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June 19, 2000

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Ms. Blanca Bayo, Director  
Disn of Records and Reporting  
Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Fla. 32399-0850

BY AIRBORNE

RE: Order No. PSC 00-1046-PAA-TP

Dear Ms. Bayo,

Please accept for filing in the above referenced order, from the docket 981444TP my Motion for Reconsideration of the above referenced order. I have also a copy of which you may stamp "filed" and mail back to me.

Thank-you for your consideration.

Sincerely,

*Peggy Arvanitas*  
Peggy Arvanitas  
(representing myself)

Peggy Arvanitas  
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(727)-742-1386

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BEFORE THE PUBLIC SERVICE COMMISSION

In Re: Petition of Peggy	}	
Arvanitas for Commission action		Docket No. 981444-TP
concerning Number Pooling		Issued: June 19,2000

PEGGY ARVANITAS'S MOTION FOR RECONSIDERATION OF ORDER NO. PSC- 00-1046-PAA-TP

Pursuant to Rules 25-22.060 and 28-106.204 Peggy Arvanitas, representing herself, file this motion for Reconsideration and Clarification of Order No. PSC-00-1046-PAA-TP (Order). Peggy Arvanitas seeks reconsideration and clarification according to 4 (four) statements to the "Number Pooling" order, and they are as follows:

- 1) Rulemaking for Voluntary Stipulation
- 2) Timetable implementation schedules for 3.0 or 1.4
- 3) Cost Recovery issues misquotes from May 5 in Order
- 4) FCC Order 00-104 remarks concerning INC Pooling Guidelines

The Specific points are set forth in the Following pages.

Voluntary Stipulation-Conservation Measures Order No.PSC-99-1393-S-TP

In regards to docket 990373TP, May 1999, of which arose the Order No. above, the following is a direct quote from that order,

"directs our Staff to initiate Rulemaking in anticipation of necessary authority from the FCC for conservation measures." 1

Unfortunately, Legal staff of the PSC of Florida states,

"We note that order FCC 00-104 has just been issued." 2 when determining that according to FS 120.54, the PSC was right in their determination to "dismiss my motion of the grounds she failed to state a cause for which relief can be granted." Unfortunately, this is incorrect. The Order the PSC of Florida was waiting for was FCC 99-249 issued in CC Docket 96-98, September 15,1999 (Delegation Order") As we review the chronology time table to affirm or deny the FS 120.54, the Commissioners will see that this is an invalid application of the Florida Statutes.

In July 1999, PSC of Florida filed No. PSC-99-1393-S-TP, waiting for necessary authority to go into Rulemaking, for Conservation Measures. Sept. 15, 1999, or two (2) months later received jurisdiction from the FCC to deal with their numbering issues. October 1999, the docket 981444TP opened with it's first teleconference call. There was approximately seven (7) months during which Rulemaking could have been explored for the Voluntary Stipulation. During the whole 981444TP I called this to Staff, as well as Industry's attention that we could not concur that the Voluntary Stipulation was set in stone, as we had not gone into Rulemaking to clarify the 6-9 months inventory of numbers. Over eight (8) months passed since FCC released jurisdiction to the Fla. PSC in the ability to go forward.

Therefore I find that Florida PSC is in VIOLATION of FS 120.54 Rulemaking, which says, and I quote,

" (1)(a) Rulemaking is not a matter of agency discretion.

1. Rulemaking shall be presumed feasible unless the agency proves that:

a. "The agency has not had sufficient time to acquire the knowledge and experience necessary to address a statement by Rulemaking."

There was more than enough time to go forward with Rulemaking for the Voluntary Stipulation-Conservation Measures.

April 6, my filing had four categories. Ms. Caldwell grouped two of my categories together in her interpretation that I was vague. My last and very separate and distinct heading; Voluntary Stipulation, says and I quote:

" May I recommend to the Commission that we go back into Rulemaking like we were supposed to and define the Voluntary Stipulation." 3

So unfortunately, her Dawson law case does not apply here. I was very specific.

