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March 11, 2008

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EMBARQ™

Embarq
Mailstop: FTLHO0102
1313 Blair Stone Rd
Tallahassee, FL 32301
embarq.com

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

REDACTED

Re: Docket No. 080150-TC, 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 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.

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

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

Sincerely,

SM
Susan S. Masterton
Senior Counsel

Enclosure

DOCUMENT NUMBER-DATE

01832 MAR 11 08

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 11th day of March, 2008 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: March 11, 2008

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.

DOCUMENT NUMBER-DATE

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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 Bonita Springs Exchange consists of one (1) central office and one (1) switching entity that utilizes numbering resources.
11. On February 7, 2008 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 200 new consecutive DID numbers in the Bonita Springs (BNSPFLXADS1) wire center. The customer has requested 200 consecutive numbers and these numbers cannot be in thousands blocks which begin with the digits 0, 1 and 9. 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 91%. There are no blocks of un-assigned numbers large enough to meet the request of this customer in this switch.
13. On February 7, 2008, 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 91% 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:

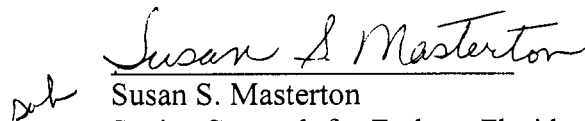
(a.) NeuStar's denial of numbering resources to Embarq interferes with Embarq's ability to service its customers within the State of Florida.

(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:

1. 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 11th day of March 2008.


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: 2-7-08 OCN: 0341 Company Name: EMBARQ

Rate Center: BONITA SPG

Name of Block Applicant: EMBARQ Signature: _____

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s): (239) 390, 495, 498, 947, 948, 949, 992

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

E-Mail: _____

A. Available Numbers:

B. Assigned Numbers:

C. Total Numbering Resources:

D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation:

List excluded Code(s) or Block(s): None

	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	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>						
F. Forecast - Next 12 months ³	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
G. Average Monthly Forecast (Sum of months #1-6 (Part F above) divided by 6):	<u> </u>											

H. Months to Exhaust⁴ $\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}} = \underline{0}$

I. Utilization⁵ $\frac{\text{Assigned Numbers (B)} - \text{Excluded Numbers (D)}}{\text{Total Numbering Resources (C)} - \text{Excluded Numbers (D)}} * 100 = \underline{91\%}$

Explanation: has requested a consecutive block of 200 DID numbers in BONITA SPR rate center. We do not have 200 available consecutive numbers in our inventory. We are requesting a thousand block of numbers to meet our customer's request. Customer cannot use 0, 1, or 9. Customer contact is

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

Pooling Administration System

Terry.Woodford@embarq.com (SP)

Sign Out

Request Resources

State	FLORIDA
NPA	239
Rate Center	BONITA SPG
OCN	0341-EMBARQ FLORIDA, INC. UNITED
Type of Application	Application for Individual Blocks
Quantity of Blocks Requested	1







 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](#)

Thousands-Block Forecast	
Select NPA(s)	239 
Select the first month and year	Feb  2008 
Select OCN	0341-EMBARQ FLORIDA, INC. UNITED 
	

Pooling Administration System

Terry.Woodford@embarq.com (SP)

S

Thousands-Block Forecast Report
 Service Provider Name: **EMBARQ FLORIDA, INC. UNITED**
 OCN: **0341-EMBARQ FLORIDA, INC. UNITED**
 Phone: **(407) 889-1661 Ext:**
 Fax #: **(407) 884-1992**
 E-Mail: **terry.woodford@embarq.com**
 Forecast Report Date **7 Feb 2008**

Rate Area *	NPA	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sep 2008	Oct 2008	Nov 2008	Dec 2008
BONITA SPG	239											

[Submit Forecast]

[Back]

Rate Area	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
BONITA SPG												
CAPE CORAL												
EVERGLADES												
FORT MYERS												
FIMYERSBOH												
IMMOKALEE												
LEHIGHACRS												
MARCO IS												

Directions:

Please provide the forecasted number of thousands blocks in each Rate Area that your company expects to take from the pool each month for the next 12 months.
 Only the total quantity of thousands blocks that are forecasted should be entered. Do not include in the forecast the thousands blocks, NXXs that are already in your inventory. If full NXX(s) is/are forecasted, please reflect this in thousands blocks, e.g., a full NXX = 10 thousands blocks.
 If any of the forecasted demand above includes the need for a new NXX due to a LRN, please indicate in the space provided below, e. new NXX due to a LRN = 1.

LRN Required	NPA	Feb 2008	Mar 2008	Apr 2008	May 2008	Jun 2008	Jul 2008	Aug 2008	Sep 2008	Oct 2008	Nov 2008	Dec 2008
	239											

If further assistance is required, please contact the PA on 866-638-7665.

[Submit Forecast]

[Back]

Pooling Administration System

 Terry.Woodford@embarq.com (SP)

[Sign Out](#)

Your forecast has been successfully submitted.



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) 884-1892**

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/POI) ^v BNSPFLXADS1

City or Wire Center Name BONITA SPRINGS

Rate Center ^{vi} **BONITA SPRINGS**

Rate Center Sub Zone 02

1.3 Dates

Date of Application ^{vii} **Thursday, February 7, 2008**

Requested Block Effective Date

Request Expedited Treatment Yes No

1.4 Type of Service Provider Requesting the Thousands-Block

a) Type of Service Provider *

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

<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>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/> <input type="button" value="Delete"/>
<p>d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any</p>	<input type="text"/>	<input type="checkbox"/>	<input type="text"/> <input type="button" value="Delete"/>

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

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)



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™ 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., 321-8XXX, or indicate any thousands-blocks that may be undesirable, e.g., 321-8XXX.

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 Thursday, February 7, 2008

OCN 0341

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

Rate Center **BONITA SPRINGS**

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

(239) 390, 495, 498, 947, 948, 949, 992

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 *

B. Assigned Numbers *

C. Total Numbering Resources *

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

List excluded Code(s) or Block(s)

[REDACTED] has requested a consecutive block of 200 DID numbers in BONITA SPR rate center. We do not have 200 available consecutive numbers in our inventory. We are requesting a thousand block of numbers to meet our customer's request. Customer cannot use 0, 1, or 9. Customer contact is **[REDACTED]** contact number **[REDACTED]**

E. Growth History - Previous 6 months² *

Month 1	<input type="text"/>	Month 2	<input type="text"/>
Month 3	<input type="text"/>	Month 4	<input type="text"/>
Month 5	<input type="text"/>	Month 6	<input type="text"/>

F. Forecast - Next 12 months³ *

Month 1	<input type="text"/>	Month 2	<input type="text"/>
---------	----------------------	---------	----------------------

Month 3	[REDACTED]	Month 4	[REDACTED]
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]	215.003

I. Utilization⁵(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100 91.223

Explanation

[REDACTED] has requested a consecutive block of 200 DID numbers in BONITA SPR rate center. We do not have 200 available consecutive

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 Calc] [Print] [Cancel]

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