

State of Florida



Public Service Commission

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RECORDS AND REPORTING

DATE: DECEMBER 7, 2000

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

FROM: DIVISION OF COMPETITIVE SERVICES (ILERI) *li*
DIVISION OF LEGAL SERVICES (CALDWELL) *mad*

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

AGENDA: 12/19/00 - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 1/22/01 (START DATE FOR NUMBER POOLING IN THE 954 AREA CODE)
2/5/01 (START DATE FOR NUMBER POOLING IN THE 561 AREA CODE)
4/2/01 (START DATE FOR NUMBER POOLING IN THE 904 AREA CODE)

SPECIAL INSTRUCTIONS: NONE

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

CASE BACKGROUND

The Federal Communications Commission (FCC) issued Order No. FCC 99-249 granting the Florida Public Service Commission's (Commission) April 2, 1999, Petition for Delegation of Additional Authority to Implement Number Conservation Measures. In its Order, the FCC granted the Commission interim authority to:

- (1) Institute thousands-block pooling by all local number portability (LNP)-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;

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- (5) Request number utilization data from all carriers;
- (6) Implement NXX code sharing; and
- (7) Implement rate center consolidation.

By Commission Order PSC-00-0543-PAA-TP, issued March 16, 2000, the Commission approved the implementation of thousands-block number 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 thousands-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 April 6, 2000, a protest of Order No. PSC-00-0543-PAA-TP (PAA Order) was filed by a number of parties¹ (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 thousands-block pooling; (2) thousands-block pooling software release and implementation dates; and (3) designation of a pooling administrator. In addition, on April 6, 2000, Ms. Peggy Arvanitas filed comments responding to the informal Florida NXX Code Holders Group's plan and protested a portion of the PAA Order. The remaining portions of the PAA Order were not protested by the Joint Petitioners and were 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 PAA Order. The Offer of Settlement addressed 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.

On May 30, 2000, proposed agency action Order No. PSC-00-1046-PAA-TP, was issued approving the offer of settlement and dismissing the protest of Ms. Arvanitas. On June 20, 2000, Ms. Arvanitas filed Peggy Arvanitas's Motion for Reconsideration of Order No.

¹ALLTEL 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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PSC-00-1046-PAA-TP. On July 3, 2000, AT&T Communications of the Southern States, Inc., AT&T Wireless Services, Inc. (AT&T), and MCI WorldCom, Inc. (WorldCom) filed their Response to Motion for Reconsideration. On July 7, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed its Response to the Motion for Reconsideration of Ms. Arvanitas. On July 7, 2000, Sprint-Florida Incorporated, Sprint Communications Company Limited Partnership, and Sprint PCS (collectively Sprint) filed their concurrence in AT&T and MCIWorldCom's Response.

By Order No. PSC-00-1527-FOF-TP, the Commission denied Ms. Arvanitas's Motion requesting reconsideration of the issues contained in the final agency action portion of Order No. PSC-00-1046-PAA-TP. Thus, Commission Order No. PSC-00-1046-PAA-TP has become final and effective.

On July 28, 2000, BellSouth filed a Motion for Variance of the number pooling requirement for its 1AESS switches. On August 10, 2000, Ms. Arvanitas filed a Motion to Protest BellSouth's request for variance of number pooling implementation. On August 21, 2000, BellSouth filed its Response to Ms. Arvanitas' Motion to Protest.

This recommendation addresses whether the Motion filed by BellSouth should be granted.

ISSUE 1: Should the Commission grant BellSouth's Motion for Variance of Number Pooling Requirement for its 1AESS Switches?

RECOMMENDATION: No. Staff recommends that the Commission deny BellSouth's Motion for Variance of Number Pooling Requirement for its 1AESS Switches. Staff further recommends that BellSouth be ordered to initiate number pooling in its 1AESS switches, as outlined by a procedure established by NeuStar, with the caveat that once an 1AESS switch has at least 100 assigned number groups or 25 NPA/NXX combinations (whichever occurs first), BellSouth's 1AESS switches should be exempt from the pooling requirement.
(ILERI)

STAFF ANALYSIS: By Order No. PSC-00-1046-PAA-TP, issued May 30, 2000, the Commission approved the Joint Petitioners' offer of settlement to resolve the number pooling implementation in the 561, 904, and 954 area codes, using software release 3.0 (SR30). On July 28, 2000, BellSouth filed a Motion for Variance of Number Pooling Requirement for its 1AESS Switches in Florida. (See Attachment A)

Currently, BellSouth has 19 1AESS switches in Florida of which ten are located in the 561, 954, and 904 area codes where the Commission instituted number pooling trials. BellSouth became aware that Lucent Technologies would only continue supporting the 1AESS switches until the fourth quarter of 2003, and would not provide any software upgrades at this time unless required by the FCC. BellSouth's motion requests that the Commission grant it a variance from Order No. PSC-00-1046-PAA-TP for technical reasons until the existing 1AESS switches are replaced.

