

Voice Data Internet Wireless Entertainment

**EMBARQ** 

Embarq

Mailstop: FLTLH0010 1313 Blair Stone Rd Tallahassee, FL 32

July 1, 2009

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

Re: Docket No. 190353-The Petition for Expedited Review of Growth Code Denials by the North American Numbers Plan Administration for the Bonita Springs Exchange

Dear Ms. Cole:

		Enclosed for filing on behalf of Embarq Florida, Inc. (Embarq), is the original and seven
COM		copies of Embarg's redacted Petition for expedited Review of NXX-X Code Denial,
ECR	-	which we ask that you file in the captioned new docket.
GCL		
DPC	-	Copies are being served on the parties in this docket pursuant to the attached certificate of
PC RCP		service.
se		
SGA		If you have any questions regarding this electronic filing, please do not hesitate to call me
ADM	· ************************************	at 850-599-1560.
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	$\overline{\sim}n\overline{c}$	
		Sincerely,
į		Susan & Masterton
	•	from a l'assertion

Susan S. Masterton Senior Counsel

Enclosure

DOCUMENT NUMBER-DATE

06661 JUL-18

Susan S. Masterton SENIOR COUNSEL

Voice: (850) 599-1560 (850) 878-0777 Fax: 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 1st day of July, 2009 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

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 Bonita Springs Exchange

Docket No.\_\_\_\_

Date Filed: July 1, 2009

### 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 Bonita Springs 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.

# **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-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 Bonita Springs Exchange consists of one (1) central office and one (1) switching entity that utilizes numbering resources.
- 11. On June 30, 2009 Embarq Florida requested additional numbering resources from NeuStar for the Bonita Springs exchange. See Attachment 1. Specifically, in order to meet the telephone number needs of one of its customers, Embarq requested 100 new consecutive DID numbers in the Bonita Springs (BNSPFLXADS1) wire center. The customer has requested 100 consecutive numbers in thousands blocks that begin with either 6XXX or 7XXX due to customer equipment. 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 Bonita Springs exchange had a MTE of much longer than six (6) months and a utilization of 83%. There are no blocks of un-assigned numbers large enough to meet the request of this customer in this switch.
- 13. On June 30, 2009, NeuStar denied Embarq's request for additional numbering resources because Embarq had not met the MTE criteria, notwithstanding the fact that Embarq's Bonita Springs switch is at 83% 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 Bonita Springs 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:

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

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

Respectfully submitted this 1st day of July 2009.

Susan S. Masterton

Senior Counsel for Embarq Florida, Inc.

