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January 16, 2001

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KAREN D. WALKER. 850-425-5612

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#### VIA HAND DELIVERY

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

Re: <u>In Re: Undocketed – NXX Reclamation Process</u>

Dear Ms. Bayo:

Enclosed for filing are the original and fifteen (15) copies of SBC National, Inc. d/b/a SBC Telecom, Inc.'s ("SBC Telecom"'s) Notice of Intent to Request Confidential Classification of certain portions of SBC Telecom's response to a December 11, 2000 letter from Walter D'Haeseleer, Director of the Florida Public Service Commission's ("FPSC"'s) Division of Competitive Services, regarding FPSC's administration of the NXX reclamation process for the State of Florida. Also enclosed are the following: (1) a separate, sealed envelope containing one copy of SBC Telecom's response to the December 11, 2000 letter on which the information for which SBC Telecom intends to request confidential classification is highlighted, and (2) two copies of SBC Telecom's response to the December 11, 2000 letter with the information for which SBC Telecom intends to request confidential classification redacted.

This undocketed notice of intent was filed by or on behalf of a telecommunications company for Confidential Document No. Obs 44-01. The material has been placed in locked storage pending staff advice on handling. Your division director must obtain written permission from the EXD/Technical for you to access this material.

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Blanca Bayo January 16, 2001 Page 2

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

Sincerely,

HOLLAND & KNIGHT LLP

Karen D. Walker

KDW:kjg

Enclosures

cc: Walter D'Haeseleer

Robert J. Casey

TAL1#229136 v1

#### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Undocketed - NXX	)	
Reclamation Process	)	Filed: January 16, 2001
	1	

#### NOTICE OF INTENT TO REQUEST CONFIDENTIAL CLASSIFICATION

SBC National, Inc. d/b/a SBC Telecom, Inc. ("SBC Telecom"), by and through undersigned counsel, pursuant to Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby files this Notice of Intent to Request Confidential Classification of certain proprietary confidential business information contained in SBC Telecom's response to a December 11, 2000 letter from Walter D'Haeseleer, Director of the Florida Public Service Commission's ("FPSC"'s) Division of Competitive Services, regarding the FPSC's administration of the NXX reclamation process for the State of Florida. A copy of the December 11, 2000 letter is attached hereto as Exhibit "A."

SBC Telecom is submitting its written response to the December 11, 2000 letter as required to prevent reclamation of SBC Telecom's NXX Code. The response explains why SBC Telecom has not yet activated the NXX Code. This explanation includes certain proprietary confidential business information as that term is defined in Section 364.183(3), Florida Statutes. Specifically, the response discusses the status of various relationships between SBC Telecom and its customers, other carriers, and other business entities involved in SBC Telecom's provision of telecommunication service within the State of Florida. Thus, SBC Telecom is

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submitting its response to the December 11, 2000 letter under cover of this Notice of Intent to Request Confidential Classification.

SBC Telecom is submitting its response to FPSC staff's December 11, 2000 letter in strict accordance with the confidentiality requirements of Rule 25-22.006. Accordingly, SBC Telecom submits herewith: (i) a separate, sealed envelope containing one copy of SBC Telecom's response to the December 11, 2000 letter with the information for which SBC Telecom intends to request confidential classification highlighted; and (ii) two copies of SBC Telecom's response to the December 11, 2000 letter with the information for which SBC Telecom intends to request confidential classification redacted. Only the redacted copies may be made available for public inspection. By submitting its response to FPSC staff's December 11, 2000 letter under cover of Notice of Intent to Request Confidential Classification, SBC Telecom in no way shall have been deemed to have waived the confidentiality of the information contained therein that is the subject of this Notice.

Respectfully submitted,

D. Bruce May

Florida Bar No. 354473

Karen D. Walker

Florida Bar No. 0982921

HOLLAND & KNIGHT LLP

P.O. Drawer 810

Tallahassee, Florida 32302

(850) 224-7000

Attorneys for SBC National, Inc. d/b/a SBC Telecom, Inc.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by hand delivery Jack Shreve, Public Counsel, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-6588 on this 16th day of January, 2001.

Karen D. Walker

Commissioners:
J. Terky Deason, Chairman
E. Leon Jacobs, Jr.
Lila A. Jaber
Braulio L. Baez



DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

# Public Service Commission

December 11, 2000

Ms. Teresa Jernagin SBC Telecom, Inc. - FL 308 South Akard, Room 1007 B-2 Dallas, Texas 75202 Via Certified Mail 7000 0600 0026 4152 3682

Re:

Reclamation of the following NXX Code:

<u>NPA</u> NXX <u>Notice Date</u> <u>Effective Date</u> <u>Part 4 Due Date</u> 954 317 10/27/00 04/21/00 10/18/00

Dear Ms. Jernigin:

On October 17, 2000, the Florida Public Service Commission (FPSC), at its Internal Affairs meeting, agreed to administer the NXX reclamation process for the State of Florida. Pursuant to the December, 2000 reclamation list, the North American Numbering Plan Administrator (NANPA) sent a notice to your company regarding the company's failure to activate the above NXX code, and has indicated that you have failed to file the necessary Confirmation of Code Activation Form (Part 4) within the prescribed 6-month period.

Unless a written request for extension of time in which to activate the code is received by the FPSC within 15 days of the receipt of this notice, the Commission will instruct NANPA to reclaim the above NXX Code assigned to your company.

An extension request will be considered if the reason for failure to activate the NXX code is due to reasons beyond your control, such as a delay in interconnection with another carrier, or a delay by a single customer who will be assigned the full NXX code. You must also provide verifiable details that your inability to activate the code is caused by one of the above reasons. You should identify the customer or other carrier causing the delay and specify a contact of that customer or carrier that the FPSC can communicate with to verify the information in your extension request. Your company may avail itself of the statutory confidentially provisions of Section 364.183, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, if it believes it necessary in complying with this process.

Ms. Teresa Jemagin Page 2 December 11, 2000

You must also demonstrate that returning the code and reapplying at a later date would be harmful to you or the end-use customer. The burden of proof lies with the carrier requesting the extension and merc statements to that effect will not be acceptable. You must specify and justify the length of the extension of time needed to activate the code. The duration of initial Part 4 extensions will be determined on a case-by-case basis.

Requests for extension of activation dates should be sent to:

Robert J. Casey
Regulatory Analyst Supervisor
Florida Public Service Commission
Division of Competitive Services
2540 Shumard Oak Drive
Tallahassee, Florida 32399-0850

You will be notified in writing of either a grant or denial of a request for an extension within seven (7) business days of the receipt of your request for an extension. In the case of a denial of a request, NANFA will be instructed to reclaim the NXX code. In the case of a grant of a request, NANPA will be instructed to reclaim the code if the Part 4 form is not received at the end of the granted extension period without further notification by the FPSC. If you have any questions, you may contact Bob Casey at (850) 413-6974.

Sincerely,

Walter D'Haeseleer

Director

WD/rc

CC:

Division of Competitive Services (B. Salak, C. Bulecza-Banks, R. Casey, L. Îleri)