

Voice Data Internet Wireless Entertainment

July 12, 2007

Ms. Ann Cole Office of Commission Clerk Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

EMBARQ.com JUL 12 PM 4:2 70410-72

1313 Blair Stone Rd. Tallahassee, FL 32301

RECEIVED-FPSC

Re: Docket No. _____ Petition for the Expedited Review of Growth Code Denials by the Number Pooling Administrator for the Clermont Exchange.

Dear Ms. Cole:

Enclosed for filing on behalf of Embarq Florida, Inc. (Embarq), is the original and fifteen copies of Embarq's redacted Petition for expedited Review of NXX-X Code Denial, which we ask that you file in the captioned new docket.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850-599-1560.

Sincerely,

Susan & Masterton

Susan S. Masterton Senior Counsel

Enclosure

DOCUMENT NUMBER-DATE 05878 JUL 125 FPSC-COMMISSION CLERF

 Susan S. Masterton

 COUNSEL

 LAW AND EXTERNAL AFFAIRS- REGULATORY

 Voice:
 (850) 599-1560

 Fax:
 (850) 878-0777

CERTIFICATE OF SERVICE DOCKET NO.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this 12th day of July, 2007 to the following:

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

NANPA Tom Foley, Relief Planner Eastern Region 820 Riverbend Blvd. Longwood, FL 32779-2327

Sugar S. Masterton Der Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Expedited Review of Growth Code Denials by the North American Numbering Plan Administration for the Clermont Exchange Docket No. 070410-7L

Date Filed: July 12, 2007

PETITION FOR EXPEDITED REVIEW OF NXX-X CODE DENIAL

Embarq Florida, Inc. (Embarq), 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-01-1973-PCO-TL, petitions the Commission to review the Pooling Administrator's ("NeuStar") denial of Embarq's requests for additional numbering resources in the Clermont Exchange. In support of this petition, Embarq states:

PARTIES

1. Embarq is 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.

 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

3. The Commission has jurisdiction of this matter pursuant to the Industry Numbering Committee's (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.

DOCUMENT NUMBER DATE

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.
- Among other things, FCC 00-104 adopted a revised standard for assessing a 5. carrier's need for numbering resources by requiring rate center based utilization rates to be reported to 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-toexhaust ("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 required carriers to also meet a 60 percent initial utilization threshold. FCC 00-429 at ¶ 26. Based on these two FCC orders, carriers are required to meet 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 ¶ 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 75 percent for the specific rate center. See INC Guidelines Section 4.3 (c) [THOUSANDS-BLOCK NUMBER (NXX-X) POOLING ADMINISTRATION GUIDELINES (TBPAG) dated May 20, 2005] and Appendix 3. These requirements are known as the six (6) months-to-exhaust ("MTE") and utilization threshold.
- 8. Embarq has utilized mechanisms such as number pooling to manage its numbering resources in the most efficient manner. However, Embarq is required in this instance to petition the Commission for relief.
- 9. 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 carriers experience in attempting to challenge a denial by NANPA. As a result of BellSouth's Petition and the Commission's efforts to make numbering resources available to carriers, the

commission issued Order No. PSC-01-1973-PCO-TL setting forth an expedited code denial process. On March 15, 2002, the Commission issued Order No. PSC-02-0352-PAA-TL adopting the same expedited code denial process for pooling areas.

