

ORIGINAL

DIRECT TESTIMONY OF
WILLIAM H. BROWN

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 990373-TL

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DIRECT TESTIMONY OF

WILLIAM H. BROWN

In re: Establishment of a
Statewide Emergency Area Code
Relief Plan

Docket No. 990373-TL
Filed June 9, 1999

1 Q Please state your name and business address.

2

3 A William H. Brown, BellSouth Cellular Corp., 1100 Peachtree Street, N.E., Suite 809,
4 Atlanta, Georgia, 30309-4599.

5

6 Q What is your current position at BellSouth Cellular Corp.?

7

8 A I am the Manager of State Regulatory. I handle legislative and regulatory issues,
9 including Numbering Plan Area ("NPA") issues, in Florida and in a number of other
10 states.

11

12 Q What is the relationship between BellSouth Cellular Corp. and Florida Cellular Service,
13 Inc. d/b/a BellSouth Mobility Inc ("BellSouth Mobility")?

14

15 A BellSouth Cellular Corp. owns, derivatively, 100% of BellSouth Mobility.

16

17 Q Please briefly describe your educational background and telecommunications experience.

18

19 A I have a Bachelor of Science Degree in Mathematics from North Georgia College and a
20 Master of Business Administration Degree from the University of Alabama in
21 Birmingham ("UAB"). I have been employed in the telecommunications industry for
22 thirty (30) years, and in the wireless telecommunications industry for sixteen (16) years.
23 I have held various positions with Southern Bell, Bean & Whitney Engineering, Inc.,
24 South Central Bell, GTE of the Southeast, BellSouth Mobility Inc., and BellSouth
25 Cellular Corporation. My work experience over my career includes engineering,

1 economic analysis, rate and tariff development and filings, and other regulatory
2 responsibilities.

3
4 Q Please describe the operations of BellSouth Mobility.

5
6 A BellSouth Mobility is a commercial mobile radio service ("CMRS") provider and, as
7 such, offers cellular telecommunications services to customers in Florida and in six (6)
8 other states.

9
10 Q Does the Florida Public Service Commission ("Commission") regulate the operations of
11 BellSouth Mobility?

12
13 A No.

14
15 Q Why then has BellSouth Mobility elected to submit prefiled testimony in this proceeding?

16
17 A BellSouth Mobility is submitting testimony in this docket for the sole and limited purpose
18 of supporting a Stipulation and Voluntary Number Management Measures (Exhibit "A")
19 to which BellSouth Mobility and other service providers have agreed and are willing to
20 implement in order to advance the objectives of this docket.

21
22 Q What are the objectives of this docket?

23
24 A It is my understanding that the Commission will evaluate interim mechanisms to
25 preserved vacant 1000-number blocks from unnecessary contamination so that, in turn,

1 those vacant blocks of telephone numbers ("TNs") can be pooled as part of future number
2 conservation solutions. The Commission has indicated that it will consider whether NXX
3 code holders should be required to distribute telephone numbers consecutively, beginning
4 with the lowest assignable number or whether some other number administration
5 alternative would be more appropriate.

6
7 Q Is the distribution of telephone numbers on a consecutive basis a viable method of
8 preserving vacant 1000-number blocks?

9
10 A No. In theory, the assignment of TNs on a consecutive basis beginning with the lowest
11 available number may appear to assist in preserving vacant 1000-number blocks. In
12 reality, however, it is not a workable solution nor is it cost-effective.

13
14 Q Please explain.

15
16 A In today's highly competitive wireless telecommunications environment, BellSouth
17 Mobility routinely receives simultaneous customer requests for TN assignments. These
18 customer requests differ dramatically on the basis of customer type, number sequences
19 requested, and the quantity of numbers requested. In order to fairly and efficiently
20 respond to competing customer requests for TNs, BellSouth Mobility relies on a
21 sophisticated automated number assignment system known as the Customer Assistance
22 Resource Environment ("CARE") System. The CARE System was developed by
23 BellSouth Cellular Corporation and has proven to be a highly efficient tool for number
24 administration. The system rapidly assigns and reserves TNs to meet specific customer
25

1 demands. In addition, the CARE System automatically recycles previously used numbers
2 to ensure efficient utilization once those numbers are properly aged.

3
4 A rigid requirement that TNs be assigned on a consecutive basis without regard to
5 individual customer specifications would render BellSouth Mobility's CARE System
6 useless. The company would be required to expend significant money and time to
7 develop new automated number assignment software. In the interim, customers would
8 experience delay and frustration in obtaining TNs. The costs of developing new software
9 eventually would be borne by the customer through higher rates. When these costs are
10 weighed against the limited and speculative benefits to be derived from consecutive TN
11 assignment, consecutive TN assignment is not cost effective for BellSouth Mobility or
12 its customers.

