

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review of Somos, Inc.'s denial of application for numbering resources for the St. Petersburg rate center, by MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services.

DOCKET NO. 20220121-TA
ORDER NO. PSC-2022-0274-PAA-TA
ISSUED: July 15, 2022

NOTICE OF PROPOSED AGENCY ACTION
ORDER DIRECTING SOMOS, INC. TO PROVIDE MCIMETRO ACCESS TRANSMISSION SERVICES LLC D/B/A VERIZON ACCESS TRANSMISSION SERVICES WITH ADDITIONAL NUMBERING RESOURCES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code (F.A.C.).

BACKGROUND

On June 27, 2022, MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (Verizon) filed a request for additional numbering resources from the Number Pooling Administrator, Somos, Inc. (Somos), for the St. Petersburg rate center, TAMQFLSZDS0 switch. Verizon requested three 1,000 number blocks to meet the request of 3,000 consecutive telephone numbers of a specific customer. On June 27, 2022, Somos denied Verizon's request for additional numbering resources because Somos determined that Verizon did not meet the Federal Communications Commission's (FCC) utilization criteria.

On June 30, 2022 pursuant to 47 C.F.R. §52.15(g)(4)(iv), FCC Order No. 00-104, Order No. PSC 2001-1973-PCO-TL,¹ and the Industry Numbering Committee's (INC) Numbering Pooling Guidelines Sections 3.7 and 12(c), Verizon filed a petition asking this Commission to reverse Somos' decision. In its petition, Verizon asserts that at the time of the code request, the St. Petersburg exchange had a months-to-exhaust (MTE) of 9.594 months for block 1, 10.254 months for block 2, and 10.913 months for block 3, and a utilization of 54.145%. Verizon requests that we reverse Somos' decision because even though Verizon does not meet the FCC's criteria, Somos' denial interferes with Verizon's ability to serve its customers in Florida.

¹ Issued on October 4, 2001, in Docket No. 20010782-TL, *In re: Petition for generic proceedings to establish expedited process for reviewing North American Numbering Plan Administration (NANPA) future denials of applications for use of additional NXX Codes by BellSouth Telecommunications, Inc.*

We are vested with jurisdiction pursuant to Sections 364.16(7), Florida Statutes (F.S.), and 47 C.F.R. §52.15.

ANALYSIS

Somos denied Verizon's additional numbering resources because the Company did not meet the applicable utilization or MTE criteria. However, denial of additional numbering resources poses a possible barrier to competition. In this instance, a customer desiring service from Verizon might have to obtain services from another carrier simply because Verizon cannot meet the utilization or months-to-exhaust rate center requirement. By Order No. DA 01-386,² the FCC stated:

Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources.

A procedure is available to carriers who are denied additional numbering resources to challenge that decision. Addressing additional numbering resources denials, 47 C.F.R. §52.15(g)(4)(iv), states, in part:

The carrier may challenge [Somos'] decision to the appropriate state regulatory commission. The state regulatory commission may affirm, or may overturn, the [Somos] decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein.

In reviewing the Company's petition to reverse the denial as contemplated by 47 C.F.R. §52.15(g)(4)(iv), we have considered the information provided by Verizon and, in accordance with Order No. PSC-2001-1973-PCO-TL³, which lays forth our criteria for reversing code denials, we find that the Company has met the following criteria:

The Company has demonstrated that it has a customer in need of immediate numbering resources.

The Company has shown that it is unable to provide services to a potential customer because of Somos' denial of the numbering resources.

A potential customer cannot obtain service from the provider of its choice because the Company does not have the numbers available.

² DA 01-386, CC Docket No. 99-200, CC Docket No. 96-98, *In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996* (February 14, 2001), at Paragraph 11.

³ Order No. PSC-2001-1973-PCO-TL, issued on October 4, 2001, in Docket No. 20010782-TL, *In Re: Petition for generic proceedings to establish expedited process for reviewing North American Numbering Plan Administration (NANPA) future denials of applications for use of additional NXX Codes by BellSouth Telecommunications, Inc.*

CONCLUSION

Based on the foregoing, we find it appropriate to reverse Somos' decision to deny additional numbering resources, and direct Somos, Inc. to provide Verizon with additional numbering resources for the St. Petersburg rate center, TAMQFLSZDS0 switch as soon as possible to meet its customer's needs.

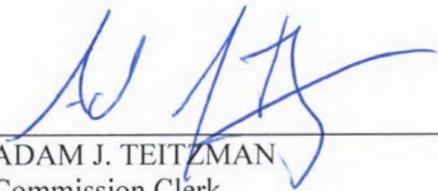
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Number Pooling Administrator (Somos, Inc.) shall provide MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services with additional numbering resources for the St. Petersburg rate center, TAMQFLSZDS0 switch as soon as possible, as reflected in the body of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the Notice of Further Proceedings attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 15th day of July, 2022.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

As identified in the body of this order, our action is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 5, 2022. If such a petition is filed, mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing. In the absence of such a petition, this order shall become effective and final upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

Any party adversely affected by the Commission's final action in this matter may request: (1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Office of Commission Clerk and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.