- 10. The Clermont Exchange consists of one (1) central office and one (1) switching entity that utilizes numbering resources.
- 11. On July 10, 2007 Embarq Florida requested additional numbering resources from NeuStar for the Clermont exchange. See Attachment 1. Specifically, in order to meet the telephone number needs of one of its customers, Embarq requested 1,000 new consecutive DID numbers in the Clermont (CFMTFLXADS0) wire center. The customer has requested 1,000 consecutive numbers and has indicated these numbers must be assigned with the 2, 3, 4, 5, 6, or 7 block (ie, NXX-OXXX, NXX-1XXX, NXX-8XXX and NXX-9XXX are not acceptable). Embarq cannot currently meet this request given the inventory of numbers available at this time in this switch.
- 12. At the time of the code request, the Clermont exchange had an MTE much greater than the six (6) months and a utilization of 92.5%. There are no blocks of un-assigned numbers large enough to meet the request of this customer in this switch.
- 13. On July 10, 2007, NeuStar denied Embarq's request for additional numbering resources because Embarq had not met the MTE criteria, notwithstanding the fact that Embarq's Clermont switch is at 92.5% utilization and does not have available blocks of numbers in sufficient quantity to meet the customer's requirements. See Attachment 1.

- 14. Embarq's request for additional numbering resources to meet this customer's requirement in the Clermont Exchange would not materially impact exhaustion of available numbers in the 352 area code.
- 15. As discussed above, both the FCC Order and INC guidelines provided that state regulatory authorities have the power and authority to review NANPA's decision to deny a request for numbering resources. See INC Number Pooling Guidelines Sections 3.7 and 11.1(c).
- 16. Under earlier 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 and NANPA look at the MTE criteria and utilization threshold for the rate center and allow exceptions. The current process is arbitrary and may result 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.
- 17. Embarq's inability to provide this customer with the requested blocks of numbers prevents Embarq from providing the quality of service this customer desires and expects.
- 18. This Commission has previously received similar requests from numerous carriers, both ILECs and CLECS in which the carriers have asked the PSC to overrule a decision of NANPA and NeuStar. The Commission has granted these requests.

- 19. Embarq requests that the Commission reverse NeuStar's decision to withhold numbering resources from Embarq on the following grounds:
 - (a.) NeuStar's denial of numbering resources to Embarq interferes with Embarq's ability to service its customers within the State of Florida.

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

WHEREFORE, Embarq Florida, Inc. requests:

1. The Commission review the decision of NeuStar to deny Embarq's request for additional numbering resources for the Clermont exchange, and

2. The Commission directs NeuStar to provide the requested numbering resources for the Clermont exchange as discussed above.

Respectfully submitted this 12th day of July, 2007.

Mastertin

Susan S. Masterton Senior Counsel for Embarq Florida, Inc. P.O. Box 2214 Tallahassee, FL 32316-2214 850-599-1560

Appendix 3 - Modified August MO	NTHS TO						WORKSH Block Requ		I Level ¹			Attachment 1 Page 1 of 9
Date:07/06/07OCN: _0341_Co	mpany Nan	ne: _EME	BARQ								······································	
Rate Center: _Clermont, Fl_												
Name of Block Applicant:EMBA	RQ				Signatu	re:						
List all Codes NPA(s)-NXXs and Blocks												
FAX No.:	E:Mail											
A. Available Numbers		· ·										
B. Assigned Numbers:												
C. Total Numbering Resources:												
D. Quantity of numbers activated in the List excluded Code(s) or Block(s):	e past 90 d	ays and e	xcluded f	rom the U	tilization c	alculation	:					
	Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11	Month #12
E. Growth History – Previous 6 months ²								• •				
F. Forecast – Next 12 months ³												
G. Average Monthly Forecast (Sum of month	ns #1-6 (Part I	= above) div	ided by 6):				-			-		-
H. Months to Exhaust ⁴		Numbe	rs Available Averag	e for Assignm e Monthly Fo	<u>ient to Cust</u> recast (G)	omers (A)		=	_nonr_			
I. Utilization ⁵	Tota	Assigned National Numbering	lumbers (B) a Resource) – Excluded s (C) – Exclu	Numbers (E)) ers (D)	* 100	=	_92.5%_	-		
resources in the Clermon Please proceed with the	eds 100 nt Rate	0 DID Cente	numbe rPle	ers wh ease as	ich ca ssign v ontact	annot within perso	the 2,	3,4,5,	6 or 7	7 block		numbering

