

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Generic investigation
into permanent number
portability.

DOCKET NO. 960100-TP
ORDER NO. PSC-97-0846-FOF-TP
ISSUED: July 14, 1997

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

PROPOSED AGENCY ACTION ORDER ON FLORIDA PARTICIPATION IN
SOUTHEAST REGION NUMBER PORTABILITY DATABASE SYSTEM

BY THE COMMISSION:

I. Background

The Federal Communications Commission (FCC) has authority, pursuant to the Telecommunications Act of 1996 (the Act), to establish the requirements of number portability. Accordingly, the FCC issued two orders that established the requirements for permanent number portability in Docket No. 95-116. They are Order No. FCC 96-286, issued on July 2, 1996, and Order No. FCC 97-74, issued on March 11, 1997. The FCC did not choose a specific method for providing permanent number portability, but left that decision to the states. The FCC, however, established criteria for long-term number portability methods that must be met by the state solutions. The FCC believed these criteria would ensure an appropriate level of national uniformity, while maintaining flexibility to accommodate innovation and improvement. It required that any long-term number portability method, including call processing scenarios or query triggering, must:

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- (1) support existing network services, features, and capabilities;
- (2) efficiently use numbering resources;
- (3) not require end users to change their telecommunications numbers;
- (4) not result in unreasonable degradation in service quality or network reliability when implemented;
- (5) not result in any degradation of service quality or network reliability when customers switch carriers;
- (6) not result in a carrier having a proprietary interest;
- (7) be able to accommodate location and service portability in the future; and
- (8) have no significant adverse impact outside the areas where number portability is deployed.

The FCC did not establish a national call processing scenario, which determines where a database query is done, since it believed the carriers may wish to determine among themselves how to process calls under alternative scenarios.

Although the FCC did not mandate the method to provide number portability, it established a schedule specifying the dates when companies would be required to implement long-term number portability in switches requested by the competing carriers in various Metropolitan Statistical Areas (MSAs). The FCC left the method of prioritizing switches within the MSAs up to the industry and the state commissions. We note that the Florida Number Portability Standards Group (FNPSG) is currently in the process of prioritizing the switches in Florida for Local Routing Number (LRN) deployment.

The FCC believes that requiring implementation of long-term number portability by a date certain is consistent with the Act's requirements that Local Exchange Carriers (LECs), including Commercial Mobile Radio Service (CMRS) providers, offer number portability as soon as they can. This will, it believes, advance the Act's goal of encouraging competition in the local exchange market. The schedule requires LECs operating in the 100 largest MSAs to offer long-term service provider number portability commencing on October 1, 1997, and concluding by December 31, 1998 for the switches identified by the competing carriers. After December 31, 1998, each LEC must make long-term number portability available in smaller MSAs within six months after a specific request by another telecommunications carrier in the areas in which

the requesting carrier is operating or plans to operate. Although the FCC has established the schedule for implementation of number portability, it strongly encourages carriers to provide such portability before the FCC imposed deadlines. Table A shows the schedule, as modified by the FCC, for the areas in Florida that are included in the largest 100 MSAs.

TABLE A

MSA	Counties in MSA	Dates of Implementation
Miami	Dade	1/1/98-5/15/98
Ft. Lauderdale	Broward	1/1/98-5/15/98
Orlando	Lake, Orange, Osceola, Seminole	1/1/98-5/15/98
Tampa	Hillsborough, Pinellas, Hernando, Polk	1/1/98-5/15/98
Jacksonville	Clay, Duval, Nassau, St. Johns	7/1/98-9/30/98
West Palm Beach	Palm Beach	7/1/98-9/30/98
Sarasota	Manatee, Sarasota	10/1/98-12/31/98

Source: FCC 97-74

The FCC concluded that an impartial entity should be selected to be the database administrator. In addition, it believed that a regionally deployed database system would ensure that carriers have the number portability routing information necessary to route telephone calls between carriers' networks, and would also promote uniformity in the provision of such number portability data. The FCC required the North American Numbering Council (NANC), which is responsible for selecting the new North American Numbering Plan Administrator, to select the regional database provider and to determine all technical interoperability and operational standards associated with a regional database.

The FCC provides that states can decline to participate in a regional database, within 60 days from issuance of the Notice by the FCC, and develop a state specific database. The state

database, however, must meet the national requirements and operational standards recommended by the NANC. Further, carriers within a state that chooses not to participate in a regional database can petition the FCC for relief if the state's decision not to participate in a regional database delays the deployment of long-term number portability.

On May 1, 1997, the NANC forwarded its recommendations on who should serve as the local number portability administrator(s) (LNPAs) to the FCC. The NANC issued recommendations in the following areas:

- (1) What party or parties should be selected as LNPA(s);
- (2) Whether one or multiple LNPA(s) should be selected;
- (3) How the LNPA(s) should be selected;
- (4) Specific duties of the LNPA(s);
- (5) Geographic coverage of the regional databases;
- (6) Technical standards, including interoperability standards, network interface standards, and technical specifications, for the regional databases;
- (7) The sharing of numbering information between the North American Numbering Plan Administrator and the LNPA(s); and,
- (8) The future role of the NANC with respect to local number portability issues.

Essentially, NANC recommended the FCC adopt the various regional approaches being developed across the country.

II. Decision

As discussed above, FCC Order No. 96-286 requires this Commission to notify the FCC's Common Carrier Bureau within 60 days from the release date of the Public Notice, if we decide not to participate in the FCC regional database system for number portability. Carriers may challenge a state's decision not to participate in the regional database system by filing a petition with the FCC. The FCC indicates that relief will be granted to the carrier if it can demonstrate that the state's decision not to participate would significantly delay deployment of permanent number portability or result in excessive costs to carriers. The NANC recommended that the FCC use the regional number portability mechanisms that are already under development to comply with the requirements of the Act. On May 2, 1997, the FCC requested

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comments on NANC's recommendations and released its Public Notice beginning the 60 day clock.

The FNPSG has done considerable work to be in the position to implement permanent number portability as required by the FCC Orders. We note that previously on March 24, 1997, we issued Order No. PSC-97-0324-FOF-TP, wherein we endorsed the FNPSG efforts in the development of the Southeast Region Number Portability Database System. The members of the FNPSG now believe that we should choose to participate in the Southeast Region Permanent Number Portability Database System. The Florida telecommunications industry, via the FNPSG members, believes that the regional approach will minimize the cost of implementing LRN as a permanent number portability mechanism in Florida. In addition, FNPSG has determined that LRN is currently the only solution that meets the FCC's criteria.

Based on the foregoing, we believe that participation in the Southeast Region Number Portability Database System is appropriate.

Therefore, it is

ORDERED by the Florida Public Service Commission that we shall participate in the Southeast Region Permanent Number Portability Database System. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 14th day of July, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

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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 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), 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 August 4, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

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If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting 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 of the effective date 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.