

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.

DOCKET NO. 990455-TL

In re: Request for review of proposed numbering plan relief for the 561 area code.

DOCKET NO. 990456-TL

In re: Request for review of proposed numbering plan relief for the 954 area code.

DOCKET NO. 990457-TL

In re: Request for review of proposed numbering plan relief for the 904 area code.

DOCKET NO. 990517-TL
ORDER NO. PSC-00-0839-PCO-TL
ISSUED: April 27, 2000

ORDER GRANTING COMMISSION STAFF'S MOTION FOR LEAVE
TO FILE DIRECT TESTIMONY AND
ESTABLISHING DATE FOR REBUTTAL TESTIMONY

In March 1999, the North American Numbering Plan Administration (NANPA) notified the Commission that the remaining NXX codes for the Monroe County/Keys region of the 305 area code (numbering plan area (NPA)) (305 Keys region) were exhausted and declared an extraordinary jeopardy situation. Docket No. 990455-TL was opened to address this matter. Thereafter, on April 23, 1999, under the direction of NANPA, the telecommunications industry NXX code holders in the 305 Keys region returned some NXX codes to NANPA and reached a consensus to institute a freeze on the distribution of the remaining NXX codes in the 305 Keys region until either further extraordinary jeopardy measures could be put in place, or the Florida Public Service Commission could approve an NPA relief plan for the 305 Keys region. Subsequently, further jeopardy measures were implemented to preserve the remaining NXX codes. A lottery system was instituted for this region, which includes the rationing of one NXX code per month. Since NPA relief

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for this area may include or affect the portion of the 305 area code overlaid by the 786 area code (the Dade County area), this Commission will address NPA relief for the entire 305 area code, including both the Dade County and Keys regions in this proceeding.

In March 1999, this Commission was informed that the 561 and 954 area codes were in extraordinary jeopardy. Thereafter, in April 1999, we were notified that the 904 area code was also in extraordinary jeopardy. Therefore, we opened Dockets Nos. 990456-TL, 990457-TL, and 990517-TL to investigate the proposed numbering relief plans. Under the direction of NANPA, the telecommunications industry NXX code holders in the 561, 954, and 904 NPAs adopted Final Jeopardy Procedures and reached a consensus to institute rationing of the distribution of the remaining NXX codes in these NPAs to six codes per month, beginning May 1999 for 561 and 954, and July 1999 for the 904 area code. These rationing procedures will continue until NPA relief plans for each of these NPAs are approved.

In view of the related subject matter of these dockets and in the interest of administrative efficiency, these dockets have been consolidated for hearing purposes only.

On April 17, 2000, Commission staff filed a Motion for Leave to File Direct Testimony Out of Time. Therein, Commission staff indicated that Direct Testimony was due to be filed on November 17, 1999, in accordance with Order No. PSC-99-2145-PCO-TL. Commission staff explained that during the course of this proceeding it has, however, become concerned that the parties' prefiled testimony does not appear to provide an adequate record basis for comprehensive consideration of the matters at issue. Therefore, Commission staff asked for leave to file Direct Testimony on or before April 21, 2000. Staff counsel has informed me that Commission staff did, in fact, file the Direct Testimony on April 21, 2000.

In addition, Commission staff noted that the testimony to be filed by Commission staff would be of a limited nature; therefore, granting Commission staff's request would not be unduly burdensome to any party to this proceeding. Commission staff also suggested that it may be appropriate to provide the parties with an opportunity to file rebuttal testimony responsive to Staff's Direct Testimony within 10 days of such filing by Staff. In the Motion, Commission staff further indicated that staff counsel conferred with as many parties as possible on short notice and as of the date the Motion was filed, had received no indication that Commission

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staff's request was opposed.

No responses in opposition to the Motion have been filed. On April 20, 2000, BellSouth did, however, withdraw the discovery and notice of deposition it had previously served on Commission staff based upon the Commission staff's assertions that it would make the testifying staff member available, if necessary, for deposition once the staff testimony had been filed. In its withdrawal letter, BellSouth indicated it did not oppose Commission staff's Motion for Leave to File Direct Testimony Out of Time, as long as parties' are provided with an opportunity to respond.

Upon consideration, the Motion for Leave to File Direct Testimony Out of Time filed by Commission staff is granted. In addition, parties shall be allowed to file rebuttal testimony or supplemental rebuttal testimony responding to the Commission staff's Direct Testimony on or before May 1, 2000. Because the parties will have an opportunity to respond to Commission staff's Direct Testimony, it does not appear that granting Commission staff's Motion will be burdensome or unduly prejudicial to any party to this proceeding.

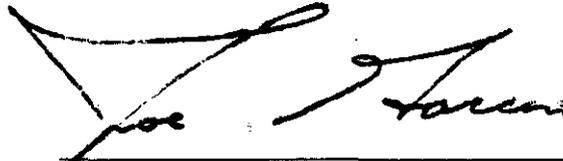
Based on the foregoing, it is

ORDERED by Chairman Joe Garcia, as Prehearing Officer, that Commission staff's Motion for Leave to File Direct Testimony Out of Time is granted. It is further

ORDERED that the parties to this proceeding shall be allowed to file rebuttal or supplemental rebuttal testimony responding to the Commission staff's prefiled Direct Testimony on or before May 1, 2000.

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By ORDER of Chairman Joe Garcia, as Prehearing Officer, this
27th Day of April, 2000.



JOE GARCIA
Chairman and Prehearing Officer

(S E A L)

BK

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review 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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review

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of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.