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June 9, 1999

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VIA HAND DELIVERY

Blanca S. Bayo
Director, Division of Records & Reporting
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: In re: Establishment of a Statewide Emergency Area
Code Relief Plan, Docket No. 990373-TL

Dear Ms. Bayo:

Enclosed for filing on behalf of Florida Cellular Service, Inc. d/b/a BellSouth Mobility Inc ("BellSouth Mobility") are the original and fifteen (15) copies of BellSouth Mobility's:

- 1) Petition for Leave to Intervene for the Limited Purpose of Supporting Stipulation and Voluntary Number Management Measures; ~~01092-99~~
- 2) Prehearing Statement; ~~01092-99~~
- 3) Notice of Filing Direct Testimony of William H. Brown; and, ~~01094-99~~
- 4) Direct Testimony of William H. Brown. ~~01095-99~~

A diskette containing these filings in Wordperfect format has been provided.

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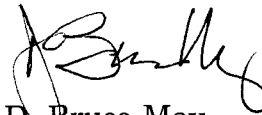
by RTI Honey

Ms. Blanca Bayo
June 9, 1999
Page: 2

For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP



D. Bruce May

DBM:kjg
Enclosure

cc: Levent Ileri (via hand-delivery)
Catherine Bedell (via hand-delivery)
Diana Caldwell (via hand-delivery)

Parties of Record

TAL-153986.1

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Establishment of a
Statewide Emergency Area Code
Relief Plan.

Docket No. 990373-TL
Filed: June 9, 1999

**PETITION FOR LEAVE TO INTERVENE BY
FLORIDA CELLULAR SERVICE, INC. D/B/A BELL SOUTH MOBILITY INC
FOR THE LIMITED PURPOSE OF SUPPORTING
STIPULATION AND VOLUNTARY NUMBER MANAGEMENT MEASURES**

Florida Cellular Service, Inc. d/b/a BellSouth Mobility Inc. ("BellSouth Mobility"), pursuant to Rule 25-22.039, Florida Administrative Code, respectfully requests that the Florida Public Service Commission (the "Commission") grant it leave to intervene in this proceeding for the limited purposes of: (i) advising the Commission of the non-jurisdictional status of BellSouth Mobility, (ii) supporting the Stipulation and Voluntary Number Management Measures (the "Stipulation") filed on May 27, 1999, and (iii) protecting BellSouth Mobility's rights on appeal. In support of its petition, BellSouth Mobility states:

Intervenor Information

1. The name of the petitioner and the address of its principal business office is:

Florida Cellular Service, Inc.
d/b/a BellSouth Mobility Inc
1100 Peachtree Street, N.E.
Suite 910
Atlanta, Georgia 30309-4599

2. Copies of pleadings, notices and other documents in its proceeding directed to

BellSouth Mobility should be served on:

Done 6/11/99

DOCUMENT NUMBER-DATE
07092 JUN-99
PSC-RECORDS/REPORTING

D. Bruce May, Jr.
Holland & Knight LLP
Post Office Drawer 810
Tallahassee, Florida 32302-0810

and

Gloria Johnson
BellSouth Cellular Corp.
1100 Peachtree Street, N.E.
Suite 910
Atlanta, Georgia 30309-4599

3. BellSouth Mobility is a commercial mobile radio service ("CMRS") provider and a licensee for the provision of cellular service in Florida. BellSouth Mobility is wholly owned by BellSouth Cellular Corp.

Statement of Ultimate Facts

4. At the May 30, 1999 Commission Agenda Conference, a concern was raised that NXX code holders are not issuing telephone numbers in a consecutive manner and that this may hamper future number pooling efforts. Accordingly, the Commission set for hearing on an expedited basis the issue of whether NXX code holders should be required to distribute telephone numbers ("TNs") consecutively, beginning with the lowest assignable telephone number, or whether some other number administration alternative would be appropriate. The Commission has yet to indicate whether it intends to attempt to prescribe consecutive TN assignment obligations on all NXX code holders or just those NXX code holders subject to its regulatory jurisdiction.

