

State of Florida



Public Service Commission

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RECORDS AND REPORTING

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DATE: APRIL 25, 2000

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF TELECOMMUNICATIONS (ILERI, CUTTING) *fcc*
DIVISION OF LEGAL SERVICES (CALDWELL) *owc SK* 110

RE: DOCKET NO. 981444-TP - NUMBER UTILIZATION STUDY:
INVESTIGATION INTO NUMBER CONSERVATION MEASURES

AGENDA: 5/5/2000 - SPECIAL AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 5/18/2000 and 5/19/2000 - HEARING

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\981444BA.RCM

CASE BACKGROUND

As part of its ongoing effort to conserve area codes, on April 2, 1999, the Florida Public Service Commission (Commission) filed a petition with the FCC seeking authority to implement number conservation measures, which would help minimize consumer confusion and expenses associated with imposing new area codes too frequently.

On September 15, 1999, the FCC issued an Order (FCC 99-249) granting the Commission's Petition for Delegation of Additional Authority to Implement Number Conservation Measures. In its Order, the FCC granted the Commission interim authority to:

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- (1) Institute thousand-block pooling by all LNP¹-capable carriers in Florida;
- (2) Reclaim unused and reserved NXX codes;
- (3) Maintain rationing procedures for six months following area code relief;
- (4) Set numbering allocation standards;
- (5) Request number utilization data from all carriers;
- (6) Implement NXX code sharing; and
- (7) Implement rate center consolidation.

At the February 29, 2000, Agenda Conference, the Commission approved portions of staff's recommendation to exercise the federal authority to conserve telephone numbers and delay the early exhaustion of area codes in Florida. At the Agenda, a number of concerns were raised by the industry and the North American Numbering Plan Administrator regarding staff's recommendation to implement various portions of the FCC's Order. The Commission voted to require immediate NXX code reclamation for wireline and wireless carriers in all of Florida's NPAs, and thousand-block pooling for wireline carriers in the 954, 561, and 904 area codes, beginning May 1, July 1, and October 1, 2000, respectively. In addition, the Commission established criteria for obtaining initial numbering resources, approved mandatory thousand-block number management procedures, and instituted a process to verify and reconcile numbering resource data available from different sources, all of which are equally applicable to wireline and wireless carriers. On March 16, 2000, the Commission issued Order No. PSC-00-543-PAA-TP, memorializing its decisions.

On March 23, 2000, in response to the PAA Order, a number of Florida code holders (Florida Code Holders Group or FCHG), submitted an explanatory letter and Number Pooling Implementation Plan for the 954, 561, and 904 Numbering Plan Areas (NPAs). The FCHG filed this plan because they believed that the number pooling implementation time line set forth in the PAA Order was not feasible and that their alternative time line would not materially affect the exhaust lives of the applicable NPAs. In addition, the FCHG sought implementation of thousand-block number pooling using software release version 3.0 (SR30) which the Commission had specifically rejected. The PAA Order scheduled software release

¹LNP (Local Number Portability) is a service that provides residential and business telephone customers with the ability to retain, at the same location, their existing telephone numbers when switching from one local telephone service provider to another.

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1.4 (SR14) to be utilized in the 954 and 561 NPAs on May 1, 2000 and July 1, 2000, respectively.

On March 31, 2000, the Commission staff held an implementation meeting with NeuStar and the industry. This meeting was concluded with an understanding among the participants that implementing thousand-block number pooling would take anywhere from 96 to 132 days, plus any upgrades and testing necessary, prior to pooling.

On March 31, 2000, the FCC issued a Report and Order and Further Notice of Proposed Rule Making, (FCC 00-104) in the matter of Number Resource Optimization. Staff believes that this Order does not affect the Commission's delegated authority nor has any part suggested that our authority is affected. In FCC 00-104, the FCC addressed the two major factors that contribute to number resource exhaustion:

the absence of regulatory, industry or economic control over requests for numbering resources, which permits carriers to abuse the allocation system and stockpile numbers, and the allocation of numbers in blocks of 10,000, irrespective of the carrier's actual need for new numbers.²

In addition, the FCC addressed a number of other number conservation measures, as well as issues related to the future implementation of thousand-block number pooling on a national basis.

On April 6, 2000, a formal protest of Commission Order No. PSC-00-0543-PAA-TP was filed by a number of parties³ (Joint Petitioners). Specifically, the Joint Petitioners protested and sought a hearing regarding only the portions of the PAA order that related to: (1) mandatory implementation of thousand-block pooling;

²FCC 00-104, ¶4.

³ALLTEL Communications, Inc.; AT&T Communications of the Southern States, Inc.; AT&T Wireless Services, Inc.; BellSouth Mobility, Inc.; BellSouth Telecommunications, Inc.; Florida Cable Telecommunications Association; Global NAPs, Inc.; GTE Service Corporation; Intermedia Communications; MCI WorldCom, Inc; Media One Communications; Florida Telecom, Inc.; Sprint Spectrum Ltd., d/b/a Sprint PCS; Sprint Communications Company Ltd Partnership; Sprint-Florida, Inc.; Time Warner Telecom of Florida, L.P.; Trivergent Communications, Inc.

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(2) thousand-block pooling software release and implementation dates; and (3) designation of a pooling administrator.

Staff notes that the remaining portions of the Order were not protested by the Joint Petitioners. Thus, those portions are deemed stipulated pursuant to Section 120.80(13)(b), Florida Statutes.

On April 11, 2000, the Joint Petitioners filed an Offer of Settlement to Resolve the Number Pooling Implementation Protest of the Commission's PAA Order. The Offer of Settlement addresses many of the same issues set forth in the Florida NXX Code Holders Group's Number Pooling Implementation Plan for the 954, 561, and 904 NPAs.

In addition, on April 6, 2000, Ms. Peggy Arvanitas filed comments responding to the informal Florida NXX Code Holders Group and protested a portion of the PAA Order. In particular, she addresses 1) Number pooling conference call conversations/format/impressions; 2) Short term conservation measures - utilization thresholds; 3) Porting/pooling - equipment understanding for cost allocation; and 4) Voluntary stipulation in Docket No. 990373-TP as being out of order, rulemaking necessary. On April 13, 2000, Ms. Arvanitas filed a clarification to her original filing stating that she is "Protesting and challenging the industry's protest to number pooling." She raised concerns regarding utilization thresholds, Industry Numbering Council guidelines, SR14 software implementation, cost recovery, access to numbering resources, and the need to go to rulemaking pursuant to Order No. PSC-99-1393-S-TP, issued in Docket No. 990373-TP. Ms. Arvanitas raised her points with respect to the prior plan proposed by the Joint Petitioners and submitted on March 23, 2000. Ms. Arvanitas was emphatic that she opposed the Joint Petitioners' protest of the Commission's Order No. PSC-00-0543-PAA-TP, and she did not believe their revised plan was acceptable for the reasons set forth in her letter. Staff believes that portions of Ms. Arvanitas' filings may be considered a Protest of the PAA Order and those portions will be addressed in Issue 1. The remaining points are considered a response to the Offer of Settlement and will be addressed within Issue 2.

On April 16, 2000, the Joint Petitioners filed an additional provision to their Plan stating that they will implement SR14 if SR30 is not available by the specified dates. This provision was prompted by an e-mail from NeuStar stating that a 21-day delay in roll out for SR30 is expected.

Therefore, this recommendation addresses the Joint Petitioners' Offer of Settlement to Resolve the Number Pooling Implementation Protest and Ms. Arvanitas' letters.

ISSUE 1: Should the Commission dismiss upon its own motion Ms. Arvanitas' Protest of a portion of PAA Order No. PSC-00-0543-PAA-TP relating to mandatory conservation measures for failure to state a claim for which relief can be granted?

RECOMMENDATION: Yes. The Commission should dismiss upon its own motion Ms. Arvanitas' Protest of a portion of PAA Order No. PSC-00-0543-PAA-TP relating to mandatory conservation measures for failure to state a claim for which relief can be granted. **(CALDWELL)**

STAFF ANALYSIS: On April 6, 2000, Ms. Peggy Arvanitas filed comments responding to the informal Florida NXX Code Holders Group and in regards to the PAA Order to "clarify issues, clear up misunderstanding, and shed light on the Task Force Subcommittees." On April 13, 2000, Ms. Arvanitas filed a follow-up document to her April 6th filing stating she was "protesting and challenging the industry's protest to number pooling."

Upon thorough review of Ms. Arvanitas' filings, staff believes that Ms. Arvanitas' comments that raise issues that appear to relate to the PAA Order should be considered a Protest to the PAA Order. The issues Ms. Arvanitas addresses in this regard are the voluntary conservation measures acknowledged in Order No. PSC-99-1393-S-TP that were required to be mandatory for all carriers and utilization thresholds.

Arguments

Based on the portions of her comments that appear to be in protest of the Commission's PAA Order, Ms. Arvanitas appears to argue that the Commission is required by Order No. PSC-99-1393-S-TP to go to rulemaking on area code conservation measures rather than make the voluntary measures that were acknowledged in that Order mandatory. Ms. Arvanitas argues that the nine-month inventory criteria was "as vague as the [months-to-exhaust] schedule." She recommends that the Commission go to rulemaking "like we are supposed to and define the voluntary stipulation."

Ms. Arvanitas also discussed utilization thresholds. Staff believes that these thresholds appear to relate to the Commission's rejection of staff's recommendation to set a threshold. Staff further believes that Ms. Arvanitas' arguments on utilization thresholds or "fill rates" relate to the area code conservation measures that the Commission mandated in the PAA Order and, therefore, should be addressed as part of Ms. Arvanitas' Protest to the PAA Order. Ms. Arvanitas states that Bellcore, when they were the NANPA administrator used fill rates as a measurement [of utilization], but that today the months-to-exhaust formula is now used which "is a projection of need, and does not deal with actual usage." Ms. Arvanitas states in her April 13th filing that "utilization thresholds are a more exact measurement of usage." She also complains that NANPA certifies, but does not verify the numbers on switches.

Ms. Arvanitas argues that the reason BellSouth does not accept fill rates is because their "switches will not be able to handle as high of a fill rate, or number assignment on the 10,000 number NXX's wired." She asserts that cable companies can and suggests that BellSouth upgrade their wiring and switches. She concludes by stating that "[w]e don't have a number inefficiency, we have equipment inefficiency."

Conclusion

Upon careful review of the filings, staff believes that Ms. Arvanitas' Protest of the mandatory conservations measures should be dismissed by the Commission on its own motion for failure to state a claim for which relief can be granted. A motion to dismiss raises as a question of law whether the petition alleges sufficient facts to state a cause of action. Varnes v. Dawkins, 624 So. 2d 349, 350 (Fla. 1st DCA 1993). Varnes describes the standard for disposing of motions to dismiss as whether, with all allegations in the petition assumed to be true, the petition states a cause of action upon which relief may be granted. Id. When making this determination, the tribunal must consider only the petition. All reasonable inferences drawn from the petition must be made in favor of the petitioner. Id.

In order to determine whether the petition states a cause of action upon which relief may be granted, it is necessary to examine the elements needed to be alleged under the substantive law on the matter. All of the elements of the cause of action must be properly alleged in a pleading that seeds affirmative relief. If they are not, the pleading should be dismissed. Kislak v. Kredian, 95 So. 2d 510 (Fla. 1957).

