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June 2, 2000

Mary L. Cottrell, Secretary
Massachusetts Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02114

Re: Area Code Conservation, D. T. E. 98-38

Dear Ms. Cottrell:

The Department of Telecommunications and Energy ("Department") has solicited comments on the merits of continuing its investigation into rate center consolidation as part of the Area Code Conservation docket, D. T. E. 98-38 ("D. T. E. 98-38"). (1) In particular, the Department seeks comment on the effect of the Department's area code relief order issued in D. T. E. 99-11 on April 26, 2000, in which the Department created four overlay area codes for the 508, 617, 781, and 978 area codes. In these comments, the Attorney General urges the Department to continue its investigation into rate center consolidation ("RCC") for Eastern Massachusetts and to open a number conservation investigation for the 413 area code in Western Massachusetts.

Last year, the Department revised the focus of its investigation into rate center consolidation to investigate RCC with particular regard to its effectiveness as a means to prolong the life of the existing area codes in Eastern Massachusetts. (2) In the investigation, the Attorney General sponsored a report addressing the merits of RCC as well as describing two approaches to RCC for Eastern Massachusetts for the Department's consideration. (3) Neither Bell Atlantic-Massachusetts ("Bell Atlantic") nor any other carrier submitted RCC plans to the Department. As part of its investigation, the Department ordered Bell Atlantic to conduct an analysis of the proffered RCC plans to identify the potential impacts on consumer dial tone rates and to evaluate their effectiveness as a means to delay the need for new area codes in Eastern Massachusetts. (4) Subsequently, Bell Atlantic submitted a preliminary analysis of the RCC plans, in which it concluded that neither RCC plan would prolong the life of the current codes and that both plans would raise residential dial tone rates. (5) The Department later concluded that the proposed RCC plans would not delay the need for new area codes and, consequently, ordered the creation of four new area

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codes for Eastern Massachusetts. (6)

Importantly, however, in its April 25, 2000 order, the Department did not reject RCC as a means to extend the lives of the new overlay area codes in Eastern Massachusetts or the now-threatened 413 area code in Western Massachusetts. (7) Moreover, the Federal Communications Commission itself has recognized RCC as an effective number conservation technique that state commissions can engage immediately to delay new area codes:

We consider rate center consolidation to be a vitally important long-term measure to optimize the utilization of numbering resources. We believe that rate center consolidation should be implemented to the greatest extent possible . . . to decrease the frequency of the need for area code relief. (8)

In these circumstances, the Attorney General submits that the Department should continue to investigate RCC as a measure to extend the lives of the eight area codes in Eastern Massachusetts as well as the soon to be exhausted 413 area code. (9) While the Department did conclude that RCC would not obviate the need for the four new area codes to be implemented in Eastern Massachusetts, it did not preclude the use of RCC to address other number resource constraints. The Department needs to give consideration to important questions of whether RCC could be implemented in the context of the imminent expiration of the price cap plan for Bell Atlantic's local service operations, consistent with the Department's rate continuity and efficiency goals.

Sincerely,

George B. Dean, Chief
Assistant Attorney General
Regulated Industries Division
Office of the Attorney General
200 Portland Street, 4th Floor
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(617) 727-2200

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cc: Kevin Penders, Hearing Officer

Service List for DTE 98-38

Granby Telephone Company

Richmond Telephone Company

Taconnic Telephone Corporation

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications)
and Energy on its own motion to determine the need for)
new area codes in Eastern Massachusetts and whether) D.T.E. 98-38
measures could be implemented to conserve exchange)
codes within Eastern Massachusetts.)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding by e-mail and by either hand delivery, mail, or fax.

Dated at Boston this 2nd day of June 2000.

Karlen J. Reed

Assistant Attorney General

Regulated Industries Division

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1. Area Code Conservation, D.T.E. 98-38, Memorandum of Hearing Officer, filed May 4, 2000.
2. Id., Vote to Open Investigation, filed January 25, 1999, at 9.
3. Id., Comments of the Attorney General Regarding Rate Center Consolidation, filed March 19, 1999.
4. Id., Hearing Officer Ruling dated June 28, 1999.
5. Id., Feasibility Analysis of the Attorney General's Proposed Rate Center Consolidation Plans, filed September 24, 1999, at 11.
6. Area Code Relief, D.T.E. 99-11 Order (April 25, 2000).
7. The North American Numbering Plan Administration ("NANPA") announced recently that the 413 area code in Western Massachusetts is expected to run out of telephone numbers in the first quarter of 2002. See NANPA Initial Planning Document for Relief of Massachusetts: 413 NPA, filed May 23, 2000. NANPA has filed three proposed area code relief plans for the 413 NPA, consisting of an all-services overlay and two single geographic splits. Id. NANPA estimates that these relief plans for a new area code will last only up to six years before another relief plan and new area codes will be needed. Id.
8. In the Matter of Numbering Resource Optimization, Notice of Proposed Rulemaking, CC Docket No. 99-200 (released June 2, 1999) at ¶¶116 and 117.
9. The Department may need to open a new docket or create a second phase of DTE 98-38 for its 413 area code conservation investigation to allow participation by those carriers and interested persons in the western part of the Commonwealth who are not already parties to D.T.E. 98-38, e.g., the Granby Telephone Company, Richmond Telephone Company, and the Taconic Telephone Corporation. Evidence submitted in D.T.E. 98-38 on RCC that includes Western Massachusetts data could be incorporated by reference in a subsequent proceeding as a matter of administrative efficiency. 220 CMR § 1.10(3).