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Embarq Corporation  
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March 6, 2007

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
& Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RECEIVED 1:50  
07 MAR -6 PM 4:53  
COMMISSION  
CLERK

Re: Docket No. 070149-TL

Dear Ms. Bayó:

Enclosed for filing on behalf of Embarq Florida, Inc. (Embarq), is the original and fifteen copies of Embarq's redacted Petition for expedited Review of NXX-X Code Denial, which we ask that you file in the captioned new docket.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850-599-1560.

Sincerely,

Susan S. Masterton  
Counsel

Enclosure

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Susan S. Masterton  
COUNSEL  
LAW AND EXTERNAL AFFAIRS- REGULATORY  
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02065 MAR -6 6

FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**  
**DOCKET NO. \_\_\_\_\_**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S.  
Mail this 6<sup>th</sup> day of March, 2007 to the following:

Staff Counsel  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

NANPA  
Tom Foley, Relief Planner  
Eastern Region  
820 Riverbend Blvd.  
Longwood, FL 32779-2327

*sub* Susan S. Masterton  
Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Expedited Review of Growth Code Denials by the North American Numbering Plan Administration for the Clermont Exchange

Docket No. 07049-TL  
Date Filed: March 6, 2007

**PETITION FOR EXPEDITED REVIEW OF NXX-X CODE DENIAL**

Embarq Florida, Inc. (Embarq), pursuant to 47 C.F.R § 52.15(g)(iv), Federal Communications Commission (“FCC”) Order FCC 00-104, and Florida Public Service Commission (“Commission”) Order No. PSC-01-1973-PCO-TL, petitions the Commission to review the Pooling Administrator’s (“NeuStar”) denial of Embarq’s requests for additional numbering resources in the Clermont Exchange. In support of this petition, Embarq states:

**PARTIES**

1. Embarq is an incumbent local exchange company (“ILEC”) regulated by the Commission and authorized to provide local exchange telecommunications and intraLATA toll telecommunications in the State of Florida.
2. NeuStar is an independent non-governmental entity, which is responsible for administering and managing the numbering resources in pooling areas. See 47 C.F.R § 52.20(d)

**JURISDICTION**

3. The Commission has jurisdiction of this matter pursuant to the Industry Numbering Committee’s (INC) Number Pooling Guidelines Sections 3.7 and 12(c). This provision provides that a carrier may challenge NeuStar’s decision to deny numbering resources to the appropriate regulatory authority.

DOCUMENT NUMBER DATE

02065 MAR-6 6

FPSC-COMMISSION CLERK

## **BACKGROUND AND REQUEST FOR RELIEF**

4. On March 31, 2000, the FCC issued Order No. 00-104 (“FCC 00-104” or the “Order”) in the Numbering Resource Optimization docket (Docket No. 99-200). The goal of FCC 00-104 was to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of telephone numbers and to avoid further exhaustion of telephone numbers under the NANP.
5. Among other things, FCC 00-104 adopted a revised standard for assessing a carrier’s need for numbering resources by requiring rate center based utilization rates to be reported to NANPA. FCC Order at § 105. The FCC further required that, to qualify for access to new numbering resources, applicants must establish that existing numbering inventory within the applicant’s rate center will be exhausted within six months of the application. Prior to the ruling, the Central Office Code Assignment Guidelines, used by the industry and NANPA to make code assignments, required the applicant’s existing number inventory within the applicant’s serving switch to exhaust within a specific months-to-exhaust (“MTE”) of the code application in order for a code to be assigned or for the carrier to prove that it was unable to meet a specific customer’s request with its current inventory of numbers. The FCC stated that the shift to a “rate center” basis for determining the need for new numbering resources was intended to “more accurately reflect how numbering resources are assigned” and to allow “carriers to obtain numbering resources in response to specific customer demands.” FCC Order at ¶ 105.