Jusur & Masterton

P.O. Box 2214

Tallahassee, FL 32316-2214

850-599-1560

	Months to	Exhaust & Uti (Thousands-Block Num	lization Certif		leet
Date:	6/29/2009			nt: Pam Ringgo	old/Embarg
OCN:	0341		Ti	de: Engine	er III
Company Name:	EMBARQ FLORIDA, INC	Z	Telephone Numb	er: 252-635	i-9100
Rate Center:	BONITA SPG		Fax Numb	er: 252-635	i-1901
			E-Ma	ail:pam.ringgold@	embarg.com
List all Codes NPA(s)-	-NXXs and Blocks NPA(s)-NXX-X(s)	):			
239-495, 498, 94	7, 948, 949, 992			***************************************	
NPA-NXX					
239-390-0, 1, 2, 3	3, 4, 5, 7, 8, 9, 239-405-6				
NPA-NXX-X					
VdN					
A. Available	e Numbers:				
B. Assigned	d Numbers:				
C. Total Numbering i	Resources:				
	mbers activated in the past 90 days uded from the utilization calculation:				
	List excluded blocks or numbers:				
	Month 1 Month 2  with History: 6 6 months) <sup>2</sup>	Month 3 Month 4 Mo	nth 5 Month 6 Month	7 Month 8 Month 9	Month 10 Month 11 Month 12
F. (Next	Forecast:				
G. Average Monthl	y Forecast:				
H. Months		or Assignment to Customers Monthly Forecast (G)		701.22	
t,	Assigned Number Utilization <sup>5</sup> : Total Numbering Reso	s (B) - Excluded Numbers (C urces (C) - Excluded Numbe	2) rs (D)	93.30%	
Explanation:	Customer request 100 consecutive Customer: Customer Contact: Customer Contact Numbers	numbers in 7XXX or 6XXX o	due to customer equipment		
A STATE OF THE PROPERTY OF THE		Sich werder 1994 heber die erweitenbergerichte der Andersteil der Sicher der Andre Sicher der Andre Sicher der	nakata pada Chainda Indidana dan Kalabara da Kalabara	en e	の事態が終り対けのである。 ・ 大きなないできません。 ・ 大きなないできまなない。 ・ 大きなないできなない。 ・ 大きなないできなない。 ・ 大きなないできなない。 ・ 大きなないできなない。 ・ 大きなないできなないできなない。 ・ 大きなないできなない。 ・ 大きなないできなない。 ・ 大きなないできなない。 ・ 大きなないできなないできなない。 ・ 大きなないできなない。 ・ 大きなないできなない。 ・ 大きなないできなないできなない。 ・ 大きななないできなないできなない。 ・ 大きななないできなないできなない。 ・ 大きなないできなないできなない。 ・ 大きななないできななないできなないできなないできなないできなないできなないできな

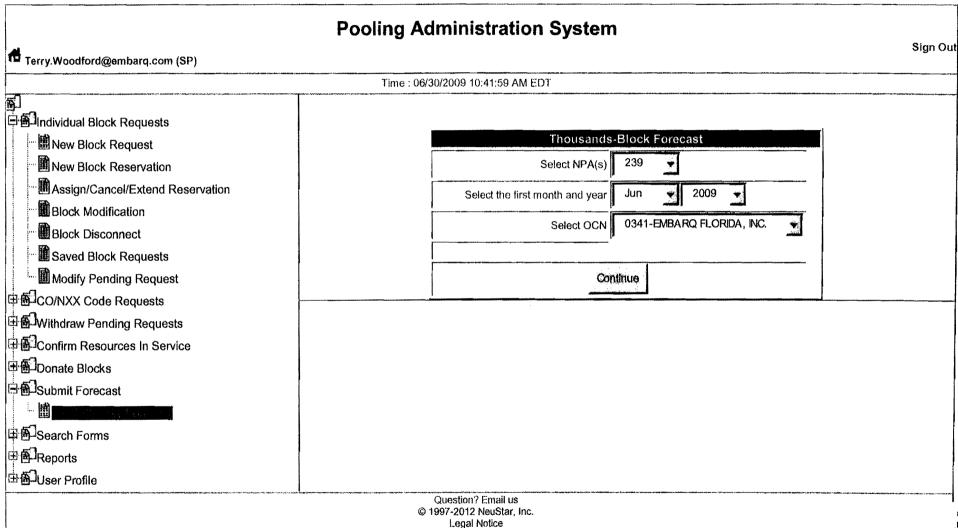
<sup>1.</sup> A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.