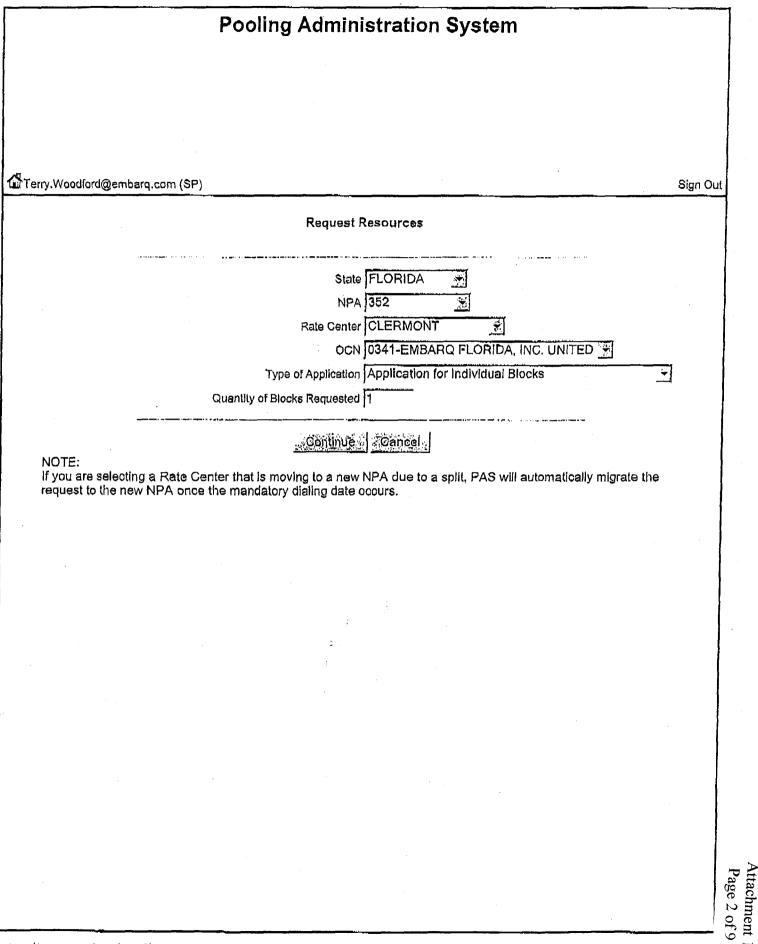
¹ A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.

² Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

³ Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁴ To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g) (3) (iii)).

⁵ Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))



Appendix 3 - Modified August (5. 2001											Attachment 1 Page 3 of 9
	ITHS TO	EXHAUS	T and U	TILIZATIC	N CERTI	FICATION	WORKS	HEET - T	N Level ¹			1 450 5 61 5
Date:07/06/07OCN: _0341_ Com					r Pooling							
Rate Center: _Clermont, FI_	ipany iva							·				
Name of Block Applicant:EMBAR	a				Signatu	re:						
List all Codes NPA(s)-NXXs and Blockst	NPA(s)-N	XX-X(s):	352-241	, 242(0, 1,	2, 3, 4, 5,	6, 9), 243	3, 394, 404					
FAX No.:	E:Mail_								-			
A. Available Numbers: _3,316_												
B. Assigned Numbers: _40,684												
C. Total Numbering Resources: _44,000	ר_											
D. Quantity of numbers activated in the List excluded Code(s) or Block(s):	past 90 d	ays and e	xcluded f	rom the U	Itilization o	alculation	:					
	Month #1	Month #2	Month #3	Monih #4	Month #5	Month #6	Month #7	Monih #8	Month #9	Month #10	Month #11	Montin #12
E. Growth History — Previous 6 months ²	-102	-131	-185	-241	-422	-419						
F. Forecast - Next 12 months ³	-419	-347	-109	-252	-185	-174	-98	-102	-131	-185	-241	-422
G. Average Monthly Forecast (Sum of months	#1-6 (Part)	⁼ above) div	ided by 6):	247								
H. Months to Exhaust ⁴		Numbe		for Assignment Monthly Fo	nent to Custr precast (G)	omers (A)		=	_nonr_			
1. Utilization ⁵	Tota	Assianed National Numberia	lumbers (B) 9 Resource	<u> — Excluded</u> s (C) — Exclu	Numbers (D uded Numbe)) rs (D)	^ 100	2	_92.5%_			
Dept of Correction need resources in the Clermont	s 100	0 DID	numbe	ers wh	ich ca	innot						numbering
Sales Rep-Beverly Jenkins	s. Dep	t of C	orrect	cion co	ontact	persor	n-Bill I	DuPREE 9	50-410-	4101	\$5.	
Please proceed with the w	waiver	/appea	l prod	cess wh	len Nei	istar c	lenies	this r	request			
 A copy of this worksheet is required to be sufficient copy of this document. Net change in TNs no longer available for assignment. 											ooses, the ap	plicant must retain a
3 Forecast of TNs needed in each following mont		·		-								
 4 To be assigned an additional thousands-block (⁵ Newly acquired numbers may be excluded from 	NXX-X) for	growth, "Ma	onths to Exh	aust" must k	pe less than		months. (F	CC 00-104, {	§ 52.15 (g) (3	3) (üi)).		
*												

