

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 981444-TP  
ORDER NO. PSC-01-0051-PAA-TP  
ISSUED: January 8, 2001

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
E. LEON JACOBS, JR.  
LILA A. JABER  
BRAULIO L. BAEZ

ORDER DENYING VARIANCE OF NUMBER POOLING REQUIREMENT

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.

Background

The Federal Communications Commission (FCC) issued Order No. FCC 99-249 granting our April 2, 1999, Petition for Delegation of Additional Authority to Implement Number Conservation Measures. In its Order, the FCC granted us interim authority to:

- (1) Institute thousands-block pooling by all local number portability (LNP)-capable carriers in Florida;
- (2) Reclaim unused and reserved NXX codes;
- (3) Maintain 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

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(7) Implement rate center consolidation.

By Order PSC-00-0543-PAA-TP, issued March 16, 2000, we approved the implementation of thousands-block number pooling for wireline carriers in the 954, 561, and 904 area codes, beginning May 1, July 1, and October 1, 2000, respectively. In addition, we established criteria for obtaining initial numbering resources, approved mandatory thousands-block number management procedures, and instituted a process to verify and reconcile numbering resource data available from different sources, all of which are equally applicable to wireline and wireless carriers.

On April 6, 2000, a protest of Order No. PSC-00-0543-PAA-TP (PAA Order) was filed by a number of parties<sup>1</sup> (Joint Petitioners). Specifically, the Joint Petitioners protested and sought a hearing regarding only the portions of the PAA Order that related to: (1) mandatory implementation of thousands-block pooling; (2) thousands-block pooling software release and implementation dates; and (3) designation of a pooling administrator. In addition, on April 6, 2000, Ms. Peggy Arvanitas filed comments responding to the informal Florida NXX Code Holders Group's plan and protested a portion of the PAA Order. The remaining portions of the PAA Order were not protested by the Joint Petitioners and were deemed stipulated pursuant to Section 120.80(13)(b), Florida Statutes.

On April 11, 2000, the Joint Petitioners filed an Offer of Settlement to Resolve the Number Pooling Implementation Protest of the PAA Order. The Offer of Settlement addressed many of the same issues set forth in the Florida NXX Code Holders Group's Number Pooling Implementation Plan for the 954, 561, and 904 NPAs.

On May 30, 2000, proposed agency action Order No. PSC-00-1046-PAA-TP, was issued approving the offer of settlement and dismissing the protest of Ms. Arvanitas. On June 20, 2000, Ms. Arvanitas filed Peggy Arvanitas's Motion for Reconsideration of Order No.

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<sup>1</sup>ALLTEL Communications, Inc.; AT&T Communications of the Southern States, Inc.; AT&T Wireless Services, Inc.; BellSouth Mobility, Inc.; BellSouth Telecommunications, Inc.; Florida Cable Telecommunications Association; Global NAPs, Inc.; GTE Service Corporation; Intermedia Communications; MCI WorldCom, Inc; Media One Communications; Florida Telecom, Inc.; Sprint Spectrum Ltd., d/b/a Sprint PCS; Sprint Communications Company Ltd Partnership; Sprint-Florida, Inc.; Time Warner Telecom of Florida, L.P.; Trivergent Communications, Inc.

PSC-00-1046-PAA-TP. On July 3, 2000, AT&T Communications of the Southern States, Inc., AT&T Wireless Services, Inc. (AT&T), and MCI WorldCom, Inc. (WorldCom) filed their Response to Motion for Reconsideration. On July 7, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed its Response to the Motion for Reconsideration of Ms. Arvanitas. On July 7, 2000, Sprint-Florida Incorporated, Sprint Communications Company Limited Partnership, and Sprint PCS (collectively Sprint) filed their concurrence in AT&T and MCIWorldCom's Response.

By Order No. PSC-00-1527-FOF-TP, we denied Ms. Arvanitas's Motion requesting reconsideration of the issues contained in the final agency action portion of Order No. PSC-00-1046-PAA-TP. Thus, Commission Order No. PSC-00-1046-PAA-TP has become final and effective.

On July 28, 2000, BellSouth filed a Motion for Variance of the number pooling requirement for its 1AESS switches. On August 10, 2000, Ms. Arvanitas filed a Motion to Protest BellSouth's request for variance of number pooling implementation. On August 21, 2000, BellSouth filed its Response to Ms. Arvanitas' Motion to Protest.

#### Variance

Currently, BellSouth has 19 1AESS switches in Florida of which ten are located in the 561, 954, and 904 area codes where we instituted number pooling trials. BellSouth became aware that Lucent Technologies would only continue supporting the 1AESS switches until the fourth quarter of 2003, and would not provide any software upgrades at this time unless required by the FCC. BellSouth's motion requests that we grant it a variance from Order No. PSC-00-1046-PAA-TP for technical reasons until the existing 1AESS switches are replaced.

Ms. Arvanitas claims that if an LNP carrier is excluded from the pooling trials, this situation would not be competitively neutral, according to the Telecommunications Act. Ms. Arvanitas also states that there will not be any technical support for Lucent's 1AESS switches after 2003. She indicates that this situation should not keep BellSouth from upgrading its switches and asks that we deny BellSouth's request for variance from the number pooling requirement for its 1AESS switches.

On August 21, 2000, BellSouth filed its Response to Ms. Arvanitas' Motion to Protest, stating that Ms. Arvanitas' assertions are irrelevant and incorrect.

