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Public Service Commission

December 4, 2001

VIA AIRBORNE EXPRESS

Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A325
445 Twelfth Street, SW
Washington, D.C. 20554

Re: *Ex Parte* Filing of the Florida Public Service Commission Petition for Expedited Declaratory Statement and/or Petition for Expedited Temporary Waiver of 47 C.F.R.52.19(c)(3)(ii) in the 954 NPA, CC Docket No. 96-98

Dear Ms. Salas:

On June 28, 2001, the Florida Public Service Commission (FPSC) issued Order No. PSC-01-1403-PCO-TL in Docket No. 990457-TL, approving implementation of a new overlay area code for the 954 area code. The FPSC staff would like to submit this Order in this supplemental filing in the above docket. Enclosed are an original and 14 copies. Please date stamp and return one copy in the enclosed envelope. Cheryl Bulecza-Banks (850/413-6642), Bob Casey (850/413-6974), and Levent Ileri (850/413-6562) are the key contacts on this docket.

Sincerely,

Handwritten signature of Cynthia B. Miller in cursive.

Cynthia B. Miller, Esquire
Bureau of Intergovernmental Liaison

Handwritten signature of David E. Smith in cursive.

David E. Smith, Esquire
Division of Appeals

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Enclosures

cc: Jennifer Gorny, Common Carrier Bureau
Service List

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.

DOCKET NO. 990455-TL

In re: Request for review of proposed numbering plan relief for the 954 area code.

DOCKET NO. 990457-TL
ORDER NO. PSC-01-1403-PCO-TL
ISSUED: June 28, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
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ORDER APPROVING IMPLEMENTATION OF NEW AREA CODE OVERLAY

BY THE COMMISSION:

By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, in Docket Nos. 990455-TL and 990457-TL, we approved relief plans for the 305/786 and 954 area codes. However, we withheld the approval of implementation dates for the 954 and 305/786 area codes pending the outcome of various number conservation measures. We also directed the Local Exchange Companies (LECs) in the affected area codes to jointly file a notice informing us of the outcome of various number conservation measures, and recommend, no later than October 1, 2001, the permissive and mandatory dialing periods.

On January 22, 2001, pursuant to Order No. PSC-00-1046-PAA-TP, issued May 30, 2000, the industry began a number pooling trial in the 954 numbering plan area (NPA). The industry has been unable to forecast the impact on numbering resources, as the trial has only been in place approximately three months.

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PSC-RECEIVED REPORTING

Due to the 7-digit extended area service (EAS) routes between the Broward County exchanges (954 NPA) and the Palm Beach County exchanges (561 NPA), the majority of available NXX codes are protected because of code conflicts. The petitioners state that, currently, only 12 of the 119 available NXXs in the 954 NPA could be assigned in the Ft. Lauderdale, Deerfield Beach, Pompano Beach, and Coral Springs rate centers without creating a code conflict with NXXs in the 561 NPA. In addition, only 6 of the 143 available NXXs in the 561 NPA could be assigned in the Delray Beach and Boca Raton rate centers without creating a code conflict with NXXs in the 954 NPA.

Extraordinary jeopardy procedures began in the 954 and 561 NPAs on July 1, 1999. At the time the industry established jeopardy procedures, the industry agreed to ration six NXX codes per month in the 954 NPA, and seven codes per month in the 561 NPA. Based on the remaining NXXs currently available, NANPA projects the 954 and 561 NPAs to exhaust in the third quarter of 2002.

On April 10-12, 2001, the LECs filed Notices to establish implementation dates for the 954 and 305/786 NPAs. Also, on April 10, 2001, the industry held a teleconference to re-address the rationing procedures in the 954 and 561 NPAs. During the teleconference, the industry agreed, by consensus, to reduce the number of codes rationed to two codes per month in the Ft. Lauderdale, Deerfield Beach, Pompano Beach, and Coral Springs rate centers, and one code per month in the Delray Beach and Boca Raton rate centers.

In their Petitions, the LECs suggested two options that would eliminate the code conflicts: (1) we could change the EAS dialing from 7 to 1+10-digit dialing, or (2) we could implement the overlay relief plan adopted in Order No. PSC-00-1937-PAA-TL. The industry is proposing that we implement Option two.

We are vested with jurisdiction pursuant to Sections 364.01 and 364.16(4), Florida Statutes, and 47 C.F.R. §§ 52.3 and 52.19.

We hereby adopt the industry's consensus proposal to implement the new 754 NPA overlay relief plan in two phases. Phase one will implement 7 or 10-digit permissive dialing within Broward County for the 954 NPA, as well as implement the 754 NPA on a mandatory

10-digit basis at the same time. Phase two will implement permissive 7 or 10-digit dialing for the 954/754-561 EAS routes, with later 10-digit mandatory dialing for the EAS routes between Broward and Palm Beach Counties. We note that if a two phase approach is not implemented with this option, code conflicts would create network dialing issues resulting in an unacceptable four to seven second delay to allow for proper routing.

When EAS routes were initially established in this area, consumers were taught that when they dial a 1+10 number, it would be billed as a toll call. If the EAS routes are switched from 7 to 1+10 digit dialing, as detailed in Option one of the LEC proposal, customers will believe they are initiating a toll call. Changing customers from 7 to 1+10 digit dialing and then back to 10-digit dialing once the overlay is implemented would only exacerbate the NPA implementation confusion.

Implementing the new 754 NPA in two phases will minimize disruption and customer confusion and provide needed numbering resources immediately. Also, this timeframe will allow the alarm industry sufficient time to make the necessary changes to their systems, provide the necessary consumer education, and furnish carriers with necessary numbering resources.

There has been some concern expressed by industry representatives and our staff that this implementation plan may be inconsistent with 47 C.F.R. 52.19(c)(3)(ii), which states:

No area code overlay may be implemented unless there exists, at the time of implementation, mandatory ten-digit dialing for every telephone call within and between all area codes in the geographic area covered by the overlay area code.

Therefore, a request shall be filed with the FCC for a declaratory statement regarding the justification for the implementation plan which we are approving, or, in the alternative, a temporary waiver of the above-cited rule. Said request shall inform the FCC that the described plan will become effective by September 1, 2001.

Accordingly, the implementation date for phase one, as described above, shall be August 1, 2001. The implementation date

ORDER NO. PSC-01-1403-PCO-TL
DOCKETS NOS. 990455-TL, 990457-TL
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for phase two, as described earlier in this Order, shall begin on April 1, 2002.

Based on the foregoing, it is

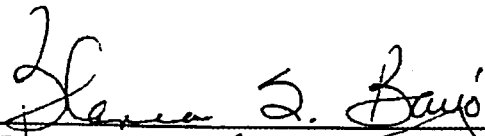
ORDERED by the Florida Public Service Commission that the area code overlay which we ordered in Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, now be implemented. It is further

ORDERED that the implementation of said overlay be consistent with the plan set forth in the body of this Order. It is further

ORDERED that a request shall be filed with the FCC for a declaratory statement regarding the justification for the implementation plan which we are approving, or, in the alternative, a temporary waiver of the rule cited herein. It is further

ORDERED that Dockets Nos. 990455-TL, and 990457-TL shall remain open.

By ORDER of the Florida Public Service Commission this 28th Day of June, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CLF

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.

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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

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