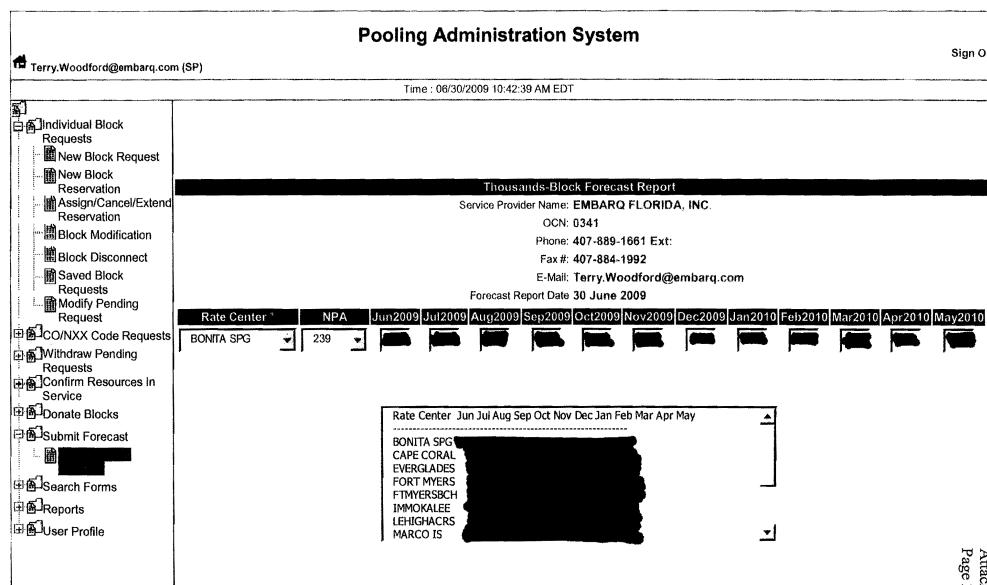
<sup>2</sup> Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

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

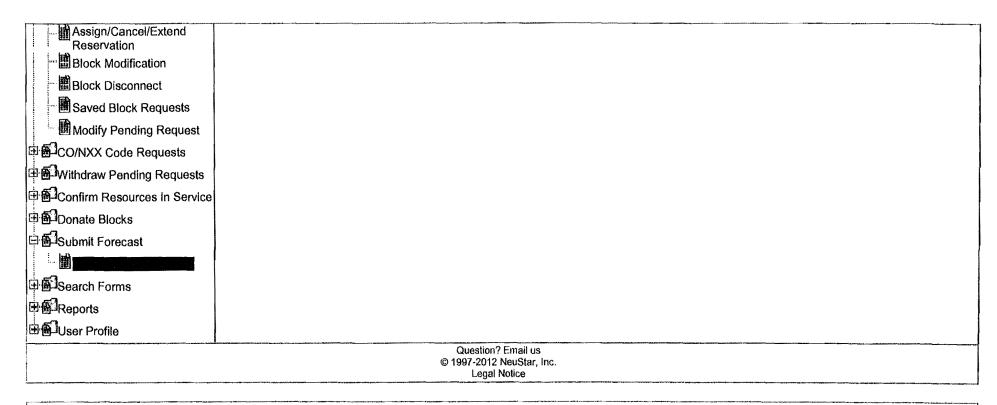
<sup>4</sup> To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g) (3) (iii)).

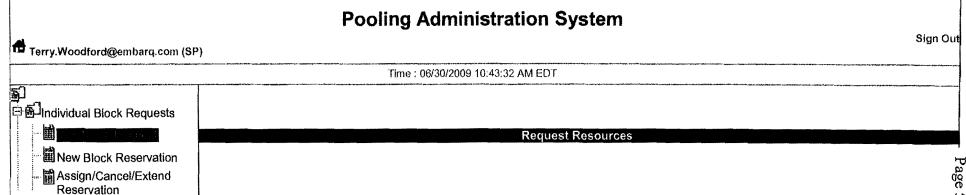
<sup>5</sup> Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

