



Public Service Commission
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-M-E-M-O-R-A-N-D-U-M-

DATE: OCTOBER 4, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF LEGAL SERVICES (FORDHAM) *C.S.F. . b/c*
DIVISION OF COMPETITIVE SERVICES (ILERI)

RE: DOCKET NO. 010102-TP - INVESTIGATION OF PROPOSED UPDATES
TO THE ROUTING DATA BASE SYSTEM (RDBS) AND BUSINESS RATING
INPUT DATABASE SYSTEM (BRIDS) AFFECTING THE TAMPA
TELECOMMUNICATIONS CARRIERS.

AGENDA: 10/16/01 - REGULAR AGENDA - MOTION FOR
RECONSIDERATION/CLARIFICATION - ORAL ARGUMENT DEPENDANT
UPON COMMISSION'S DECISION ON ISSUE 1

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\010102.RCM

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CASE BACKGROUND

On August 15, 2000, Verizon Florida, Inc. (Verizon) sent a letter to Tampa area code holders informing them of forthcoming updates to Telcordia's Routing Database System (RDBS) and Business Rating Input Database System (BRIDS). The updates, to be effective February 1, 2001, were intended to bring the Local Exchange Routing Guide (LERG) and Vertical and Horizontal Terminating Point Master (V+H/TPM) in sync with Verizon's current Florida tariff language. The letter notified the Tampa code holders that this would likely impact their entries in the RDBS and the BRIDS.

On October 25, 2000, staff received a letter from an attorney on behalf of several Florida Alternate Local Exchange Companies (ALECs). The letter expressed concerns over the impact Verizon's updates would have on ALECs in the Tampa area. On November 17,

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2000, staff asked Verizon to delay the changes pending a study to determine the impact on ALECs and numbering resources.

On January 23, 2001, staff received a letter from the attorney seeking immediate assistance on behalf of various ALECs, including ALLTEL, Intermedia, Sprint, Time-Warner, and WorldCom. They had been advised by Telcordia that the proposed changes to the RDBS and BRIDS were going to be effective February 1, 2001, contrary to the Commission staff's November 17, 2000 request.

This Docket was opened, and on February 26, 2001, this Commission issued Order No. PSC-01-0456-PAA-TP, ordering that Verizon immediately cease any further actions to modify the RDBS and BRIDS as it relates to the Tampa Rate Center designation. On Tuesday, March 27, 2001, an administrative hearing was conducted regarding this matter, and on July 31, 2001, this Commission entered Order No. PSC-01-1577-FOF-TP, establishing guidelines and implementation schedules for the requested changes.

On August 15, 2001, AT&T Communications of the Southern States, Inc., AT&T Wireless Services, Inc., Intermedia Communications, Inc., Time Warner Telecom, WorldCom, Inc., and XO Florida, Inc., (Joint Parties) filed a Joint Motion for Reconsideration, and Request for Oral Argument. No response to the Motion and Request was filed. This Recommendation deals with that Motion and Request.

JURISDICTION

We have been authorized to address numbering issues pursuant to 47 U.S.C. §151 et. Seq., 47 C.F.R. §§ 52.3 and 52.19, FCC Order 99-249, FCC Order 00-104, and FCC Order 00-429. In accordance with 47 C.F.R. §§ 52.3:

The Commission (FCC) shall have exclusive authority over those portions of the North American Numbering Plan (NANP) that pertain to the United States. The Commission may delegate to the States or other entities any portion of such jurisdiction.

Furthermore, 47 C.F.R. §§ 52.19 provides, in part, that:

(a) State commissions may resolve matters involving the introduction of new area codes within their states. Such

matters may include, but are not limited to: Directing whether area code relief will take the form of a geographic split, an overlay area code, or a boundary realignment; establishing new area code boundaries; establishing necessary dates for the implementation of area code relief plans; and directing public education efforts regarding area code changes.

The FCC issued Order 99-249 on September 15, 1999, granting this Commission's Petition for Delegation of Additional Authority to Implement Number Conservation Measures. Therein, the FCC granted the Commission interim authority to:

- (1) Institute thousand-block number pooling by all LNP-capable carriers in Florida;
- (2) Reclaim unused and reserved NXX codes;
- (3) Maintain rationing procedures for six months following area code relief;
- (4) Set numbering allocation standards;
- (5) Request number utilization data from all carriers;
- (6) Implement NXX code sharing; and
- (7) Implement rate center consolidations.