On August 10, 2000, Ms. Arvanitas filed a Motion to Protest BellSouth's request for a variance of number pooling implementation. (See Attachment B)

Ms. Arvanitas claims that if an LNP carrier is excluded from the pooling trials, this situation would not be competitively neutral, according to the Telecommunications Act. Ms. Arvanitas also states that there will not be any technical support for Lucent's 1AESS switches after 2003. She indicates that this situation should not keep BellSouth from upgrading its switches and asks that the Commission deny BellSouth's request for variance from the number pooling requirement for its 1AESS switches.

On August 21, 2000, BellSouth filed its Response to Ms. Arvanitas' Motion to Protest, stating that Ms. Arvanitas' assertions are irrelevant and incorrect.

Upon review of BellSouth's motion, staff determined that additional information would be needed to fully analyze BellSouth's motion. Therefore, staff requested additional information from BellSouth by letters dated August 8, 2000 and September 25, 2000. Staff also contacted the Number Pooling Administrator (PA), NeuStar, to determine if it had any experience with carriers who experienced technical difficulties while participating in a pooling trial.

In an October 30, 2000 e-mail, the PA stated that it provided exceptions² to the Industry Numbering Committee (INC) thousand-blocks Guidelines in both Midwest and Northeast regions. The exceptions allow carriers with certain technical limitations such as the 1AESS switches have, to participate in the number pooling trials. The PA also provided staff with the following steps which would enable pooling to be initiated within 1AESS switches:

1. Initially accept 1K block donations from a carrier with limitations.
2. Internal to the PA, separately track the donated blocks from the carrier with limitations.
3. Assess the pools taking into account the forecasts and donations from the carrier with limitations.
4. After assessing the pools and taking into account the forecasts and donations from the affected carrier, make the excess blocks (above what has been forecasted, if any, from the carrier with limitations) available for assignment to the other participating carriers.
5. When the carrier with limitations requests a block, a block from the original donation will be assigned (if available).
6. When the carrier with limitations requests a block and no block is available, the PA will request a new CO Code, asking this carrier to be the code holder.

²INC thousand-block guidelines state that in a pooling environment, all LNP carriers would participate in a pooling trial and receive numbers in blocks of 1,000.

- a) The carrier with limitation will then be assigned a code (if available)
- b) The carrier will retain the number of blocks requested
- c) The carrier will also donate the remaining blocks to the pool.

The PA has found this to be a workable solution in areas where a carrier has certain limitations, such as the 1AESS switches. The PA agreed to provide this service, at no additional fee, for carriers in Florida that need to participate in pooling.

On November 6, 2000, staff met with representatives of Lucent Technologies and BellSouth. Other industry members, representatives of NeuStar, and Ms. Arvanitas participated via conference call.

Staff discussed the issues raised in BellSouth's motion. The PA explained the procedures (outlined above) as to how carriers with technical difficulties such as the 1AESS switches could participate in the number pooling trials.

It was clear in the discussions with Lucent Technologies representatives that number pooling with the 1AESS switches has two limitations which must be considered. These two limitations relate to number groups and NPA/NXX combinations. As presented by Lucent representatives, once an 1AESS switch has at least 127 assigned number groups (thousand-blocks) or 32 NPA/NXX combinations (whichever occurs first), the 1AESS switch will be technically at its capacity, and therefore unable to continue number pooling because the switch needs to be replaced.

After receiving the new information from the PA, BellSouth acknowledged that number pooling with the 1AESS switches is technically feasible using the procedures outlined by the PA, provided that some provision is made to address the 1AESS switches that have reached capacity limitations.

Staff agrees that number pooling is viable using the 1AESS switches, as long as the PA agrees to allow an exception to the INC Thousand-block Guidelines by applying the procedures outlined above. Staff also recognizes that the 1AESS switches have capacity limitations as indicated by Lucent Technologies. Staff believes that for BellSouth to participate fully in a number pooling trial, a transition period must be allowed for replacement of the switch prior to reaching maximum capacity. Staff, therefore, recommends that once an 1AESS switch has at least 100 assigned number groups

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or 25 NPA/NXX combinations (whichever occurs first), BellSouth's 1AESS switches should be exempt from the pooling requirement.

As a conclusion, staff recommends that BellSouth be ordered to initiate number pooling in its 1AESS switches using the procedures outlined by the PA, with the understanding that once an 1AESS switch has at least 100 assigned number groups or 25 NPA/NXX combinations (whichever occurs first), the switch should be exempt from the pooling requirement. This provides BellSouth with the ability to comply with Order No. PSC-00-1046-PAA-TP. Once the switch is replaced, BellSouth should follow the normal pooling procedures³ required of all other switches.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. Any person whose interests are substantially affected by the proposed agency action must file a protest of the Commission's decision within the 21-day protest period. If no timely protest is filed, a consummating order shall be issued at the conclusion of the protest period. However, staff recommends that this docket should remain open as other issues remain pending in this docket. (CALDWELL)

STAFF ANALYSIS: Any person whose interests are substantially affected by the proposed agency action must file a protest of the Commission's decision within the 21-day protest period. If no timely protest is filed, a consummating order shall be issued at the conclusion of the protest period. However, staff recommends that this docket should remain open as other issues remain pending in this docket.

³Industry Numbering Committee (INC) Thousand-block number pooling guidelines.