

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Number Utilization Study:
Investigation into Number
Conservation Measures.

DOCKET NO. 981444-TP
ORDER NO. PSC-00-0543-PAA-TP
ISSUED: March 16, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER

NOTICE OF PROPOSED AGENCY ACTION
ORDER ESTABLISHING INTERIM NUMBER CONSERVATION
MEASURES FOR AREA CODES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. BACKGROUND

On April 2, 1999, this Commission filed a petition with the Federal Communications Commission (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 granting the Commission's Petition for Delegation of Additional Authority to Implement Number Conservation Measures. (FCC 99-249) In its Order (Florida Order), the FCC granted the Commission interim authority to:

- 1) Reclaim unused and reserved NXX¹ codes;

¹NXX is an acronym referring to the first three digits of a telephone number, also known as a prefix or central office code.

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FPSO-RECORDS/REPORTING

- 2) Institute thousand-block number pooling (1KNP) by all LNP²-capable carriers in Florida;
- 3) Maintaining 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 our February 29, 2000, Agenda Conference, a number of concerns were raised by the industry and the North American Numbering Plan Administrator (NANPA) regarding our staff's recommendation to implement various portions of the FCC's Order. These concerns are addressed below.

II. NXX CODE RECLAMATION

In the FCC's Florida Order at ¶ 22, the FCC stated:

Reclaiming NXX codes that are not in use may serve to prolong the life of an area code, because these codes are added to the total inventory of assignable NXX codes in the area code. Therefore, we grant authority to the Florida Commission to investigate whether code holders have activated NXXs assigned to them within the time frames specified in the CO Code Assignment Guidelines, and to direct the NANPA to reclaim NXXs that the Florida Commission determines have not been activated in a timely manner. This authority necessarily implies that the Florida Commission may request proof from all code holders that NXX codes have been "placed in service" according to the CO Code Assignment Guidelines. We further direct the NANPA to abide by the Florida Commission's determination to reclaim an NXX code if the Florida Commission is satisfied that the code holder has not activated the code within the time specified by the CO Code Assignment Guidelines.

²LNP (Local Number Portability) is a service that provides residential and business customers with the ability to retain, at the same location, their existing local telephone numbers when switching from one local telephone service provider to another.

We recognize the importance of reclaiming unused and reserved NXXs to prolong the life of an existing area code. As shown above, the FCC granted the Commission authority to investigate whether code holders have activated NXX codes assigned to them within the time frames specified in the Central Office (CO) Code Assignment Guidelines developed by the INC. Under the CO Code Assignment Guidelines, carriers are obligated to submit to the NANPA within six months of the requested effective date of newly obtained NXX codes a Part 4 certification that the code has been placed in service.

These guidelines (INC 95-0407-008, dated January 2000) also explain how the numbering administrator would reclaim the unused NXX codes. According to these guidelines, the code holder would return the NXX codes to the administrator if: (1) it is no longer needed by the entity for the purpose for which it was certified and assigned; (2) the service it was assigned for is disconnected; or (3) the CO Code(s) was(were) not activated within the time frame specified in these guidelines; however, the code holder may request an extension of the activation time commitment.

Section 8.2.3 of the INC guidelines indicates that code holders must activate the NXX code(s) within six months. If the code is not placed in service, and the code administrator finds a legitimate reason for the code not being in service, then the code administrator may extend the date to activate the code by up to three months. Therefore, in the worst scenario, it takes nine months to activate an NXX code. We believe this time is excessive in that an area code or area codes might go into jeopardy if all code holders act in a similar fashion.

We believe that the reclamation of NXXs from all code holders would extend the lives of area codes in Florida. Recently, in this docket, our staff conducted a major number utilization study of all code holders in Florida, to assess the way telephone numbers are used. Most code holders responded to the data request. A part of this analysis indicated that the life of the majority of area codes in Florida could be extended using NXX reclamation.