On the nature of the charge that information was not present from the Order (FCC) 00-104 that Ms. Caldwell illegitimately refers to, I show a section violation of FS 120.54 1.b:

Rulemaking shall be presumed feasible unless the agency proves that:

"Related matters are not sufficiently resolved to enable the agency to address a statement by Rulemaking."

So, the information that should have been forthcoming in FCC 00-104 out March 2000 precluded the PSC of Florida from moving forward with rulemaking, they lacked the information that would have been provided by this Order? This is incorrect. The Voluntary Stipulation came out of the INC 99-0127-23 "1000 Block" Pooling Administration Guidelines. I have incorporated it, as evidence that the PSC of Florida had available knowledge to go forward for "clarification" of certain issues. (See Exhibit A and B)

Once the Voluntary Stipulation was incorporated into an order, you cannot modify that document, and incorporate this modification into FUTURE orders, WITHOUT going into Rulemaking, as per FS 120. According to my April 6 , 2000 filing I stipulate this fact, which Diane Caldwell, attorney for legal dept. Public Service Commission ignores.

" If the Industry is challenging the Commission's order, they cannot chose what they will or will not accept." <sup>4</sup>

The staff recommendation and Order make mention to a modification by Industry for ONLY uncontaminated numbers to be used for number pooling , and the Neustar (quid pro quo) pooling administrator will determine at a later time if 10% contaminated qualified numbers will be later used." According to Florida Statutes 120.80 (13)(b) , you are out of order , and cannot accept any modification to the Voluntary Stipulation, filed July 1999. According to Ms Caldwell's staff recommendation, filed April 25, 200 before May 5, 2000 hearing:

"A protest was filed by the Joint Petitioners who sought a hearing for only " the portion of the PAA order that related to:1) mandatory implementation of 1000 block pooling 2) 1000 block pooling software and implementation date 3) designation of a pooling administrator."

And PSC legal department further states:

" Staff notes that the remaining portions of the order were not protested by the Joint Petitioners. Thus those portions were deemed STIPULATED pursuant to Section 120.80(13)(b), Florida Statutes."

Now that this clarification has come to light, I demand the PSC of Florida delete any modifications to PSC-99-1393-S-TP, and open up the Voluntary Stipulation to Rulemaking. It is there Floyd Self's group can make his cause for uncontaminated numbers only.

#### TIMETABLE IMPLEMENTATION SCHEDULES FOR 3.0 and/or 1.4 software

According to the May 30, 2000 filed order implementation of software dates were erroneous and not within the May 5, 2000 hearing transcripts filed at the PSC of Florida. The 3.0 software, if it is implemented, was to be on line by all the carriers for a Jan 22,2001 time frame. On page 13 of Order No. PSC-00-1046-PAA-TP, Caldwell, legal dept attorney says:

"Therefore we find that if SR30 is not available for implementation by Jan.22,2001 SR14 shall be implemented."

If the Industry could not implement 3.0 software Jan 22,2001, they would need 96-132 days <sup>5</sup> to implement a different software. This came out of a meeting Neustar had with Industry March 31, 2000. The May 5 2000 hearing transcript shows the

<sup>4</sup>Staff's April 25 hearing statement

intent and motivational understanding of both Commissioners and Bellsouth Atty Michael Goggin. The following will be excerpts from May 5 filed transcription pages 78-84:

Commissioner Clark: "...how much advance of Dec.4 would we need to know to require you to meet the Dec 4 deadline (for 1.4 software) ?"

Mr Goggin:"... But I imagine if that condition were built into the Order than we would continue at the pace that we are going now against the eventuality that we would be required to implement 1.4 as of December 4, as we have committed to."

Commissioner Jaber: "...I mean, I would like to think that when they proposed their Dec. date (for 1.4) to us that they put in a 60 day, 90 day cushion for themselves..."