Upon review of BellSouth's motion, our staff determined that additional information would be needed to fully analyze BellSouth's motion. Therefore, additional information was requested from BellSouth by letters dated August 8, 2000 and September 25, 2000. Our staff also contacted the Number Pooling Administrator (PA), NeuStar, to determine if it had any experience with carriers who experienced technical difficulties while participating in a pooling trial.

In an October 30, 2000 e-mail, the PA stated that it provided exceptions<sup>2</sup> to the Industry Numbering Committee (INC) thousand-blocks Guidelines in both Midwest and Northeast regions. The exceptions allow carriers with certain technical limitations such as the 1AESS switches have, to participate in the number pooling trials. The PA also provided our staff with the following steps which would enable pooling to be initiated within 1AESS switches:

1. Initially accept thousand-block donations from a carrier with limitations.
2. Internal to the PA, separately track the donated blocks from the carrier with limitations.
3. Assess the pools taking into account the forecasts and donations from the carrier with limitations.
4. After assessing the pools and taking into account the forecasts and donations from the affected carrier, make the excess blocks (above what has been forecasted, if any, from the carrier with limitations) available for assignment to the other participating carriers.

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<sup>2</sup>INC thousand-block guidelines state that in a pooling environment, all LNP carriers would participate in a pooling trial and receive numbers in blocks of 1,000.

5. When the carrier with limitations requests a block, a block from the original donation will be assigned (if available).
6. When the carrier with limitations requests a block and no block is available, the PA will request a new CO Code, asking this carrier to be the code holder.
  - a) The carrier with limitation will then be assigned a code (if available).
  - b) The carrier will retain the number of blocks requested.
  - c) The carrier will also donate the remaining blocks to the pool.

The PA has found this procedure to be a workable solution in areas where a carrier has certain limitations, such as the 1AESS switches. The PA agreed to provide this service, at no additional fee, for carriers in Florida that need to participate in pooling.

On November 6, 2000, our staff met with representatives of Lucent Technologies and BellSouth. Other industry members, representatives of NeuStar, and Ms. Arvanitas participated via conference call. Staff discussed the issues raised in BellSouth's motion. The PA explained the procedures (outlined above) as to how carriers with technical difficulties such as the 1AESS switches could participate in the number pooling trials.

It was clear in the discussions with Lucent Technologies representatives that number pooling with the 1AESS switches has two limitations which must be considered. These two limitations relate to number groups and NPA/NXX combinations. As presented by Lucent representatives, once a 1AESS switch has at least 127 assigned number groups (thousand-blocks) or 32 NPA/NXX combinations (whichever occurs first), the 1AESS switch will be technically at its capacity, and therefore unable to continue number pooling because the switch needs to be replaced.

After receiving the new information from the PA, BellSouth acknowledged that number pooling with the 1AESS switches is

technically feasible using the procedures outlined by the PA, provided that some provision is made to address the 1AESS switches that have reached capacity limitations.

Based upon the foregoing, we find it reasonable to deny BellSouth's Motion for Variance because number pooling is viable using the 1AESS switches, as long as the PA agrees to allow an exception to the INC Thousand-block Guidelines by applying the procedures outlined above. We recognize that the 1AESS switches have capacity limitations as indicated by Lucent Technologies. We believe that for BellSouth to participate fully in a number pooling trial, a transition period must be allowed for replacement of the switch prior to reaching maximum capacity. Therefore, we find that once a 1AESS switch has at least 100 assigned number groups or 25 NPA/NXX combinations (whichever occurs first), BellSouth's 1AESS switches should be exempt from the pooling requirement.

BellSouth shall initiate number pooling in its 1AESS switches using the procedures outlined by the PA, with the understanding that once a 1AESS switch has at least 100 assigned number groups or 25 NPA/NXX combinations (whichever occurs first), the switch shall be exempt from the pooling requirement. This provides BellSouth with the ability to comply with Order No. PSC-00-1046-PAA-TP. Once the switch is replaced, BellSouth should follow the normal pooling procedures<sup>3</sup> required of all other switches.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission BellSouth Telecommunications, Inc.'s Motion for Variance of Number Pooling Requirement for its 1AESS Switches is denied. It is further

ORDERED that BellSouth Telecommunications, Inc. initiate number pooling in its 1AESS switches consistent with a procedure established by NeuStar, as outlined in the body of this Order, with the caveat that once an 1AESS switch has at least 100 assigned number groups or 25 NPA/NXX combinations (whichever occurs first),

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<sup>3</sup>Industry Numbering Committee (INC) Thousand-block number pooling guidelines.

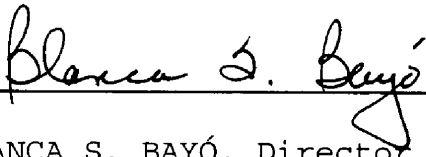
ORDER NO. PSC-01-0051-PAA-TP  
DOCKET NO. 981444-TP  
PAGE 7

BellSouth Telecommunications Inc.'s 1AESS switches should be exempt from the pooling requirement. 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 in the event this Order becomes final, this docket shall remain open.

By ORDER of the Florida Public Service Commission this 8th day of January, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

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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.

ORDER NO. PSC-01-0051-PAA-TP  
DOCKET NO. 981444-TP  
PAGE 8

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 January 29, 2001.

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.