Furthermore, the Commission's jurisdiction, as set forth in Section 364.01, Florida Statutes, is broad. Specifically, Section 364.01(2), Florida Statutes, gives the Commission ". . . exclusive jurisdiction in all matters set forth in this chapter to the Florida Public Service Commission in regulating telecommunications companies . . ." Subsection (4)(a) provides that the Commission shall "Protect the public health, safety, and welfare by ensuring that basic telecommunications services are available to all consumers in the state at reasonable and affordable prices." Subsection (4)(i) states that the Commission shall also "Continue its historical role as a surrogate for competition for monopoly services provided by local exchange telecommunications companies." Furthermore, Section 364.15, Florida Statutes, authorizes us to compel repairs, improvements, changes, additions, or extensions to any telecommunications facility in order to promote the security or convenience of the public, or secure adequate service or facilities for telecommunications services.

Therefore, the Commission has jurisdiction to address this matter.

DISCUSSION OF ISSUES

ISSUE 1: Should the Joint Parties' Joint Request for Oral Argument on Joint Motion for Reconsideration of Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements be granted?

RECOMMENDATION: No. The Joint Parties' Joint Request for Oral Argument on Joint Motion for Reconsideration of Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements should not be granted. (ILERI, FORDHAM)

STAFF ANALYSIS: Pursuant to Rule 25-24.058, Florida Administrative Code, on August 15, 2001, the ALECs filed a joint request for oral argument on Joint Motion for Reconsideration of PSC Order No. PSC-01-1577-FOF-TP to clarify the number pooling requirements. Staff believes that this joint request for oral arguments should be denied because oral argument is not necessary to explain the matters upon which the ALECs seek the clarification of the post-hearing decision pertaining to the number pooling issues.

ISSUE 2: Should the Joint Parties' Joint Motion for Reconsideration of Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements be granted?

RECOMMENDATION: Yes. The Joint Parties' Joint Motion for Reconsideration of Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements should be granted for the purposes of providing greater detail regarding implementation of the Order in question. (ILERI)

STAFF ANALYSIS: On August 15, 2001, the ALECs¹ filed a Joint Motion for Reconsideration of PSC Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements. Upon review of the

¹AT&T, AT&T Wireless, Intermedia, Time Warner, WorldCom, and XO Communications.

questioned Order, staff believes that there may be ambiguities which could be further clarified by providing further detail. Accordingly, staff recommends clarification on the points requested in the Motion. The points of ambiguity identified in the ALECs' Motion, along with staff's recommended clarifications, are provided below:

- a) Whether the implementation of number pooling in this instance means that the steps necessary for the number pooling process have begun or that they are complete;

In the context of the order, the word implementation means that the pooling participants have begun to take the necessary steps required to implement pooling.

PSC Order No. PSC-01-1577-FOF-TP, states that:

Based on the evidence presented in this proceeding by all parties, a number pooling trial shall be implemented in the Tampa MSA beginning on October 1, 2001. (Page 16, ¶ 4)

Based on the Commission Order, the initial number pooling meeting would have taken place no later than October 1, 2001. In addition, staff believes that the time frame for this pooling trial should be similar to the pooling trials that the Commission already has implemented. In the previous pooling trials in Florida, the time elapsed from the initial pooling meeting to activation of the pool was approximately five months. Because of the request for clarification, staff believes that the ordered implementation date of October 1, 2001, should now be changed to November 12, 2001.

- b) Whether participation in the number pooling trial is mandatory;

The number pooling trial is voluntary. From the Order, it is clear that the Commission strongly urges all LNP-capable carriers to participate in the pooling trial. For a pooling trial to be effective, a high degree of participation is necessary.

The Commission Order (Page 15, ¶ 1) states that:

All Local Number Portability (LNP)-capable carriers in the Tampa MSA should participate in the number pooling trials.

Furthermore, the Commission Order (Page 16, ¶ 4) states that:

All non-wireless LNP-capable carriers shall participate in the pooling trial.

Staff suggests that the wording in the Order on page 16, ¶ 4, should read:

All non-wireless LNP-capable carriers should participate in the pooling trial.

All LNP capable carriers in the Tampa area, both wireless and non-wireless, should be urged to participate in the number pooling trial.

c) the specific requirements of the Verizon proposal;

The Commission Order (Page 9, ¶ 4) states that:

We find that all existing customers in the 813 area code shall be grandfathered as described in Verizon's proposal, but with a modification. The grandfathered customers shall be allowed to maintain their phone number regardless if they change carriers, as long as they are at the same location.

