

ORIGINAL

**RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN**

PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA  
KENNETH A. HOFFMAN  
THOMAS W. KONRAD  
MICHAEL G. MAIDA  
J. STEPHEN MENTON  
R. DAVID PRESCOTT  
HAROLD F. X. PURNELL  
GARY R. RUTLEDGE  
H. MICHAEL UNDERWOOD  
WILLIAM B. WILLINGHAM

POST OFFICE BOX 551, 32302-0551  
215 SOUTH MONROE STREET, SUITE 420  
TALLAHASSEE, FLORIDA 32301-1841

GOVERNMENTAL CONSULTANTS  
PATRICK R. MALOY  
AMY J. YOUNG

TELEPHONE (850) 681-6788  
TELECOPIER (850) 681-6515

September 29, 1997

**HAND DELIVERY**

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center  
Room 110  
Tallahassee, Florida 32399-0850

Re: Docket No. **971058-TL**

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of Teleport Communications Group Inc. ("TCG") are the following documents:

1. Original and fifteen copies of TCG's Prehearing Statement; and
2. A disk in Word Perfect 6.0 containing a copy of the Prehearing Statement.

ACK

AFA

AFP

CAF

CMU  *Breer*

CTR

EAG

LEG  *2*

LPI  *5*

CI

RC

SEC  *1* **WBW/rl**

W/S  **Enclosures**

OTH  **cc: All Parties of Record**

Please acknowledge receipt of these documents by stamping the extra copy of this letter and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

*William B. Willingham*  
William B. Willingham

DOCUMENT NUMBER-DATE  
**09966 SEP 29 97**  
FPSC-RECORDS/REPORTING

OFFICE

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Request for review of )  
proposed numbering plan relief )  
for 305 Area. )  
\_\_\_\_\_)

Docket No. **971058-TL**

Filed: September 29, 1997

**TELEPORT COMMUNICATIONS GROUP INC.'S  
PREHEARING STATEMENT**

Pursuant to Rule 25-22.038(3), Florida Administrative Code, and Order No. PSC-97-1002-PCO-TL issued August 21, 1997 ("Order Establishing Procedure"), Teleport Communications Group Inc./TCG South Florida ("TCG"), by and through its undersigned counsel, hereby submits its Prehearing Statement to the Florida Public Service Commission ("Commission") in the above-captioned docket.

**A. WITNESSES**

TCG will sponsor David M. Hirsch as its witness in this proceeding. Mr. Hirsch will present direct testimony on behalf of TCG, and will address the issue identified in Appendix "A" of the Order Establishing Procedure and each issue proposed herein.

**B. EXHIBITS**

At this time TCG does not intend to sponsor any exhibits at the hearing. However, TCG reserves the right to identify exhibits at the final hearing for purposes of cross-examination and redirect examination.

DOCUMENT NUMBER-DATE  
**09966 SEP 29 5**  
FPSC-RECORDS/REPORTING

### C. BASIC POSITION

TCG's interest in this proceeding stems from its status as a certificated Alternative Local Exchange Carrier ("ALEC") that presently provides service in the 305 area code on a competitive basis with BellSouth Telecommunications, Inc. ("BST") and others. To the extent that a relief plan is needed, TCG supports the implementation of a geographic split to address the pending code exhaust in the 305 Numbering Plan Area ("NPA"). However, if true number portability will be available prior to July 1, 1998, it would appear that the projected exhaust of the 305 area code is premature as true number portability with vacant number porting could liberate a significant amount of unused numbers that presently are unavailable due to BST's inefficient assignment of NXX codes in blocks of 10,000.

A geographic split will minimize customer confusion and eliminate the need for ten-digit dialing for local calling within an NPA. A geographic split is the only competitively neutral solution to the pending code exhaust in the 305 NPA. The overlay plan proposed by BST is discriminatory, anti-competitive, confusing to customers and would serve to stifle local exchange competition. BST's overlay plan would place competing local exchange service providers at a significant disadvantage. The lack of true number portability exacerbates the anti-competitive impact of the proposed overlay NPA since potential customers would be reluctant to change carriers if such change entails both a new seven digit number and a new NPA. Unless and until true number portability is implemented and fully

operational in Florida, overlay plans such as the one proposed by BST remain discriminatory, anti-competitive and not in the public interest.

