

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review of Somos' denial of application for numbering resources for the Orlando rate center, by Orlando Telephone Company, Inc. d/b/a Summit Broadband.

DOCKET NO. 20190192-TX
ORDER NO. PSC-2019-0460-PAA-TX
ISSUED: October 25, 2019

NOTICE OF PROPOSED AGENCY ACTION
ORDER DIRECTING SOMOS, INC. TO PROVIDE
ORLANDO TELEPHONE COMPANY, INC. D/B/A SUMMIT BROADBAND
WITH ADDITIONAL NUMBERING RESOURCES

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 (F.A.C.).

BACKGROUND

On October 4, 2019, Orlando Telephone Company, Inc. d/b/a Summit Broadband (Orlando Telephone Company or Company) filed a request for additional numbering resources from the Number Pooling Administrator, Somos, Inc. (Somos), for the Orlando Telephone Company rate center (ORLDFLMADSH) switch. Orlando Telephone Company requested nine blocks to meet the request of a specific customer for the first 500 consecutive numbers from each of the nine blocks. On October 4, 2019, Somos denied Orlando Telephone Company's request for additional numbering resources because Somos determined that Orlando Telephone Company did not meet the Federal Communications Commission's (FCC) utilization criteria.

On October 14, 2019, pursuant to 47 C.F.R. §52.15(g)(4)(iv), Order FCC 00-104, Order No. PSC 2001-1973-PCO-TL,¹ and the Industry Numbering Committee's (INC) Numbering Pooling Guidelines Sections 3.7 and 12(c), Orlando Telephone Company filed a petition asking that this Commission reverse Somos' decision. In its petition, Orlando Telephone Company asserts that at the time of the code request Orlando Telephone Company's utilization did not meet the FCC 75% threshold, or the six months-to-exhaust (MTE) calculation. Orlando Telephone Company requests that we reverse Somos' decision because Somos' denial interferes with Orlando Telephone Company's ability to serve its customers in Florida.

¹ Order No. PSC 2001-1973-PCO-TL, issued on October 4, 2001, in Docket No. 20010782-TL, *In re: Petition for generic proceedings to establish expedited process for reviewing North American Numbering Plan Administration (NANPA) future denials of applications for use of additional NXX Codes by BellSouth Telecommunications, Inc.*

We are vested with jurisdiction pursuant to Sections 364.16(7), F.S., and 47 C.F.R. §52.15.

ANALYSIS

Somos has denied Orlando Telephone Company additional numbering resources because the Company has not met the applicable utilization or MTE criteria.

However, denial of additional numbering resources poses a possible barrier to competition. In this instance, a customer desiring service from Orlando Telephone Company might have to obtain services from another carrier simply because Orlando Telephone Company cannot meet the utilization or MTE rate center requirement. By Order No. DA 01-386,² the FCC stated:

Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources.

A procedure is available to carriers who are denied additional numbering resources to challenge that decision. Addressing additional numbering resources denials, 47 C.F.R. §52.15(g)(4)(iv), states, in part:

The carrier may challenge Somos' decision to the appropriate state regulatory commission. The state regulatory commission may affirm or overturn the Somos decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein.

In reviewing the Company's petition as contemplated by 47 C.F.R. §52.15(g)(4)(iv), we have considered the information provided by Orlando Telephone Company and, in accordance with Order No. PSC-2001-1973-PCO-TL³, find that the Company has met the following criteria:

The Company has demonstrated that it has a customer in need of immediate numbering resources.

The Company has shown that it is unable to provide services to a potential customer because of Somos' denial of the numbering resources.

² Order No. DA 01-386, CC Docket No. 99-200, CC Docket No. 96-98, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (February 14, 2001), at Paragraph 11.

³ Order No. PSC-2001-1973-PCO-TL, issued on October 4, 2001, in Docket No. 20010782-TL, *In Re: Petition for generic proceedings to establish expedited process for reviewing North American Numbering Plan Administration (NANPA) future denials of applications for use of additional NXX Codes by BellSouth Telecommunications, Inc.*

A potential customer cannot obtain service from the provider of its choice because the Company does not have the numbers available.

CONCLUSION

Based on the foregoing, we find it appropriate to reverse Somos' decision to deny additional numbering resources, and direct Somos, Inc. to provide Orlando Telephone Company, Inc. d/b/a Summit Broadband with additional numbering resources for the Orlando rate center, ORLDFLMADSH switch as soon as possible to meet its customer's needs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Number Pooling Administrator (Somos, Inc.) shall provide Orlando Telephone Company with additional numbering resources for the Orlando rate center, ORLDFLMADSH switch as soon as possible, as reflected in the body of this Order. 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 Office of Commission Clerk, 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 be closed.

By ORDER of the Florida Public Service Commission this 25th day of October, 2019.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 15, 2019.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.