

State of Florida
-M-E-M-O-R-A-N-D-U-M-



Public Service Commission

DATE: June 25, 1999
TO: Blanca Bayo, Director of Records and Reporting
FROM: Diana W. Caldwell, Senior Attorney *OWC*
John C. Cutting, Regulatory Analyst Supervisor *DS for NO*
RE: Item No. 30, June 29, 1999, Agenda Conference *JCC*
Docket No. 990373-TP, Statewide Emergency Area Code Relief Plan *MD*

OK MAB

On June 3, 1999, the parties and staff met for the purpose of discussing the proposed Joint Stipulation and Voluntary Number Conservation Measures. Based on unresolved concerns, staff's current recommendation to deny the stipulation was filed to accommodate an expedited hearing schedule. However, due to these unresolved concerns, staff and the parties met again on June 22, 1999, to determine if the proposed stipulation could be modified to address staff's concerns so that a settlement could be reached. The results of that second meeting provided staff further information and understanding of the proposal that causes staff to reconsider its original recommendation. Thus, given the complexity of the new information and the need to provide the Commission with a complete record in this proceeding, staff believes it would be prudent for the parties to orally present this additional material during the Agenda Conference.

If the information presented by the parties at the June 29, 1999, Agenda Conference is consistent with what was discussed at the June 22, 1999, meeting, staff is prepared to revise its recommendation with regard to Issue 1. A proposed revised Issue 1 from page 3 of the original recommendation in type and strike format is attached.

Provisions 5, 6, and 7 of the Joint Stipulation were identified by staff as problematic. Provision 5 addresses the release of 1000 number blocks. Staff's concern was that the provision was vague. However, it appears because companies have an economic incentive to maintain uncontaminated 1000 number blocks, that the intent of preserving 1000 number blocks for eventual pooling seems to be met. In addition, according to the Federal Communication Commission's Notice of Proposed Rulemaking on Numbering Resource Optimization, companies may be required to return 1000 number blocks with ten percent or less contamination and then have to port back the numbers currently in use. Porting back such numbers will add administrative complexity and introduce possible error. Therefore, staff now believes that companies have little incentive to contaminate their inventories of existing 1000 number blocks.

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Provision 6 addresses monitoring the supply of available 1000 number blocks. Staff's primary concern was that the provision did not provide for any independent third-party auditing of number block supply or utilization. In addition, staff was concerned that it would be constrained from reviewing relevant data since the proposal limited data requests on number utilization to only twice a year. The parties did not believe staff was limited in its ability to obtain additional information in any docket pursuant to Section 364.183 (1), Florida Statutes. This section states: "The Commission shall have access to all records of a telecommunications company that are reasonably necessary for the disposition of matters within the Commission's jurisdiction." Given this broad authority, staff is secure in its belief that access to 1000 number block data could be obtained.

Provision 7 stated that Florida NXX code holders who were not a party to the stipulation would be encouraged to adopt the management measures. Staff was concerned that the lack of participation by some code holders would reduce the effectiveness of the proposed stipulation. Although the parties recognize the difficulty associated with less than one hundred percent participation, the signatories indicated that they represented approximately ninety percent of the NXX holders in the state. Thus, there is an expectation on behalf of staff that the stipulation would provide some interim assistance in advance of state or federal action.

Should you have any questions, please feel free to contact either Diana Caldwell or John Cutting.

Attachment

cc: William D. Talbott, Executive Director
Mary A. Bane, Deputy Executive Director/Technical
Jorge Cruz-Bustillo, Asst. to Chairman Garcia
William Berg, Asst. to Commissioner Deason
Wilbur Stiles, Asst. to Commissioner Clark
Lila Jaber, Asst. to Commissioner Johnson
Melinda Butler, Asst. to Commissioner Jacobs

Original 06/17/99 page 3 Issue 1

ISSUE 1: Should the Commission approve the Joint Motion to Accept Stipulation and Voluntary Number Conservation Measures, Issue a Temporary Stay, and Request for Expedite Ruling?

RECOMMENDATION: Staff recommends that the Commission should deny the Joint Motion to Accept Stipulation and Voluntary Number Conservation Measures, Issue a Temporary Stay, and Request for Expedited Ruling. (ILERI, CALDWELL)

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RECOMMENDATION: Staff recommends that the Commission should **accept** ~~deny~~ the Joint Motion to Accept Stipulation and Voluntary Number Conservation Measures, Issue a Temporary Stay, and Request for Expedited Ruling. (ILERI, CALDWELL)