

Nancy B. White General Counsel - Florida

BellSouth Telecommunications, Inc. 150 South Monroe Street Room 400 Tallahassee, Florida 32301 (305) 347-5558

March 1, 2004

Mrs. Blanca S. Bayó Director, Division of the Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

> Re: Docket No.: <u>240183</u> Petition for Expedited Review of Growth Code Denials by the Number Pooling Administrator for the Daytona Beach exchange (Main)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Petition for Expedited Review of NXX-X Code Denial, which we ask that you file in the captioned *new* docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White

cc: All Parties of Record Marshall M. Criser III R. Douglas Lackey



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## CERTIFICATE OF SERVICE Petition for Expedited Review of Growth Code Denial by the Number Plan Administrator for the Daytona Beach exchange (Main)

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 1st day of March, 2004 to the following:

Staff Counsel Florida Public Service Commission Division of Legal Services 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

NANPA Thomas Foley NPA Relief Planner 820 Riverbend Blvd. Longwood, Florida 32779-2327 Tel. No.: (407) 389-8929 Fax. No.: (407) 682-1108 thomas.foley@neustar.com

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#### **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Expedited Review of Growth Code Denials by the Number Pooling Administrator) for the Daytona Beach exchange (Main)

Docket No.

Filed: March 1, 2004

### PETITION FOR EXPEDITED REVIEW OF NXX-X CODE DENIAL

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BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to 47 C.F.R. § 52.15(g)(iv), Federal Communications Commission ("FCC") Order FCC 00-104, and Florida Public Service Commission ("Commission") Order No. PSC-01-1873-PCO-TL, petitions the Commission to review the Pooling Administrator's ("NeuStar") denial of BellSouth's request for additional numbering resources in the Daytona Beach exchange. In support of this petition, BellSouth states:

#### PARTIES

1. BellSouth is a corporation organized and formed under the laws of the State of Georgia and an incumbent local exchange company ("ILEC") regulated by the Commission and authorized to provide local exchange telecommunications and intraLATA toll telecommunications in the State of Florida.

2. NeuStar is an independent non-governmental entity, which is responsible for administering and managing the numbering resources in pooling areas. See 47 C.F.R. § 52.20(d).

#### **JURISDICTION**

The Commission has jurisdiction of this matter pursuant to Industry 3. Numbering Committees (INC) Number Pooling Guidelines Sections 3.7 and 12(c). This provision provides that a carrier may challenge NeuStar's decision to deny numbering resources to the appropriate regulatory authority.

#### **BACKGROUND AND REQUEST FOR RELIEF**

4. On March 31, 2000, the FCC issued Order No. 00-104 ("FCC 00-104" or the "Order") in the Numbering Resource Optimization docket (Docket No. 99-200). The goal of FCC 00-104 was to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of telephone numbers and to avoid further exhaustion of telephone numbers under the NANP.

5. Among other things, FCC 00-104 adopted a revised standard for assessing a carrier's need for numbering resources by requiring rate center based utilization rates to be reported to North American Numbering Plan Administrator ("NANPA"). FCC Order at § 105. The FCC further required that, to qualify for access to new numbering resources, applicants must establish that existing numbering inventory within the applicant's rate center will be exhausted within six months of the application. Prior to the ruling, the Central Office Code Assignment Guidelines, used by the industry and NANPA to make code assignments, required the applicant's existing number inventory within the applicant's serving switch to exhaust within a specific months-to-exhaust ("MTE") of the code application in order for a code to be assigned or for the carrier to prove that it was unable to meet a specific customer's request with its current inventory of numbers. The FCC stated that the shift to a "rate center" basis for determining the need for new numbering resources was intended to "more accurately reflect how numbering resources are assigned" and to allow "carriers to obtain numbering resources in response to specific customer demands." FCC Order at ¶ 105.

6. On December 29, 2000, the FCC also released FCC 00-429, which reaffirmed FCC 00-104 and also required carriers to also meet a 60 percent initial utilization threshold. FCC 00-429 at  $\P$  26. Based on these two FCC orders, carriers are required to meet a six MTE criteria as well as a utilization threshold on a rate center/exchange basis in order to be granted additional numbering resources. Id. at  $\P$  29.

7. In FCC 00-104, the FCC directed the industry and the Pooling Administrator to comply with the INC Pooling Guidelines. FCC 11-104 ¶183. Pursuant to the INC Guidelines, in order to obtain thousand-block allocations, the carrier must demonstrate that its existing numbering resources for the rate center will exhaust within six (6) months and also have a utilization of 60 percent for the specific rate center. See INC Guidelines Section 4.3(d) and Appendix 3. These requirements are known as the six (6) months-to-exhaust ("MTE") and utilization threshold.

8. Since the beginning of this year, BellSouth has submitted several requests for additional numbering resources to North American Numbering Plan Administrator ("NANPA") and NeuStar for assignment of additional numbering resources to meet the demands of its customers in several Florida exchanges, including Daytona Beach, DeLand, Ft. Lauderdale, Jacksonville, Keys, Miami, North Dade, Orlando, Palm Coast, Sebastian, Weekiwachee Springs, and West Palm Beach.