For example, the chart below provides the number of available NXXs with no contamination in the NPAs that we approve for 1KNP:

Area Code	Number of Available NXXs with Zero Contamination
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561	33
904	17
954	18

If the NXXs indicated above are reclaimed, we estimate that the life of these NPAs would be extended as follows:

Area Code	Current Exhaust Date	Extended Exhaust Date
561	October, 2002	April, 2003
904	April, 2002	July, 2002
954	July, 2002	October, 2002

We note that the above estimates for the 954, 561, and 904 area codes, which are currently in extraordinary jeopardy, are based on the assumption that the current rationing procedures are maintained.

Our staff contacted NANPA to find out when the NXX codes were activated and was informed that NANPA did not keep such records once the NXX codes are activated. Based on this, we would not be able to determine if the NXX codes have been activated in a timely manner. Therefore, we believe that NANPA should have the responsibility to determine activation dates using the Local Exchange Routing Guide (LERG).

With regard to number reclamation, we find that it is in the best interest of the state to ensure that sufficient number resources are available to all carriers and customers of those carriers. One means to this end is to periodically verify the activation status of NXX codes that have been assigned to carriers. If an NXX code has not been activated within six months of its assignment date, as is prescribed in the Industry Numbering Committee's Central Office Code (NXX) Assignment Guidelines (INC 95-0407-008), the FCC has provided Florida with the authority to direct NANPA to reclaim that code.

Based on the authority granted us in the FCC's Florida Order, we order the immediate return of all unused and reserved NXX codes by all carriers in the 954, 561, and 904 area codes based on

Industry Numbering Committee's Central Office Code (NXX) Assignment Guidelines (INC 95-0407-008). In addition, we direct the NANPA to provide monthly LERG reports by area code, including the code assignment and activation dates, to us. We direct our staff, after it evaluates the reports, to contact NANPA to reclaim unused and reserved NXXs in all of Florida NPAs from all carriers who have not met the applicable INC 95-0407-008 guidelines as presented above.

We have identified the existence of 33 uncontaminated NXXs in the 561 NPA, 18 NXXs in the 954 NPA, and 17 NXXs in the 904 NPA. We direct our staff to undertake immediate steps to obtain the requisite information necessary to verify the activation date of these codes and to request a meeting with any company to determine the status of their codes.

We believe that the reclamation of all unused and reserved NXX codes from all carriers in the 954, 561, and 904 NPAs will extend the life of these area codes which are currently in extraordinary jeopardy and the subject of dockets opened to determine an appropriate area code relief plan. In addition, these returned codes will serve to establish a pool of thousands-blocks for use in a 1KNP trial. Implementation of 1KNP is discussed later in our Order.

III. MANDATORY IMPLEMENTATION OF THOUSAND BLOCK POOLING

LNP was initially mandated by Congress to promote local competition. However, once the LNP infrastructure is in place, it can be used to increase the efficiency by which carriers utilize telephone numbers. Specifically, the LNP platform can be used to support "number pooling."

Pooling enables telephone numbers to be allocated to carriers in smaller, more efficient, portions. Thousand-block number pooling allows 10 different carriers to utilize numbering resources from one NXX. When coupled with reclamation, 1KNP may significantly reduce the extent to which numbering resources are "stranded" in the network.

In its petition and reply comments to the FCC, the Commission stated that all carriers must have reasonable access to numbering resources in order to compete effectively in the telecommunications markets. Further, number conservation measures do not hinder reasonable access to numbering resources. On the contrary, they protect the resource for all market participants. Requiring the distribution of NXXs at thousand-block levels still provides

equitable, efficient, and timely access to all carriers. Number conservation measures would not adversely affect call routing in the nation; would not place some carriers at risk; and would not delay area code implementation during a jeopardy period. Number conservation measures such as 1KNP would provide equal access to all numbering resources.

We agree with the FCC (FCC's notice of proposed rulemaking order 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, the FCC delegated authority to Florida and other state commissions in late 1999.

In its notice of proposed rulemaking docket (FCC 99-122, ¶ 14), the FCC states:

Equally importantly, numbering resource optimization efforts are necessary to address the considerable burdens imposed on consumers by the inefficient administration of numbering resources. Consumers face additional costs, both tangible and intangible, when a new area code is implemented in their local area. We believe that consumers should not be subjected to these increased costs and inconveniences except when absolutely necessary.