Ms. Arvanitas argues that the Commission cannot order mandatory conservation measures because it must go to rulemaking pursuant to Order No. PSC-99-1393-S-TP. This is not true. There is nothing in Order No. PSC-99-1393-S-TP that prohibits the Commission from adopting the previously accepted measures in its PAA Order in this Docket. Staff emphasizes that these two dockets are distinct. Moreover, Order No. PSC-99-1393-S-TP directs staff to initiate rulemaking in anticipation of necessary authority from the FCC for conservation measures. Staff notes that Order FCC 00-104 has just recently been issued. Staff believes that until the FCC Order was issued, it could not have initiated rulemaking. In the meantime, staff believes there is nothing to prohibit the Commission from exercising its authority granted in FCC Order No. 99-249 to require mandatory conservation measures.

Finally, Section 120.54(1), Florida Statutes, requires an agency statement be adopted by rulemaking procedures as soon as feasible and practicable. Staff believes that it has not been feasible or practicable to begin rulemaking given the FCC's actions and the exigencies of area code jeopardy in this state. Staff notes that under the circumstances that some area codes are in the state of jeopardy and extraordinary jeopardy and the tendency for rulemaking to be a long and arduous process, it is necessary for the Commission to mandate the conservation measures on a case-by-case basis. For these reasons, staff does not believe Ms. Arvanitas has stated a claim upon which relief can be granted with regard to rulemaking. A rulemaking requirement in one docket is simply not a cause of action in another docket, particularly when the issues are not yet ripe for rulemaking in this case.

With respect to utilization thresholds, Ms. Arvanitas makes observations as to why companies cannot meet a utilization threshold. The comments are unclear as to what relief Ms. Arvanitas is seeking with respect to utilization thresholds. However, assuming Ms. Arvanitas seeks rulemaking, these facts alone, even if true, are not sufficient to require the Commission to initiate rulemaking. Thus, on this point, she has also failed to state a claim for which relief can be granted.

Therefore, staff recommends, for all of the foregoing reasons, that the Commission dismiss on its own motion Ms. Arvanitas' Protest for failing to state a claim for which relief can be granted because the Commission is not required either by its Order or Florida Statutes to initiate rulemaking in Docket No. 981444-TP prior to adopting conservation measures for purposes of this Docket.

ISSUE 2: Should the Commission approve the Joint Petitioners' Offer of Settlement to resolve the Number Pooling Implementation Protest?

RECOMMENDATION: Yes. Staff recommends that the Commission approve the Joint Petitioners' Offer of Settlement as Amended on April 17, 2000 to resolve the Number Pooling Implementation Protest. Staff recommends that the Commission acknowledge the FCC's rules and orders requiring the Commission to resolve any matters related to cost recovery under the federal law and agree to open a docket to address this issue. Further, staff recommends that the Commission closely monitor company compliance under its authority granted under Section 364.183, Florida Statutes, by requesting records and conducting random and regular audits. Moreover, staff recommends the Commission initiate a separate show cause proceeding against any company that fails to meet the implementation dates or violates any other provision of its Order and penalize any code holder found in violation under Section 364.285, Florida Statutes. **(ILERI, CUTTING, CALDWELL)**

STAFF ANALYSIS: The Joint Petitioners timely filed their protest related to Issues III, VI, and VII of the PAA Order on April 6, 2000, and filed an Offer of Settlement with the Commission on April 11, 2000. An additional provision addressing software release implementation was filed April 17, 2000. A summary of this proposal, together with staff's analysis, is provided below:

A. December 2000 Timetable (Paragraphs 9 - 17 in the Offer of Settlement)

In the Offer of Settlement, the Joint Petitioners offer the Revised Plan as a workable, realistic substitute to the actions specified in Order No. PSC-00-0543-PAA-TP (PAA Order), issued March 16, 2000. They contend that the implementation schedule for number pooling (NP) identified in the PAA Order is not feasible. The Joint Petitioners contend that the shortest possible implementation time for any pooling software is 96 to 132 days for the first NPA. The Joint Petitioners state that the implementation dates given in the PAA Order, May 1, 2000 for the 954 NPA, July 1, 2000 for the 561 NPA, and October 1, 2000 for the 904 NPA, cannot be met in light of the fact that a final outcome from the protest would not be rendered until sometime in July, at the earliest.

Accordingly, the Joint Petitioners assert the earliest that numbers could be available for assignment under a number pooling trial would be in the December 2000 time frame, and that the

timetable would apply regardless of whether SR30 or SR14 was used. The Joint Petitioners strongly favor SR30 because they claim that SR30 offers enormous operational, reliability, and cost advantages over SR14. The differences between SR14 and SR30, including cost issues, will be explained in the later sections of this recommendation.

The Revised Plan provides that number pooling using SR30 would begin on December 4, 2000, in the 954 NPA, compared to the May 1, 2000, date, in the PAA Order using SR14. This is approximately 30 days sooner than the parties proposed prior to the PAA Order. Not all code holders in the 954 NPA are LNP capable, and because the number pooling trials would not affect them, the Joint Petitioners contend that the overall number of blocks consumed in that NPA is not going to change between now and December even if SR14 is implemented.

The Joint Petitioners claim that the thousands-blocks number management program in place today will assist in maintaining the pool of thousands-blocks, and the number of blocks would not be materially different in December than if pooling began sooner. The Joint Petitioners believe that the true issue is whether additional thousands-blocks would remain uncontaminated if number pooling began at an earlier date. According to the Joint Petitioners, uncontaminated blocks would continue to be available because of the voluntary conservation measures in place that all carriers follow, whether LNP-capable or not.⁴ According to the Revised Plan, if a LNP-capable carrier needed to activate a new NXX code prior to the number pooling trial, the contaminated thousands-blocks could be donated back to the pool once the number pooling was implemented. Any thousands-block with under 10% contamination would qualify for donation, upon implementation.

The Joint Petitioners believe that a minimum interval of five months from an implementation meeting will be necessary for system planning, modifications, and network testing before the first number pooling trial can begin in the 954, 561, and 904 NPAs. According to the Joint Petitioners, this initiative will be the first pooling trial of its kind in the nine-state BellSouth region, and the issues of network reliability and service affecting systems are critical to Florida. The Joint Petitioners assert that an adequate planning interval will diminish any potential for a

⁴Currently, there is mandatory management of thousand-blocks by all carriers pursuant to that portion of the PAA Order that was not protested.

network disaster. They commit that upon the turn up of the SR30 software package on December 4, 2000, they will be fully prepared to begin the number pooling as provided in their Revised Plan. The Joint Petitioners believe that moving forward now on a Offer of Settlement as provided in their Revised Plan is a better, more appropriate use of the resources of this Commission, its staff, and the carriers than continued litigation.

Staff Analysis of December 2000 Timetable

During the March 31, 2000, number pooling implementation meeting, staff and the industry determined that the prerequisite number pooling activities require at least 96 to 132 days. This time frame is needed for, among other things, the identification of uncontaminated thousand-blocks; block donation to the Interim Number Pooling Administrator; the initial software turn up in individual rate centers and consistency with industry Numbering Council Thousand Block Pooling Administration Guidelines. Experience should eventually reduce this time to a minimum. Moreover, staff notes that the assumptions used in determining this period did not include any testing for reliability of OSS upgrades and only reflected changes necessary for number pooling. In short, staff now agrees with the Joint Petitioners that the December 4, 2000, date to start number pooling in the 954 area code is appropriate, regardless of the software used (SR14 or SR30).

A critical question is whether extending the implementation date beyond what the Commission previously ordered will affect the number of blocks available for number pooling. The Joint Petitioners argue that there will be essentially the same number of blocks available for number pooling, regardless of the implementation date, and rely on the number management procedures required in Commission Order No. PSC-00-0543-PAA-TP and FCC Order 00-104 to support their argument. Paragraph 245 of FCC Order 00-104 provides in part:

Under our requirement, a carrier that opens a clean block prior to utilizing in its entirety, [sic] a previously-opened thousands-block should be prepared to demonstrate to the state commission: (1) a genuine request from a customer detailing the specific need for telephone numbers; (2) the inability on the part of the carrier to meet the specific customer request for telephone numbers from the surplus of numbers within the carrier's currently activated thousands-block.

Staff believes it is reasonable to interpret this passage to require that in addition to there being a genuine request from a customer detailing the specific need for telephone numbers, one of the following conditions must also be met:

- a) the customer requires more consecutive telephone numbers than are available in any one of the carrier's currently activated thousands-number blocks;
- b) the available numbers are incompatible with the customer's premises equipment; or
- c) the customer's request is approved by the Commission.

Staff also notes that due to the current rationing procedures in the 954, 561, and 904 area codes, which code holder will be assigned a code is still unknown. In other words, predicting the effect of thousand-block management procedures is still imprecise. Based on the above interpretation, however, staff believes that the Joint Petitioners are correct when they state that there will be essentially the same number of blocks available for number pooling, regardless of the implementation date. Under staff's interpretation, new blocks would be opened under the same circumstances both pre- and post-pooling. In addition, staff notes that the exhaustion dates presented during the February 29, 2000, Agenda Conference were based on industry estimates of thousand block demand and accurately reflect the rate at which new blocks are expected to be opened.

B. NPAC SR30 versus NPAC SR14 (Paragraphs 18 - 25 in the Offer of Settlement)

The Joint Petitioners claim that SR30 is a superior product to SR14, asserting that its more automated processes would decrease the probability of system errors and/or failures. The SR30 package uses an Efficient Data Recognition (EDR) system that they contend is also more efficient in terms of storage capacity. EDR involves less human intervention since far fewer records must be entered manually. In the SR14 number pooling platform, a typical thousands-block (NXX-X) will be represented using one thousand individual records, whereas under the SR30 software, a thousands-block will be represented using a single record. Also, with SR30, the carrier is able to use an electronic link to the pooling administrator to activate a thousands-block. The activation of a thousands-block under SR14 involves manual intervention, which the Joint Petitioners assert is subject to human error. According to the Joint Petitioners, the SR30 provides increased efficiency and reliability, as compared to SR14.

The Joint Petitioners assert that the developer of SR30, NeuStar, had prior concerns about the delivery date for the package. NeuStar is, however, now under contractual obligation to provide SR30 to the Joint Petitioners and has given assurances that it will deliver the SR30 as promised by a date certain in order for the Joint Petitioners to meet the December 4, 2000, number pooling start date in Florida. Failing that, the Joint Petitioners contend that NeuStar is subject to penalties and other liquidated damage provisions.

The issue of implementation cost was also raised by the Joint Petitioners, and while specific cost information is not uniformly available at this time, the Joint Petitioners assert that a single implementation of SR30 would likely involve a lower cost than a transitioned implementation (i.e., an immediate implementation of SR14 to be followed by a later transition to SR30). As a frame of reference to compare implementation costs of SR14 versus SR30, the Offer of Settlement states that the estimated cost for implementing SR30 for a large unnamed local exchange company would be in the range of 20-25% of the level of the existing FCC-authorized LNP surcharge. Furthermore, the direct costs of the transitioned implementation as described above would approach the 50% level. However, if the SR14 is the software used, the Joint Petitioners estimate that the cost may exceed the LNP surcharge level, primarily because of necessary upgrades to modify the network. The Joint Petitioners assert that an interim implementation of SR14, as specified in the PAA Order, would only yield a marginal benefit at a great cost, and that the benefits are simply not worth the costs. Finally, the Joint Petitioners contend that a SR14 to SR30 transition process has never been done before, and that process entails certain unknowns and could be risky.

