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Public Service Commission

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DATE: August 22, 2001
TO: Division of Records and Reporting
FROM: Division of Policy Analysis and Intergovernmental Liaison (Miller)
RE: Docket File No. 990456-TL

Pursuant to staff's suggestion, attached are two FPSC filings to the Federal Communications Commission (FCC) to be included in the docket file.

CBM:tf
Attachments
cc: Charles H. Hill
Cheryl Bulecza-Banks
Bob Casey

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## PUBLIC SERVICE COMMISSION

January 8, 2001

### VIA ELECTRONIC FILING

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW - TW-A325  
Washington, DC 20554

**Re: Florida Public Service Commission Petition for Expedited Decision for  
the Release of a New Area Code to Provide Relief for the 561  
Numbering Plan Area; CC Docket No. 96-98**

Dear Ms. Salas:

Forwarded herewith is the Florida Public Service Commission Petition for Expedited Decision for the Release of a New Area Code to Provide Relief for the 561 Numbering Plan Area.

The Florida Public Service Commission primary contact for this matter is Tim Vaccaro. He can be reached at (850) 413-6181.

Sincerely,

/s/

Cynthia B. Miller, Esquire  
Bureau of Intergovernmental Liaison

CBM:tf

Attachment

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Diane Harmon, Federal Communications Commission  
Aaron Goldberger, Federal Communications Commission  
Cheryl Callahan, Federal Communications Commission  
Brad Ramsay, National Association of Regulatory Utility Commissioners

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of )  
 )  
 )  
Implementation of the Local )  
Competition Provisions in the ) CC Docket No. 96-98  
Telecommunications Act of 1996 )  
 )  
Florida Public Service Commission )  
Petition for Expedited Decision )  
for the Release of a New Area Code )  
to Provide Relief for the )  
561 Numbering Plan Area )  
\_\_\_\_\_ )

**FLORIDA PUBLIC SERVICE COMMISSION  
PETITION FOR EXPEDITED DECISION  
FOR THE RELEASE OF A NEW AREA CODE  
TO PROVIDE RELIEF FOR THE 561 NUMBERING PLAN AREA**

The Florida Public Service Commission (FPSC) hereby requests the Federal Communications Commission (FCC) to direct the North American Numbering Plan Administrator (NANPA or NeuStar) to release a new area code to provide relief for the 561 numbering plan area (NPA). On October 20, 2000, the FPSC in consolidated Dockets Nos. 990455-TL, 990456-TL, 990457-TL and 990517-TL, issued Order No. PSC-00-1937-PAA-TL, Final Order Approving Number Plan Relief for the 305/786 Area Code, the 561 Area Code, the 954 Area Code, and the 904 Area Code, Requiring Customer Survey for a Number Change, and Notice of Proposed Agency Action Order Implementing Rate Center Consolidation and Code Sharing in Certain Areas and Requiring Customer Survey for Cost Sharing. By that Order, the FPSC, in part, approved an area code relief plan for the 561 NPA, resulting in a geographic split. Pursuant to delegated authority under FCC

Order 99-249, the FPSC also ordered the implementation of thousand-block number pooling for the Fort Pierce-Port St. Lucie metropolitan statistical area (MSA) in the 561 NPA, which extended 561 pooling trials approved by Order No. PSC-00-1046-PAA-TL, Notice of Proposed Agency Action Order Approving Offer of Settlement and Final Order Dismissing Protest and Making Final the Unprotested Portions of Order No. PSC-00-0543-PAA-TP, issued April 2, 2000, in Docket No. 981444-TP.

On November 13, 2000, consistent with the FPSC's Order, the Florida telecommunications industry, through the NANPA NPA Relief Planner, submitted to NeuStar an application for a relief NPA code for the 561 NPA. By letter dated November 28, 2000, NeuStar denied the request, based on its conclusion that the plan set forth in the FPSC's Order was inconsistent with NPA Assignment Guidelines.

The FPSC asks the FCC to support its delegated authority to approve numbering relief by granting the petition. The facts substantiating the FPSC's request are as follow:

(1) Pursuant to its delegated authority under 47 C.F.R. §§ 52.3 and .19, the FPSC initiated Docket No. 990456-TL to address relief for the 561 NPA. The PSC conducted two service hearings in the affected area and a technical hearing, in which it heard testimony from affected citizens, elected officials, industry and a representative of NeuStar. The FPSC held a Special Agenda Conference on September 29, 2000 to consider FPSC staff's recommendation on numbering relief. During the Special Agenda

Conference, the FPSC also entertained additional comments from county and state officials.

