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EMBARQ™

Embarq
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Tallahassee, FL 32301
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October 22, 2007

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

REDACTED

RECEIVED FPSC
07 OCT 22 PM 4:46
COMMISSION
CLERK

Re: Docket No. 070657-TH

CMP _____

COM _____

Dear Ms. Cole:

CTR _____

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.

ECR _____

GCL 1 _____

OPC _____

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

RCA _____

SCR _____

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

SGA _____

SEC _____

OTH _____

Sincerely,

Susan S. Masterton
Susan S. Masterton
Senior Counsel

Enclosure

RECEIVED DATE
09646 OCT 22 08
FPSC-COMMISSION CLERK

Susan S. Masterton
SENIOR COUNSEL
Voice: (850) 599-1560
Fax: (850) 878-0777
susan.masterton@embarq.com

CERTIFICATE OF SERVICE
DOCKET NO. _____

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S.
Mail this 22nd day of October, 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



SM 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 North Cape Coral Exchange

Docket No. 070657-TL

Date Filed: October 22, 2007

REDACTED

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OCT 22 PM 4:17

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 North Cape Coral 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.
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

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

09646 OCT 22 05

FPSC-COMMISSION CLERK

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 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 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 North Cape Coral Exchange consists of one (1) central office and one (1) switching entity that utilizes numbering resources.
11. On October 15, 2007 Embarq Florida requested additional numbering resources from NeuStar for the North Cape Coral exchange. See Attachment 1. Specifically, in order to meet the telephone number needs of one of its customers, Embarq requested 1000 new consecutive DID numbers in the North Cape Coral (CPCRFLXBDS1) wire center. The customer has requested 1000 consecutive numbers. 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 North Cape Coral exchange had a MTE of much longer than six (6) months and a utilization of 83.5%. There are no blocks of un-assigned numbers large enough to meet the request of this customer in this switch.
13. On October 15, 2007, NeuStar denied Embarq's request for additional numbering resources because Embarq had not met the MTE criteria, notwithstanding the fact that Embarq's North Cape Coral switch is at 83.5% 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 North Cape Coral Exchange would not materially impact exhaustion of available numbers in the 239 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 North Cape Coral exchange, and
- 2. The Commission directs NeuStar to provide the requested numbering resources for the North Cape Coral exchange as discussed above.

Respectfully submitted this 22nd day of October, 2007.


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

Appendix 3 - Modified August 6, 2001

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORKSHEET - TN Level 1
(Thousands-Block Number Pooling Growth Block Request)

Date: 10/15/07 OCN: 0341 Company Name: Embarq

Rate Center: North Cape Coral, FL_CPCRFLXBDS1

Name of Block Applicant: Embarq Signature: _____

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s): 239-242,424(1,2,3,4 blocks)-458,573,574,772

Title: _____ Telephone No.: _____ FAX No.: _____

E:Mail _____

A. Available Numbers: [REDACTED]

B. Assigned Numbers: [REDACTED]

C. Total Numbering Resources: [REDACTED]

D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation: _____
List excluded Code(s) or Block(s): _____

	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	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]						
F. Forecast - Next 12 months ³	[REDACTED]											
G. Average Monthly Forecast (Sum of months #1-6 (Part F above) divided by 6):	[REDACTED]											

H. Months to Exhaust⁴ $\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}} = \text{zero}$

I. Utilization⁵ $\frac{\text{Assigned Numbers (B) - Excluded Numbers (D)}}{\text{Total Numbering Resources (C) - Excluded Numbers (D)}} * 100 = 83.5\%$

Explanation: [REDACTED] has requested 1000 DID numbers which cannot be provided out the current numbering resources in the NCPC North Cape Coral Wire Center. Please proceed with the waiver through the state commission when this request is denied by Neustar. Contact [REDACTED]

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))

002
SERVING DATA SERVICES

Pooling Administration System

 Terry.Woodford@embarq.com (SP)

[Sign Out](#)

Request Resources

State

NPA

Rate Center

OCN

Type of Application

Quantity of Blocks Requested

NOTE:

If you are selecting a Rate Center that is moving to a new NPA due to a split, PAS will automatically migrate the request to the new NPA once the mandatory dialing date occurs.

