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Public Service Commission

April 27, 2006

VIA ELECTRONIC FILING

The Honorable Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 99-200, Numbering Resource Optimization

Dear Ms. Dortch:

Forwarded herewith are comments of the Florida Public Service Commission in the above docket with regard to mandatory number pooling.

Bob Casey at (850) 413-6974 is the primary contact on these comments.

Sincerely,

/ s /

Cindy B. Miller
Senior Attorney

CBM:tf

cc: Brad Ramsay, NARUC

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Petition of the West Virginia Public Service Commission for Expedited Decision for Authority to Implement Additional Number Conservation Measures)	
)	
Petition of the Nebraska Public Service Commission for Expedited Decision for Authority to Implement Additional Number Conservation Measures)	
)	
Petition of the Oklahoma Corporation Commission for Expedited Decision for Authority to Implement Additional Number Conservation Measures)	
)	
Petition of the Michigan Public Service Commission for Additional Delegated Authority over Numbering Resource Conservation Measures)	
)	
Petition of the Missouri Public Service Commission for Additional Delegated Authority to Implement Number Conservation Measures)	

**FLORIDA PUBLIC SERVICE COMMISSION
COMMENTS IN THE ORDER AND FIFTH NOTICE OF PROPOSED RULEMAKING
IN CC DOCKET NO. 99-200**

The Florida Public Service Commission (FPSC) submits these comments in response to the Order and Fifth Further Notice of Proposed Rulemaking (NPRM) on Numbering Resource Optimization (NRO) measures which the Federal Communications Commission (FCC) released on February 24, 2006.

The FPSC considers the NRO Order another example of the FCC's continuing commitment and partnership with states to make sure that numbering resources are used more efficiently. Delegating authority to five states in Order FCC 06-14 to mandate number pooling provides them with a tool to extend the life of their numbering plan areas (NPA's or area codes) and eliminate

stranded numbering resources. The FPSC now urges the FCC to expand the state's role in number conservation by delegating authority to all states to implement mandatory thousands-block number pooling at their discretion, subject to current numbering rules and number pooling guidelines.

Background

The FPSC has always been proactive regarding the conservation of numbering resources in Florida. Florida has seen the number of area codes expand from four in 1994 (305, 407, 813, and 904) to the current eighteen. State number pooling trials and subsequent national number pooling has saved over 13.5 million numbers in Florida, and extended the lives of Florida's existing area codes from two to eleven years, saving consumers the expense and inconvenience of changing area codes. Area code relief for the 305 area code in the Florida Keys and the 689 area code overlay over central Florida have been postponed due to successful number conservation efforts implemented by the FPSC.

On April 2, 1999, the FPSC filed a petition before the FCC requesting the FCC delegate to the FPSC authority to implement various number conservation measures. On June 2, 1999, the FCC issued a NPRM on Numbering Resource Optimization. In the NPRM, the FCC clearly acknowledged the existence of serious problems with the utilization of numbering resources, addressed the underlying causes of area code exhaustion, and expressed concern that consumers should be spared the enormous costs and inconveniences associated with the introduction of new area codes. The FCC recognized that implementing new area codes is not a solution that can continue indefinitely, considering the finite number of area codes.

On September 15, 1999, the FCC recognized the area code situation in Florida was critical and granted Florida additional interim number conservation authority¹ which among other measures included thousands-block number pooling. In that Order, the FCC empowered the Florida Commission to take steps to make number utilization more efficient. After receiving interim authority, the FPSC implemented eight state number pooling trials in Florida prior to the commencement of national number pooling on March 15, 2002.

Specific Comments in Response to the Order and Fifth Notice of Proposed Rulemaking.

A recent release by the U.S. Census Bureau² shows that Florida leads the nation in the number of fastest growing counties with 15 of the top 100 counties³. Four of these 15 Florida counties presently have optional pooling⁴. These four counties are located in the 850 area code which is scheduled for area code relief planning to commence the third quarter of 2007.

The FPSC believes that by delegating authority to states to implement mandatory thousands-block number pooling at their discretion, states would be able to postpone area code relief through the use of mandatory number pooling in selective rate centers where multiple telecommunications providers are located. Presently, area codes 352, 386, 850, and 863 have some or all of the rate centers designated as optional pooling. The following table shows rate centers in those four area codes which have ten or more telecommunication companies using numbers.