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Terry.Woodford@embarq.com (SP)	Sign Oi
Part	1A
Type of Application : New	
1.1 Contact Information :	
n en	والمستقدين المراجع المراجع والمتهوين والمتعاد والم
	Note: If any of the contact info is incorrect, edit your user profile.
Block Applicant :	
Company Name EMBARQ FLORIDA, INC.	UNITED
Headquarters Address: 6500 Sprint Parkway	
City: Overland Park	
State: KS	
Zip: 66251	
Contact Name Mrs Terry D Woodford	
Contact Address 555 Lake Border Dr	
City Apopka	State FL
Zip 3270 3	
Telephone (407) 889-1661	Fax (407) 884-1992
E-mail terry.woodford@embarg.	•
Pooling Administrator ^{II} :	
Contact Name Ms Dara Sodano	
Contact Address 1800 Sutter St. Ste. 780	
Cily Concord	State CA
Zip 94520	
Telephone (925) 363-8730	Fax (925) 363-7697
E-mail dara.sodano@neustar.biz	
.2 General Information	
	······································
NPA 352	LATA * 454
OCN ^{IV} * 0341-EMBARQ FLORIDA, INC. UNITED	
Parent Company OCN * 0341	
Number of Thousands-Blocks Requested 1	
	with the second s
Switch Identification (Switching CLMTFLXADS0	City or Wire Center Name CLERMONT
Rate Center VI CLERMONT	Rate Center Sub Zone 03
.3 Dates	
· · · · · · · · · · · · · · · · · · ·	
Date of Application vii Tuesday, July 10, 2007	
Requested Block Effective Date VIII 10 🖼 Aug 😒 2007 😒	