Staff Analysis of NPAC SR30 versus NPAC SR14

Staff now agrees with the Joint Petitioners that the EDR feature of SR30 will provide greater efficiency and reliability as compared to SR14. Moreover, given that the transition from SR14 to SR30 is not well known and pooling cannot occur during this period, staff believes that SR30 would be a more reliable choice to use for number pooling in Florida's area codes. In addition, because the overall utilization rate is expected to be the same with the conservation measures in place, staff believes that the exhaustion date will not be materially impacted if number pooling begins December 4, 2000.

The Joint Petitioners assert that NeuStar has given assurances that it will deliver the SR30 as promised. Therefore, the Joint

Petitioners assert that failing this requirement, NeuStar is subject to penalties and other liquidated damage provisions. However, on April 14, 2000, NeuStar announced via e-mail to state commission staff that due to a higher than predicted number of software defects being encountered during the integration testing phase of SR30, the release of SR30 to the industry would be delayed. NeuStar now estimates that the earliest date providers can begin testing SR30 is July 31, 2000, instead of July 3, 2000. Moreover, staff is concerned because only 70% of the software integration has been completed. In other words, there is still a possibility of further delay due to software defects, which might necessitate postponing implementation. NeuStar's representative, Brent Struthers, acknowledged this fact during a state conference call on April 14, 2000.

In response to NeuStar's announcement, on April 17, 2000, staff received from eight⁵ of the original Joint Petitioners an additional provision (Paragraph 22) to the Revised Plan. The provision reads:

In the event that NPAC software release 3.0 specified in paragraph 4 is not available for implementation by the dates specified in paragraphs 1, 2, or 3, then the code holders shall implement NPAC software release 1.4 by the dates specified in paragraphs 1, 2, or 3. The purpose of this paragraph is to establish that number pooling shall commence on the dates specified in paragraphs 1, 2, or 3 using the available software.

The provision provides a commitment to implement number pooling on December 4, 2000, using SR14 if SR30 is not available in the time frame set forth in the Revised Plan. This commitment obligates the Joint Petitioners to begin number pooling according to all other terms and conditions set forth in the Revised Plan.

C. The Appointment of an Interim Number Pooling Administrator
(Paragraph 26 in the Offer of Settlement)

The Revised Plan supports the appointment of NeuStar as the Interim Number Pooling Administrator, upon the necessary contract

⁵AllTel, AT&T, BellSouth, GTE, Intermedia, MediaOne, MCIWorldCom, and Sprint. With respect to the other signatories to the Revised Plan, they are continuing their internal review of the amendment. Additional signatories may be forthcoming prior to the May 5, 2000, Special Agenda Conference.

execution. The Revised Plan also requires the issuance of a Commission Order to finalize the implementation of a number pooling program, however, the Commission will not be involved as a contracting party. State commission approval is necessary prior to a carrier contracting with NeuStar because NeuStar will not accept any block donations until a carrier has joined the contract between NeuStar and the LLC. Staff believes, however, that carriers have an incentive to join in the contract rather than face a penalty for missing the mandated implementation date.

Staff Analysis of the Appointment of an Interim Number Pooling Administrator

Staff believes that for number pooling to take place, a Interim Number Pooling Administrator must be selected. In this Offer of Settlement, the Joint Petitioners state that the Commission must approve the appointment of NeuStar as the Interim Number Pooling Administrator. Given NeuStar's experience in Illinois, California, and New York, staff believes that NeuStar should be appointed as the Interim Number Pooling Administrator. NeuStar will not accept any block donations until a carrier has joined the contract between NeuStar and the LLC. Staff believes, however, that carriers have an incentive to join in the contract rather than face a penalty for missing the mandated implementation date.

D. Cost Allocation Issues (Paragraph 27 in the Offer of Settlement)

The costs incurred by the Interim Number Pooling Administrator will be allocated among the carriers. The Revised Plan, however, does not recommend a specific cost allocation methodology at this time, but provides that the allocation should be managed in a competitively neutral manner. The Joint Petitioners contend that the details for cost allocation would be incorporated into the Interim Number Pooling Administrator's contract, but that this process should have no impact on or delay the implementation of number pooling, and the earliest number pooling trial date of December 4, 2000, for the 954 NPA.

Staff Analysis of Cost Allocation Issues

Cost allocation refers to spreading the cost associated with implementing number pooling among the carriers which would utilize the pooling mechanism. Staff acknowledges that the Revised Plan does not recommend a specific solution at this time, except that the allocation method must be competitively neutral. Staff agrees

as that statement is consistent with FCC Order No. 00-104. If the Joint Petitioners cannot decide on a method, the Commission is to select from options provided by the Joint Petitioners. Staff finds this approach acceptable.

E. Blocks for Number Pooling (Paragraph 28 in the Offer of Settlement)

The Revised Plan provides that when number pooling begins in each of the NPAs, the blocks for number pooling should be uncontaminated blocks, quite simply because the uncontaminated blocks are easier to administer. However, the Revised Plan also provides for pooling with low contamination blocks (<10%) as needed to maintain a six-month inventory. This flexibility should allow the Interim Number Pooling Administrator to execute any thousands-block donations in an efficient manner.

Staff Analysis of Blocks for Number Pooling

According to the Industry Numbering Council Thousand Block Pooling Administration Guidelines (Guidelines), any uncontaminated thousand-blocks and any blocks with less than 10% contamination are subject to pooling. The Guidelines also state that initially only uncontaminated blocks should be donated. These thousands-blocks can be donated and assigned to a carrier without the need for porting. In this manner, the pooling mechanism can be administered easily. For example, the Interim Number Pooling Administrator reviews all of the uncontaminated blocks and if it determines that there are insufficient quantities of uncontaminated blocks to fill a six month inventory, the Interim Number Pooling Administrator would then request that blocks with 10% or less contamination be identified and eventually donated. This process alleviates the need to open a new block. Based upon this, staff believes that the block donation provisions of the Revised Plan are consistent with the Guidelines and appear to be reasonable.

F. Cost Recovery Issues (Paragraphs 29 and 30 in the Offer of Settlement)

The Revised Plan provides that the Commission should open a docket to examine the cost recovery issues. The Joint Petitioners, however, are willing to commence with number pooling implementation, as long as this Commission acknowledges the need for cost recovery and commits to address the matter, as directed by

the FCC in its grant of authority to Florida to begin number pooling trials.

Staff Analysis of Cost Recovery Issues

On March 31, 1999, the FCC issued a Report and Order and Further Notice of Proposed Rule Making regarding Number Resource Optimization. In this Order, the FCC addressed issues pertaining to cost recovery and required state commissions to resolve this issue in a competitively neutral basis. In addition, the FCC identified the types of costs that should be attributed to the implementation of number pooling. The Offer of Settlement states that as long as the Commission acknowledges an obligation to review the issues pertaining to cost recovery, the Joint Petitioners would be able to start pooling trials in Florida. Thus, staff recommends that the Commission acknowledge the FCC's rules and orders requiring the Commission to resolve any matters related to cost recovery under the federal law and agree to open a docket to address this issue. Staff notes that this procedure would have been recommended regardless of the Offer of Settlement.

Staff Analysis of the Offer of Settlement

Staff agrees with the FCC (FCC 99-122, ¶1) that any measure that increases the efficiency with which numbers are utilized will result in significant consumer benefits, by helping to alleviate the disruption and expense associated with frequent area code exhaust. Due to these urgent reasons, we asked and received authority from the FCC on September 15, 1999.

Although staff had some concerns regarding cost allocation and the selection of software, staff believes that the Offer of Settlement provides a workable number pooling plan using state-of-the-art software, which will be inherently more efficient than SR14. Based on the time frames provided in the Offer of Settlement, the Joint Petitioners have committed to implementing number pooling as soon as is reasonably possible under SR30, and in much the same time as could be expected if this matter went to hearing. In addition, the Joint Petitioners have modified the Revised Plan to reflect that if SR30 is not available in a timely fashion, the Joint Petitioners will utilize SR14. For these reasons, staff recommends that the Commission approve the Offer of Settlement.

This Commission has established by numerous Orders that area code conservation is necessary in this state as this matter is very serious. Therefore, to ensure that area codes are conserved to the

maximum possible extent, staff recommends the Commission initiate a show cause proceeding against any company that fails to meet the implementation dates or violates any other provision of its Order and penalize that code holder under Section 364.285, Florida Statutes, found in violation. Violations should be considered on a rate center basis. Further, staff recommends that the Commission closely monitor company compliance with its Order under the authority granted pursuant to Section 364.183, Florida Statutes, by reviewing any records and conducting regular and random audits.

Response of Ms. Arvanitas

Staff believes that the remaining portions of Ms. Arvanitas' filings not addressed in Issue 1 should be considered a response to the March 23, 2000, Number Pooling Implementation Plan, submitted by the Florida Code Holders Group.

Staff addresses Ms. Arvanitas response should the Commission choose to consider her arguments. Ms. Arvanitas discusses number pooling, utilization thresholds, months-to-exhaust criteria, and the SR14 software. She also contests the Joint Petitioner's statement alleging that the "PAA Plan would impair . . . access to numbering resources," and challenges this Commission to take immediate, drastic action to "iron out" the number conservation issues.

Ms. Arvanitas alleges in her April 13, 2000, correspondence that she wanted the pooling to occur in the Tampa Bay area, and further, that the BellSouth representative fought her over the inclusion of that area for a pooling trial. The Commission has, however, addressed the specific NPAs to be targeted for the thousands-block number pooling. The 954, 561, and 904 NPAs were identified as currently in jeopardy, which do not include the Tampa Bay area. We believe that the Commission appropriately selected the 954, 561, and 904 NPAs to initiate pooling trials primarily because of the jeopardy declarations. Furthermore, staff believes conservation measures including pooling trials should be implemented and tested in these areas first and then implemented on a broader scale throughout the state.

Ms. Arvanitas also notes the fact that staff's input was not included in the industry's vote on the revisions of the Industry Numbering Council Guidelines. She alleges that valuable input from state commissions was not heard because of late changes to the teleconferencing arrangements. Staff believes that Ms. Arvanitas' protests are again directed at the industry, but are not directed to a specific issue raised in the Joint Petitioners' Protest nor

any part of the Commission's PAA Order. Staff believes again that this argument is not germane to the Protest, and therefore, should not be regarded as a protest to the PAA Order.

Ms. Arvanitas also argues that full costs for number pooling are not known, and as such, full cost recovery cannot be discussed. Staff agrees and believes that at the appropriate time a docket will be opened to address these concerns.

Ms. Arvanitas' final argument involves a statement by the industry that "the PAA Plan for Number Pooling would impair the Joint Petitioners' access to numbering resources." She then requests this Commission direct the current numbering administrator (NANPA) to suspend all code assignment statewide so that the number pooling issues can be "ironed out." While staff appreciates Ms. Arvanitas' outrage at the status of numbering and area code relief in Florida, we believe her call to action to suspend all code assignments is not reasonable and can only be addressed by the FCC.