Our staff conducted a workshop on October 20, 1999, wherein our staff, the industry, the Office of Public Counsel, and an interested person formed a Steering Committee (committee) to develop a working solution. The committee formed five working groups:

- 1) Thousand-block number pooling;
- 2) Rate center consolidation;
- 3) Code sharing;
- 4) Short-term efficiency measures; and
- 5) Legal issues.

The 1KNP group met several times in the last two months to find workable solutions. The pooling group agreed to recommend mandatory implementation of 1KNP in Florida. Our staff provided the pooling group with its analysis on number utilization.

The group examined each area code for any possible pooling implementation. Criteria for selecting the area codes were established since it was not easy to select an area code or area codes. First, the group tried to select an area code in which it was simpler to implement the first pooling mechanism. Second, the group examined the area codes which had fewer exchanges, and a considerable number of vacant NXXs and thousand blocks. Last, the group considered the degree of alternative local exchange (ALEC) competition in the area codes. The 1KNP group has also started working on cost recovery mechanisms. However, we believe that the cost issues should be addressed within a later proceeding after the FCC's final numbering order is issued.

The pooling group developed a priority list of area codes using the criteria the group developed. As a result, the pooling group selected the 954, 561, and 904 area codes for 1KNP implementation:

The FCC's Florida Order (FCC 99-249, ¶ 21) states:

We reiterate that the authority we grant herein to the Florida Commission to undertake thousands-block pooling trials is interim in nature, and is in no way intended to relieve the Florida Commission of its obligation to implement necessary area code relief in a timely fashion.

Therefore, based on the FCC's Order, we shall establish relief mechanisms for the area codes in which 1KNP will be mandated. We note that the time needed to implement an overlay relief plan is approximately 90 days. The time needed to implement a geographic split plan or a combination of several relief mechanisms is usually at least six to 12 months. We believe that one of the alternatives proposed in the pending area code dockets could be used to provide relief.

In conclusion, based on the pooling group's decision made on February 4, 2000, we find it appropriate to order, on an interim basis, the mandatory implementation of 1KNP for all LNP-capable carriers in the 954, 561, and 904 area codes. One of the alternatives proposed for the 954, 561, and 904 area code dockets shall be used as a backup plan to provide relief, pending completion of those evidentiary proceedings. Dockets Nos. 990457-TL, Request for Review of Proposed Numbering Relief Plan for the 954 Area Code; 990456-TL, Request for Review of Proposed Numbering Relief Plan for the 561 Area Code; and 990517-TL Request for Review of Proposed Numbering Relief Plan for the 904 Area Code.

1KNP enables telephone numbers to be allocated to carriers in more efficient 1,000 number blocks, instead of the existing 10,000 number block system. 1KNP allows ten different carriers to utilize numbering resources from one NXX. When coupled with the reclamation of unused and reserved NXXs, 1KNP has the potential to significantly reduce the extent to which numbering resources go grossly underutilized. Requiring the distribution of NXXs at the 1000s-block level still provides equitable, efficient and timely access to numbering resources by all carriers as required by FCC regulations. Therefore, we find that the implementation of 1KNP for all LNP-capable carriers in the 954, 561, and 904 area codes on a staggered basis is consistent with the Florida Order and is in the best interest of the state.

With regard to the implementation of 1KNP, we recognize that the carriers in the affected area codes desire to use software release version 3.0. However, we believe that waiting until version 3.0 becomes operational will be detrimental to the overall effectiveness of 1KNP in forestalling the need for area code relief. The FCC requires that numbering resources be made available to all carriers on an equitable and timely basis. If we reclaim the unused NXXs immediately in order to avoid number block contamination, but do not begin 1KNP until 2001, the earliest start for version 3.0, carriers will still be able to obtain a full code due to NXX rationing in the affected area codes. 1KNP would, at a minimum, provide more carriers with greater access to the numbering resources.

