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June 8, 1999

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Division of Records and Reporting
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RECORDS AND REPORTING

Re: Docket No. 990373-TP

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Omnipoint MB Operations, LLC d/b/a Omnipoint Communications are the original and fifteen copies of Omnipoint's Response to Joint Motion to Accept Stipulation And Voluntary Number Conservation Measures, Issue a Temporary Stay, and Request For Expedited Ruling.


Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,


Kenneth A. Hoffman

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FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Establishment of a statewide)
Emergency Area Code Relief Plan.)
_____)

Docket No. 990373-TP
Filed: June 8, 1999

**OMNIPPOINT'S RESPONSE TO JOINT MOTION
TO ACCEPT STIPULATION AND
VOLUNTARY NUMBER CONSERVATION MEASURES,
ISSUE A TEMPORARY STAY, AND REQUEST FOR
EXPEDITED RULING**

Omnipoint Communications MB Operations, LLC d/b/a Omnipoint Communications ("Omnipoint"), by and through its undersigned counsel, hereby files its Response to the Joint Motion to Accept Stipulation and Voluntary Number Conservation Measures ("Stipulation and Measures"), Issue a Temporary Stay, and Request for Expedited Ruling.

Omnipoint is a personal communications service ("PCS") provider licensed by the Federal Communications Commission to operate in the State of Florida. Omnipoint began offering PCS in the South Florida area in March of 1998, and currently provides facilities-based wireless communications services in Dade, Broward, Monroe and Palm Beach Counties. Omnipoint is a current NXX code holder in the 305, 941 and 561 area codes. Omnipoint was granted intervention in this proceeding by Order No. PSC-99-0976-PCO-TP issued May 14, 1999.

Omnipoint does not object to Commission approval of the relief requested in the Joint Motion. Omnipoint recognizes that the NXX code conservation measures voluntarily undertaken by the signatories to the Stipulation may be appropriate for landline carriers; however, Omnipoint advises the Commission that such measures are not appropriate for implementation by wireless carriers such as Omnipoint.

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FPSC-RECORDS/REPORTING

Wireless carriers have a proven a record of employing efficient allocation methods and high utilization rates of telephone numbers. The one thousand number block administration and management called for in the Stipulation and Measures fail to take into account the emerging growth of wireless carrier subscribers and the fact that new entrants must have superior access to sufficient number resources in order to offer wireless service and hence compete in the marketplace. Moreover, the Stipulation and Measures ignore two issues which are currently causing unnecessary accumulation of telephone numbers: (1) failure to consolidate rate centers in the State of Florida ; and (2) the lack of wireless-only overlays as a means of optimizing number resources and delaying the additional costs to consumers and small businesses caused by implementation of new Numbering Plan Areas ("NPAs").

On June 2, 1999, the Federal Communications Commission ("FCC") issued a Notice of Proposed Rule Making ("NPRM") requesting comments from the telecommunications industry, and various interested parties, on Numbering Resource Optimization.¹ Included in the NPRM is reconsideration of Service-Specific and Technology-Specific Overlays.² Several states, including California, Massachusetts and Connecticut, have filed petitions with the FCC requesting authority to further investigate and implement a wireless-only overlay, in spite of previous restrictions imposed by the FCC.³ Wireless-only overlays are worth reconsidering because they promise an

¹See In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, Notice of Proposed Rulemaking, adopted May 27, 1999 and released June 2, 1999.

²See NPRM, at page 108, Comment No. 250, et. seq.

³The requirements set forth under 47 C.F.R. §52.9 state generally that access to telephone numbering resources must ensure that telecommunications numbers are made available on a equitable basis, the administration of telecommunications numbers shall, in addition to the

immediate and efficient solution for the numbering scarcity suffered by wireless carriers, which form a significant and rapidly growing portion of the industry and which are largely blameless for the problems facing the Florida Public Service Commission.

Omnipoint therefore supports a wireless-only area code for the State of Florida and requests that the Florida Commission consider a waiver request from the FCC to modify its 1995 ruling against permitting such overlays, which has since been codified in Section §59.19(c)(3)(i) of the Commission's Rules. See Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois, Declaratory Ruling and Order, 10 FCC Red 4596 (1995) ("Ameritech Order"); See also 47 C.F.R. §52.19(c)(3)(i). As a wireless carrier, Omnipoint asserts that service-specific or technology-specific overlays are no more discriminatory, inherently anti-competitive, or harmful to consumers than the current rate center methodology utilized by local exchange carriers. The Ameritech Order sought to protect wireless carriers at a time when the full record on efficient wireless industry number utilization was not known. Now that the FCC has recognized the full record on wireless number utilization efficiencies in its most recent LNP Forbearance Order. (See In the Matter of Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability, Memorandum Opinion and Order, WT Docket No. 98-229, FCC 99-19 (February 9, 1999)), it is appropriate that the FCC revisit this methodology because it clearly removes the

specific requirements set forth in this subpart: (1) Facilitate entry into the telecommunications market place by making telecommunications numbering resources available on a efficient, timely basis to telecommunications carriers; (2) Not unduly favor of disfavor any particular telecommunications industry segment or group of telecommunications customers; and (3) Not unduly favor one telecommunications technology over another.

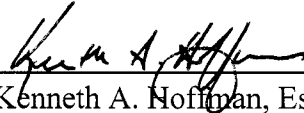
industry's most efficient carriers from the current crisis in Florida.

Omnipoint recommends that the Florida Commission consider the following parameters for a wireless-only overlay in a separate docket in an effort to address area code exhaust and number resource conservation: (a) mandatory assignment of a new overlay code to all new wireless customers, paging customers and wireline carriers, including fax and modem lines; (b) mandatory requirement that all new wireless handsets be assigned to the new overlay code; and (c) agree that mandatory ten-digit dialing will not be required other than for dialing between NPAs. These proposed guidelines would ensure that a high utilization is maintained, would ease the demands placed on existing area codes by the rapid expansion of wireless services, and would ensure that the life of existing NPAs would be renewed. Such guidelines would alleviate the discrimination concerns voiced by other wireless carriers against wireless-only overlays. More importantly, a wireless-only overlay with the aforementioned parameter would significantly delay the costs currently experienced by consumers, alarm companies and small businesses when new area codes are introduced.

Most importantly, a wireless-only overlay would benefit competition by allowing rapidly growing wireless carriers superior access to telephone numbers than either of the current NPA relief methods. In a practice carried over from serving traditional wireline carriers, the current assignment guidelines assign NXX blocks to wireless carriers on the basis of landline rate centers. Wireless technology is not tied to traditional rate centers and their numbering parameters, however. It is Omnipoint's belief that applying rate centers to wireline carriers for scarce NXX resources on a rate-center-by-rate centers basis unnecessarily starves wireless carriers of the numbers they need to provide service in a competitive market. Because wireless carriers are able to spread a single NXX

block over a larger service area, and because they are thereby capable of using their allocated NXX blocks more efficiently, a wireless-only overlay promises to free wireless carriers from the current congestion.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of Omnipoint's Response to Joint Motion to Accept Stipulation and Voluntary Number Conservation Measures, Issue a Temporary Stay, and Request for Expedited Ruling was furnished by U. S. Mail this 8th of June, 1999, to the following:

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