Conclusion

In conclusion, staff recommends that the Commission approve the Joint Petitioners' Offer of Settlement as Amended on April 17, 2000 to resolve the Number Pooling Implementation Protest. Staff recommends that the Commission acknowledge the FCC's rules and orders requiring the Commission to resolve any matters related to cost recovery under the federal law and agree to open a docket to address this issue. Further, staff recommends that the Commission closely monitor company compliance under its authority granted under Section 364.183, Florida Statutes, by requesting records and conducting random and regular audits. Moreover, staff recommends the Commission initiate a separate show cause proceeding against any company that fails to meet the implementation dates or violates any other provision of its Order and penalize any code holder found in violation under Section 364.285, Florida Statutes.

Staff notes that if the Commission accepts the offer of Settlement, staff believes that Ms. Arvanitas lacks standing to protest the resulting Order because she can not demonstrate that her substantial interests will be affected. Persons seeking to challenge an agency action must demonstrate that they are entitled to participate if their substantial interests are subject to determination or will be affected through this proceeding. In her April 6, 2000, filing, Ms. Arvanitas states she is a "[R]ealtor who lives in Tampa Bay area" and can sell real estate throughout the state of Florida. Ms. Arvanitas states she has customers in South Beach Miami. She states that "any split or overlay causes me and

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my customers hardship and subsequently lost business. And the definition of number pooling and rules pertaining to it will, in the future affect the Tampa Bay area."

The two-pronged test for substantial interest is set forth in Agrico Chemical Co. v. Department of Environmental Regulation, 406 So. 2d 478, 482 (Fla. 2nd DCA 1981). Under this test, a petitioner must demonstrate that (1) he will suffer injury in fact of sufficient immediacy to entitle him to a Section 120.57, Florida Statutes, hearing, and (2) his substantial injury is of a type or nature which the proceeding is designed to protect. Id. at 482. Based upon the information Ms. Arvanitas has already provided, staff believes that Ms. Arvanitas would fail the first prong of the test. Ms. Arvanitas does not reside in any of the affected area codes where number pooling is required by the PAA Order or contemplated by the Offer of Settlement. Moreover, Staff notes that Ms. Arvanitas has not filed a request to act as a qualified representative for any of her clients in the area codes that are affected.

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ISSUE 3: Should this docket be closed?

RECOMMENDATION: No. Whether or not the Commission approves staff's recommendation in Issue 1, this docket should remain open pending the outcome of further investigation into other number conservation measures for broader implementation. If the Commission approves staff's recommendation in Issues 1 and 2, the Commission's decision on those issues will become final upon issuance of a consummating order if no persons whose substantial interests are affected files a timely protest within 21 days.
(CALDWELL)

STAFF ANALYSIS: Staff recommends that whether or not the Commission approves staff's recommendation in Issue 1, this docket should remain open pending the outcome of further investigation into other number conservation measures for broader implementation. If the Commission approves staff's recommendation in Issues 1 and 2, the Commission's decision on those issues will become final upon issuance of a consummating order if no persons whose substantial interests are affected files a timely protest within 21 days.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Number Utilization Study: Investigation)	Docket No. 981444-TP
Into Number Utilization Measures)	Filed: April 11, 2000
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**JOINT PETITIONERS' OFFER OF SETTLEMENT
TO RESOLVE THE NUMBER POOLING IMPLEMENTATION PROTEST
OF ORDER NO. PSC-00-0543-PAA-TP**

Pursuant to Sections 120.569 and 120.57, Florida Statutes, and Rules 28-106.201 and 28-106.204, Florida Administrative Code, the undersigned (hereinafter "Joint Petitioners") hereby file this Offer of Settlement To Resolve The Number Pooling Implementation Protest of Order No. PSC-00-0543-PAA-TP ("Offer of Settlement") with the Florida Public Service Commission (the "Commission") and to resolve the Joint Petition on Mandatory Number Pooling ("Joint Petition") filed by the Joint Petitioners on April 6, 2000, regarding proposed agency action ("PAA") Order No. PSC-00-0543-PAA-TP, issued March 16, 2000 (hereinafter "PAA Order"), and respectfully request that the Commission accept this Offer of Settlement to fully and completely resolve and conclude the Joint Protest in lieu of the sections 120.569 and 120.57(1) hearings requested therein. In support of this Offer of Settlement, the Joint Petitioners state:

I. Parties

1. The name, address, and telephone number of each of the Joint Petitioners, and each Joint Petitioner's representative(s), is attached hereto as Exhibit "A" and incorporated herein.

2. Each of Joint Petitioners (reflected on a separate Exhibit "A" for each entity) is a telecommunications provider authorized to offer telecommunications services in Florida or is an association that represents telecommunications providers authorized to offer telecommunications services in Florida. Each of the telecommunications carriers represented by this Offer of Settlement is a party to the Joint Protest filed on April 6, 2000 or by signing this Offer of Settlement agrees to become a party to the Joint Protest and this Offer of Settlement.

II. Background

3. The Joint Petitioners received notice of the PAA Order on or after the date of its issuance, March 16, 2000, by obtaining copies mailed from the Commission or obtained from the Commission's Internet web site.

4. On March 23, 2000, many of the undersigned Joint Petitioners filed with the Commission their Florida Code Holders Number Pooling Implementation Plan for the 954, 561, and 904 NPAs ("Plan") along with a lengthy explanatory letter ("Letter"). In these documents, the signatory code holders provided to the Commission an alternative number pooling plan for the 954, 561, and 904 NPAs that they believed provided the overall best means of achieving meaningful number pooling in these three NPAs.

5. On March 31, 2000, the Federal Communications Commission ("FCC") issued its Order No. FCC 00-104, the Report and Order and Further Notice of Proposed Rulemaking in the Number Resource Optimization proceeding, CC Docket No. 99-200 ("Order 00-104"). Order 00-104 addresses two of the major factors that contribute to number resource exhaust – new rules to govern the allocation of telephone number resources to carriers and specific requirements for the start of national thousands-block number pooling.

6. On April 6, 2000, the Joint Petitioners timely filed their limited Joint Protest to this Commission's PAA Order. The Joint Protest requested a section 120.57(1) hearing to reverse only those provisions of the PAA Order specifically relating to the implementation of number pooling in the 954, 561, and 904 NPAs (which are expressed in Sections III ("Mandatory Implementation of Thousand Block Pooling," at pages 5-11), VI ("Thousand-Block Pooling Software Release and Implementation Dates," at pages 15-18), and VII ("Designation of A Code Administrator," at pages 18-19) of the PAA Order and in the corresponding ordering paragraphs), and to schedule a hearing pursuant to section 120.57(1), Florida Statutes, to adopt an alternative procedure for implementing number pooling in the 954, 561, and 904 NPAs, and to undertake such other relief as may be appropriate to address the issues raised in the Joint Protest. The filing of the Joint Protest was required in order for the Joint Petitioners to preserve their legal rights and point of entry to the Commission's final decision making process and so that the Commission could fully consider the objections and alternative proposal of the code holders.

7. Since the filing of the Plan and Letter, the Joint Petitioners have been continuing to work to revise and refine their recommendations for an alternative number pooling plan for the 954, 561, and 904 NPAs that would best achieve meaningful number pooling in a cost effective, efficient, and legally compliant manner. These efforts have involved the work of over 20 code holders and carriers through a continuing series of telephone conference calls and meetings with the exchange of numerous e-mails and document drafts. On the basis of this work, the Joint Petitioners have prepared a Revised Number Pooling Implementation Plan for the 954, 561, and 904 NPAs ("Revised Plan") that is attached hereto and incorporated herein as Exhibit 1 (which includes and incorporates "Attachment A to Exhibit 1"). The Joint Petitioners believe that the Revised Plan will fully meet the Commission's objectives for timely number pooling in these affected NPAs. More importantly, the Revised Plan includes a realistic, achievable timetable that, unlike the PAA Order's proposed timetable, includes a testing interval to ensure network reliability. Adoption of the Revised Plan also would avoid the waste of time and money that would result from implementing an interim form of pooling and then shortly thereafter migrating to the national standard. The Revised Plan includes a commitment that number pooling, using the Release 3.0 software, will begin in the 954 NPA no later than December 4, 2000, with appropriately staggered implementation in the 561 and 904 NPAs quickly following. The Revised Plan also addresses appointment of an Interim Pooling Administrator, cost allocation requirements and cost recovery procedures. Finally, the Joint Petitioners will commit to provide monthly status reports of testing and other implementation issues to the Commission throughout the implementation process.

8. The Joint Petitioners believe that the Commission considers implementation of number conservation to be an ongoing process. This Revised Plan represents part of the Joint Petitioners' continuing input to the Commission's number pooling decision making process which is required by FCC Order 99-249, issued in CC Docket No. 96-98, September 15, 1999 ("Delegation Order") and the recently issued FCC Order 00-104. Although the Commission Staff, the code holders, and others have been working intently to develop an effective, workable number pooling plan since the fall of 1999, we believe that the initial proposal, while protested, has proven to be an added catalyst in focusing the code holders on a firm implementation plan. The Joint Petitioners submit that the Revised Plan is consistent with the Commission's grant of authority, as delegated by the FCC to implement number conservation measures, and the FCC's recent Order 00-104. On the basis of the information presented in this Offer of Settlement, the undersigned respectfully request that the Commission adopt the Revised Plan as a settlement of the Joint Petitioners' Joint Protest.

III. The Revised Plan

A. December 2000 Timetable

9. The Revised Plan is offered because the timeline and the technology that would be required by PAA Order are not feasible for several reasons. First, by virtue of the Joint Protest, the implementation of number pooling in the 954 NPA on May 1, 2000, in the 561 NPA on July 1, 2000, and in the 904 NPA on October 1, 2000 cannot occur given the requirements for a hearing on the protest. The absolute earliest there could be a final order resolving the Joint Protest would be some time in July, at which time the implementation process could begin. Based upon the information developed at the March 31, 2000, Staff Workshop in Orlando, Florida, the shortest possible implementation time for any pooling software is in the 96 to 132 day range (assuming numerous factors that are not present) for the first NPA to be pooled. Accounting for these issues means that the earliest numbers could be available for assignment under a pooling trial would be in the December 2000, time frame.

10. Assuming the Joint Protest had not been filed, for all practical purposes, the implementation of number pooling could not begin in Florida any earlier than late in the fourth quarter of 2000 regardless of the software used as is explained more fully below. In the final analysis, the decision comes down to the Commission selecting between Number Portability Administration Center ("NPAC") Release 1.4 ("R1.4") or NPAC Release 3.0 ("R3.0"). Given R3.0's substantial service reliability advantages and lower potential cost recovery impact on end users, the Joint Petitioners strongly favor the R3.0 solution and believe that the Commission will concur if it reassesses this issue after considering the information provided herein.

11. In light of the negligible difference in realistic implementation dates and the enormous operational, reliability, and cost advantages of R3.0, to customers and carriers alike, the Joint Petitioners have targeted R3.0 for implementation and have committed to the earliest resulting time frames that are outlined in the Revised Plan. A summary of the relative merits and cost issues

of the R3.0 and R1.4 is included below as an explanation of the background and factual analysis leading up to this commitment.

