

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of proposed updates to the Routing Data Base System (RDBS) and Business Rating Input Database System (BRIDS) affecting the Tampa telecommunications carriers.

DOCKET NO. 010102-TP
ORDER NO. PSC-01-2113-FOF-TP
ISSUED: October 24, 2001

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER DENYING ORAL ARGUMENT AND GRANTING
MOTION FOR RECONSIDERATION FOR CLARIFICATION

BY THE COMMISSION:

BACKGROUND

On August 15, 2000, Verizon Florida, Inc. (Verizon) sent a letter to Tampa area code holders informing them of forthcoming updates to Telcordia's Routing Database System (RDBS) and Business Rating Input Database System (BRIDS). The updates, to be effective February 1, 2001, were intended to bring the Local Exchange Routing Guide (LERG) and Vertical and Horizontal Terminating Point Master (V+H/TPM) in sync with Verizon's current Florida tariff language. The letter notified the Tampa code holders that this would likely impact their entries in the RDBS and the BRIDS.

On October 25, 2000, our staff received a letter from an attorney on behalf of several Florida Alternate Local Exchange Companies (ALECs). The letter expressed concerns over the impact Verizon's updates would have on ALECs in the Tampa area. On November 17, 2000, our staff asked Verizon to delay the changes pending a study to determine the impact on ALECs and numbering resources.

On January 23, 2001, we received a letter from the attorney seeking immediate assistance on behalf of various ALECs, including ALLTEL, Intermedia, Sprint, Time-Warner, and WorldCom. They had

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been advised by Telcordia that the proposed changes to the RDBS and BRIDS were going to be effective February 1, 2001, contrary to the Commission staff's November 17, 2000 request.

This Docket was opened, and on February 26, 2001, we issued Order No. PSC-01-0456-PAA-TP, ordering that Verizon immediately cease any further actions to modify the RDBS and BRIDS as it relates to the Tampa Rate Center designation. On Tuesday, March 27, 2001, an administrative hearing was conducted regarding this matter, and on July 31, 2001, we entered Order No. PSC-01-1577-FOF-TP, establishing guidelines and implementation schedules for the requested changes.

On August 15, 2001, AT&T Communications of the Southern States, Inc., AT&T Wireless Services, Inc., Intermedia Communications, Inc., Time Warner Telecom, WorldCom, Inc., and XO Florida, Inc., (Joint Parties) filed a Joint Motion for Reconsideration of Order No. PSC-01-1577-FOF-TP To Clarify the Number Pooling Requirements, and a Request for Oral Argument. No response to the Motion and Request was filed.

JURISDICTION

We have been authorized to address numbering issues pursuant to 47 U.S.C. §151 et. Seq., 47 C.F.R. §§ 52.3 and 52.19, FCC Order 99-249, FCC Order 00-104, and FCC Order 00-429. In accordance with 47 C.F.R. §§ 52.3:

The Commission (FCC) shall have exclusive authority over those portions of the North American Numbering Plan (NANP) that pertain to the United States. The Commission may delegate to the States or other entities any portion of such jurisdiction.

Furthermore, 47 C.F.R. §§ 52.19 provides, in part, that:

(a) State commissions may resolve matters involving the introduction of new area codes within their states. Such matters may include, but are not limited to: Directing whether area code relief will take the form of a geographic split, an overlay area code, or a boundary realignment; establishing new area code boundaries;

establishing necessary dates for the implementation of area code relief plans; and directing public education efforts regarding area code changes.

The FCC issued Order 99-249 on September 15, 1999, granting our Petition for Delegation of Additional Authority to Implement Number Conservation Measures. Therein, the FCC granted us interim authority to:

- (1) Institute thousand-block number pooling by all 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
- (7) Implement rate center consolidations.

Furthermore, our jurisdiction, as set forth in Section 364.01, Florida Statutes, is broad. Specifically, Section 364.01(2), Florida Statutes, gives us ". . . exclusive jurisdiction in all matters set forth in this chapter to the Florida Public Service Commission in regulating telecommunications companies . . ." Subsection (4)(a) provides that we shall "Protect the public health, safety, and welfare by ensuring that basic telecommunications services are available to all consumers in the state at reasonable and affordable prices." Subsection (4)(i) states that we shall also "Continue its historical role as a surrogate for competition for monopoly services provided by local exchange telecommunications companies." Furthermore, Section 364.15, Florida Statutes, authorizes us to compel repairs, improvements, changes, additions, or extensions to any telecommunications facility in order to promote the security or convenience of the public, or secure adequate service or facilities for telecommunications services.