Mr Struthers:" We should get the product from the vendor (3.0) I believe on June 22..."

As you can tell from these statements from our May 5 hearing, I perceive a very poorly written Order from Ms. Caldwell, PSC of Fla. legal dept attorney. The whole 10 plus pages of the transcripts allow for a plan "B" so that, regardless of the availability or UNAVAILABILITY of 3.0, 954 would not be left without a safety net. It will be almost 2 years this group of CLECs were unable to receive an adequate flow of numbers to compete against Bellsouth.

This is so blatant a disregard of the Commissioner's comments, it leads me to suspect a breach of fiduciary to the State of Florida's Public by her actions. If this were filed without a challenge by me, I dare say the PSC would have a very ill defined mess on their hands. Therefore, I direct the Commission acknowledge their obvious desires that were omitted, define a back up date for the probability that 3.0 has more software glitches, and cannot be implemented. We need defined dates that the delivery of 3.0 would be in default, and a timetable for implementation of 1.4 by Dec. 4, 2000 as per the Commissioner's conversations.

#### COST RECOVERY ISSUES

Order No. PSC -00-1046-PAA-TP is incorrect as to my statements concerning cost recovery issues. As per the May 5 hearing, I continually challenged Bellsouth in their contention that they needed reimbursement for "OSS upgrades". I said these were portability cost upgrades, as per FCC 95-116 3rd order, May 1998. They are charging for "portability" on people's phone bills for almost a year. I asked them if they were LNP capable and that might be a reason why we are being asked to delay number pooling? As per LSMS, SCP upgrades, I directed them to read a copy of FCC 00-104 paragraph 216, which said that was a direct cost and not "competitively neutral"

as per 1996 Telecommunication's Act Section 251. That meant they could not charge the consumer a federal end user charge. I "did not know the costs", as Legal atty Caldwell put it, is incorrect. I told them what they weren't charging for, as per FCC. NANPA does not determine, as per the legal dept PSC comments, what the States PSC will allow for recovery.

As per her contention that PSC of Florida cannot order NANPA to cease and desist in the allocation of numbers if the State of Florida has a problem with compliance. She said, only the FCC can order that. Unfortunately, she is incorrect. Please feel free to call Commissioner Helmsley of New York PSC who did JUST THAT to Industry in January 2000.

#### INC POOLING GUIDELINES

And according to the Exhibit by Floyd Self on behalf of the Industry concerning INC Number Pooling Guidelines, the Industry's representative has not read the FCC 00-104 order. Floyd's Self's filing moves to exclude any revision of the the INC Number Pooling Guidelines after Feb. 28,2000 from being incorporated. Unfortunately, the PSC attorneys and staff members who were shut out of the NANC Number Pooling teleconference call caught the attention of the FCC. In the FCC 00-104, they admonish the NANPA /Neustar pooling administrator to incorporate the VERY UNIFIED State's revisions in Number Pooling contracts. I suggest the State of Florida likewise modify our Orders to be in compliance with the Federal Communications Commission.

#### CONCLUSION

In closing, I would like to say, I hope Mrs. Keating is the legal representative on the next docket with me. Mrs Caldwell's half hearted concern for CLARITY and TRUTH has given me great STRESS and CONCERN. I also admonish the Commission to, in the future review any and all documents that the legal dept. of the PSC puts their names to.

Your Dutiful Public Advocate,

  
Peggy Arvanitas

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Exhibit "A"

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

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



ORDER NO. PSC-00-1046-PAA-TP  
DOCKET NO. 981444-TP

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing in Docket 981444-TP have been served upon the following parties by Hand Delivery, fax (#), and/or U. S. Mail this 19 day of June, 2000.

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ORDER NO. PSC-00-1046-PAA-TP  
DOCKET NO. 981444-TP  
~~XXXXXXXXXX~~

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