13
14 Q Why are there only limited and speculative benefits to be derived from consecutive TN
15 assignment?

16
17 A First, as I have indicated, a requirement that TNs be assigned on a consecutive basis is
18 an inflexible approach to a number administration issue that has as many different
19 dimensions as there are different customers and different service providers. Second,
20 BellSouth Mobility has in place an efficient automated number assignment system that is
21 functioning well. To replace that system with an untested consecutive assignment
22 regimen could thwart a fundamental goal of competition - customer satisfaction. Third,
23 if consecutive number assignment policies are adopted on a state-by-state basis, it would
24 undermine the FCC's objective of uniform national number conservation measures and
25 number assignment policies. A uniform, nationwide numbering system is essential to the

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efficient delivery of wireless telecommunications service in the United States especially since wireless service areas often cross state boundaries and CMRS carriers are not subject to state regulation.

Q Does BellSouth Mobility have other concerns regarding the assignment of TNs on a consecutive basis?

A Yes. An attempt by the Commission to require all code holders, including CMRS providers like BellSouth Mobility, to assign TNs consecutively would exceed the limited authority granted to the Commission by the FCC in Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, Memorandum Opinion and Order on Reconsideration, CC Docket No. 96-98, 13 FCC Rcd. 19009, 19024, (September 28, 1998) ("Pennsylvania Numbering Order"). In that Order, the FCC expressly retained broad Federal authority over number administration; state commission were only delegated limited authority to engage in area code relief. Nowhere in the Pennsylvania Numbering Order did the FCC authorize the Florida Commission to require that TNs be assigned on a consecutive basis.

Furthermore, the imposition of such a requirement on CMRS providers like BellSouth Mobility would be unlawful because CMRS providers are expressly excluded from the Florida Commission's regulatory jurisdiction.

1 Q If the Commission does not require consecutive number distribution, what other
2 emergency number administration alternative would be appropriate?

3
4 A The Stipulation attached hereto as Exhibit A is a much more effective means of
5 preserving vacant 1000-number blocks of TNs. The Stipulation encourages all
6 service providers (jurisdictional and non-jurisdictional alike) to internally
7 administer TNs in 1000-number blocks in such a way as to protect vacant 1000-
8 number blocks from contamination until the TNs are actually needed for service.
9 The Stipulation strikes a well reasoned balance between the customer's need for
10 TNs and the societal need to conserve limited numbering resources. In addition,
11 the relief achieved through the Stipulation is much broader than could otherwise
12 be achieved through Commission adjudication. Indeed, the Stipulation has the
13 good-faith support of CMRS providers like BellSouth Mobility that are not subject
14 to the Commission's regulatory jurisdiction.

15
16 A Does this conclude your direct testimony?

17
18 Q Yes.

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20
21 TAL-153980.1

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25

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Establishment of a Statewide Emergency) Area Code Relief Plan) _____)	Docket No. 990373-TP Filed: May 27, 1999
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STIPULATION AND VOLUNTARY NUMBER MANAGEMENT MEASURES

WHEREAS, in response to the North American Numbering Plan Administration's ("NANPA") notification that a number of Florida NPAs are in jeopardy of premature exhaustion, the Florida Public Service Commission ("FPSC") established this docket to address emergency, interim number conservation measures;

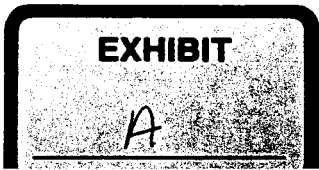
WHEREAS, the FPSC issued Order Number PSC-99-0606-PCO-TP setting for hearing the issue of statewide consecutive distribution of telephone numbers by code holders;

WHEREAS, in *Memorandum Opinion and Order and Order on Reconsideration*, FCC 98-224 (Sept. 28, 1998), the Federal Communications Commission ("FCC") delegated limited authority to state commissions to order NXX Code rationing only in conjunction with the adoption of an area code relief plan and only if the industry is unable to reach consensus on a rationing plan;

WHEREAS, the undersigned Florida NXX code holders recognize the need for efficient number resource management;

WHEREAS, this Stipulation and Voluntary Number Management Measures are consistent with the directions and definitions in the Industry Numbering Committee (INC99-0127-23) 1000s Block (NXX-X) Pooling Administration Guidelines ("Guidelines") and follow the administration techniques and facilitate the efficient use of numbers as reflected in Section 2.7 of the Guidelines which provides that service providers shall establish internal policies and practices that provide for the efficient use and assignment of numbers to end users, that the policies and practices shall balance product specifications, market strategies and customer needs with conservation principles to ensure best practices and number utilization, and that service providers should attempt to assign telephone numbers out of a given block before making assignments out of another block;