12. The Revised Plan would achieve an implementation date (using the more modern, forward-looking Release 3.0) beginning on December 4, 2000, in the 954 NPA. There is no evidence that waiting to begin pooling at that time would materially affect the exhaust date of an existing Florida NPA. In Illinois for example, the current pace of thousands-block allocation is 30 each month. Without pooling, this might represent the need for as many as 30 NXX codes per month (assuming one block per carrier per month). However, with pooling, these 30 blocks equate to only 3 NXXs per month, which is half of the current number of NXX codes being rationed in the 954 NPA each month and less than half of the 7 being rationed in the 561 and 904 NPAs each month. While wireless carriers and non-LNP capable carriers have been taking some of the NXX codes that are currently being rationed, they have been taking less than half of all codes assigned over the last few years, and recently some wireless carriers have actually returned codes in these and other Florida NPAs. This data, combined with the recall of unused NXX codes now underway, suggests that waiting for pooling to start on the dates specified in the Revised Plan will not significantly affect the three Florida jeopardy NPA exhaust date assumptions.

13. More importantly, with mandatory thousands-block number management in place, there is little reason to expect that the number of thousands-blocks available to the pool would be materially different in December 2000, whether pooling began at that time or at some earlier date (assuming it could). A significant number of the code holders in 954 are not LNP capable. These code holders, such as wireless providers, will use the same number of NXXs between now and December regardless of when pooling is implemented.

14. As for the LNP capable code holders, their total utilization of numbers between now and then will depend on the demand for their services. The number of customers they obtain, and their need for telephone numbers, is unlikely to change, whether pooling were implemented now or December. Thus, the total amount of numbers consumed in 954 between now and December is not going to change, regardless of the Commission's decision in this instance.

15. The only issue, then, is whether additional thousands-blocks would remain uncontaminated if pooling began earlier¹. This is highly unlikely. Most affected carriers have been managing thousands-blocks consistently with the PAA Order for nearly a year under the voluntary measures, and all are now required to do so. Moreover, under the terms of FCC Order 00-104, additional number allocation requirements will be effective that should serve to further conserve numbers and blocks. If an LNP capable carrier were forced to obtain a full NXX before pooling

¹We believe that the data contained in the chart discussed at the February 29th Agenda Conference tended to indicate a significant difference in the exhaust date of the NPAs if number pooling could be implemented in May of 2000, rather than January of 2001. We believe that these estimates were based on certain assumptions that, with the information now available, do not appear to be valid.

were implemented, it would be required to utilize the NXX in a manner designed to preserve uncontaminated thousands-blocks, which would then be donated to the pool when pooling is implemented. Even if that carrier made an assignment out of an additional block, so long as that additional block had less than 10% contamination, that contaminated block later would also be subject to pooling under the Revised Plan and the carrier would have to bear the cost of porting back. The petitioners are aware that the staff made some rough estimates at the February 29 agenda conference that the numbers assigned out of that additional block. This means that the pool will not be materially different for the number of uncontaminated thousands- blocks available in December, even if pooling could begin earlier (which it can't). Accordingly, there is no reason to believe that the implementation of pooling by December 4, 2000, in 954 (rather than even a theoretical May 1, 2000 date) would diminish the lifespan of that NPA in any material way.

16. The Joint Petitioners believe that a minimum of 5 months from the initial Implementation Meeting is required for the first time that any number pooling is undertaken in Florida. This period of time is required for system planning, modifications, and testing to ensure that no breakdown occurs in the functioning of the network, the service ordering process, or any other service/customer affecting systems. As was discussed at the March 31, 2000, Staff workshop, these testing and network reliability issues are very real for Florida where there has not been any previous experience in pooling in either this state or anywhere within the BellSouth region. While some of the carriers operating in Florida may have participated in the few, limited pooling trials elsewhere, there are numerous carriers in the 954, 561, and 904 NPAs that have never participated in pooling. To throw these carriers into pooling without proper planning, testing, and implementation poses the potential for network disaster. While the earliest implementation of R3.0 is determined by the general availability release on December 4, 2000, the carriers represented by this Offer of Settlement are committed to being ready at the earliest R3.0 is ready for live, actual pooling southeast region. In the timeline committed to in the Revised Plan, system modification and testing will occur independently of, yet concurrent with, the milestones in order to ensure our being ready when the software is ready.

17. In view of the present protest to the PAA Order, the earliest there could be a final order resolving the protest is mid-July 2000. Given the need for four or more months to start and complete planning, testing, and implementation, the earliest any pooling can begin under a post-litigation schedule would also be in December. The Joint Petitioners believe that moving forward now on the basis of a settlement commitment to implement number pooling as is outlined in the Revised Plan is a better, more appropriate use of the resources of the Commission, its Staff, and the carriers than continued litigation. Such a cooperative approach should help in ensuring that there will be no reduction in, or delay of, effective number conservation.

B. R3.0 versus R1.4

18. The facts demonstrate that R3.0 is superior to R1.4 for several reasons. First, R1.4 does not use efficient data recognition ("EDR"). Thus, R3.0 would involve far fewer manual processes than R1.4 and thereby improve customer service by decreasing the probability of system errors and failure. Second, R3.0 with EDR is extremely efficient, and thus less costly, from the

standpoint of record storage capacity. Third, use of R3.0 at the outset avoids imposition of wasteful transition costs that would be incurred if pooling were to be implemented mere days before R3.0 availability. Fourth, use of R3.0 will avoid the importation to Florida carriers and, ultimately, to Florida customers, of R1.4 costs that are now being borne only in Illinois, New York, and California. Fifth, there are many unknowns regarding the transition from R1.4 to R3.0 that should further increase this Commission's reluctance to utilize R1.4 in the first instance.

19. R3.0 provides improved reliability with less human intervention than does R1.4. Today, a carrier that receives a thousand block from the Pooling Administrator has to notify the NPAC manually to have the thousands-block activated using R1.4. With R3.0 the carrier is able to use the Service Order Administration ("SOA") link to the NPAC to activate a thousands-block. With further automation within the carrier's OSS, the entire activation process can be automated for more efficient reliability. Because R3.0 will be integrated with the existing carrier systems it minimizes the risk of human error that is inherent in the manual processing of pooling and the associated LNP functionality.

20. With respect to the cost imposed on carriers' facilities, the absence of EDR with R1.4 means that each number in the pool must have its own record. R3.0 uses EDR, which allows one record per 1,000 number block. The EDR method allows the implementing carriers to minimize the cost to modify the SCP. Avoiding these investments would mean that other carriers and customers would not be required to pay for these costs. Likewise, without EDR carriers who inadvertently underestimate the volume of pooling transactions and do not make timely SCP upgrades face failures that would jeopardize network reliability and customer service.

21. One comparative issue that was seriously considered by the Joint Petitioners was the possibility that the R3.0 solution might not be available as advertised. As discussed above, in response to growing regulatory and customer concerns, the LLCs (which includes some of the members of the Joint Petitioners) approached NeuStar (previously Lockheed-Martin) and paid a substantial premium in exchange for a contractual obligation by NeuStar to deliver the R3.0 software 15 weeks ahead of the prior commitment. NeuStar has informed the Joint Petitioners that it is highly confident that the current schedule and contractual obligation for the delivery of R3.0 will be met. To the extent that NeuStar fails to meet its contractual obligations, NeuStar may be subject to penalties and other liquidated damages provisions.

22. Although the Joint Petitioners are firmly convinced that the costs of any implementation of R1.4 will be greater on Florida code holders and their customers than initial implementation using only R3.0, specific, detailed cost information is not uniformly available at this time. One large incumbent LEC has estimated, based on experience in other state pooling proceedings, that the cost to the end user for implementation of R3.0 only could be in the range of 20 - 25% of the level of the existing FCC-authorized LNP surcharge. However, the direct costs of implementation of R1.4, transition to R3.0, and the subsequent costs of pooling using R3.0, could result in a cumulative cost that would lead to a separate surcharge approaching 50% of the LNP surcharge level. Alternatively, if R1.4 is the only solution used, the cost – driven by enormously expensive SCP upgrades – would possibly exceed the LNP surcharge level. These estimated R1.4

costs, potentially more than twice the costs of R3.0, are a major reason why the Joint Petitioners have chosen R3.0.

23. The difference in total costs between implementing R3.0 first, and implementing R1.4 as an interim measure, when weighed against the minimal difference in the effects on the lives of the three NPAs in the PAA Order, suggests that it would be wasteful to require the interim implementation of R1.4 in any of these NPAs. When one adds the fact that Florida carriers and customers would shoulder a disproportionate amount of the implementation costs associated with R1.4, it seems clear that any marginal benefits that might be gained from implementing R1.4 simply are not worth the costs.

24. The cost in transition time must also be figured. NeuStar advised those participating in the March 31, 2000 Staff Workshop that there will be a two week "quiet period" when transitioning from R1.4 to R3.0 that would foreclose any pooling taking place while NeuStar and the carriers complete their work in transitioning over from the old software to the new. This two week quiet period is in addition to any other transitional requirements that the carriers and NeuStar may require – all currently unknown since the transitional requirements have not yet even been developed.

25. Finally, the R1.4 to R3.0 transition process has not been executed, much less tested, in any area to date. The possibility exists that such a transition could cause calls to fail. This risk should further increase the Commission's reluctance to utilize R1.4 in the first instance.

C. Pooling Administrator

26. The Joint Petitioners have provided in the Revised Plan that the Commission approve the appointment of NeuStar as the Interim Pooling Administrator and that the LLC and NeuStar negotiate the appropriate contract to implement the pooling. This process requires the approval of the Commission because the Interim Pooling Administrator and the LLC will be taking actions that ultimately impact all carriers. Without an explicit Commission order confirming these actions, the LLC and NeuStar may be reluctant to act or a carrier may refuse to comply with this process. However, such Commission approval does not involve this Commission becoming a contracting party to or otherwise becoming involved in the contract process. By the Commission adopting the Revised Plan and attaching and incorporating the Revised Plan into its order accepting this Offer of Settlement, the necessary Commission order will exist that will fulfill this requirement.

D. Cost Allocation

27. Inherent in the management of the pool by Interim Pooling Administrator is the allocation of the Interim Pooling Administrator's cost among the carriers (which is different from the recovery of those costs from the carriers' customers addressed below). The FCC's Delegation Order specifically provided that such cost allocations be undertaken in a competitively neutral manner. While the Joint Petitioners were unable to develop and recommend a specific cost allocation methodology to the Commission at this time, the Revised Plan provides for a procedure

that will allow this process to be concluded while not delaying the implementation of the pooling plans for the three NPAs addressed therein. Representatives of NeuStar represented at the March 31, 2000 Staff Workshop that execution of the contract, which would include the cost allocation methodology, could occur as late as the actual start of pooling, in the case of the 954 plan this would be December 4, 2000. The Joint Petitioners believe that determination of the interim cost allocation methodology under the Revised Plan and incorporation of that methodology into the contract with the Interim Pooling Administrator will occur well before December 4, 2000.