Therefore, we order that all LNP-capable carriers in the 954, 561, and 904 NPAs to begin implementation of 1KNP according to the schedule set forth below:

Area Code (NPA)	Software Release	Implementation Date
954	1.4	May 1, 2000
561	1.4	July 1, 2000
904	3.0	October 1, 2000

IV. CRITERIA TO OBTAIN INITIAL NUMBERING RESOURCES

Paragraph 33 of FCC Order 99-249 sets forth the FCC's concerns regarding the establishment of fill rates or other criteria for new entrants. Specifically, the FCC stated:

First, the Florida Commission may only consider a carrier's fill rate in relation to growth codes. We do not believe that a carrier's ability to establish a service "footprint" should be restricted. That is, a carrier ought to be able to obtain initial numbering resources in rate centers where the carrier is authorized to offer service and plans to do so within the NXX activation time frame (sic) established by the CO Code Assignment Guidelines (six months). We wish to avoid imposing barriers to competitive entry into the telecommunications marketplace.

As the number of new entrants in Florida has increased, the demand for NXX codes in many of Florida's NPAs, especially in the metropolitan areas, has increased causing the supply of NXXs to be depleted much sooner than anticipated. We believe that the number of initial numbering requests that are granted could be reduced if some basic changes were made to the NXX application process.

At present, the process by which carriers request numbering resources in order to begin offering service in a particular rate center is based in part on the successful completion and submission of a Code Request Form. However, section 6.1.2 of the INC Central Office Code (NXX) Assignment Guidelines also states: ". . . It should be noted that interconnection arrangements and facilities need to be in place prior to activation of a code. Such arrangements are outside the scope of these guidelines."

Currently, section 6.1.4 of the INC Central Office Code (NXX) Assignment Guidelines states:

The code applicant shall certify on the Code Request Form that to the best of his/her knowledge necessary governmental/regulatory authorization has been obtained to provide service(s) for which the code is being requested.

We believe that reliance on "certified" statements does not provide a sufficient factual basis to demonstrate compliance with the governmental approval provision. Mandatory inclusion of actual interconnection documentation would create a minimal administrative and financial burden on the applicant when submitting the Code

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Request Form. Therefore, we find that a copy of an approved interconnection agreement shall be included as part of any carrier's initial numbering request.

Similarly, we believe that all carriers should be required to submit, as part of their Code Request Form, a written statement detailing the type(s) of equipment that is or will be installed in the rate center that is capable of providing "facilities readiness" within the NXX activation time frame of six months. We define facilities readiness as having the requisite equipment in place to allow a carrier to activate a telephone number such that the customer assigned to that specific number is able to make and receive calls over the public switched network. We believe that there would be minimal impacts on the applicant in terms of complying with this requirement.

Therefore, in addition to completing all the required entries on a Code Request Form, as required by the INC Central Office Code (NXX) Assignment Guidelines, we shall require that all carriers provide the following additional information to substantiate their request for initial numbering resources: 1) an approved interconnection agreement with the ILEC; and 2) facilities readiness within the NXX activation time frame of six months. Facilities readiness shall be defined as having the requisite equipment in place to allow a carrier to activate a telephone number such that the customer assigned to that specific number is able to make and receive calls over the public switched network.

The existence of at least 68 potentially returnable NXX codes within the 954, 561, and 904 area codes is particularly troubling to this Commission given the extraordinary jeopardy status of these three area codes. The information gathered in this proceeding does not state how many of these 68 NXXs are initial numbering requests. However, we have serious reservations regarding the practical validity of an industry-developed numbering resource application process that allows NXXs to remain inactive for up to nine months while some carriers are restricted in their efforts to obtain numbering resources due to NXX rationing brought on by premature area code exhaust.

Further, we note that the existing industry central office code assignment guidelines do not require the submission of any evidence to substantiate the ability of an applicant to provide service (i.e., facilities readiness) or to support the existence of an approved interconnection agreement. The guidelines only require

that an applicant self-certify that authorization has been granted to provide service. We find this lack of verifiable data collection to be deficient. Therefore, we order that all carriers seeking numbering resources comply with the following procedure. When a carrier completes all the required entries on a Code Request Form (CFR), as required by the INC Central Office Code (NXX) Assignment Guidelines and forwards that CFR to NANPA for processing, all carriers shall also provide to the Commission the following additional information to further substantiate their request for initial numbering resources: 1) an approved interconnection agreement with the incumbent local exchange company (ILEC); and 2) facilities readiness within the NXX activation time frame of six months. Facilities readiness shall be defined as having the requisite equipment in place to allow a carrier to activate a telephone number such that the customer assigned to that specific number is able to make and receive calls over the public switched network.