WHEREAS, the undersigned Florida NXX code holders, without conceding jurisdiction to the FPSC to order specific number conservation and resource management measures in this docket, desire to implement a voluntary industry plan to preserve 1000s number blocks until such time as there is a lawful plan for number pooling or number conservation;



WHEREAS, the undersigned Florida NXX code holders believe that the prudent management of such 1000s number blocks will promote the efficient use of available numbering resources according to current applicable industry directions and guidelines and will help preserve these blocks in the event that 1000s number block pooling is implemented;

WHEREAS, the undersigned Florida NXX code holders believe that their voluntary 1000s number block management measures will provide a superior and more timely means of accomplishing the FPSC's objectives for this docket than the hearings scheduled for July 7-8, 1999; and,

WHEREAS, the undersigned Florida NXX code holders believe that the voluntary 1000s number block management measures detailed herein will alleviate the need for any further proceedings in this docket on consecutive numbering;

NOW, THEREFORE, the undersigned hereby request that the Commission issue an order closing this docket and the undersigned Florida NXX code holders do hereby agree to implement the following telephone number management measures:

1. Service Providers will set aside, within their telephone number ("TN") administration systems, uncontaminated 1000s number blocks. Each Service Provider will maintain no greater than nine (9) months of 1000s block TN resources to be used to meet customer demand. This type of variable demand analysis allows for the different telephone number demand patterns inherent in different geographic areas (e.g., rural central office versus urban central office) and is consistent with current Industry Numbering Committee ("INC") Thousand Block (NXX-X) Pooling Administration Guidelines and Central Office Code Administration Guidelines which employ similar threshold concepts (e.g., months to exhaust). Numbering resources will be moved a 1000s block of TNs at a time as required by the Service Provider in order to maintain the nine (9) months of TN inventory or to meet a specific customer requirement. If and when telephone number pooling is implemented in a specific rate center, LRN-LNP capable Service Providers will analyze their inventory of vacant 1000s blocks, as well as any qualified contaminated blocks, for potential contribution to an industry telephone number inventory pool. This would be done in accordance with procedures outlined in the final INC national telephone number pooling guidelines.
2. Service Providers will continue to operate within the existing national Central Office (CO) Code Assignment Guidelines and/or any Code Jeopardy procedures agreed to by the industry. This includes, but is not limited to, a Service Provider's ability to request additional NPA-NXX codes from the Code Administrator when projected customer demand will exhaust the Service Provider's existing TN inventory within the applicable months to exhaust in a code jeopardy situation, the preparation of the required

supporting documentation (i.e., Appendix B), and the certification that an NXX code request is in compliance with all requirements outlined in the Central Office Code Assignment Guidelines and Code Jeopardy procedures, as well as the TN Assignment Principles included herein.

3. Where practicable, Service Providers will set aside (i.e., restrict from assignment in their TN Assignment/Administration systems) all uncontaminated 1000s blocks. An uncontaminated 1000s block is defined as a block within which all TNs are available for assignment. As defined in the resolution statement of INC Issue 134, Common Number Status (Resolution date 4/26/99), telephone numbers unavailable for assignment include Assigned Numbers, Administrative Numbers, Aging Numbers, and Reserved Numbers. An Administrative Number is defined as any one of the following: 1) a number used for internal business or official purposes, 2) identical to a Location Routing Number (LRN), 3) a test number, 4) a Temporary Local Directory Number (TLDN), or 5) a Wireless E911 ERSD/ESRK Number.
4. Service Providers will not add to their inventory of available TNs for each rate center or switch, in case of a multiple switch rate center, until there is insufficient inventory to meet nine (9) months of projected customer demand. The nine (9) months of projected customer demand will be determined by analyzing the historical demand trends for business and residential customers, seasonal requirements, and volatile growth patterns of certain products and services (e.g., DID, Centrex, new services, Type 1 wireless interconnection).
5. Service Providers will release numbering resources in 1000s number blocks as required in order to maintain the nine (9) month inventory supply or to meet a specific customer requirement. Examples of a specific customer requirement would be the need for sequential 1000s blocks, a particular number series, or a bona fide customer request for a specific number.
6. Each NXX code holder shall submit utilization reports upon written request of the FPSC, but not exceeding twice per year. Reports submitted in response to the March 22, 1999, FPSC data request would be considered part of the semiannual request described in this paragraph. For code holders other than commercial mobile radio service ("CMRS") providers, the reports shall be on the basis of 1000s number blocks and no greater detail shall be required. The reports would measure adherence to these voluntary number administration proposals. These reports will continue to be submitted until actual number pooling is implemented or until such time as NANPA assumes this responsibility and provides aggregate data to the FPSC. Any such reports submitted to the FPSC will be submitted as confidential and proprietary information and should be considered as such by the FPSC under section