6. On December 29, 2000, the FCC also released FCC 00-429, which reaffirmed FCC 00-104 and required carriers to also meet a 60 percent initial utilization threshold. FCC 00-429 at ¶ 26. Based on these two FCC orders, carriers are required to meet six MTE criteria as well as a utilization threshold on a rate center/exchange basis in order to be granted additional numbering resources. Id. At ¶ 29.
7. In FCC 00-104, the FCC directed the industry and the Pooling Administrator to comply with the INC Pooling Guidelines. FCC 11-104 ¶ 183. Pursuant to the INC Guidelines, in order to obtain thousand-block allocations, the carrier must demonstrate that its existing numbering resources for the rate center will exhaust within six (6) months and also have a utilization of 75 percent for the specific rate center. See INC Guidelines Section 4.3 (c) [THOUSANDS-BLOCK NUMBER (NXX-X) POOLING ADMINISTRATION GUIDELINES (TBPAG) dated May 20, 2005] and Appendix 3. These requirements are known as the six (6) months-to-exhaust (“MTE”) and utilization threshold.
8. Embarq has utilized mechanisms such as number pooling to manage its numbering resources in the most efficient manner. However, Embarq is required in this instance to petition the Commission for relief.
9. On May 25, 2001, BellSouth petitioned the Commission to develop an expedited process to review NANPA’s denial of a request for additional numbering resources to minimize the delay carriers experience in attempting to challenge a denial by NANPA. As a result of BellSouth’s Petition and the Commission’s efforts to make numbering resources available to carriers, the

commission issued Order No. PSC-01-1973-PCO-TL setting forth an expedited code denial process. On March 15, 2002, the Commission issued Order No. PSC-02-0352-PAA-TL adopting the same expedited code denial process for pooling areas.

10. The Clermont Exchange consists of one (1) central office and one (1) switching entity that utilizes numbering resources.
11. On February 16, 2007 Embarq Florida requested additional numbering resources from NeuStar for the Clermont exchange. See Attachment 1. Specifically, in order to meet the telephone number needs of one of its customers, Embarq requested 40 new consecutive DID numbers in the Clermont (CFMTFLXADS0) wire center. The customer has requested 40 consecutive numbers. Embarq cannot currently meet this request given the inventory of numbers available at this time in this switch.
12. At the time of the code request, the Clermont exchange had a MTE of six (6) months and a utilization of 92%. There are no blocks of un-assigned numbers large enough to meet the request of this customer in this switch.
13. On February 16, 2007, NeuStar denied Embarq's request for additional numbering resources because Embarq had not met the MTE criteria, notwithstanding the fact that Embarq's Clermont switch is at 92% utilization and does not have available blocks of numbers in sufficient quantity to meet the customer's requirements. See Attachment 1.
14. Embarq's request for additional numbering resources to meet this customer's requirement in the Clermont Exchange would not materially impact exhaustion of available numbers in the 352 area code.

15. As discussed above, both the FCC Order and INC guidelines provided that state regulatory authorities have the power and authority to review NANPA's decision to deny a request for numbering resources. See INC Number Pooling Guidelines Sections 3.7 and 11.1(c).
16. Under earlier procedures used by NANPA, waivers or exceptions were granted when customer hardships could be demonstrated or when the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under existing procedures, NeuStar and NANPA look at the MTE criteria and utilization threshold for the rate center and allow exceptions. The current process is arbitrary and may result in (1) decisions contrary to the public interest and welfare of consumers in the State of Florida; and (2) decisions that do not necessarily promote the efficient use of telephone numbers.
17. Embarq's inability to provide this customer with the requested blocks of numbers prevents Embarq from providing the quality of service this customer desires and expects.
18. This Commission has previously received similar requests from numerous carriers, both ILECs and CLECS in which the carriers have asked the PSC to overrule a decision of NANPA and NeuStar. The Commission has granted these requests.
19. Embarq requests that the Commission reverse NeuStar's decision to withhold numbering resources from Embarq on the following grounds:
  - (a.) NeuStar's denial of numbering resources to Embarq interferes with Embarq's ability to service its customers within the State of Florida.

(b.) As a result of NeuStar's denial of Embarq's request for additional numbering resources, Embarq will be unable to provide telecommunications services to its customers as required under Florida law.

WHEREFORE, Embarq Florida, Inc. requests:

1. The Commission review the decision of NeuStar to deny Embarq's request for additional numbering resources for the Clermont exchange, and
2. The Commission directs NeuStar to provide the requested numbering resources for the Clermont exchange as discussed above.