With respect to the FCC's concern that Florida not restrict a carrier's ability to obtain initial numbering resources, we do not believe that these requirements constitute a barrier to entry into the telecommunications marketplace. We believe that these requirements may result in a more equitable assignment of initial numbering resources than the current Guidelines. In our opinion, an approved interconnection agreement and a statement of facilities readiness are two easily verifiable conditions that should be considered when a request is made for initial numbering resources. We direct our staff to work with NANPA to establish a means to coordinate the verification of such data in a manner that does not limit NeuStar's, the numbering plan administrator, timely processing of numbering requests or cause any undue burden on the applicant.

However, at the same time, we find it very disturbing that the company, i.e., NeuStar, Inc., hired to be the national numbering administrator claims that it is contractually and administratively incapable of accepting or retaining at its offices any information that is not explicitly defined in the industry's code assignment guidelines.

V. THOUSAND-BLOCK NUMBER MANAGEMENT REQUIREMENTS

During our February 29, 2000, Agenda Conference, industry representatives argued that the proposed 1000s-block management requirements and overall NXX utilization rate of 75% would be very difficult to comply with and administer given the specific

numbering issues facing each carrier. For example, BellSouth stated that it routinely keeps a number of blocks open at the same time in order to accommodate the needs of residential, business, and specialized PBX-type customers.

As an alternative, the industry proposed the mandatory adoption by all carriers of the terms and conditions of the industry's Stipulation and Voluntary Number Conservation Measures that was acknowledged by the Commission in Order No. PSC-99-1393-S-TP, issued July 20, 1999. This document was filed relative to Docket No. 990373-TP, Establishment of a Statewide Emergency Area Code Relief Plan. Below is a summary of the provisions relating to thousand block number management contained in the industry's stipulation:

1. Uncontaminated 1000s number blocks will be set aside and the service providers will maintain no greater than nine months of 1000s block telephone number resources to meet customer demand. This type of variable demand analysis allows for the different telephone number demand patterns inherent in different geographic areas and is consistent with current Industry Numbering Committee (INC) Thousand Block (NXX-X) Pooling Administration Guidelines and Central Office Code Administration Guidelines which employ similar threshold concepts (e.g., months to exhaust). If and when telephone number pooling is implemented, service providers will analyze their inventory of vacant 1000s blocks, as well as any qualified contaminated blocks, for potential contribution to an industry telephone number inventory pool.
2. Existing national Central Office Code Assignment Guidelines and any Code Jeopardy procedures agreed to by the industry will be followed.
3. All uncontaminated 1000s blocks will be set aside, where practicable. The term "uncontaminated 1000s blocks" is defined as a block within which all telephone numbers are available for assignment. Resolution Statement of INC Issue 134, Common Number Status (dated April 26, 1999), defines numbers that are unavailable for assignment.
4. Inventories of available telephone numbers for each rate center or switch, in case of a multiple switch rate center, will not be added to until there is insufficient

inventory to meet nine months of projected customer demand.

5. Numbering resources will be released in 1000s number blocks in order to maintain nine months inventory supply or to meet a specific customer requirement. Examples given for a specific customer request are a particular number series or a bona fide customer request for a specific number.

6. Utilization reports will be submitted by each NXX code holder upon written request of the Commission, not to exceed twice per year. The data to be provided is that submitted in response to a March 22, 1999 data request (from Docket No. 981444-TP). Commercial mobile radio service (CMRS) providers shall provide the information by NXX only; other wireline providers shall provide the information by 1000s number blocks. Confidential classification would be requested for these reports.

Despite the industry's willingness to support mandatory adoption of the Stipulation as expressed at the February 29, 2000, Agenda Conference, we remain concerned that the current industry guidelines with respect to the code request review process are faulty. Current code holders must certify that their numbering resources will exhaust within 12 months. Reliance on months-to-exhaust (MTE) may be appropriate for individual carrier requests for numbering resources, but MTE has not proven particularly accurate in terms of estimating NPA exhaust. Our staff's proposed combination of a 75% fill rate and a six MTE is a step in the right direction. However, we recognize that varying customer needs may make it difficult for some carriers to comply with this proposal. Therefore, as a first step toward improving 1000s block utilization, we order that the terms and conditions of the Voluntary Stipulation be made mandatory for all carriers.