364.183(1), Florida Statutes. Because section 364.02(12), Florida Statutes, expressly exempts CMRS providers from the definition of "telecommunications company" for purposes of the FPSC's jurisdiction and because CMRS providers utilize NXX codes in a substantially different manner from landline carriers, CMRS providers will submit voluntary reports to the FPSC on an NXX basis, rather than a 1000s number block basis, with the understanding that such reports should be treated as confidential by the FPSC in view of their proprietary and trade secrets contents.

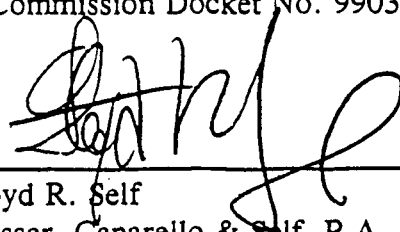
7. Not all Florida NXX code holders have taken part in this stipulation and its voluntary 1000s number block management measures. Therefore, the undersigned Florida NXX code holders agree that they will advocate the adoption of the voluntary 1000s number block management measures contained herein by all such other Florida NXX code holders.
8. This stipulation and the voluntary number management measures contained herein are entered into for purposes of settlement only. This document shall be valid and binding on the undersigned parties only to the extent it is adopted in its entirety as presented to the FPSC and only upon closure of the docket. Further, by virtue of the voluntary nature of the 1000s number block management measures agreed to herein, the issues set for hearing in this matter have been fully and completely resolved.
9. By agreeing to the voluntary 1000s number block management measures described herein, the undersigned Florida NXX code holders are not conceding that the FPSC has jurisdiction over numbering matters beyond the authority specifically delegated to the States by the FCC, that the FPSC has jurisdiction to implement number pooling, or that the FPSC has jurisdiction over CMRS providers. Accordingly, this document shall not be used by any person to assert that the undersigned have conceded jurisdiction on such issues or that they have waived any rights with respect to such jurisdictional issues.
10. This stipulation and its associated voluntary 1000s number block management measures shall take effect on the date that the FPSC closes this docket. Each undersigned NXX code holder shall implement the voluntary 1000s number block management measures described herein as quickly as possible, but in no event later than 60 days from the date the FPSC closes this docket.
11. If the Commission accepts this document and closes the docket, the undersigned shall not request reconsideration or appeal of the order of the Commission accepting this document in accordance with its terms.

12. Each undersigned Florida NXX code holder shall continue with the voluntary number management measures described herein until such time as there is a number pooling or 1000s number block conservation plan that includes Florida NXX code holders, whereupon such plan shall supersede the voluntary 1000s number block management measures described herein.
13. In the event that the FPSC does not accept this document in its entirety, this document shall not be admissible in the final hearing on the matters established by this docket, or in any other docket or forum. Moreover, no party waives any position on any issue that it could have otherwise asserted in the final hearing if this document had never been developed.

Respectfully submitted, this 27th day of May, 1999.

[Separate signature pages follow.]

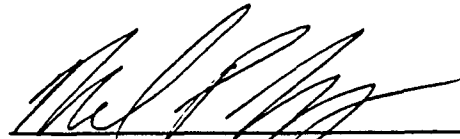
The following hereby agrees to the Stipulation and Voluntary Number Management Measures submitted in Florida Public Service Commission Docket No. 990373-TP

A handwritten signature in black ink, appearing to read 'F. Self', written over a horizontal line.

Floyd R. Self
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215 S. Monroe Street, Suite 701
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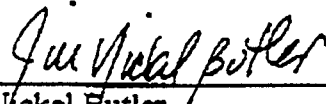
Attorneys for AT&T Communications of the Southern
States, Inc. and AT&T Wireless Services

The following hereby agrees to the Stipulation and Voluntary Number
Management Measures submitted in Florida Public Service Commission Docket
No. 990373-TP.



Nancy B. White
Michael P. Goggin
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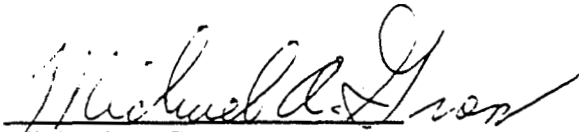
The following hereby agrees to the Stipulation and Voluntary Number Management Measures submitted in Florida Public Service Commission Docket No. 99-373-TP.