5. On May 27, 1999 various NXX code holders filed with the Commission the Stipulation which provides for voluntary management of uncontaminated 1000-number blocks within each provider's TN administration system. The Stipulation is designed to advance the Commission's

objective of preserving uncontaminated 1000-number blocks on a expedited basis without the expenditure of significant monies and time which otherwise be required if this matter proceeded to hearing.

6. In 1995, the Florida Legislature passed Committee Substitute for Senate Bill 1554 which substantially amended Chapter 364, Florida Statutes, governing regulation of telecommunications companies by the Commission. See Ch. 95-403, Laws of Fla. As part of that legislation, a "commercial mobile radio service provider" was expressly exempted from the definition of "telecommunications company" in Section 364.02, Florida Statutes. See Ch. 95-403, § 6, at 3318-19, Laws of Fla. This exemption is currently codified in Section 364.02(12)(c), Florida Statutes, (Supp.1998).

7. On September 28, 1998 the Federal Communications Commission ("FCC") released an order in the matter of 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, Memorandum Opinion and Order on Reconsideration, CC Docket No. 96-98, 13 FCC Rcd. 19009, 19024, (September 28, 1998) ("Pennsylvania Order"). In the Pennsylvania Order, the FCC expressly retained plenary Federal authority over number administration issues and delegated to state commissions the limited authority to prescribe area code relief only. Id at 19024. Nowhere in the Pennsylvania Order did the FCC authorize the Commission to require NXX code holders to assign TNs on a consecutive basis.

8. On February 9, 1999, the FCC issued a Memorandum Opinion and Order which imposed on the CMRS providers different number portability requirements than are imposed on

landline companies. The FCC expressly recognized that CMRS providers face unique and substantial obstacles in implementing number portability and, therefore, granted the wireless industry additional time (beyond the March 31, 2000 landline deadline) to develop and deploy the technology that will allow viable implementation of service provider portability, including the ability to support seamless nationwide roaming. The deadline for CMRS providers such as BellSouth Mobility to implement LNP is November 2002. See In the Matter of Cellular Telecommunications Industry Association's Petition for Forbearance from CMRS Number Portability Obligations, WT Docket No. 98-229, CC Docket No. 95-116, *Memorandum Opinion and Order* at ¶¶ 46-48 (Feb. 9, 1999).

Basic Position

9. BellSouth Mobility does not support adoption of a requirement that all NXX code holders assign TNs consecutively, beginning with the lowest available telephone number. First, BellSouth Mobility respectfully submits that the Commission does not have the authority to order CMRS providers to assign TNs consecutively, beginning with the lowest available number. In the Pennsylvania Order, the FCC refused to delegate to state commissions such as the Florida Commission the authority to order consecutive TN assignment. Second, assuming for sake of argument that the FCC has delegated to the Commission the authority to prescribe consecutive TN assignment, the Commission cannot impose that consecutive TN assignment requirement on CMRS providers, which by definition are expressly exempted from the Commission's regulatory jurisdiction. See Sections 364.02(3) and (12), Florida Statutes. Finally, BellSouth Mobility respectfully submits that consecutive number assignment will not advance the Commission's goal of number conservation and is not cost-effective for wireless providers. Mandatory consecutive number assignment will unnecessarily frustrate

customers and result in the application of inconsistent number conservation measures and number assignment policies on companies operating in various states. BellSouth Mobility, therefore, respectfully requests that the Commission not adopt a consecutive number distribution requirement. Instead, BellSouth Mobility requests that the Commission approve the Stipulation and close the docket.