VI. VERIFICATION PROCEDURE

In FCC 99-249, ¶ 2, the FCC stated that its regulations generally require that numbering administration:

- (1) facilitate entry into the telecommunications marketplace by making telecommunications resources available on an efficient and timely basis to telecommunications carriers;
- (2) not unduly favor or

disfavor any particular industry segment or group of telecommunications consumers; and (3) not unduly favor one telecommunications technology over another. Further, our regulations specify that, if the Commission delegates any telecommunications numbering administration functions to any state, the states (sic) must perform the functions in a manner consistent with these general requirements.

If we are to comply with these requirements, it is critical that we have a means to verify and reconcile a carrier's application for numbering resources. If carriers are allowed to obtain numbering resources that subsequently are not activated or are grossly underutilized, all carriers will suffer and new entrants may be denied a legitimate opportunity to compete in a particular rate center due to an inadequate inventory of thousand-blocks or NXXs. This becomes especially important in those NPAs where NXX rationing is in effect.

There are three primary sources of numbering information available to the Commission that could be used to verify numbering resource requests, namely: the utilization data submitted by the code holder; code activation data from the Local Exchange Routing Guide; and, data submitted in response to specific data requests from the Commission. A study of these sources has the potential to verify carrier-specific data and utilization rates as well as identify other numbering discrepancies. Consequently, we believe it is important for us to perform this verification and reconciliation function.

We believe that all requests for numbering resources need not be verified. We believe that sufficient incentive exists through random checks and comparison with other information sources to discourage carriers from filing unwarranted requests for numbering resources. However, if there is apparent abuse, we emphasize that it may be necessary to revise this verification process and modify the code application process. Such revisions could entail the imposition of a penalty for noncompliance with established guidelines; stricter access to new numbering resources; additional reporting requirements for subsequent applications; or stricter thousand-block management of existing resources. However, we are not ordering such changes at this time.

Therefore, we find that we shall verify and reconcile on an as needed basis a) information submitted by carriers to the numbering administrator to substantiate numbering resource requests; b)

information available from the LERG; and c) submissions provided in response to data requests from the Commission.

Mr. Brent Struthers, a NeuStar representative, stated that due to contractual limitations with NANPA and internal administrative constraints that it was unable to retain at its offices any additional data in excess of what is currently required by the INC Numbering Guidelines to obtain an initial or growth code. He went on to state that some of the information requested by our staff in its recommendation was not available from the Local Exchange Routing Guide (LERG). We are concerned that NeuStar is unable to perform what we view as a basic function of its numbering role and that is to verify and reconcile carrier data submitted in support of a numbering request.

VI. THOUSAND-BLOCK POOLING SOFTWARE RELEASE AND IMPLEMENTATION DATES

Currently, there are two software releases to implement 1KNP: NPAC³ Software Release 1.4 (SR14) and NPAC Software Release 3.0 (SR30). The initial purpose of SR14 was in support of a number pooling test trial in Illinois. The main difference between the two releases is the inclusion of Efficient Data Representation (EDR) in SR30 which permits downloading and database storage of 1,000 numbers as a single record instead of 1,000 records. This capability, only available in SR30, was developed to resolve LNP database capacity issues associated with widespread telephone number pooling deployment. For this reason, it is considered to be a critical requirement by many service providers.

The states with delegated pooling authority are required by the FCC to determine cost allocation and recovery mechanisms for 1KNP trials. NANPA states that "Orders to date delegating interim pooling authority did not specify if the states need to complete this task prior to ordering a pooling trial. States can however begin the process for pooling while addressing cost allocation and recovery".

The 1KNP group reached a consensus on recommending SR30 for all 1KNP trials in Florida. We recognize the industry's point of view in recommending SR30 because NeuStar, the current 1KNP administrator for some states, indicated in a prior meeting that SR30 would be available at the end of June of this year. However,

³NPAC stands for Number Portability Administration Center.