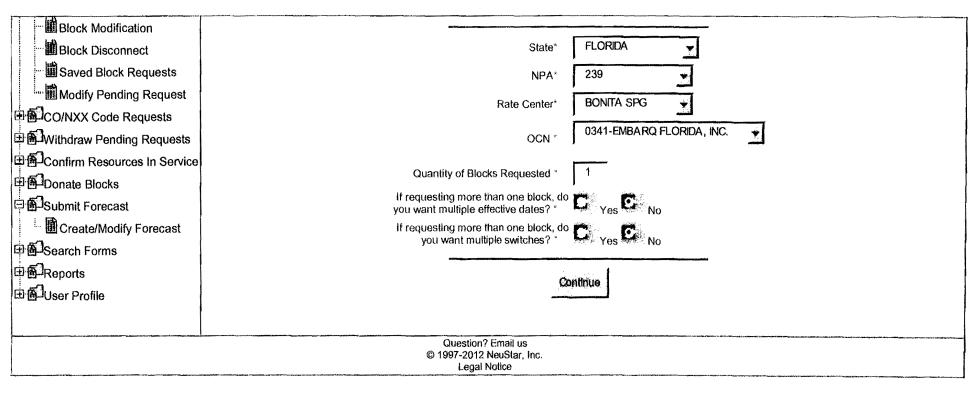


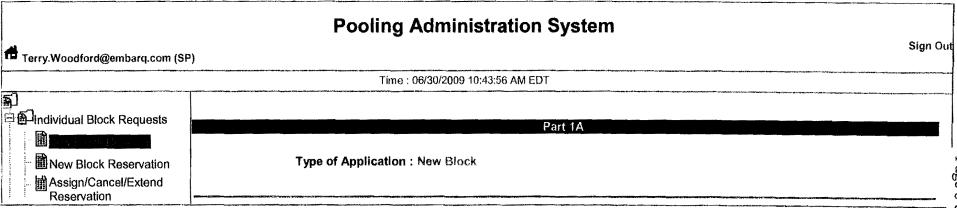


Attachment I Page 3 of 16









[ : [e&	4.4. O	
Block Modification	1.1 Contact Information :	
Block Disconnect		Note: If any of the contact info is incorrect, edit your user profile.
Saved Block Requests	Block Applicant:	, , , , , , , , , , , , , , , , , , , ,
Modify Pending Request	Company Name EMBARQ FLORIDA, INC.	
CO/NXX Code Requests	Headquarters Address: 6500 Sprint Parkway	
⊕ ∰Withdraw Pending Requests	City: Overland Park	
l :	State: KS	
Confirm Resources In Service	Zip: <b>66251</b>	
Donate Blocks		
Submit Forecast	Contact Name Terry Woodford	
Create/Modify Forecast	Contact Address 555 Lake Border Drive	C. ( 77)
⊞ Search Forms	City Apopka	State FL
1:	Zip <b>32703</b> Telephone <b>407-889-1661</b>	Fav. 407. 004. 4000
⊞ <b>®</b> Reports	E-mail Terry.Woodford@embarq.com	Fax <b>407-884-1992</b>
⊞ <b>©</b> User Profile	Pooling Administrator ":	
	Contact Name Dara Sodano	
	Contact Address 1800 Sutter St	
	City Concord	State CA
	Zip <b>94520</b>	
	Telephone <b>925-363-8730</b>	Fax 925-363-7697
	E-mail dara.sodano@neustar.biz	
	1.2 General Information	
	NPA 239	LATA - 939
	OCN <sup>№</sup> 0341-EMBARQ FLORIDA, INC.	
	Parent Company OCN 0341	
	Number of Thousands-Blocks Requested 1	City or Wire Center Name BONITA SPRINGS

Switch Identification (Switching Identity/POI)*** BNSPFLXADS1
Rate Center vi BONITA SPG  Rate Center Sub Zone 02
1.3 Dates
Date of Application vi Tuesday, June 30, 2009
Request Expedited Treatment Yes No
Requested Effective Date <sup>ville</sup> 07/31/2009 (MM/DD/YYYY)
By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.
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 Wireline
c) Thousands-Block(s) (NPA-NXX-X) assignment preference Click here to see the available blocks in the pool.
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.