https://www.nationalpooling.com/pas/control/part1a?rostTvpc=N

Screen One - PAS

creen.One - PAS			Page 2
.4 Type of Service Provider Requesting t	he Thousands-Block		-
a) Type of Service Provider * (Incum b) Primary type of service Blocks to be (Wirell used for • (Wirell	-	arrier (ILEC)	
c) Thousands-Block(s) (NPA-NXX-X) assig			
prefe Click here to see the available blocks in the	arence a pool.		
IOTE: The blocks available list shows blocks are available at the time a request is submitte hese same blocks may not be available at the me the request is processed. Therefore, it is acommended that you provide additional blo references in the event those blocks are not vailable.	ed. he s ock	>>>	Delete
d) Thousands-Block(s) (NPA-NXX-X) the undesirable for this assignment,		<u> </u>	
			Delete
If requesting a code for LRN purposes, indicate to ocks will be given to the pool)	which block(s) you will be k	eeping (the remainder of t	he N/A
5 Type of Request	ali d k u a a dali da da anna anna anna anna anna anna an		
Initial block for rate center O Yes			
Growth block for rate center O Yes			
Change block N/A Disconnect block N/A			
resources	e obtained from th s in the Clermont ithin the 2,3,4,5,	Rate Center. Plea	ng Ad Se Sa
			<u> </u>
ereby certify that the above information requestin plication has been prepared in accordance with the	g an NXX-X block is true a he Thousands-Block (NXX-	nd accurate to the best of X) Pooling Administration	my knowledge and that this Guidelines (ATIS-0300066)
ана стана стана Спорт стана стан Стана стана стан	Scontinues (Ca		a sa antina sa manana a sa ma
tructions for filling out each Section of th		<u>a marte el</u>	
ction 1.1 Contact information requires that Service	ə Providers supply under "l	Block Applicant" the comp	any name, company headquarters
tion 1.1 Contact information requires that Service ress, a contact within the company, an address v s://www.nationalpooling.com/pas/contro	where the contact person n	Block Applicant" the comp nay be reached, in addition	any name, company headquarters n to the correct phone, fax, and e- 7/10/2

Attachment 1 Page 5 of 9 Screen One - PAS

address. The Pooling Administrator section also requires the Service Provider to fill in the Pooling Administrator's name, address, phone, fax and e-mail.

Section 1.2 Service Providers who need a thousands-block assignment or for an Location Routing Number (LRN)are required to fill in this section. If needed for an LRN, a CO Code Application needs to also be submitted to the PA. The Service Provider should supply the Numbering Plan Area (NPA); the Local Access Transport Area (LATA), which is a three-digit number that can be found in the TelcordiaTM LERGTM Routing Guide. The Operating Company Number (OCN) assigned to the service provider and the OCN its parent company. An OCN is a four-character alphanumeric assigned by TelcordiaTM Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification as well as the city or wire center name, rate center, rate center sub zone, homing tandem and CLLiTM landem of the facilities based provider ^{IX}. Explanations of these terms may be found in the footnotes.

Section 1.3 The date the Service Provider completes the application should be entered in this section, as well as the Effective Date of the requested thousands-block.

Section 1.4 Service Providers should indicate their type, e.g., local exchange carrier, competitive local exchange carrier, interexchange carrier, CMRS. The also indicate the primary type of business in which the numbering resource is to be used. Service Providers also may indicate their preference for a particular thousands-block, e.g., 321-9XXX, or indicate any thousands-blocks that may be undesirable, e.g., 321-6XXX.

Section 1.5 Service Providers indicate the type of request. Initial requests are for first applications for thousands-blocks in a rate center, growth for additional lhousands-blocks in a rate center in which the applicant already has numbering resources, and provide the required evidence as ordered by the FCC.

The thousands-block applicant certifies veracity of this form by signing their name, and providing their title and date.

Foot Notes:

Identify type of and reason for change(s) in Section 1.5.

ⁱⁱ The Pool Administrator is available to assist in completing these forms,

^{ili} A CO Code application will also need to be submitted to the PA.

^{iv} Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments should contact NECA (800 524-1020) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignments should direct questions regarding appropriate OCN usage to (TRA) (732-699-6700).

^v This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character CLLITM code of the switch /POI.