NeuStar also indicated that the SR30 trial tests would take about four to six months and if problems arise, there would be more delays in implementing 1KNP. However, we are concerned that any delay in implementation will be problematic because carriers who are not LNP-capable will continue to require assignment of full NXXs even after the implementation of 1KNP. The longer the Commission delays the start of 1KNP, the fewer full NXXs will be available for participating carriers and therefore the quicker the 954, 561, and 904 area codes will exhaust.

We find that Florida cannot wait until SR30 becomes available to begin 1KNP. Other states⁴ have already ordered the implementation of SR14 with implementation dates ranging from February 1, 1999 to November 4, 2000. Florida must move forward using the software available to us at this time. We further find that a start date of May 1, 2000, is a reasonable accommodation of the carriers' needs relating to the modification of their operational support systems (OSSs) and our duty to protect the citizens of Florida from the costs and inconveniences associated with the premature implementation of new area codes.

The FCC states that the state commissions, including Florida, must allow sufficient transition time between 1KNP trials. Specifically, the FCC 99-249 ¶ 19 states:

After having implemented a thousands-block number pooling trial in one MSA, the Florida Commission may wish to expand to another MSA.⁵ Should it wish to do so, we direct the Florida Commission to allow sufficient transition time for carriers to undertake any necessary steps, such as modifying databases and upgrading switch software, to prepare for an expansion of thousands-block pooling to another MSA. In other words, start dates for thousands-block pooling trials in different MSAs should be appropriately staggered to permit the industry to undertake all necessary steps. The purpose of a

⁴Illinois, New York, California, Maine, New Hampshire, and Texas.

⁵A thousands-block pooling trial is implemented when LNP-capable carriers are contributing and receiving numbers in blocks of 1,000 from the pool. Furthermore, for a pooling trial to have been implemented, a pooling administrator must be chosen and responding to requests from carriers for numbering resources.

staggered roll-out is to provide carriers time to upgrade or replace their SCPs and other components of their network, as necessary, if the increased volume of ported numbers as a result of the pooling trial requires them to do so.

We note that the entire 954 area code is in the Ft. Lauderdale MSA. BellSouth states that the entire area is Location Routing Numbers/LNP (LRN/LNP) capable. The 561 area code is in the West Palm Beach MSA which encompasses only Palm Beach County. The Jacksonville MSA, which contains Nassau and Duval Counties, is in the 904 area code. We realize that in the 904 area code, there may be regions or carriers which may not be LNP capable, but given the implementation time frame, all carriers should be able to make the necessary changes.

Therefore, based upon the aforementioned discussion, we find the following software releases and implementation dates for the 954, 561, and 904 area codes to be appropriate:

Area Code (NPA)	Software Release	Implementation Date
954	1.4	May 1, 2000
561	1.4	July 1, 2000
904	3.0	October 1, 2000

We also find that all code holders in the 954, 561, and 904 area codes shall adhere to Number Pooling Inventory Time Line (NPIT) set forth below:

NPIT	Area Code (NPA)		
	954	561	904
Regulatory Mandate	March 3, 2000	March 3, 2000	March 3, 2000
First Implementation Meeting	March 17, 2000	March 31, 2000	April 14, 2000

Forecast /Utilization Report	April 3, 2000	April 17, 2000	May 1, 2000
Block Protection Date	April 6, 2000	April 24, 2000	June 5, 2000
Block Donation Identification Date	April 10, 2000	May 8, 2000	June 26, 2000
PA Assessment of Industry Inventory Surplus /Deficiency	April 17, 2000	May 22, 2000	July 17, 2000
Block Donation Date: SP Updates LERG on Donated Blocks	April 21, 2000	June 5, 2000	August 14, 2000
Pool Start / Allocation Date: PA updates LERG on Allocated Blocks	April 28, 2000	June 12, 2000	September 11, 2000
Mandated Implementation Date	May 1, 2000	July 1, 2000	October 1, 2000

VII. DESIGNATION OF A CODE ADMINISTRATOR

In order to implement 1KNP, a neutral third-party administrator must be retained. The North American Numbering Council (NANC) has recommended to the FCC that Communications Industry Services (CIS)/NANPA be named the national 1KNPA. The FCC has yet to act upon the NANC's recommendation. Currently, CIS is administering the 1KNP trials in Illinois and New York. CIS has

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agreed with NANC to provide pooling administration services pursuant to the terms approved by the NANC in those states that are granted authority by the FCC to implement mandatory 1KNP trials.