d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any	SSIGNMENT MUST BE BLOCK 6 OR 7.	
11		<u>.</u>
1.5 Type of Request*		
Initial block for rate center Or  By selecting this checkbox, I act not yet be activated in the PSTN	Growth block for rate center knowledge that I am willing to accept a block in N and loaded in the NPAC on the block effective	red and explicitly understand that the underlying code may e date.
in au	ustomer request 100 consecutive numbers 7XXX or 6XXX due to customer equipement.  ustomer: ustomer Contact ustomer Contact Number	
11.		<u>.</u>
I hereby certify that the above information requesting a prepared in accordance with the Thousands-Block (N2 (http://www.atis.org/inc) or by contacting inc@atis.org	XX-X) Pooling Administration Guidelines(ATIS-	t of my knowledge and that this application has been 0300066) available on the ATIS web site
	Continue <u>Ş</u> ave	

#### 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 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<sup>TM</sup> LERG<sup>TM</sup> 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<sup>TM</sup> 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 TM tandem of the facilities based provider XI. 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 thousands-blocks in a rate center in which the applicant already has numbering resources, and provide the required evidence as ordered by the FCC.

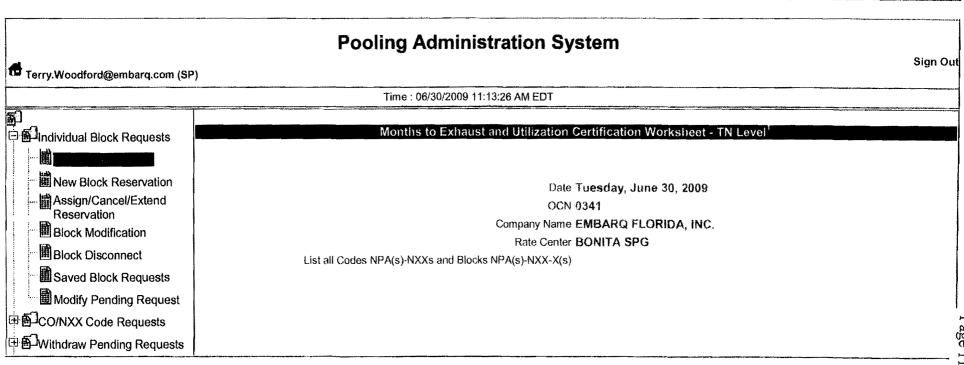
The thousands-block applicant certifies veracity of this form by signing their name, and providing their title and date.

Section 1.6 Service Providers must indicate the updated/current information in regards to contaminated TNs on the block they are returning to the pool. Blocks with over 10% contamination (101 TNs or more) shall not be returned to the pool unless they meet criteria outlined in section 9.1.2 of these Guidelines. If the block being returned is over 10% contaminated the PA shall seek a new block holder. If question c and/or d have a response of No, the request for return shall be denied.

#### **Foot Notes:**

- Identify type of change(s) in Section 1.5.
- The Pool Administrator is available to assist in completing these forms.
- A CO Code application will also need to be submitted to the PA.
- <sup>by</sup> 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).
- Y 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.

vil 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).
<sup>ix</sup> Select if you are the current Block Holder.
* Select if you are not the current Block Holder.
*i Telcordia, LERG Routing Guide, and CLLI are trademarks of Telcordia Technologies, Inc.
Question? Email us © 1997-2012 NeuStar, Inc. Legal Notice



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



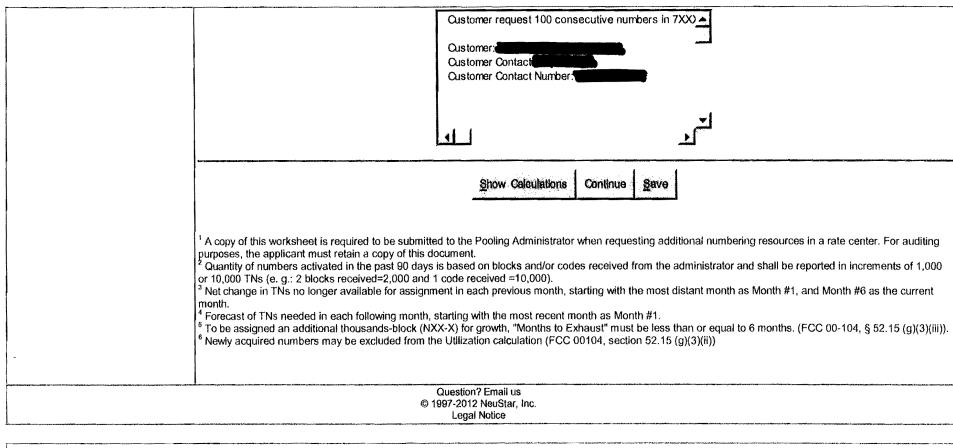
H. Months to Exhaust <sup>6</sup> (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