**D. STATEMENT OF EACH QUESTION OF FACT**

**ISSUE 1: What is the projected date of the 305 NPA exhaust if true number portability with vacant number porting can be implemented by July 1, 1998?**

**TCG:** At this time TCG does not have sufficient information to project an exhaust date. However, if true number portability with vacant number porting is available on or before July 1, 1998, it would appear that the projected exhaust of the 305 area code is very premature.

**ISSUE 2: If, when and to what extent would an overlay or some form of geographic split require ten digit dialing for local calls?**

**TCG:** An overlay would mandate ten digit dialing for all local calls. A geographic split permits seven digit dialing for all local calls placed between a customer in either NPA to another customer in the same NPA. A geographic split would mandate ten digit dialing only for those local calls placed between the 305 NPA and the new NPA.

**ISSUE 3: Whether an overlay or some form of geographic split will eliminate the association between the area code and location, thereby affecting the level of customer confusion created by a new relief plan?**

**TCG:** Geographical splits are easily understood by customers. A geographic split would maintain the association between the area code and location. An overlay would completely disassociate the area code and the location, resulting in considerable customer confusion.

**ISSUE 4: Whether the implementation of an overlay plan or some form of geographic split will adversely affect or benefit the predominant number of customers in the 305 area code located in Dade County?**

**TCG:** Customers prefer geographic splits. Geographic splits provide many customer benefits, such as seven digit dialing and ease of implementation. Overlay plans result in ongoing customer confusion due to the disassociation of the area code from location.

**ISSUE 5: Whether an overlay or some form of geographic split facilitates or impedes the development of local exchange competition?**

**TCG:** Geographic splits encourage competition by leveling the playing field for ALECs to compete against the incumbent BST. Overlay plans have a discriminatory and anti-competitive effect on BST's competitors that impedes the development of local competition.

**ISSUE 6: Whether an overlay or some form of geographic split prevents or discourages consumers from taking new telecommunications services from an ALEC?**

**TCG:** Overlay plans discourage customers from taking new service from ALECs when ALECs do not have the familiar numbering resources to assign to customers. Geographic splits on the other hand are competitively neutral because all carriers have the same familiar numbering resources to assign.

**ISSUE 7: Whether an overlay or some form of geographic split favors or disadvantages any particular industry segment?**

**TCG:** A geographic split does not disadvantage any particular industry segment while an overlay favors those carriers that have familiar NPA NXX resources.

**ISSUE 8: Whether implementation of an overlay prior to the actual implementation of service provider telephone number portability with line level number porting throughout the current 305 area code will disproportionately and adversely impact alternative local exchange carriers, including TCG?**

**TCG:** Yes. Without true number portability, an overlay places all ALEC providers at a significant competitive disadvantage to BST because ALECs are forced to utilize inferior number portability solutions such as remote call forwarding.

**ISSUE 9:** Whether implementation of some form of geographic split prior to the actual implementation of service provider telephone number portability with line level number porting throughout the current 305 area code is necessary to achieve competitive neutrality among all local exchange carriers?

**TCG:** Yes.

**ISSUE 10:** Whether BellSouth Telecommunications, Inc. has instituted fair, non-discriminatory and competitively neutral procedures for the distribution of the remaining NXX codes in the current 305 area code, if an overlay is approved by the Commission?

**TCG:** BST has not provided adequate assurance that it will assign NXXs in the 305 area code in a nondiscriminatory manner if any overlay is implemented. ALECs must be guaranteed fair and non-discriminatory access to the remaining 305 NXX codes, BST's unassigned numbers, and former customer reserved numbers before an overlay is implemented.