9. BellSouth has completed these applications in accordance with INC guidelines and filled out the necessary Months-to-Exhaust and Utilization Certification Worksheets as required.

10. BellSouth has utilized mechanisms such as number pooling to manage its numbering resources in the most efficient manner. However, as the Commission is well

aware, in some circumstances, BellSouth has been required to petition the Commission for relief.

11. On May 25, 2001, BellSouth petitioned the Commission to develop an expedited process to review NANPA's denial of a request for additional numbering resources to minimize the delay carrier's experience in attempting to challenge a denial by NANPA. As a result of the BellSouth's Petition and the Commission's efforts to make numbering resources available to carriers, the Commission issued Order No. PSC-01-1873-PCO-TL setting forth an expedited code denial process for non-pooling areas. On March 15, 2002, the Commission issued Order No. PSC-02-0352-PAA-TL adopting the same expedited code denial process for pooling areas.

12. The Daytona Beach exchange consists of five (5) central offices and five (5) switching entities that utilize numbering resources: Fentress (DYBHFLFNRS0), Main (DYBHFLMADS0), Ocean Shores (DYBHFLOSRS0), Ormand Beach (DYBHFLOBDS0) and Port Orange (DYBHFLPODS0).

13. On February 23, 2004, BellSouth requested additional numbering resources from NeuStar for the Daytona Beach - Main (DYBHFLMADS0) switch. <u>See</u> Attachment 1. Specifically, BellSouth requested three (3) 1,000 consecutive number block in order to meet a request for a specific customer.

14. At the time of the code request, the Daytona Beach exchange had a MTE of 17.157 and a utilization of 82%, while the MTE for the Main (DYBHFLMADS0) switch was -4.54.

15. On February 23, 2004, NeuStar's automated number request system denied BellSouth's request for additional numbering resources because BellSouth had not

met the rate center based MTE criteria, notwithstanding the fact that BellSouth is unable to provide the numbering resources requested by the specific customer. <u>See</u> Attachment 1. Pursuant to Commission Order No. PSC-01-1973-PCO-TL, attached to this Petition is the MTE, utilization rate for each switch in the Daytona Beach exchange and the customer contact information. <u>See</u> Attachment 2.

16. As discussed above, both the FCC Order and the INC guidelines provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources. <u>See</u> INC Number Pooling Guidelines Sections 3.7 and 12(c).

17. Under earlier MTE procedures used by NANPA, waivers or exceptions were granted when customer hardships could be demonstrated or when the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under existing procedures, NeuStar nor NANPA looks at the number of MTE and utilization for the entire rate center without exception. The current process is arbitrary and results in (1) decisions contrary to the public interest and welfare of consumers in the State of Florida; and (2) decisions that do not necessarily promote the efficient use of telephone numbers.

18. BellSouth requests that the Commission's reverse NeuStar's decision to withhold numbering resources from BellSouth on the following grounds:

(a) NeuStar's denial of numbering resources to BellSouth interferes with BellSouth's ability to serve its customers within the State of Florida.

(b) The MTE at the rate center level requirement is discriminatory against the incumbent LEC, since the ILEC is typically the only local service provider with multiple

switches in a rate center. The ILEC deploys multiple switches in a rate center in order to meet customer demand for telephone service. The new FCC rules for obtaining numbering resources both penalizes and discriminates against the ILECs for deploying multiple switches. BellSouth believes that it is patently unfair to require that the ILEC only get six (6) MTE in all the switches it has deployed in a rate center, when the ALECs, which have recently entered the local service market, have to meet the MTE requirement in only the single switch that they have deployed to serve their customers in a single rate center or even multiple rate centers.

(c) As a result of NeuStar's denial of BellSouth's request for additional numbering resources, BellSouth will be unable to provide telecommunications services to its customers as required under Florida law.

WHEREFORE, BellSouth requests:

1. The Commission review the decision of NeuStar to deny BellSouth's request for additional numbering resources for the Daytona Beach exchange; and

2. The Commission direct NeuStar to provide the requested numbering resources for the Daytona Beach exchange as discussed above.

Respectfully submitted this 1st day of March, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

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Nancy B White or

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R. Douglas Lackey 675 West Peachtree Street, Suite 4300 Atlanta, Georgia (404) 335-0747

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#### Daytona Beach Utilization Summary Report

Exchange	Central Office	Wire Center CLLI	Blocks	Avg Growth Per Month	Available TNs	MTE
Daytona Beach	Fentress	DYBHFLFNRS0	8	-	<b>Manager</b>	
Daytona Beach	Main	DYBHFLMADS0	133			
Daytona Beach	Ocean Shores	DYBHFLOSRS0	11	<b>**</b>		
Daytona Beach	Ormond Beach	DYBHFLOBDS0	61			Annual
Daytona Beach	Port Orange	DYBHFLPODS0	79			and the second s

**Customer Contact Information** 



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