Pooling Administration System

 Terry.Woodford@embarq.com (SP)

Sign Out

Part 1A

Type of Application : New

1.1 Contact Information :

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 **32703**
 Telephone **(407) 889-1661** Fax **(407) 884-1992**
 E-mail **terry.woodford@embarq.com**

Pooling Administrator ⁱⁱ:

Contact Name **Ms Dara Sodano**
 Contact Address **1800 Sutter St. Ste. 780**
 City **Concord** State **CA**
 Zip **94520**
 Telephone **(925) 363-8730** Fax **(925) 363-7697**
 E-mail **dara.sodano@neustar.biz**

1.2 General Information

LRN Needed ⁱⁱⁱ **No**

NPA **239**

LATA * **939**

OCN ^{iv} * **0341-EMBARQ FLORIDA, INC. UNITED**

Parent Company OCN * **0341**

Number of Thousands-Blocks Requested **1**

Switch Identification (Switching Identity/PO) ^{v*} **CPCRFLXBDS1**

City or Wire Center Name **NORTH CAPE CORAL**

Rate Center ^{vi} **NORTH CAPE CORAL**

Rate Center Sub Zone **02**

1.3 Dates

Date of Application ^{vii} **Monday, October 15, 2007**

Requested Block Effective Date ^{viii} **15 Nov 2007**

Request Expedited Treatment Yes No

Screen One - PAS

1.4 Type of Service Provider Requesting the Thousands-Block

a) Type of Service Provider * Incumbent Local Exchange Carrier (ILEC)

b) Primary type of service Blocks to be used for * Wireline

<p>c) Thousands-Block(s) (NPA-NXX-X) assignment preference Click here to see the available blocks in the pool.</p> <p>NOTE: The blocks available list shows blocks that are available at the time a request is submitted. These same blocks may not be available at the time the request is processed. Therefore, it is recommended that you provide additional block preferences in the event those blocks are not available.</p>			<p>Delete</p>
<p>d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any</p>			<p>Delete</p>

e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) N/A

1.5 Type of Request

Initial block for rate center Yes

Growth block for rate center Yes

Change block N/A

Disconnect block N/A

Remarks Explanation: [REDACTED] has requested 1000 DID numbers which cannot be provided out the current numbering resources in the NCPC North Cape Coral Wire Center. Please proceed with the waiver through the state commission when this request is denied by Neustar. Contact [REDACTED]

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines (ATIS-0300066)

Continue Cancel

Instructions for filling out each Section of the Part 1A form:

Section 1.1 Contact information requires that Service Providers supply under "Block Applicant" the company name, company headquarters address, a contact within the company, an address where the contact person may be reached, in addition to the correct phone, fax, and e-mail

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 Telcordia™ LERG™ 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 Telcordia™ 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 CLLI™ tandem 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. They 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 thousands-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:

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

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

ⁱⁱⁱ 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 CLLI™ 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.

^{viii} 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.

Pooling Administration System

Terry.Woodford@embarq.com (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level¹

Date **Monday, October 15, 2007**

OCN **0341**

Company Name **EMBARQ FLORIDA, INC. UNITED**

Rate Center **NORTH CAPE CORAL**

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X (s)

239-242, 424 (1, 2, 3, 4 blocks) - 458, 573, 574, 772

Name of Block Applicant **Mrs Terry D Woodford**

Title **Engineer II**

Telephone Number **(407) 889-1661**

Fax Number **(407) 884-1992**

E-Mail **terry.woodford@embarq.com**

A. Available Numbers * [REDACTED]

B. Assigned Numbers * [REDACTED]

C. Total Numbering Resources * [REDACTED]

D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation * [REDACTED]

List excluded Code(s) or Block(s)

Explanation: [REDACTED] has requested 1000 DID numbers which cannot be provided out the current numbering resources in the NCPC North Cape Coral Wire Center. Please proceed with the waiver through the state commission when this request is denied by Neustar. Contact [REDACTED]

E. Growth History - Previous 6 months² *

Month 1	[REDACTED]	Month 2	[REDACTED]
Month 3	[REDACTED]	Month 4	[REDACTED]
Month 5	[REDACTED]	Month 6	[REDACTED]

F. Forecast - Next 12 months³ *

Month 1	[REDACTED]	Month 2	[REDACTED]
Month 3	[REDACTED]	Month 4	[REDACTED]

MTE

Month 5	[REDACTED]	Month 6	[REDACTED]
Month 7	[REDACTED]	Month 8	[REDACTED]
Month 9	[REDACTED]	Month 10	[REDACTED]
Month 11	[REDACTED]	Month 12	[REDACTED]

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) [REDACTED]

H. Months to Exhaust ⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested

A. Available Numbers

H. Months to Exhaust

1

[REDACTED]

5926.667

I. Utilization⁵(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100

83.537

Explanation

Explanation: [REDACTED] has requested 1000 DID numbers which cannot be provided out the current numbering resources in the NCPC North

¹A 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.

²Net 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.

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

⁴To 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)).

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

Show Calculations Continue Cancel

MTE

Pooling Administration System

 Terry.Woodford@embarq.com (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

You have requested more blocks than you will exhaust in six months.

Select One Option and Submit

- Return to the Months To Exhaust Form
- Discard all the information provided for the request and start with a fresh Part 1A
- State Waiver Option