(2) By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, the FPSC, in part, approved a relief plan for the 561 NPA which consists of a geographic split, creating two regions. The approximate exhaust periods were determined to be 24.6 years for Region A, and 3.1 years for Region B. The FPSC noted in its Order that these exhaust periods were contrary to Industry Numbering Committee (INC) Guidelines. *Id.* at 28-29. The FPSC also noted, however, that NeuStar's witness testified that the exhaust projections may not be accurate. *Id.* at 28. The witness indicated on the record that the projection forecasting tools were subject to error. PSC Staff Recommendation in consolidated Dockets Nos. 990455-TL, 990456-TL, 990457-TL and 990517-TL (September 15, 2000) at 26. During the Special Agenda Conference, one FPSC Commissioner also noted that the FPSC's implementation of thousand-block pooling might extend the exhaust periods beyond those forecasted for the approved plan.

(3) On November 13, 2000, consistent with the FPSC's Order, the Florida telecommunications industry, through the NANPA NPA Relief Planner, submitted to NeuStar an application for a relief NPA code for the 561 NPA. NeuStar denied the request. NeuStar stated that NPA Assignment Guidelines require that relief options cover a period of at least five years beyond the projected date of

exhaust, and that the difference in NPA lifetimes of more than 15 years must be avoided.

(4) The FPSC's area code order pertaining to the relief of the 561 area code, however, is based on evidence received through customer service hearings, interrogatories to the industry, testimony provided by elected officials, industry members and by a representative of NeuStar. The FPSC determined that a geographic split provides the most appropriate relief for the 561 area code. The FPSC was particularly persuaded by the extensive customer testimony in favor of a geographic split, even with the knowledge of the possible exhaust dates.

(5) The FCC has authorized state commissions to resolve the implementation of new area codes, subject to the FCC's rules governing the administration of telephone numbers, recognizing that "[s]tate commissions are uniquely positioned to understand local conditions and what effect new area codes will have on those conditions."<sup>1</sup> Unfortunately, the industry guidelines do not take into account customer input nor do they allow state commissions the flexibility to consider matters beyond those guidelines. On December 3, 1999, by Delegated Authority (DA) 99-2696, the FCC Common Carrier Bureau approved a similar request for relief filed

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<sup>1</sup> FCC 96-333, In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers; Area Code Relief Plan for Dallas and Houston, Ordered by the Public Utility Commission of Texas; Administration of the North American Numbering Plan; Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois, CC Docket No. 96-98, et al., Second Report and Order and Memorandum Opinion and Order, (August 8, 1996), paragraph 272.

by the State of New York Department of Public Service (NYDPS). The Common Carrier Bureau's decision was based, in part, on its conclusion that the NYDPS "area code relief plan was developed based on extensive input from industry and from consumers affected by the decision, which balanced a number of public interest goals." DA 99-2696 letter. Further, the FCC has indicated that it continues "to believe that state commissions are uniquely positioned to determine when, and in what form, to implement area code relief."<sup>2</sup> In fact the FCC has stated that it "must rely on state commissions to make area code relief decisions because of their unique position to ascertain and weigh the very local and granular information inherent in area code relief decision making."<sup>3</sup> As such, the FPSC believes that the FCC should give greater weight to the FPSC's evidentiary process in determining area code relief. Further, the FPSC's implementation of thousand-block pooling may extend the exhaust dates in the approved plan. Therefore, the FPSC requests that the FCC support its delegated authority to approve numbering relief and direct NANPA to release a new area code to provide relief for the 561 NPA as provided for by Order No. PSC-00-1937-PAA-TL.

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<sup>2</sup> FCC 00-429, In the Matter of Numbering Resource Optimization Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, CC Dockets Nos. 96-98 and 99-200, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, (December 29, 2000), paragraph 57.

<sup>3</sup> Id., paragraph 59.

(6) Expedited treatment of this petition is necessary in order to provide assurance to consumers that this important matter is being addressed in a timely manner.

**Conclusion**

In conclusion, the FPSC hereby requests the FCC to issue an expedited decision directing NANPA to release a new area code to provide relief for the 561 numbering plan area as provided for by Order No. PSC-00-1937-PAA-TL.

Respectfully submitted,

/ s /

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DATED: January 8, 2001



**Certificate of Service**

I HEREBY CERTIFY that a true and correct copy of the foregoing  
Comments of the Florida Public Service Commission will be furnished  
to the parties on the attached service list.