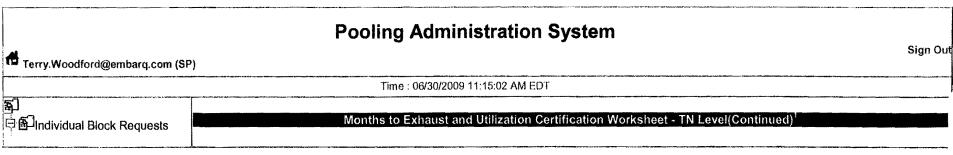
Block Requested	A. Available Numbers	H. Months to Exhaust
1		69982.036

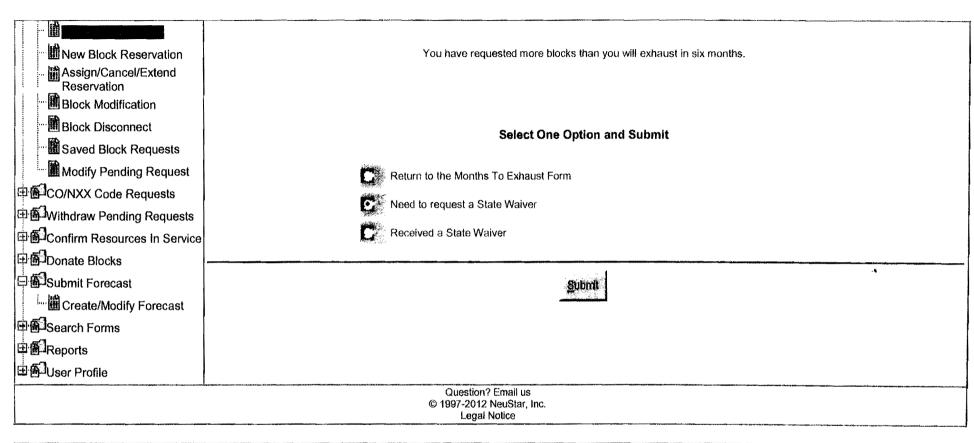
i. Utilization<sup>6</sup>(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) \* 100

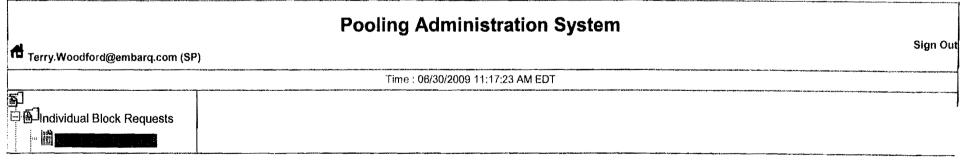
83.304

Explanation









" Mew Block Reservation			
Assign/Cancel/Extend	Your request has been successfully submitted.		
Reservation  Block Modification	The Tracking Number for the request is: 239-BONITA SPG-FL-303027		
Block Disconnect			
Saved Block Requests			
Modify Pending Request			
⊞ <b>ြ</b> CO/NXX Code Requests			
∰ <b>∰</b> Withdraw Pending Requests			
Confirm Resources In Service			
□ <b>⑥</b> Donate Blocks			
Submit Forecast			
Create/Modify Forecast			
⊞ <b>⊞</b> Search Forms			
Reports			
⊞ Suser Profile			
	Question? Email us © 1997-2012 NeuStar, Inc.		
	Legal Notice		