E. Blocks for Pooling

28. The Revised Plan provides in paragraphs 1, 2, and 3 that when pooling begins in each of the respective NPAs that such pooling shall begin with uncontaminated blocks. The Joint Petitioners have set up the initial pooling in each of these three NPAs because starting pooling with uncontaminated blocks is much easier than starting with uncontaminated and contaminated blocks. However, setting forth that pooling will commence in these three NPAs with uncontaminated blocks does not mean that only uncontaminated blocks may be pooled. As is specified in paragraph 5 of the Revised Plan, the implementation process will include the development of procedures and timelines that would include the pooling of blocks with less than 10% contamination (“contaminated blocks”). This is consistent with the practices in other states. Besides the administrative ease of starting pooling with uncontaminated blocks, this procedure affords the Interim Pooling Administrator with the flexibility to start pooling with contaminated blocks when necessary. For example, when the Interim Pooling Administrator assesses the industry inventory to determine if there is a surplus or deficiency, if there is a large surplus of blocks that exceeds the forecasted needs of the carriers, then it may not be necessary for the Interim Pooling Administrator to immediately request forecasted and block protection/donation information for the contaminated blocks. On the other hand, if the Interim Pooling Administrator found a deficiency, the Interim Pooling Administrator could immediately start the process for the carriers to identify and donate contaminated blocks which could run parallel with the uncontaminated block donation process so as to minimize, if not eliminate, the need to open a new NXX to meet the needs of the pool. Thus, the Revised Plan addresses both the donation and use of uncontaminated and contaminated thousands-blocks.

F. Cost Recovery Issues

29. In its order granting authority to this Commission to conduct number pooling trials, the FCC directed this Commission to “determine the method to recover the costs” of any number pooling the Commission may order. FCC Order No. 99-249, at ¶ 17. In addition, these costs must be recovered “in a competitively neutral manner.” *Id.* The FCC suggested that this Commission, in fulfilling its responsibility to adopt a cost recovery method, should model cost recovery on the mechanism adopted by the FCC in the LNP order and the guidelines in the *Numbering Resource Optimization Notice* regarding cost recovery for thousands-block pooling. *Id.*

30. In view of the potential ultimate impact of number pooling cost recovery on Florida customers, the Commission should address cost recovery. Accordingly, the Revised Plan requires

that the Commission open a docket in accordance with the FCC mandate for the purpose of determining the amount of the costs of number pooling and the method by which they will be recovered. However, in the spirit of moving forward, the Joint Petitioners are willing to proceed now with all aspects of the implementation of number pooling pursuant to the Revised Plan with cost recovery being determined just so long as the Commission has acknowledged the need for cost recovery and has committed to starting the cost recovery process.

IV. Conclusion

31. The purpose of this Revised Plan is to only address number pooling and none of the other matters within the PAA Order. The Joint Petitioners shall continue to work with the Commission, other carriers, and interested persons to develop reasonable and prudent solutions to the remaining number conservation issues in Florida.

32. The terms and conditions of this Offer of Settlement are made in an effort to settle the Joint Protest filed by the Joint Petitioners in this docket on April 6, 2000, with respect to the number pooling provisions of the PAA Order. Thus, the Joint Petitioners reserve all rights if this Offer of Settlement is not approved by the Commission and incorporated into a final order in accordance with its terms.

33. This Offer of Settlement shall be valid and binding upon the Joint Petitioners only to the extent it is adopted in its entirety as presented to the Commission.

34. If this Offer of Settlement is accepted by the Commission, the Joint Petitioners shall not request reconsideration or appeal of the order of the Commission approving this Offer of Settlement in accordance with its terms.

35. In adopting this Offer of Settlement and Revised Plan, the Commission shall attach and incorporate these documents to its order.

WHEREFORE, the Joint Petitioners members offer this Revised Plan to the Commission in the spirit of cooperation and for its consideration in the ongoing effort to implement workable, efficient, and cost-effective number conservation measures for the people of Florida. We respectfully request adoption of this Revised Plan to resolve the PAA Protest filed by the Joint Petitioners on April 6, 2000.

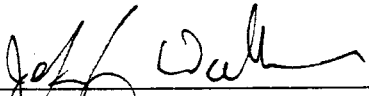
Respectfully submitted,

(Signatures begin on the following page)

EXHIBIT "A"

The name, address and telephone number of this Joint Petitioner is: ALLTEL Communications, Inc. ("ALLTEL"), One Allied Drive, Little Rock, Arkansas, 72202.

The name, address and telephone number of ALLTEL's representative in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for ALLTEL's representative:



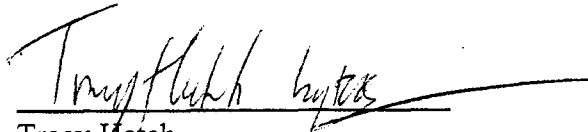
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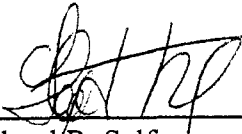
EXHIBIT "A"

The name, address, and telephone number of this Joint Petitioner is: AT&T Communications of the Southern States, Inc., 101 N. Monroe St., Suite 700, Tallahassee, Florida 32301, and AT&T Wireless Services, Inc., P.O. Box 97061, Redmond, Washington 98073-9761 (collectively "AT&T").

The names, address, and telephone numbers of AT&T's representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for each AT&T representative.



Tracy Hatch
Marsha Rule
101 N. Monroe St., Suite 700
Tallahassee, FL 32301
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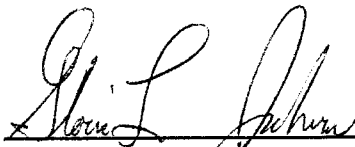
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Attorneys for AT&T Communications for the Southern States,
Inc. and AT&T Wireless Services, Inc.

EXHIBIT "A"

The name, address, and telephone number of this Joint Petitioner is: BellSouth Mobility, Inc., 1100 Peachtree Street, N.E., Suite 910, Atlanta, GA 30309-4599

The names, address, and telephone numbers of BellSouth Mobility, Inc.'s representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for each BellSouth Mobility, Inc. representative:



(by FRS, with express permission)

Gloria L. Johnson, Esq.

General Attorney

1100 Peachtree St., N.E., Suite 910

Atlanta, GA 30309-4599

(404) 249-0925

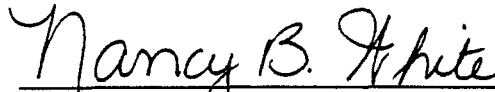
Exhibit "A"

The name, address, and telephone number of this Joint Petitioner is:

BellSouth Telecommunications, Inc. ("BellSouth"), a Georgia corporation authorized to do business in Florida. BellSouth's address is 675 West Peachtree Street, Suite 4300, Atlanta, Georgia 30375.

The names, address, and telephone numbers of BellSouth's representatives in connection with this Joint Petition for purposes of service in this matter is set forth below the signature for each BellSouth representative:

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE (22)

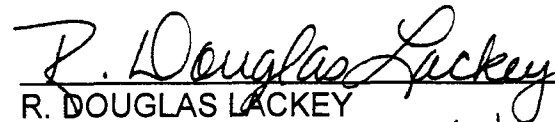
MICHAEL P. GOGGIN

c/o Nancy Sims

150 South Monroe Street, #400

Tallahassee, Florida 32301

(305) 347-5558



R. DOUGLAS LACKEY

675 West Peachtree Street (22)

Suite 4300, BellSouth Center

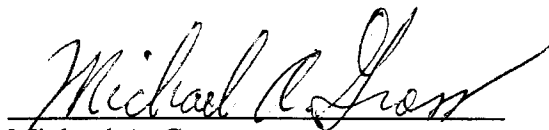
Atlanta, Georgia 30375

(404) 335-0747

Exhibit "A"

The name, address, and telephone number of this Joint Petitioner is: Florida Cable Telecommunications Association, Inc., 310 N. Monroe Street, Tallahassee, FL 32301, Tel: 850/681-1990.

The name, address, and telephone number of Florida Cable Telecommunications Association, Inc.'s representative in connection with this Offer of Settlement for purposes of service in this matter is set forth below:



Michael A. Gross
Vice President, Regulatory Affairs
& Regulatory Counsel
Florida Cable Telecommunications Association
310 N. Monroe Street
Tallahassee, FL 32301
Tel: 850/681-1990
Fax: 850/681-9676
E-mail: mgross@fcta.com

EXHIBIT "A"

The name, address, and telephone number of this Joint Petitioner is: Global NAPs, Inc.,
Ten Merrymount Road, Quincy, MA 02169

The names, address, and telephone numbers of Global NAPs' representatives in
connection with this Offer of Settlement for purposes of service in this matter is set forth below
the signature for each Global NAPs, Inc. representative:



John O. Postl
Assistant General Counsel
jpostl@gnaps.com
William J. Rooney, Jr.
General Counsel
wrooney@gnaps.com
Ten Merrymount Road
Quincy, MA 02169
(617) 507-5121

EXHIBIT "A"

The name, address, and telephone number of this Joint Petitioner is: GTE Service Corporation, 201 N. Franklin Street, 16th Floor, MC FLTC0007, Tampa, FL 33602.

The name, address, and telephone number of GTE Service Corporation's representative in connection with this Offer of Settlement for purposes of service in this matter are set forth below:

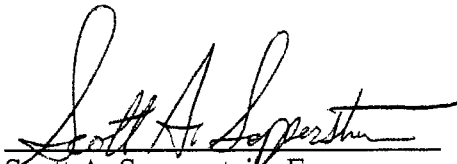


Kimberly Caswell
Counsel
GTE Service Corporation
201 N. Franklin Street, 16th Floor
MC FLTC0007
Tampa, FL 33602
(813) 483-2617

EXHIBIT "A"

The name, address, and telephone number of this Joint Petitioner is: Intermedia Communications Inc., 3625 Queen Palm Drive, Tampa, FL, 33619.

The names, address, and telephone numbers of Intermedia Communications Inc.'s representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for the Intermedia Communications Inc. representative:



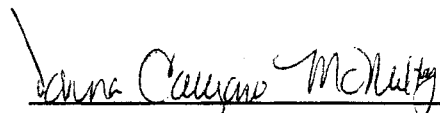
(by FRS, with express permission)

Scott A. Sapperstein, Esq.
Senior Policy Counsel
Intermedia Communications Inc.
3625 Queen Palm Drive
Tampa, FL 33619.
813-829-4093

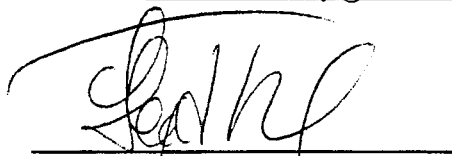
EXHIBIT "A"

The name, address, and telephone number of this Joint Petitioner is: MCI WorldCom, Inc. and its operating subsidiaries, ("MCI WorldCom"), 325 John Knox Road, Suite 105, Tallahassee, FL 32303,

The names, address, and telephone numbers of MCI WorldCom's representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for each MCI WorldCom representative.



Donna Canzano McNulty
325 John Knox Road, Suite 105
Tallahassee, FL 32303
(850)422-1254
E-mail: donna.mcnulty@wcom.com




Floyd R. Self
Messer, Caparello & Self, P.A.
215 S. Monroe St., Suite 701
P.O. Box 1876
Tallahassee, FL 32302-1876
(850)222-0720
E-mail: fself@lawfla.com

Attorneys for MCI WorldCom, Inc.
and its operating subsidiaries

EXHIBIT "A"

The name, address, and telephone number of this Joint Petitioner is: MediaOne Florida Telecommunications, Inc., c/o Tina Pyle, MediaOne, 188 Inverness Drive West, 6th Floor, Englewood, CO 80112.