Therefore, we have jurisdiction to address this matter.

ANALYSIS

Joint Request for Oral Argument

Pursuant to Rule 25-24.058, Florida Administrative Code, on August 15, 2001, the ALECs filed a Joint Request for Oral Argument on their Joint Motion for Reconsideration of PSC Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements. Oral argument is not necessary to explain the matters upon which the ALECs seek clarification in the post-hearing decision pertaining to the number pooling issues. Accordingly, the Joint Request for Oral Argument is denied

Joint Motion for Reconsideration

On August 15, 2001, the ALECs¹ filed a Joint Motion for Reconsideration of PSC Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements. Upon review of the questioned Order, it appears there may be ambiguities which could be clarified by providing further detail. Accordingly, clarification on the points requested in the Motion is provided below:

- a) Whether the implementation of number pooling in this instance means that the steps necessary for the number pooling process have begun or that they are complete;

In the context of the order, the word implementation means that the pooling participants have begun to take the necessary steps required to implement pooling.

Our Order No. PSC-01-1577-FOF-TP, states that:

Based on the evidence presented in this proceeding by all parties, a number pooling trial shall be implemented in the Tampa MSA beginning on October 1, 2001. (Page 16, ¶ 4)

Based on that Order, the initial number pooling meeting would have taken place no later than October 1, 2001. In addition, the time frame for this pooling trial should be similar to the pooling trials that we have already

¹AT&T, AT&T Wireless, Intermedia, Time Warner, WorldCom, and XO Communications.

implemented. In the previous pooling trials in Florida, the time elapsed from the initial pooling meeting to activation of the pool was approximately five months. Because of the request for clarification, and to maintain consistency, the ordered implementation date of October 1, 2001, shall now be changed to November 12, 2001.

b) Whether participation in the number pooling trial is mandatory;

The number pooling trial is voluntary. From our Order, however, it should be clear that we strongly urge all LNP-capable carriers to participate in the pooling trial. For a pooling trial to be effective, a high degree of participation is necessary.

Our Order (Page 15, ¶ 1) states that:

All Local Number Portability (LNP)-capable carriers in the Tampa MSA should participate in the number pooling trials.

Furthermore, the Order (Page 16, ¶ 4) states that:

All non-wireless LNP-capable carriers shall participate in the pooling trial.

The wording in the Order on page 16, ¶ 4, should read:

All non-wireless LNP-capable carriers should participate in the pooling trial.

All LNP capable carriers in the Tampa area, both wireless and non-wireless, are urged to participate in the number pooling trial.

c) the specific requirements of the Verizon proposal;

Our Order (Page 9, ¶ 4) states that:

We find that all existing customers in the 813 area code shall be grandfathered as described in Verizon's proposal, but with a modification. The grandfathered customers shall be allowed to maintain their phone number regardless if they change carriers, as long as they are at the same location.

Based on a review of transcripts of the technical hearing of this proceeding, we note that Verizon's proposal was to grandfather customers' telephone numbers. Verizon witness Menard states that:

In their testimony the ALECs raise two principal problems in conjunction with Verizon's proposal to harmonize the numbering databases with Verizon's tariffs. Both of these concerns are groundless, assuming the Commission accepts Verizon's proposed remedy. First, the ALECs say their customers will need to take number changes if they are not physically located in the same rate center to which they are currently assigned. But Verizon has proposed that all existing customers in the 813 area code should be grandfathered so that none of them would need to take a number change unless they later changed carriers. Any new NXX codes should be established with the correct Tampa rate center designation in the same manner as done with all other rate centers. Second, the ALECs claim that Verizon's proposal will unduly accelerate the exhaust of the 813 area code because ALECs will now need additional entire NXX codes to serve the four rate centers other than Tampa central. Verizon believes this concern about the impact of numbering resources is likely exaggerated as Verizon's analysis shows that the vast majority of the ALECs customers, probably about 98 percent are located in the Tampa central rate center anyway, which is where they are assigned today.

However, due to the impact of this proposal, we modified Verizon's proposal such that all customer lines will be allowed to maintain their numbers regardless of whether they change carriers, as long as they are at the same location.

