes steps necessary for network preparation and customer education in advance of the availability of the new area code.<sup>10</sup> According to the proposed implementation plan, new area codes will not be assigned until all available 804 area codes are exhausted.<sup>11</sup> Finally, as reflected in the Application, the Industry requested that the Commission forego

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<sup>5</sup> *Id.* at 1, 3-5.

<sup>6</sup> *Id.* at 2 (citing *State Corporation Commission, Ex Parte: In re: Investigation of area code relief for the 804 Numbering Plan Area*, Case No. PUC-1999-00159, 2000 S.C.C. Ann. Rept. 274, Order on Area Code Relief (Dec. 1, 2000)).

<sup>7</sup> Application at 5.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 6-8.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 5, 7.

in-person meetings and hearings in favor of written comments and reply comments on the relief plan for the 804 area code.<sup>12</sup>

On July 7, 2022, the Commission issued an Order for Notice and Comment which, in part, invited public comments on the Application; permitted interested persons an opportunity to request a hearing on the Application; and directed the Staff of the Commission ("Staff"), in consultation with NANPA, to conduct an investigation into the reasonableness of the proposed area code relief plan and present its findings and recommendations in a report ("Staff Report").

Comments were filed by 11 separate individuals<sup>13</sup> and one industry group ("Joint Commenters") consisting of New Cingular Wireless PCS, LLC; AT&T Communications of Virginia, LLC; Teleport Communications America, LLC; T-Mobile Northeast, LLC; Verizon South Inc.; Verizon Virginia, LLC; Cellco Partnership d/b/a Verizon Wireless; and MCI Communications Services, LLC. The Joint Commenters requested the Commission approve the Application. None of the commenters requested a hearing on the Application.

On September 14, 2022, Staff filed a Staff Report. Based on its analysis, Staff agrees with NANPA's information and believes that the projected exhaust data, including the utilization reports, reasonably demonstrates the need for area code relief.<sup>14</sup> Staff recommends that the Commission: (1) approve the proposed all-services distributed overlay; (2) require NANPA and the Industry to follow the established Customer Education and Technical/E911 Implementation proposals included in the Application; (3) require Industry operating in the 804 NPA to provide

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<sup>12</sup> *Id.* at 8-9.

<sup>13</sup> While several of the individual commenters had proposals on what the new area code should be, it is NANPA, and not this Commission, that selects the number to be assigned. *See, e.g.*, Application at Exhibit A, pp. 8-9.

<sup>14</sup> Staff Report at 6.

copies of their consumer education plans to the Division of Public Utility Regulation; and  
(4) approve the Industry's proposed nine-month implementation schedule for the overlay.<sup>15</sup>

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the recommendations set forth in the Staff Report should be and hereby are adopted.

Accordingly, IT IS ORDERED THAT:

(1) An all-services distributed overlay is approved to provide area code relief in the 804 NPA.

(2) The proposed nine-month implementation of an all-services distributed overlay for the 804 area code is approved.

(3) NANPA and Industry members operating in the current 804 area code shall follow the established Customer Education and Technical/E911 Implementation proposals included in the Application.

(4) Industry members operating in the current 804 area code shall provide copies of their customer education plans to the Division of Public Utility Regulation before the commencement of the nine-month implementation schedule.

(5) All assignable central office codes from the 804 NPA shall be exhausted before assignments are made in the new overlay area code.

(6) This case is dismissed.

A COPY hereof shall be sent electronically by the Clerk of the Commission to: all local exchange carriers certificated in Virginia as set out in Appendix A; all interexchange carriers certificated in Virginia as set out in Appendix B; the chairman of the board of supervisors and county attorney of each county and upon the mayor or manager (or equivalent

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<sup>15</sup> *Id.* at 7-8.

official) and city or town attorney of every city and town in the 804 area code as set out in Appendix C; Florence Weber, Senior Director, North American Numbering Plan Administrator, Two Tower Center Boulevard, Floor 20, East Brunswick, New Jersey 08816, [fweber@nanpa.com](mailto:fweber@nanpa.com); and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424, [mbrowder@oag.state.va.us](mailto:mbrowder@oag.state.va.us).

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