Jill Nickel Butler
State Regulatory Director
Cox Florida Telecom, L.P. d/b/a Cox
Communications

The following hereby agrees to the Stipulation and Voluntary Number Management

Measures submitted in Florida Public Service Commission Docket No. 990373-TP.



Michael A. Gross

Vice President, Regulatory Affairs

& Regulatory Counsel

Florida Cable Telecommunications Association*

310 N. Monroe Street

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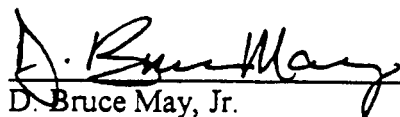
850/681-1990

850/681-9676 (fax)

*The following certificated telecommunications companies represented by FCTA take no position on this issue: Comcast MH Telephony Communications of Florida, Inc.; Comcast Telephony Communications of Florida, Inc.

The following hereby agrees to the Stipulation and Voluntary Number Management Measures submitted in Florida Public Service Commission Docket No. 990373-TP.

Dated this 26th day of May, 1999.

A handwritten signature in black ink, appearing to read "D. Bruce May, Jr.", written over a horizontal line.

D. Bruce May, Jr.

Florida Bar No.: 354473

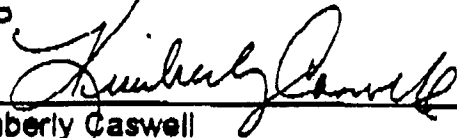
HOLLAND & KNIGHT LLP

Post Office Drawer 810

Tallahassee, Florida 32302

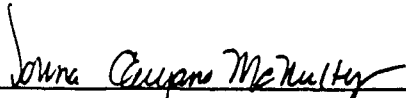
Attorneys for Florida Cellular Service, Inc.
d/b/a BellSouth Mobility

The following hereby agrees to the Stipulation and Voluntary Number
Management Measures submitted in Florida Public Service Commission Docket No.
990373-TP



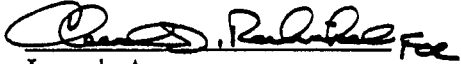
Kimberly Caswell
Counsel for GTE Service Corporation
GTE Florida Incorporated
GTE Wireless Incorporated

The following hereby agrees to the Stipulation and Voluntary Number Management Measures submitted in Florida Public Service Commission Docket No. 990373-TP.

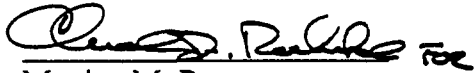


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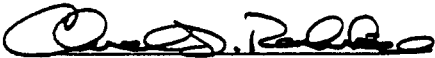
The following hereby agree to the Stipulation and Voluntary Number Management measures submitted in Florida Public Service Commission Docket No. 990373-TP:



Joseph Assenzo
Counsel for
Sprint PCS

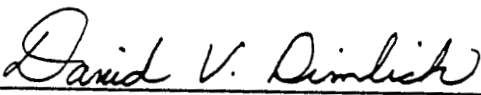


Monica M. Barone
Counsel for
Sprint Communications Company
Limited Partnership



Charles J. Rehwinkel
Counsel for
Sprint-Florida, Incorporated

The following hereby agrees to the Stipulation and Voluntary Management
Measures submitted in Florida Public Service Commission Docket No. 990373-TP.


_____ *df*

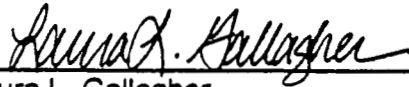
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On Behalf of Supra Telecommunications &
Information Systems, Inc.

Laura L. Gallagher, P.A.

ATTORNEY AT LAW

Time Warner Telecom hereby agrees to the Stipulation and Voluntary Number Management Measures submitted in Florida Public Service Commission Docket No. 990373-TP.



Laura L. Gallagher

Attorney for Time Warner Telecom

Dated: May 26, 1999

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of Joint Motion to Accept Stipulation and Voluntary Number Conservation Measures, Issue a Temporary Stay, and Request for Expedited Ruling in Docket 990373-TP have been served upon the following parties by Hand Delivery (*) and/or U. S. Mail this 27th day of May , 1999.

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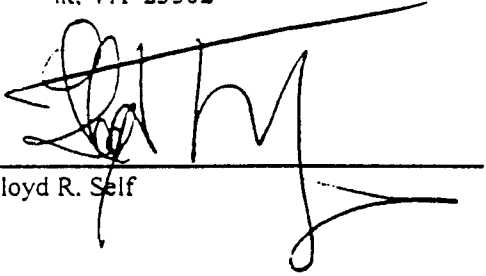
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