Subsequent to the hearing, several number pooling implementation meetings were held, and various technical difficulties were identified. As a result of those meetings, Verizon suggested, and the ALEC's concur, that it would be more efficient and less costly to grandfather the full NXX codes rather

than individual numbers. We agree with Verizon's recommendation. The NXX codes that are grandfathered will be temporarily assigned to the Tampa Global rate center. The carriers can then assign or designate their existing and new NXX codes to other Tampa rate centers prior to the FCC mandated pooling implementation date. Allowing carriers to grandfather the NXX codes to the Tampa Global rate center prevents conflicts with the INC guidelines related to porting across rate center boundaries.

- d) whether "grandfathered" codes would have to participate in the pooling trial, whether or when thousands blocks from such codes would have to be donated after mandatory pooling, and the specific date upon which codes will be grandfathered;

Pursuant to the post-hearing implementation meetings, certain consensus emerged. The grandfathered codes would participate in the pooling trial, but in a separate pool of numbers in the Tampa Global rate center. As a result, the grandfathered NXX codes should participate in the pooling trial once these codes are assigned to one of the six rate centers (i.e., Tampa Central, Tampa North, Tampa South, Tampa East, Tampa West, and Tampa Global). In addition, once the FCC's implementation schedule to mandatorily implement the pooling trial is issued, all grandfathered thousands blocks from such codes would have to be donated. Currently, the FCC has not issued the specific date upon which the mandatory number pooling trials would take place; however, such grandfathered codes should participate as soon as the carriers designate the NXX codes to a particular rate center. Participation in the pool will improve the utilization of telephone numbers in the 813 area code.

- e) Whether carriers will be allowed to assign any NXXs, including grandfathered codes, to the rate center that is appropriate to their respective customers and businesses, and not arbitrarily to the Tampa Central rate center;

Based on our Order, under the modified Verizon proposal, the carriers will be allowed to assign any NXXs, including grandfathered codes, to the rate center that is appropriate to their respective customers and businesses, and not arbitrarily to the Tampa Central rate center. Under our order, there are eight rate centers that serve the 813 Tampa area: Tampa Central, Tampa North, Tampa South, Tampa East, Tampa West, Tampa Global, Zephyrhills, and Plant City.

- f) Whether the pooling trial will involve only the Tampa rate centers or whether the trial will extend to the entire Tampa MSA;

The current pooling trial shall consist of the Tampa Central, Tampa North, Tampa South, Tampa East, Tampa West, Tampa Global, Zephyrhills, and Plant City rate centers in the 813 area code.

Our Order (Page 15, ¶ 1) states that:

We agree with Intermedia witness Faul that for a number pooling trial to take place, the pooling should occur at the rate center level. All five rate centers will need to be pooled. Whether there is one Tampa rate center or five Tampa rate centers, all of these rate centers are within the Tampa MSA. Therefore, there would be one number pooling trial with all rate centers located in the Tampa MSA participating.

The pooling trial shall take place in all Tampa rate centers, including the Zephyrhills, and Plant City rate centers. Our order states that the number pooling trial will take place only in the 813 portion of the Tampa MSA, and only using the Tampa rate centers (i.e., Tampa Central, Tampa North, Tampa South, Tampa West, Tampa East, Tampa Global, Zephyrhills, and Plant City).

- g) Whether the number pooling trial will be subject to the guidelines found in the INC Thousands Block Number Pooling Administration Guidelines as well as any national requirements that may be adopted by the FCC.

All number pooling trials shall be subject to the INC guidelines and any nationally mandated requirements by the FCC. However, in this case, the number pooling trial is voluntary, and will involve carriers wishing to participate in conserving 813 area code numbering resources in the Tampa area. Since a Tampa Global pooling trial will be implemented, there would be no violation of the INC guidelines if a grandfathered customer changes carriers and keeps the same number, as long as they are at the same location.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Joint Request for Oral Argument on the Joint Motion for

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Reconsideration of PSC Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements is denied. It is further

ORDERED that the Joint Motion for Reconsideration of PSC Order No. PSC-01-1577-FOF-TP to Clarify the Number Pooling Requirements is granted, and the Order is clarified as detailed in the body of this Order. It is further

ORDERED that this Docket shall remain open, pending implementation of the number pooling trial.

By ORDER of the Florida Public Service Commission this 24th Day of October, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

CLF

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.