¹ CC Docket No. 96-98, NSD File No. L-99-33, In the Matter of Florida Public Service Commission Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures. FCC 99-249, Released September 15, 1999.

² U.S. Census Bureau, Estimates for the 100 Fastest Growing Counties in 2004: April 1, 2000 to July 1, 2004. CO-EST2005-09.

³ Flagler, Osceola, Lake, St. Johns, St. Lucie, Pasco, Walton, Lee, Wakulla, Collier, Santa Rosa, Clay, Hernando, and Sumter Counties.

⁴ Walton, Wakulla, Santa Rosa, and Sumter Counties.

Area Code	Rate Center	Number of Telecoms using Numbers
352	Gainesville	24
352	Ocala	18
352	Crystal River	14
352	Inverness	11
352	Chiefland	10
863	Avon Park	13
863	Sebring	13
863	Arcadia	11
863	LaBelle	11
863	Okeechobee	10
850	Pensacola	28
850	Tallahassee	25
850	Panama City	22
850	Ft. Walton Beach	21
850	Crestview	14

NeuStar's database shows that there are 1,643 one-thousand number blocks in the 352 NPA with less than 5% utilization, and of those, only 586 blocks have been donated to the number pool. In the 386 NPA, the database shows 1,116 one-thousand number blocks with less than 5% utilization with only 410 blocks being donated to the number pool. In the 850 NPA, the database shows 2,002 one-thousand number blocks with less than 5% utilization with only 711 blocks donated to the number pool, and in the 863 NPA, the database shows 1,433 one-thousand number blocks with less than 5% utilization, and only 765 blocks donated to the number pool.

In rate centers which have multiple providers such as these, it would be beneficial to allow state commissions to examine whether mandatory number pooling would conserve numbering resources. The FPSC believes state commissions are in the best position to determine the costs and benefits of mandatory number pooling and whether mandatory number pooling should be initiated in a particular area in their state.

The FCC has repeatedly acknowledged the importance of the FCC and the state commissions working together to promote numbering resource optimization. In Order FCC 00-104⁵, released March 31, 2000, the FCC stated that “The rapid depletion of numbering resources nationwide and the potential it creates for the North American Numbering Plan exhaust are national problems that must be dealt with at the federal level. We recognize, however, that the states have an important role in the management of our numbering resources and we intend to continue working with them to implement a national numbering resource optimization framework.”

In Order FCC 00-429⁶, released December 29, 2000, the FCC stated “We have enlisted states to assist us in numbering resource optimization efforts by delegating significant authority to them to implement certain measures.”

In Order FCC 01-362⁷, released December 28, 2001, which addressed technology-specific overlays, then Commissioner Kevin J. Martin’s separate statement acknowledged “This Order grants the requests of several States to lift the prohibition on technology specific and service specific overlays. Allowing States such flexibility in how to address numbering issues is crucial, as the States are on the front lines of this battle. We must remember that it is the State Commissions, not this Commission, that feel the outcry from consumers when number conservation measures are adopted. I am thus hopeful that this Order will provide the States significant additional tools.” Finally in Order

⁵ CC Docket No. 99-200, In the Matter of Numbering Resource Optimization, FCC 00-104, released March 31, 2000, paragraph 3.

⁶ CC Docket No. 99-200, CC Docket No. 96-98, In the Matter of Numbering Resource Optimization, Petition for Declaratory Ruling and Request For Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717. FCC 00-429, Released December 29, 2000, paragraph eight.

⁷ CC Docket No. 99-200, In the Matter of Numbering Resource Optimization, CC Docket No. 96-98, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 95-116, Telephone Number Portability, FCC 01-362, released December 28, 2001, page 82.

FCC 06-14⁸, released February 24, 2006, the FCC stated that the Order “recognizes the invaluable role of the state commissions in number administration and optimization.”

Conclusion

In conclusion, the FPSC urges the FCC to delegate authority to states to implement mandatory thousands-block number pooling at their discretion, subject to current numbering rules and number pooling guidelines. The FPSC believes that states are in a unique position of having the ability to examine the costs and benefits of mandatory number pooling for a particular area. Mandatory number pooling would serve as another tool to assist states in optimizing numbering resources, further extend the life of the area codes in their states, and extend the life of the North American Numbering Plan.

Respectfully submitted,

/ s /

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⁸ CC Docket No. 99-200, In the Matter of Numbering Resource Optimization, FCC 06-14, released February 24, 2006, paragraph sixteen.