Respectfully submitted this 6<sup>th</sup> day of March, 2007.

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Susan S. Masterton  
Counsel for Embarq Florida, Inc.  
P.O. Box 2214  
Tallahassee, FL 32316-2214  
850-599-1560



MTE

# Pooling Administration System

john.king@embarq.com (SP)

Sign Out

## Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

You have requested more blocks than you will exhaust in six months.

Select One Option and Submit

- Return to the Months To Exhaust Form
- Discard all the information provided for the request and start with a fresh Part 1A
- State Walver Option

Received August 6, 2001

**MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORKSHEET - TN Level 1**  
**(Thousands-Block Number Pooling Growth Block Request)**

Date: 2-15-07OCN: 0341 Company Name: EMBARQ

Rate Center: CLERMONT

Name of Block Applicant: EMBARQ Signature: \_\_\_\_\_

List all Codes NPA(s)-NXXs and BlocksNPA(s)-NXX-X(s): 352- 241, 242, 243, 394, 404, 536

Title: \_\_\_\_\_ Telephone No.: \_\_\_\_\_ FAX No.: \_\_\_\_\_

E-Mail: \_\_\_\_\_

A. Available Numbers: [REDACTED]

B. Assigned Numbers: [REDACTED]

C. Total Numbering Resources: [REDACTED]

D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation: \_\_\_\_\_  
List excluded Code(s) or Block(s): \_\_\_\_\_

Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11	Month #12
----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------	-----------	-----------

E. Growth History - Previous 6 months<sup>2</sup> [REDACTED]

F. Forecast - Next 12 months<sup>3</sup> [REDACTED]

G. Average Monthly Forecast (Sum of months #1-6 (Part F above) divided by 6): [REDACTED]

H. Months to Exhaust<sup>4</sup>  $\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}} = \underline{\underline{0}}$

I. Utilization<sup>5</sup>  $\frac{\text{Assigned Numbers (B)} - \text{Excluded Numbers (D)}}{\text{Total Numbering Resources (C)} - \text{Excluded Numbers (D)}} * 100 = \underline{\underline{92\%}}$

Explanation:  
Lowes needs a block of 40 DID numbers in Clermont, FL. If this request is denied, please start the appeal process. The contact person is [REDACTED]

1 A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.

2 Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

3 Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

4 To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g) (3) (ii)).

5 Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

MTR

### Pooling Administration System

John.king@embarq.com (SP)

Sign Out

#### Months to Exhaust and Utilization Certification Worksheet - TN Level<sup>1</sup>

Date **Friday, February 16, 2007**

OCN **0341**

Company Name **EMBARQ FLORIDA, INC. UNITED**

Rate Center **CLERMONT**

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s)

352- 241, 242, 243, 394, 404, 536

Name of Block Applicant **Mr John B King**

Title **Engineer II**

Telephone Number **(407) 889-6643**

Fax Number **(407) 889-1595**

E-Mail **john.king@embarq.com**

A. Available Numbers \*

B. Assigned Numbers \*

C. Total Numbering Resources \*

D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation:

List excluded Code(s) or Block(s)

#### E. Growth History - Previous 6 months<sup>2</sup> \*

Month 1		Month 2	
Month 3		Month 4	
Month 5		Month 6	

#### F. Forecast - Next 12 months<sup>3</sup> \*

Month 1		Month 2	
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MTR

Month 3	<input type="text"/>	Month 4	<input type="text"/>
Month 5	<input type="text"/>	Month 6	<input type="text"/>
Month 7	<input type="text"/>	Month 8	<input type="text"/>
Month 9	<input type="text"/>	Month 10	<input type="text"/>
Month 11	<input type="text"/>	Month 12	<input type="text"/>

G. Average Monthly Forecast (Sum of months # 1-6 / Average Monthly Forecast (Part F above) divided by 6) **1.000**

H. Months to Exhaust<sup>4</sup> (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Explanation

needs a block of 40 DID numbers in  
 Clermont, FL. If this request is denied, please  
 start the appeal process. The contact person is

<sup>1</sup>A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.

<sup>2</sup>Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

<sup>3</sup>Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

<sup>4</sup>To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(iii)).

<sup>5</sup>Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))