/s/

Cynthia B. Miller, Esq.  
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Public Service Commission

July 17, 2001

VIA AIRBORNE EXPRESS

Magalie R. Salas, Secretary  
Federal Communications Commission  
Portals II, TW-A325  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: *Ex Parte* Filing of the Florida Public Service Commission  
Petition for Expedited Decision for the Release of a New Area Code  
to Provide Relief for the 561 Numbering Plan Area  
CC Docket No. 96-98, DA-No. 01-341

Dear Ms. Salas:

At the Florida Public Service Commission's July 9 Internal Affairs, the FPSC voted to send this supplemental filing in the above docket. Enclosed are an original and 14 copies. Please date stamp and return one copy in the enclosed envelope. Cheryl Bulecza-Banks (850/413-6642) and Bob Casey (850/413-6974) are the key contacts on this docket.

Sincerely,

Handwritten signature of Cynthia B. Miller in black ink.

Cynthia B. Miller, Esquire  
Bureau of Intergovernmental Liaison

Handwritten signature of David E. Smith in black ink.

David E. Smith, Esquire  
Division of Appeals

CBM:tf

Enclosures

cc: Chief, Competitive Pricing Division, Common Carrier Bureau  
International Transcription Service  
Brad Ramsay, National Association of Regulatory Utility Commissioners

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Implementation of the Local	)	
Competition Provisions in the	)	CC Docket No. 96-98
Telecommunications Act of 1996	)	DA-No. 01-341
	)	
Florida Public Service Commission	)	
Petition for Expedited Decision	)	
for the Release of a New Area Code	)	
to Provide Relief for the	)	
561 Numbering Plan Area	)	

**FLORIDA PUBLIC SERVICE COMMISSION  
SUPPLEMENTAL FILING TO FURTHER SUPPORT  
PETITION FOR EXPEDITED  
DECISION FOR THE RELEASE OF A NEW AREA  
CODE TO PROVIDE RELIEF FOR THE 561  
NUMBERING PLAN AREA**

The Florida Public Service Commission (FPSC) requests that the Federal Communications Commission (Commission) consider this supplemental filing when making its determination to direct the North American Numbering Plan Administrator (NANPA or NeuStar) to release a new area code to provide relief for the 561 numbering plan area (NPA).

(1) On January 8, 2000, the FPSC filed its Petition for Expedited Decision For The Release Of A New Area Code To Provide Relief For The 561 Numbering Plan Area (Petition) with the Commission. The following information was provided:

On October 20, 2000, the FPSC in consolidated Docket Nos. 990455-TL, 990436-TL, 990457-TL, and 990517-TL, issued Order No. PSC-00-1937-PAA-TL, Final Order Approving Number Plan Relief for the 305/786 Area Code, the 561 Area code, the 954 Area code, and the 904 Area Code, Requiring Customer Survey for a Number Change, and Notice of Proposed Agency Action Order Implementing Rate Center Consolidation and Code Sharing in Certain Areas and Requiring Customer Survey for Cost Sharing.

By that Order, the FPSC, in part, approved an area code relief plan for the 561 NPA, resulting in a geographic split. Pursuant to delegated authority, under FCC Conference, the FPSC also entertained additional comments from county and state officials.

By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, the FPSC, in part, approved a relief plan for the 561 NPA which consists of a geographic split, creating two regions. The approximate exhaust periods were determined to be 24.6 years for Region A, and 3.1 years for Region B.

On November 13, 2000, consistent with the FPSC's Order, the Florida telecommunications industry, through the NANPA NPA Relief Planner, submitted to NeuStar an application for a relief NPA code for the 561 NPA. NeuStar denied the request, stating that the NPA Assignment Guidelines require that relief options cover a period of at least five years beyond the projected date of exhaust.

(2) Upon further review, the FPSC has determined that there now exists data and compelling information that further justifies the FPSC's decision to implement its chosen geographic split in the 561 NPA.

(3) When the FPSC filed its petition with the Commission on January 8, 2001, the pooling trial for the 561 NPA had not begun.

Pursuant to FPSC Order PSC-00-1046-PAA-TP, the pooling trial for the 561 NPA began on February 5, 2001.

(4) In calculating the projected years beyond exhaust, NANPA did not incorporate the impact of number pooling. Data now exists that shows the number pooling trial in the 561 NPA has had a positive impact on NXX demand. Since the implementation of the number pooling trial in the 561 NPA, the number of central office codes (NXXs) issued from NANPA has declined. For the period February, 2000, through May, 2000, NANPA had issued 24 NXXs in the 561 NPA. NANPA has issued only 15 NXXs for the period February, 2001, through May, 2001. This results in a 37 percent decline in the number of NXXs issued. Applying this data to NANPA's original calculation of the expected life of the 561 NPA results in a life of 5.05 years beyond exhaust. The resulting 5.05 years beyond exhaust meets the 5-year-beyond-exhaust threshold recommended by the NPA Assignment Guidelines. This increase in the years beyond exhaust also reduces the difference in the NPA lifetimes to less than 20 years.

