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CLERK

DATE: March 8, 2007
TO: Victor S. McKay, Research Assistant, Office of the General Counsel
FROM: Catherine S. Beard, Regulatory Analyst I, Division of Competitive Markets & Enforcement
RE: Recommendation to the Office of General Counsel – Docket No. 070129-TL – Petition for expedited review of NXX-X code denial by North American Numbering Plan Administration for Fort Myers exchange, by Embarq Florida, Inc.

On February 8, 2007, Embarq Florida, Inc. (Embarq) filed a request for additional numbering resources from the Number Pooling Administrator (NeuStar) for the Fort Myers exchange, South Fort Myers (FTMYFLXCDS2) switch. Embarq requested one (1) 1,000 consecutive block of numbers with the format beginning with a 1, 2, or 5, to meet a customer's request. On February 9, 2007, Embarq's request for additional numbering resources was denied because it did not meet the months-to-exhaust utilization criteria.

On February 27, 2007, Embarq filed a petition requesting that the Commission overturn NeuStar's decision. In accordance with Commission Order No. PSC-02-0352-PAA-TL, (Docket No. 020087-TL) which approved an expedited process for the NeuStar code denials, staff has examined the Embarq petition and has determined the following:

- 1) The carrier has demonstrated that it has a customer in need of numbering resources;
- 2) The carrier has shown that it is unable to provide services to this potential customer because of NeuStar's denial of the numbering resources; and
- 3) The customer will not be able to obtain service from the provider of his/her choice because the carrier does not have the numbers available.

Since the three criteria of PSC-02-0352-PAA-TL have been met, please prepare an administrative Proposed Agency Action Order to be issued within seven business days of this memorandum (March 20, 2007), as outlined in the expedited code denial process order. NeuStar should be directed to provide Embarq the needed numbering resources to meet its customer's needs in the Fort Myers exchange, South Fort Myers (FTMYFLXCDS2) switch. Also, please allow staff assigned to the docket to review the Order before it is issued. If you have any questions, please call Catherine Beard at (850) 413-7080.

cc: Division of Competitive Markets and Enforcement (Moses, Casey)
Office of General Counsel (P. Wiggins)
Division of Commission Clerk & Administrative Services (Docket No. 070129-TL)

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