

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 20240109-TA  
ORDER NO. PSC-2024-0371-PAA-TA  
ISSUED: August 21, 2024

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 (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 July 16, 2024, 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 Daytona Beach rate center switch. Verizon requested one block to meet their customer's request for 400 consecutive numbers in the 386 NPA. On July 16, 2024, 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 Tuesday, July 30, 2024, Verizon filed a petition requesting we overturn Somos' decision. In its petition, Verizon asserts that at the time of the code request, the Daytona Beach rate center had a months-to-exhaust (MTE) of 12.863 and a utilization of 8.00%. Verizon requests that we review Somos' decision and direct Somos to provide the requested numbering resources for the Daytona Beach rate center.

We are vested with jurisdiction pursuant to Sections 364.16(7), Florida Statutes, (F.S.), and 47 C.F.R. §52.15(g)(4)(iv).

### ANALYSIS

Somos denied Verizon additional numbering resources because Verizon had not met the applicable utilization and/or MTE criteria. However, denial of additional numbering resources poses a possible barrier to competition. In this instance, a customer desiring service from Verizon may have to obtain services from another carrier simply because Verizon cannot meet the utilization or months-to-exhaust rate center requirement. 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.<sup>1</sup>

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 Verizon's petition 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-TL,<sup>2</sup> which lays forth our criteria for reversing code denials, we find that the Company has met the following criteria:

Verizon has demonstrated that it has customer(s) in need of numbering resources;

Verizon has shown that it is unable to provide services to these potential customers because of Somos' denial of the numbering resources; and

A potential customer(s) will not be able to obtain service from the provider of his or her choice because Verizon does not have the numbers available.

### CONCLUSION

Based on the foregoing, we find it appropriate to reverse Somos' decision to deny additional numbering resources to Verizon, and direct Somos to provide Verizon with additional

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<sup>1</sup>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.

<sup>2</sup> 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.*

numbering resources for the Daytona Beach rate center 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 Daytona Beach rate center 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 21st day of August, 2024.



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ADAM L. TETZMAN  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://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.

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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 that is available under Section 120.57, 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 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.

The action proposed herein 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 11, 2024.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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