**ISSUE 11:** Would an overlay or geographic split result in the most efficient use of numbering resources in both the short and long term?

**TCG:** The use of numbering resources will be equally efficient under a geographic split or an overlay if true number portability with vacant number porting has been implemented.

**ISSUE 12:** Would an overlay or some form of geographic split allow more future options for area code relief in the current 305 area code?

**TCG:** A geographic split would allow for either an overlay or another geographic split to address future code exhaust situations. An overlay would effectively restrict future relief to additional overlays.

**ISSUE 13:** Whether there have been efficient and non-discriminatory NXX code utilization practices for the 305 area code subsequent to the implementation of the geographic split ordered by the Commission pursuant to Order No. PSC-95-1048-FOF-TL issued August 23, 1995 in Docket No. 941272-TL?

TCG: At this time TCG does not have sufficient information to respond to this issue. However, if true number portability will be available on or before July 1, 1998, it would appear that the projected exhaust of the 305 area code is premature as true number portability with vacant number porting would liberate many unused numbers that presently are unavailable due to BST's inefficient assignment of NXX codes in blocks of 10,000.

**E. STATEMENT OF EACH QUESTION OF LAW**

TCG is not aware of any issues of law that have been raised in this proceeding.

**F. STATEMENT OF EACH POLICY QUESTION**

**ISSUE 14: Should the Commission approve the overlay plan for 305 area code relief, and if not, what relief plan should the Commission approve?**

TCG: The Commission should implement a geographic split plan upon its determination that an exhaust is imminent. At this time TCG does not have sufficient data to propose a specific boundary between the 305 NPA and the new NPA.

**G. STIPULATED ISSUES**

TCG is not aware of any issues that have been stipulated.

**H. PENDING MOTIONS**

TCG is not aware of any pending motions.

**I. OTHER REQUIREMENTS**

TCG is not aware of any requirement with which it cannot comply.

Respectfully submitted,



KENNETH A. HOFFMAN, ESQUIRE  
WILLIAM B. WILLINGHAM  
RUTLEDGE, ECENIA, UNDERWOOD, PURNELL  
& HOFFMAN, P.A.

P. O. Box 551  
Tallahassee, FL 32302-0551  
(850) 681-6788 (Telephone)  
(850) 681-6515 (Fax)

and

MICHAEL MCRAE, ESQ.  
TELEPORT COMMUNICATIONS GROUP INC.  
2 Lafayette Center, Suite 400  
1133 Twenty First Street, NW  
Washington, DC 20036  
(202) 739-0032 (Telephone)  
(202) 739-0044 (Fax)



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by hand delivery and U. S. Mail to the following on this 29th day of September, 1997:

Nancy White, Esq.  
c/o Nancy Sims  
BellSouth Telecommunications  
150 South Monroe Street  
Suite 400  
Tallahassee, FL 32301  
(via hand delivery)

Mark Herron, Esq.  
E. Gary Early, Esq.  
Akerman, Senterfitt & Eidson, P.A.  
216 South Monroe Street  
Suite 200  
Tallahassee, Florida 32301  
(via hand delivery)

Richard D. Melson, Esq.  
Hopping Green Sams & Smith  
123 South Calhoun Street  
Tallahassee, Florida 32314  
(via hand delivery)

Thomas K. Bond, Esq.  
780 Johnson Ferry Road  
#700  
Atlanta, GA 30342  
(via U.S. Mail)

Mark K. Logan, Esq.  
Bryant, Miller and Olive  
201 South Monroe Street  
Tallahassee, FL 32301  
(via hand delivery)

John Bowman, Esq.  
Martha Carter Brown, Esq.  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370  
Gerald L. Gunter Building  
Tallahassee, FL 32399-0850  
(via hand delivery)

Marsha Rule, Esq.  
Tracy Hatch, Esq.  
AT&T Communications  
101 N. Monroe Street  
Suite 700  
Tallahassee, FL 32301  
(via hand delivery)

By William B. Willingham  
WILLIAM B. WILLINGHAM, ESQ.