The names, address, and telephone numbers of MediaOne's representative in connection with this Offer of Settlement for purposes of service in this matter is set forth below:


Laura L. Gallagher, Esq.
Laura L. Gallagher, P.A.
101 E. College Ave., Suite 302
Tallahassee, FL 32301
(850)224-2211

ATTACHMENT A

The names, addresses and telephone numbers of these Signatories to the Offer of Settlement are:

Sprint Spectrum L.P. (d/b/a Sprint PCS)
4900 Main Street
Kansas City, Missouri 64112

Sprint Communications Company Limited Partnership
7301 College Boulevard
Overland park, KS 66210

Sprint-Florida, Incorporated
Box 165000
Altamonte Springs, Florida 32716

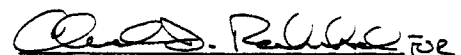
Sprint Communications Company Limited Partnership is an Alternative Local Exchange Company (ALEC) authorized by the Florida Public Service Commission ("Commission") to operate as an Alternative Local Exchange Carrier. Sprint-Florida, Incorporated is a Local Exchange Company (LEC) authorized by the Florida Public Service Commission to provide local exchange service in the State of Florida. Sprint PCS is a Commercial Mobile Radio Service (CMRS) provider licensed by the Federal Communications Commission to provide service in Florida.

The names, addresses and telephone numbers of the respective Sprint representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for each such representative:



Charles J. Rehwinkel
Susan Masterton
P.O. Box 2214
MC: FLTLHO0107
Tallahassee, Florida 32301-2214

AND



Joe Assenzo
4900 Main Street, 11th Floor
Kansas City, Missouri 64112

FOR:

Sprint Communications Company
Limited Partnership
Sprint-Florida, Incorporated

FOR:

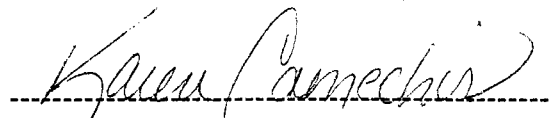
Sprint PCS

THEIR ATTORNEYS

EXHIBIT "A"

The name, address, and telephone number of this Joint Petitioner is: Time Warner Telecom of Florida, L.P. , 233 Bramerton Court, Franklin, TN, (615) 376-6404.

The names, address, and telephone numbers of Time Warner Telecom of Florida, L.P.'s representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below:



PETER M. DUNBAR, ESQ.

Florida Bar No. 146594

KAREN M. CAMECHIS, ESQ.

Florida Bar No. 0898104

PENNINGTON, MOORE, WILKINSON,

BELL & DUNBAR, P.A.

Post Office Box 10095 (32302)

215 S. Monroe Street, 2nd Floor


Tallahassee, Florida 32301

(850) 222-3533

(850) 222-2126 (facsimile)

This Florida Code Holders Number Pooling Implementation Plan is submitted in Florida Public Service Commission Docket No. 981444-TP this 22nd day of March, 2000, by and on behalf of the following:

Global NAPs, Inc.

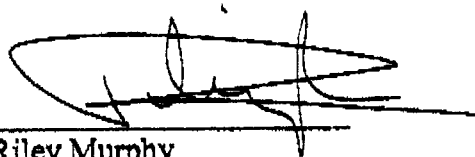


William J. Rooney, Jr.
Vice President and General Counsel
Global NAPs, Inc.
Ten Merrymount Road
Quincy, MA 02169
(617) 507-5121

EXHIBIT "A"

The name, address, and telephone number of this Joint Petitioner is: TriVergent Communications, Inc., 200 North Main Street, Suite 303, Greenville, SC 29601.

The names, address, and telephone numbers of TriVergent Communications, Inc.'s representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for each TriVergent Communications, Inc. representative:



Riley Murphy
Senior Vice President and General Counsel
TriVergent Communications, Inc.
(864) 370-4117

EXHIBIT 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Number Utilization Study: Investigation) Docket No. 981444-TP
Into Number Utilization Measures)
_____)

**FLORIDA CODE HOLDERS
REVISED NUMBER POOLING IMPLEMENTATION PLAN
FOR THE 954, 561, AND 904 NPAs**

1. Number pooling for those carriers that have implemented permanent local number portability ("LNP") in the Ft. Lauderdale metropolitan statistical area ("MSA") shall begin in the 954 numbering plan area ("NPA") no later than December 4, 2000, using uncontaminated 1000s number blocks as is further detailed below. This means that no later than December 4, 2000, assignment on the 1000s number block level will be available from the Interim Pooling Administrator.
2. Number pooling for those carriers that have implemented permanent LNP in the Palm Beach MSA shall begin for the Palm Beach MSA area of the 561 NPA (i.e., Palm Beach County) no later than February 5, 2001, using uncontaminated 1000s number blocks as is further detailed below. This means that no later than February 5, 2001, assignment on the 1000s number block level will be available from the Interim Pooling Administrator.
3. Number pooling for those carriers that have implemented permanent LNP in the Jacksonville MSA shall begin in the Jacksonville MSA area of the 904 NPA (i.e., Clay, Duval, Nassau, and St. Johns Counties) no later than April 2, 2001, using uncontaminated 1000s number blocks as is further detailed below. This means that no later than April 2, 2001, assignment on the 1000s number block level will be available from the Interim Pooling Administrator.
4. The national standard Number Portability Administration Center ("NPAC") software release 3.0 will be used in the 954, 561, and 904 pooling plan areas by those carriers that have implemented permanent LNP in the respective MSAs.
5. Attached hereto as Attachment "A" is a proposed timeline that identifies key milestone dates leading up to the number pooling implementation dates specified in Paragraphs 1, 2, and 3 above for each of the respective NPA pooling plans. Other than the dates specified in Paragraphs 1, 2, and 3 above for the pooling of uncontaminated 1000s number blocks, the dates contained in Attachment "A" are planned dates based upon implementation schedule information currently available. As is identified in Attachment "A," the first scheduled event for each NPA will be an implementation meeting of all of the code holders, Florida Public Service Commission ("FPSC") Staff, and other relevant parties. At that implementation meeting, an official implementation schedule will be established, including dates for the later donation and pooling of contaminated 1000s number blocks as necessary to provide at least a six months inventory of 1000s number blocks, which may result in some of these other dates changing slightly from those identified in Attachment "A." However, based upon the submission and

approval of this Florida Code Holders Number Pooling Implementation Plan ("Plan") by the FPSC, the subscribing code holders have made a commitment to the dates specified in Paragraphs 1, 2, and 3 for the beginning of number pooling in the respective NPA/MSA areas using uncontaminated 1000s number blocks.

6. Predicated on the Commission naming NeuStar as the Interim Pooling Administrator, the code holders agree to undertake whatever steps are necessary for the limited liability company ("LLC") to execute a contract with NeuStar as the Interim Pooling Administrator and undertake such other necessary implementation measures. The Interim Pooling Administrator shall serve until such time as the Federal Communications Commission ("FCC") selects a permanent pooling administrator. The dates specified in Attachment "A" hereto are predicated on NeuStar's acceptance as being the Interim Pooling Administrator for the 954, 561, and 904 pooling plans. If NeuStar does not timely accept selection as the Interim Number Pooling Administrator, then it may not be possible to comply with the dates specified in Attachment "A." The subscribing code holders make no assumption, whatsoever, that NeuStar will ultimately be selected as the permanent Pooling Administrator. Adoption of this Plan by the Commission shall not require the Commission to have any contractual responsibilities with the Interim Pooling Administrator or the North American Portability Management LLC.

7. The code holders executing this Plan have also assumed that the necessary contractual arrangements with NeuStar will be in place so that the number pooling identified herein can be undertaken on a timely basis. In the other states, the necessary contractual obligations for implementation of number pooling have been undertaken by the respective LNP limited liability companies ("LLC"), which in turn have contracted with NeuStar as the Interim Pooling Administrator and undertaken such other necessary implementation measures. The subscribing NXX code holders designate the North American Portability Management LLC to negotiate a contract with the Interim Pooling Administrator for each of the 954, 561, and 904 NPA pooling plans identified herein upon the issuance of a final Commission order accepting and approving this Plan. Once the contract between NeuStar and the North American Portability Management LLC is executed, any necessary joinders to such contract shall be executed by the appropriate carriers. The dates specified in Attachment "A" hereto are predicated on North American Portability Management LLC accepting appointment as the contracting agent and negotiating the contract with the Interim Pooling Administrator in a timely manner such that the implementation of pooling under paragraphs 1, 2, and 3 above would not be delayed.

8. Interim Methodology For Allocating The Costs Of The Interim Pooling Administrator.

- A. Paragraph 17 of FCC Order No. 99-249, CC Docket No. 96-98, September 15, 1999, requires the FPSC to ensure that the costs of the Interim Pooling Administrator are allocated among the affected service providers within each affected NPA area subject to pooling on a competitively neutral basis. The FPSC order adopting this Plan shall direct that there shall be a meeting limited to only the affected service providers within each of the NPA areas subject to pooling under this Plan, at which time the affected service providers shall determine an interim cost allocation methodology consistent with paragraph 207 of FCC Order

No. 00-104. This interim cost allocation methodology shall be provided to the North American Portability Management LLC for inclusion in the implementation contract with the Interim Pooling Administrator, and only the cost allocation provisions of the proposed implementation contract shall be submitted to the FPSC for review prior to the first implementation meeting. In reviewing the Interim Pooling Administrator cost allocation provisions of the implementation contract under paragraph 7 above, the FPSC shall either approve the selected method or reject such provisions if the FPSC finds that such provisions do not comply with FCC Order Nos. 99-249 and 00-104.

- B. The first meeting of the affected service providers for each NPA pooling plan to determine the interim cost allocation methodology shall occur within 10 business days of the issuance of the FPSC order approving this Plan. The interim cost allocation methodology chosen by the affected service providers shall be provided to the North American Portability Management LLC in accordance with its procedures for consideration at its next meeting.
- C. In the event the service providers cannot agree on an interim cost allocation methodology, the FPSC shall issue an appropriate order pursuant to Florida Statutes Chapter 120 establishing an interim cost allocation methodology from those that are submitted to or developed by the North American Portability Management LLC and forwarded to the FPSC. In ordering an interim cost allocation methodology under these circumstances, the FPSC shall select a methodology that allocates the costs of the Interim Pooling Administrator in a manner that complies with FCC Order Nos. 99-249 and 00-104.
- D. Any interim cost allocation methodology chosen under this Plan shall be subject to a retroactive true-up by the FPSC to any permanent cost allocation methodology. The true-up should also include selection of the entity responsible for performing such true-up.

9. Paragraph 17 of FCC Order 99-249 also requires that the FPSC must determine the method of recovering the costs of any number pooling it orders and that such recovery must be done on a competitively neutral basis. Accordingly, the FPSC order adopting this Plan shall state that the costs associated with number pooling shall be recovered in a competitively neutral basis and that the FPSC shall open a separate docket for the purpose of determining the amount of the pooling costs to be recovered and the method by which such costs will be recovered.

10. The number pooling to be implemented under this Plan shall follow the most recently approved and effective Industry Numbering Committee ("INC") Guidelines, which at the time of the submission of this Plan to the FPSC is dated February 28, 2000. Any subsequently modified INC Guidelines shall not be utilized until they have been approved and become effective pursuant to the INC.