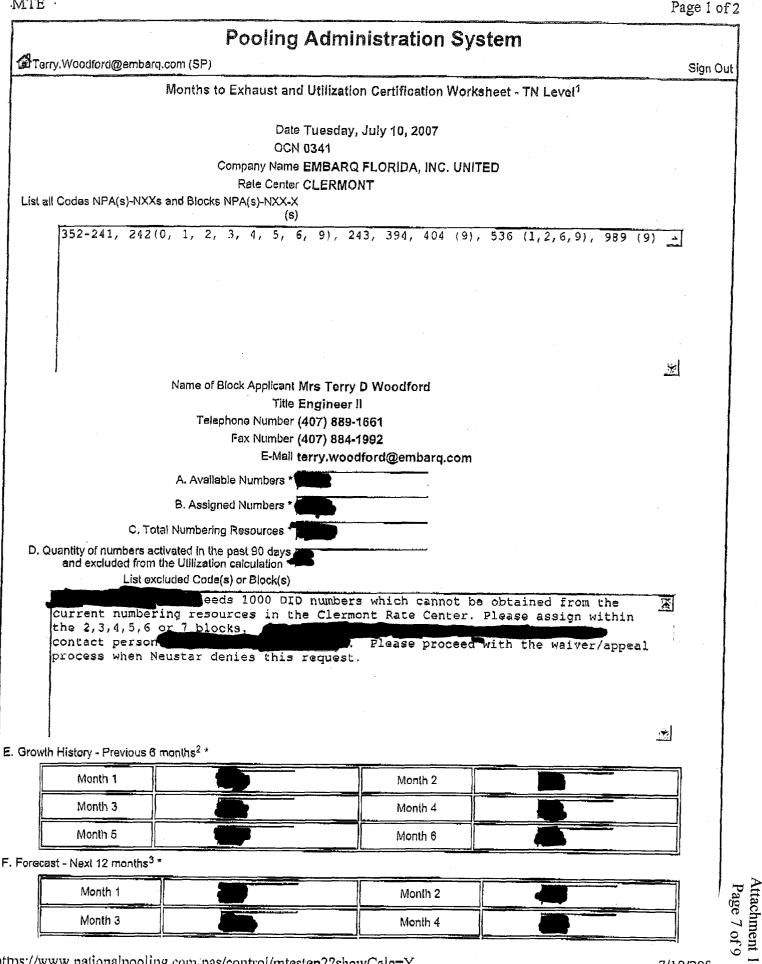
vi Rate Center name must be a tariffed Rate Center.

vii Acknowledgment and indication of disposition of this application will be provided to applicant within seven calendar days from the date of receipt of this application. An incomplete form may result in delays in processing this request.

vill Please ensure that the NPA-NXX of the LRN to be associated with this block(s) is/will be active in the network prior to the effective date of the block(s).

^{ix} Telcordia, LERG Routing Guide, and CLLI are trademarks of Telcordia Technologies, Inc.

MTE ·



https://www.nationalpooling.com/pas/control/mtestep2?showCalc=Y

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ATE .			Page 2
Mor	nth 5	Month 6	
Mor	nth 7	Month 8	
Mor	nth 9	Month 10	
Mon	th 11	Month 12	
•	/ Forecast (Sum of months # 1-6 (Pa Ist ⁴ (Numbers Available for Assignm	art F above) divided by 6) ment to customers (A) / Average Monthly Forec	ast (G))
	Block Requested	A. Available Numbers 3316	H. Months to Exhaust 19856.287
Utilization ⁵ (Assign 00	ed Numbers (B)) / (Total Numbering	Resources (C) - Excluded Numbers (D)) *	92.464
xplanation			
лранации	cannot be obtain resources in the	ed from the current numbers which Clermont Rate Center. Please	
resources ir ² Net change Month #1, a ³ Forecast o ⁴ To be assig months. (FC	n a rate center. For auditing purp e in TNs no longer available for a and Month #6 as the current mon f TNs needed in each following n gned an additional thousands-blo CC 00-104, ý 52.15 (g)(3)(iii)).	ubmitted to the Pooling Administrator whe oses, the applicant must retain a copy of t assignment in each previous month, startir th. nonth, starting with the most recent month ock (NXX-X) for growth, "Months to Exhau from the Utilization calculation (FCC 0010	this document. ng with the most distant month as n as Month #1. st" must be less than or equal to
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