(5) According to the NPA Assignment Guidelines, the difference in NPA lifetimes in a geographic split should be no greater than 15 years. Prior to obtaining the pooling data, the difference between the regions was determined to be 21.5 years.

Applying the pooling data to NANPA's original calculations reduces the difference between the NPA lifetimes to 19.6 years. While the resulting calculation does not meet the guideline threshold of 15 years, additional supporting data indicates that the difference between the NPA lifetimes will be less than 19.6 years. During the customer hearings, two different witnesses indicated that Region A (incorporating Indian River, Martin, and St. Lucie counties) is growing at a considerably higher rate than Region B. The witnesses described the growth in Region A as "phenomenal" and noted that it is "widely accepted that they are growing at a considerably higher rate." This indicates that the life beyond exhaust for Region A will be less than NANPA's original projection. Reducing the life of Region A will result in the difference between the NPA lifetimes to perhaps fall within the NPA Assignment Guidelines.

(6) The FPSC believes that other factors will also serve to increase the years beyond exhaust and reduce the difference in the NPA lifetimes. As wireless carriers become local number portability capable, these carriers will begin participating in number pooling. Since wireless carriers file a significant number of NXX code requests to NANPA, the FPSC believes the life of the 561 NPA will be prolonged once they begin participating in the pool.

(7) The FPSC has taken an active role in promoting number conservation. The FPSC was so convinced that the number pooling trial would have a positive impact on the 561 NPA, that it withheld the approval of an implementation date for the geographic split, pending results of the number pooling trial.

(8) The FPSC has assumed the responsibility of number reclamation. To date, the FPSC has reclaimed over one million numbers. The FPSC has also conducted reviews to ensure that telecommunications carriers are adhering to the numbering requirements of the FPSC and the Commission.

(9) While the FPSC has aggressively pursued the implementation of number conservation measures, it acknowledges that there are times when an overlay may be the only reasonable option. The FPSC has not shied away from implementing overlays. In other proceedings, the FPSC has implemented overlays, resulting in 10-digit dialing throughout the NPA. However, in the case of the 561 NPA, the record evidence indicated that an overlay was not the best area code relief proposal.

(10) The FPSC is aware of the purpose and goals of the NPA Assignment Guidelines. The FPSC's decision, however, was based on a multitude of considerations, including citizen input that, when

weighed together, supported a decision to implement the chosen geographic split.

(11) Affected local governments provided testimony informing the FPSC of existing communities of interest. Since local governments are familiar with communities of interest, and the harm that could result if the areas were split, the FPSC relied on their expertise. The record is clear that the communities of interest are best preserved by the FPSC's chosen relief plan.

(12) The citizens residing in Region B of the FPSC's proposed geographic split area recognize that they may again need area code relief in the near future. The citizens are willing to accept that inevitability in order to maintain their communities of interest as long as possible. Based on the communities of interest and the prohibition of splitting rate centers, the citizens acknowledge that there are limited options available for future area code relief.

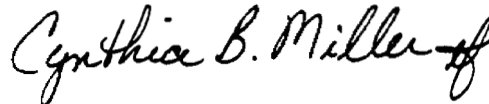
(13) The citizens residing in Region A will have the benefit of an extended life of that Region's area code. While these citizens will be required to change their area code, they are willing to accept this change in return for having the benefit of the extended life of the new area code.

(14) The citizens of Regions A and B support the FPSC's efforts to impose strict number conservation measures to extend the life of the 561 NPA.

Conclusion

The FPSC believes the additional information contained in this supplemental filing provides support justifying immediate approval of its Petition. In conclusion, the FPSC requests that the Commission issue an expedited decision directing NANPA to release a new area code to provide relief for the 561 numbering plan area as provided for in Order No. PSC-00-1937-PAA-TL.

Respectfully submitted.



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FLORIDA PUBLIC SERVICE COMMISSION  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0872

Dated: July 17 2001



CERTIFICATE OF SERVICE

I hereby certify that copies of this FPSC Petition are being mailed to the attached service list for overall numbering dockets.

Respectfully submitted,

*Cynthia B. Miller*

Cynthia B. Miller, Esquire  
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DATED July 17, 2001

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