11. On the first business day of each month from May 2000, through May 2001, those carriers that have implemented permanent LNP in the respective three MSAs will provide the

FPSC with a monthly status report on the testing and implementation progress of the NPAC release 3.0 and such implementation in the 954, 561, and 904 NPAs.

12. Implementation of this Plan is contingent upon the FPSC adopting this Plan in lieu of the 954, 561, and 904 NPA number pooling plan contained in FPSC Order No. PSC-00-0543-PAA-TP, issued March 16, 2000, and taking no further action to implement a pooling plan contrary to that identified herein for the 954, 561, and 904 NPA absent further direction from the FCC. Acceptance of this paragraph shall not preclude the FPSC, the subscribing code holders, or others from developing number pooling plans for other MSA/NPA areas consistent with FCC Order Nos. 99-249 and 00-104 or in addressing other number conservation measures delegated to the FPSC by FCC Order No. 99-249 or included in FCC Order No. 00-104.

13. Except for the number pooling provisions superceded by the adoption of this Plan, the subscribing code holders agree to adhere to the number conservation measures incorporated in FPSC Order No. PSC-00-0543-PAA-TP except as further modified by FCC Order 00-104. The subscribing code holders further agree to open an uncontaminated 1000s number block, prior to utilizing previously-opened 1000s number blocks, only in those instances where (1) there is a genuine request from a customer detailing the specific need for telephone numbers, and (2) there is an inability on the part of the carrier to meet the specific customer request for telephone numbers from the surplus of numbers within the carrier's currently activated 1000s blocks.

14. This Plan shall take effect on the date that the FPSC order adopting it becomes final agency action pursuant to Florida Statutes Chapter 120.

15. This Plan and the number pooling plan for the 954, 561, and 904 NPAs contained herein are entered into for purposes of implementing a meaningful, workable number pooling plan for the affected areas of the 954, 561, and 904 NPAs without further litigation. This document shall be valid and binding on the subscribing parties only to the extent it is adopted in its entirety as presented to the FPSC, and no provision of this Plan shall be deemed waived, amended, or modified by any code holder subscribing to this Plan unless such waiver, amendment, or modification is in writing, dated, and signed by all such code holders.

16. In the event that the FPSC does not accept this document in its entirety pursuant to its terms, this document shall not be admissible in any hearing on the matters established by this docket, or in any other docket or forum. Moreover, no party to this Plan waives any position on any issue that it could have otherwise asserted in this or any other docket as if this document had never been developed and written.

17. If the FPSC adopts this Plan as provided for herein, then the subscribing parties shall not protest, request reconsideration of, or appeal the order of the FPSC adopting this document in accordance with its terms.

18. The subscribing Florida NXX code holders believe that the number pooling requirements contained herein for the 954, 561, and 904 areas specified in Paragraphs 1, 2, and 3 above are consistent with FCC Order Nos. 99-249 and 00-104 and that this Plan will meet any

requirements that the FCC may impose for a permanent number pooling solution for Florida. The subscribing Florida NXX code holders hereby commit to the FPSC that they shall work diligently, consistently, and in good faith to fully and completely implement this Plan, but if the FCC's orders or subsequent FCC actions not contemplated herein make it appropriate, the subscribing code holders shall report back to the FPSC with any necessary or desirable modifications to this Plan so that it can be completed consistent with all of the requirements of the law.

19. By agreeing to the number pooling plan described herein, the subscribing Florida NXX code holders are not conceding that the FPSC has jurisdiction over numbering matters beyond the authority specifically delegated to the FPSC. Accordingly, this document shall not be used by any person to assert that the subscribing parties have conceded jurisdiction on such issues or that they have waived any rights with respect to such jurisdictional issues.

20. This Plan shall be binding upon, and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

21. The subscribing Florida NXX code holders have prepared and offered this Plan in good faith and in the belief that its terms represent a workable, efficient, cost effective, and overall best means of achieving meaningful number pooling in the 954, 561, and 904 NPAs consistent with the terms of the FCC's Order Nos. 99-249 and 00-104 and the needs of Florida telecommunications customers.

Legal

LAW OFFICES
MESSER, CAPARELLO & SELF
A PROFESSIONAL ASSOCIATION

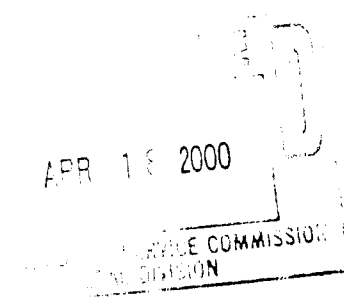
215 SOUTH MONROE STREET, SUITE 701
POST OFFICE BOX 1876
TALLAHASSEE, FLORIDA 32302-1876
TELEPHONE: (850) 222-0720
TELECOPIERS: (850) 224-4359; (850) 425-1942
INTERNET: www.lawfla.com

April 17, 2000

BY HAND DELIVERY

Ms. Blanca Bayó, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket 981444-TP



Dear Ms. Bayó:

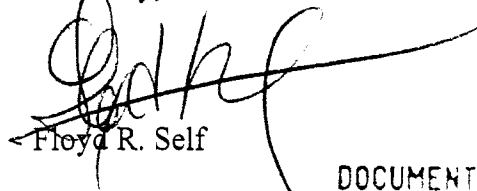
This is to advise you that the below indicated signatories to the Florida Code Holders Revised Number Pooling Implementation Plan For the 954, 561, and 904 NPAS ("Revised Plan") have agreed to the following additional provision to the Revised Plan.

22. In the event that the NPAC software release 3.0 specified in paragraph 4 is not available for implementation by the dates specified in paragraphs 1, 2, or 3, then the code holders shall implement NPAC software release 1.4 by the dates specified in paragraphs 1, 2, or 3. The purpose of this paragraph is to establish that number pooling shall commence on the dates in paragraphs 1, 2, and 3 using the available software.

This amendment has been authorized by the following signatories to the Revised Plan: AllTel, AT&T, BellSouth, GTE, Intermedia, MediaOne, MCI WorldCom, and Sprint. With respect to the other signatories to the Revised Plan, they are continuing their internal review of this question, and they shall provide their respective positions before or during the April 18, 2000 Agenda Conference.

If you need any additional information regarding this matter, please let me know.

Sincerely,


Floyd R. Self

cc: Parties of Record

DOCUMENT NUMBER-DATE

04676 APR 17 8

Attachment A to Exhibit 1

FLORIDA THOUSANDS BLOCK POOLING PROPOSED IMPLEMENTATION TIMELINES

Assumptions:

1. Based on INC 99-0127-023, Thousand Block (NXX-X) Pooling Administration Guidelines, Issued February 28, 2000
2. Non-contaminated Blocks
3. Pooling Administrator (PA) already selected
4. Pooling Administrator assumed to be NeuStar

TABLE 1.0

NPA 954	NPAC Release 3.0
Regulatory Mandate	
First Implementation Meeting	June 12, 2000
Forecast Report Date	June 26 2000
Block Protection Date	July 31, 2000
Block Donation Identification Date	August 2, 2000
Pooling Administrator Assessment of Industry Inventory Surplus/Deficiency	August 23, 2000
Block Donation Date	November 20, 2000
Pool Start/Allocation Date	December 4, 2000
Mandated Implementation Date	December 4, 2000
TN Assignment from 1K block	December 25, 2000

TABLE 2.0

NPA 561	NPAC Release 3.0
Regulatory Mandate	
First Implementation Meeting	August 3, 2000
Forecast Report Date	August 17, 2000
Block Protection Date	September 19, 2000
Block Donation Identification Date	September 21, 2000
Pooling Administrator Assessment of Industry Inventory Surplus/Deficiency	October 12, 2000
Block Donation Date	January 22, 2001
Pool Start/Allocation Date	February 5, 2001
Mandated Implementation Date	February 5, 2001
TN Assignment from 1K block	February 26, 2001

TABLE 3.0

NPA 904	NPAC Release 3.0
Regulatory Mandate	
First Implementation Meeting	September 28, 2000
Forecast Report Date	October 12, 2000
Block Protection Date	November 14, 2000
Block Donation Identification Date	November 16, 2000
Pooling Administrator Assessment of Industry Inventory Surplus/Deficiency	December 7, 2000
Block Donation Date	March 19, 2001
Pool Start/Allocation Date	April 2, 2001
Mandated Implementation Date	April 2, 2001
TN Assignment from 1K block	April 23, 2001

Table 1.0 Definitions from INC Guidelines:

- a) Regulatory Mandate - The date of regulatory notification that thousand block pooling is to be implemented.
- b) First Implementation Meeting - The meeting held by the PA for all participating SPs to develop the time intervals between the milestones.
- c) Forecast Report Date - The deadline for SPs to report their forecasted thousand block demand.
- d) Block Protection Date - The deadline for SPs to "protect" specified thousand blocks (those with up to 10% contamination) from further contamination.
- e) Block Donation Identification Date - The deadline for SPs to report their surplus/deficiency of thousand blocks to the PA.
- f) PA Assessment of Industry Inventory Pool Surplus/Deficiency - The deadline for the PA to aggregate and evaluate SP thousand block donation information and determine, on a rate area basis, whether there is a surplus of thousand blocks or whether an additional NXX code(s) is required to establish the 9 month inventory. The time interval for this activity should be established at the First Implementation Meeting.
- g) Block Donation Date - The deadline for SPs to donate their thousand blocks.
- h) Pool Start/Allocation Date - The date the PA may start allocating thousand blocks from the industry inventory pool to SPs. This is also the start date for SPs to send requests for thousand blocks to the PA.
- i) Mandated Implementation Date - The date identified by the appropriate regulatory body by which thousand block pooling is to be implemented.

Once a Service Provider has been assigned a 1K Block, INC Guidelines require an interval of 21 days before a telephone number can be assigned to a customer.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing in Docket 981444-TP have been served upon the following parties by Hand Delivery (*) and/or U. S. Mail this 11th day of April, 2000.

Cathy Bedell, Esq.*
Acting General Counsel
Division of Legal Services, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Mr. Walter D'Haeseleer*
Director of Telecommunications
Division of Legal Services, Room 270
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Beth Keating, Esq.*
Division of Legal Services, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Diana Caldwell, Esq.*
Division of Legal Services, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Mr. John Cutting*
Division of Telecommunications, Room 270
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Mr. Levant Ileri*
Division of Telecommunications, Room 270
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Ms. Sally Simmons*
Division of Telecommunications, Room 270
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Mr. Jorge Cruz-Bustillo*
Aide to Chairman Garcia
Commissioner's Suite, Room G-335
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Mr. William Berg*
Aide to Commissioner Deason
Commissioner's Suite, Room G-335
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Mr. Wilbur Stiles*
Aide to Commissioner Clark
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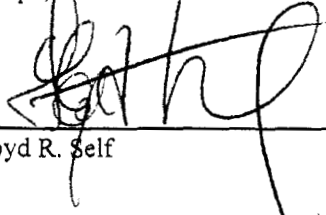
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A handwritten signature in black ink, appearing to read 'Floyd R. Self', is written over a horizontal line. The signature is stylized and somewhat cursive.

Floyd R. Self