Given CIS's experience in serving as the 1KNPA, it is likely that CIS/NANPA will be named the national 1KNPA. However, we believe that the industry should undertake whatever steps are necessary to ensure that a neutral-third party is selected as their Florida 1KNPA. Further, we suggest that the administrator be selected as soon as possible to ensure compliance with this Order.

The FCC's Florida order also required the Commission to implement 1KNP trials according to the industry-adopted 1KNP guidelines. The FCC further provided, however, that the Commission could depart from those guidelines if the Commission deemed it appropriate after first consulting with the industry regarding the implications of any proposed changes (FCC 99-249, ¶ 13).

The FCC, in all of its state orders, indicated that states should work together to develop consistent 1KNP guidelines. As a result of this cooperative effort, the state commissions including Florida filed a letter with the FCC on January 21, 2000, which contained the states' revised version of the INC 1KNP guidelines.

Based on the foregoing, we find that all code holders in the 954, 561, and 904 area codes shall designate a 1KNP administrator for the 954, 561, and 904 area codes in Florida. We also find that all code holders in the 954, 561, and 904 area codes shall utilize the state commissions' revised version of the INC 1KNP Guidelines submitted to the FCC on January 20, 2000 for all 1KNP trials in Florida.

Based upon the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that all carriers shall return immediately all unused and reserved NXX codes in the 954, 561, and 904 area codes based on Industry Numbering Committee's Central Office Code (NXX) Assignment Guidelines (INC 95-0407-008). It is further

ORDERED that the North American Numbering Plan Administrator (NANPA) shall provide monthly Local Exchange Routing Guide (LERG) reports by area code, including the code assignment and activation dates, to this Commission. It is further

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ORDERED that on an interim basis, mandatory implementation of 1KNP shall be required for all LNP-capable carriers in the 954, 561, and 904 area codes. One of the alternatives proposed for the 954, 561, and 904 area code dockets (Dockets Nos. 990457-TL (Area Code 954), 990456-TL (Area Code 561), and 990517-TL (Area Code 904)) shall be used as a backup plan to provide relief, pending completion of the evidentiary proceeding. It is further

ORDERED that in addition to completing all the required entries on a Code Request Form, as required by the INC Central Office Code (NXX) Assignment Guidelines, all carriers shall provide the information specified in the body of this Order. It is further

ORDERED that all carriers shall comply with the thousand block number management conservation measures as discussed in the body of this order. It is further

ORDERED that the software and corresponding 1KNP dates for the 954, 561, and 904 area codes shall be implemented as set forth in the body of this Order. It is further

ORDERED that all code holders in the 954, 561, and 904 area codes shall designate a 1KNP Administrator for the 954, 561, and 904 area codes in Florida. It is further

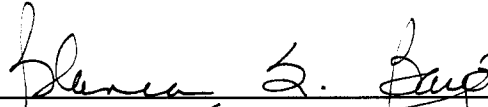
ORDERED that all code holders in the 954, 561, and 904 area codes shall utilize the state commissions' revised version of the INC 1KNP Guidelines submitted to the FCC on January 20, 2000, for all 1KNP trials in Florida. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that this Docket shall remain open to address the unresolved issues.

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By ORDER of the Florida Public Service Commission this 16th
day of March, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DWC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 6, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requestion for Photocopying and Mailing

Date 16 / 20
 Number of Originals 21 Copies Per Original 1/24
 Requested By [Signature]

Item Presented

Agenda For (Date) _____ Order No. _____ In Docket No. _____
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

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March 16, 2000

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING
FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *DWC 7/5/0*
RE: DOCKET NO. 981444-TP - In re: Number Utilization Study: Investigation into Number Conservation Measures.

0543-PAA

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER ESTABLISHING INTERIM NUMBER CONSERVATION MEASURES FOR AREA CODES to be issued in the above-referenced docket. (Number of pages in order - ~~23~~)

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DWC

cc: Division of Telecommunications (Cutting, Ileri)

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Sent to M.R.

all pages

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