Substantial Interest Affected

10. In this proceeding the Commission will address whether NXX code holders should be required to distribute telephone numbers consecutively, beginning with the lowest available telephone number, or whether some other emergency interim number administration alternative would be appropriate. Any attempt by the Commission to impose consecutive TN assignment obligations on CMRS providers such as BellSouth Mobility would exceed the Commission's statutory jurisdiction and also would violate the jurisdictional principles articulated by the FCC in the Pennsylvania Order. Furthermore, adoption of a requirement for consecutive number distribution would undermine the advantage of uniform national number conservation measures and number assignment policies that are of significant importance to CMRS providers like BellSouth Mobility. Thus, the Commission's decision in this docket will directly and materially affect BellSouth Mobility's substantial interests.

Disputed Issues of Fact, Law and Policy

11. The disputed issues of fact, law and policy of which BellSouth Mobility has knowledge at this time include, without limitation, the following:

(a) Whether the Commission has jurisdiction to impose consecutive number assignment requirements on BellSouth Mobility?

(b) Whether the Commission is authorized to impose consecutive number requirements on all NXX code holders in Florida without proceeding through formal rulemaking under Chapter 120, Florida Statutes?

(c) Whether the Commission adopt emergency numbering conservation measures that require NXX code holders to distribute telephone numbers consecutively, beginning with the lowest assignable telephone number?

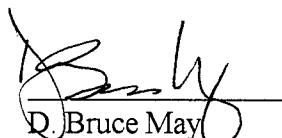
(d) Whether the Commission approve the Stipulation and close the docket?

WHEREFORE, BellSouth Mobility respectfully requests that the Commission:

(a) grant BellSouth Mobility intervenor status in this proceeding for the limited purposes set forth herein; and,

(b) grant such other relief as the Commission deems appropriate.

Respectfully submitted,




D. Bruce May
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P. O. Drawer 810
Tallahassee, Florida 32302
(850) 224-7000

**Attorneys for Intervenor,
FLORIDA CELLULAR SERVICE, INC.
d/b/a BELLSOUTH MOBILITY INC**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by hand-delivery to: Levent Ileri, Florida Public Service Commission Division of Communications, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399; Diana Caldwell, Florida Public Service Commission Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399; Catherine Bedell, Florida Public Service Commission Division of Communications, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399; Floyd R. Self, Messer Caparello & Self PA, 215 S. Monroe Street, Suite 710, Tallahassee, FL 32301; Tracy Hatch, AT&T Communications of the Southern States, Inc., 101 North Monroe Street, Suite 700, Tallahassee, FL 32301-1549; Nancy B. White c/o Nancy H. Sims, BellSouth Telecommunications, Inc., 150 South Monroe Street, Suite 400, Tallahassee, FL 32301-1556; Angela Green, Florida Public Telecommunications Association, 125 S. Gadsden St., #200, Tallahassee, FL 32301-1525; Peter M. Dunbar, Pennington Moore Wilkinson Bell & Dunbar PA, 215 South Monroe Street, Second Floor, Tallahassee, FL 32301; Kenneth Hoffman, Rutledge, Ecenia, Underwood, Purnell & Hoffman PA, 215 South Monroe Street, Tallahassee, FL 32301; Carolyn Mason, 4050 Esplanade Way, Bldg. 4030, Room 180L, Tallahassee, FL 32399; Michael A. Gross 310 N. Monroe St., Tallahassee FL 32301; and by United States Mail to Peggy Arvanitas, c/o Remax First Class Realty, 620 ByPass Drive, Clearwater, FL 33764; Network Plus, Inc., 234 Copeland Street, Quincy, MA 02169; Omnipoint Communications, 600 Ansin Blvd., Hallandale, FL 33009; Richard Rindler, Swidler & Berlin, 30000 K St. NW, #300,

Washington, DC 20007-5116; Carolyn Marek, Time Warner AxS of Florida, L.P., 233 Bramerton Court, Franklin, TN 37069; and Francis J. Heaton, Wireless One Network L.P., 2100 Electronics Lane, Fort Myers, FL; 33912 all on this 9th day of June, 1999.



D. Bruce May

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