Based on the transcripts of the technical hearing of this proceeding, staff notes that Verizon's proposal was to grandfather customers' telephone numbers. Verizon witness Menard states that:

In their testimony the ALECs raise two principal problems in conjunction with Verizon's proposal to harmonize the numbering databases with Verizon's tariffs. Both of these concerns are groundless, assuming the Commission accepts Verizon's proposed remedy. First, the ALECs say their customers will need to take number changes if they are not physically located in the same rate center to which they are currently assigned. But Verizon has

proposed that all existing customers in the 813 area code should be grandfathered so that none of them would need to take a number change unless they later changed carriers. Any new NXX codes should be established with the correct Tampa rate center designation in the same manner as done with all other rate centers. Second, the ALECs claim that Verizon's proposal will unduly accelerate the exhaust of the 813 area code because ALECs will now need additional entire NXX codes to serve the four rate centers other than Tampa central. Verizon believes this concern about the impact of numbering resources is likely exaggerated as Verizon's analysis shows that the vast majority of the ALECs customers, probably about 98 percent are located in the Tampa central rate center anyway, which is where they are assigned today.

However, due to the impact of this proposal, the Commission modified Verizon's proposal such that all customer lines will be allowed to maintain their numbers regardless of whether they change carriers, as long as they are at the same location.

Subsequent to the hearing, several number pooling implementation meetings were held, and various technical difficulties were identified. As a result of those meetings, Verizon suggested, and the ALEC's concur, that it would be more efficient and less costly to grandfather the full NXX codes rather than individual numbers. Staff agrees with Verizon's recommendation. The NXX codes that are grandfathered will be temporarily assigned to the Tampa Global rate center. Allowing carriers to grandfather the NXX codes to the Tampa Global rate center prevents conflicts with the INC guidelines related to porting across rate center boundaries.

- d) whether "grandfathered" codes would have to participate in the pooling trial, whether or when thousands blocks from such codes would have to be donated after mandatory pooling, and the specific date upon which codes will be grandfathered;

Pursuant to the post-hearing implementation meetings, certain consensus emerged. The grandfathered codes would participate in the pooling trial, but in a separate pool of numbers in the Tampa Global rate center. As a result, the grandfathered NXX codes

should participate in the pooling trial once these codes are assigned to one of the six rate centers (i.e., Tampa Central, Tampa North, Tampa South, Tampa East, Tampa West, and Tampa Global). In addition, once the FCC's implementation schedule to mandatorily implement the pooling trial, all grandfathered thousands blocks from such codes would have to be donated. Currently, the FCC has not issued the specific date upon which the mandatory number pooling trials would take place; however, staff believes that such grandfathered codes should participate as soon as the carriers designate the NXX codes to a particular rate center. Participation in the pool will improve the utilization of telephone numbers in the 813 area code.

- e) Whether carriers will be allowed to assign any NXXs, including grandfathered codes, to the rate center that is appropriate to their respective customers and businesses, and not arbitrarily to the Tampa Central rate center;

Based on the Commission's Order, under the modified Verizon proposal, the carriers will be allowed to assign any NXXs, including grandfathered codes, to the rate center that is appropriate to their respective customers and businesses, and not arbitrarily to the Tampa Central rate center. Based on the Commission's order, there are six rate centers that serve the 813 Tampa area: Tampa Central, Tampa North, Tampa South, Tampa East, Tampa West, and Tampa Global.

- f) Whether the pooling trial will involve only the Tampa rate centers or whether the trial will extend to the entire Tampa MSA;

The current pooling trial should consist of the Tampa Central, Tampa North, Tampa South, Tampa East, Tampa West, and Tampa Global rate centers in the 813 area code.

The Commission Order (Page 15, ¶ 1) states that:

We agree with Intermedia witness Faul that for a number pooling trial to take place, the pooling should occur at the rate center level. All five rate centers will need to be pooled. Whether there is one Tampa rate center or five Tampa rate centers, all of these rate centers are within the Tampa MSA. Therefore, there would be one number

pooling trial with all rate centers located in the Tampa MSA participating.

Staff believes that the pooling trial should take place in all Tampa rate centers in the 813 area. Staff also believes that the Commission's order states that the number pooling trial will take place only in the 813 portion of the Tampa MSA, and only using the Tampa rate centers (i.e., Tampa Central, Tampa North, Tampa South, Tampa West, Tampa East, and Tampa Global).

- g) Whether the number pooling trial will be subject to the guidelines found in the INC Thousands Block Number Pooling Administration Guidelines as well as any national requirements that may be adopted by the FCC.

Staff believes that all number pooling trials should be subject to the INC guidelines and any nationally mandated requirements by the FCC. However, in this case, the number pooling trial is voluntary, and will involve carriers wishing to participate in conserving 813 area code numbering resources in the Tampa area. Since a Tampa Global pooling trial will be implemented, there would be no violation of the INC guidelines if a grandfathered customer changes carriers and keeps the same number, as long as they are at the same location.

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ISSUE 3: Should this Docket be closed?

RECOMMENDATION: No. This Docket should remain open, pending implementation of the number pooling trial. (**FORDHAM**)

STAFF ANALYSIS: This Commission should monitor the implementation of the mandates in the Order. Accordingly, this Docket should remain open, pending implementation of the number pooling trial.