



ORIGINAL



Peggy Arvanitas

October 13, 2000

AIRBORNE EXPRESS

Ms Blanca Bayo, Director  
Records and Reporting  
Rm 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Fla. 32399-0850

RE: FPSC Docket 981444 TP

Dear Ms. Bayo,

Enclosed for filing is an original and 10 copies of a letter in favor of Commissioners ordering Rulemaking, in response to Staff's Recommendation to dismiss the Rulemaking for the Voluntary Stipulation as "premature." Please distribute this to the Commissioners, as staff has put this on an emergency "Internal Affairs" agenda for Tuesday morning, October 17, 2000.

Also, please acknowledge receipt of these documents by stamping the extra copy of this letter as "filed" and returning same to me.

Thank-you for your assistance in this filing.

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP Miller
- COM 5
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- LEG 1
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC 1
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

Sincerely,  
*Peggy Arvanitas*  
Peggy Arvanitas  
"The Lone Consumer"

RECEIVED & FILED  
*[Signature]*  
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE  
13093 OCT 16 00  
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## RECOMMENDATION TO APPROVE THE VOLUNTARY STIPULATION GOING TO RULEMAKING

On August 1, 2000 at the Florida Public Service Commission made a motion for Staff to recommend that the Commissioners could order Rulemaking for the Voluntary Stipulation. The recommendation that the Voluntary Stipulation should go into Rulemaking was filed in the order PAA 99-1393-S-TP, although there was no time limit determined for this action. June 20, 2000, Peggy Arvanitas, consumer misnamed a filing and called it a "reconsideration" instead of "Protest" of the order PAA 00-1046. Due to my misnaming, the Commissioners dismissed my filing. This is in response to the Staff's (legal department) Memorandum dated October 11, 2000 that Rulemaking would be premature. The reason for this clarification is the incorrect and unanswered questions that staff has put forth, and so the Commissioners will see this in the "big picture." And as I have been in over four FCC filings in the past year, I believe my simple and defining clarity will move the Commissioners to see that I am correct in this need for Rulemaking.

## THE VOLUNTARY STIPULATION DOES NOT INCLUDE ALL LNP CAPABLE CARRIERS

By the measures of the Staff's memorandum, (pg 1) staff quotes from the Voluntary Stipulation 5) "Service providers to advocate the adoption of the Voluntary 1000 block management measures contained in the Stipulation by all other Florida NXX code holders that were not part of the Stipulation."

The reason for this is the most obvious reason to go into Rulemaking for the Voluntary Stipulation, and this was verbalized by Office of Public Council Charlie Beck: only the Joint Petitioners that signed the Voluntary Stipulation are required to abide by the VOLUNTARY guidelines. Charlie Beck stated at the hearing for the docket 990373-TP that unless the State of Florida went into Rulemaking, this Voluntary Stipulation would not be binding to the other eligible carriers (LNP capable). The agreement by SOME of the carriers is not binding for ALL of the eligible carriers.

## VAGUE TERMINOLOGY FOR LNP CAPABILITY, AS APPLIES TO CMRS PROVIDERS

The Voluntary Stipulation from the PAA order 99-1393-S-TP says that as carriers become LNP capable, they must participate in the Florida Number Pooling trials. Yes, CMRS providers, who by the way consume probably over 30% of the available numbers of 954, 561, and 904 area codes are not LNP capable YET. The FCC order 00-104 makes mention, also, that the CMRS providers be LNP capable BY Nov. 24, 2002. It does not say ON. The text of the discussion for CMRS providers is that they are discussing MIN/MDN technology to allow for "roaming" for portability. But, after reading both FCC 95-116 (3rd and 4th order) and FCC 00-104, I do not see any provision that CMRS providers must be Local Number Portability AND DO ROAMING before doing POOLING.

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The terminology also in the State of Florida order 00-1046 is "as they become LNP capable." When a land line upgrades it's switches and becomes automated, they have certain OSS (operational support system) upgrades. This would be LINUX or UNIX...OSS upgrades are used to facilitate back office billing. To verify if a landline company is LNP capable, you might do physical testing, or you could acquire records from a company like Lucent, if this company is the manufacturer of the switch, as they sell software upgrades. These are also mentioned in Bellsouth's IAESS request for variance filed July 28,2000. Most major companies have pre-paid cellular phone service. There is a tremendous data base requirement (OSS) for this type of service. Since the FCC's 00-104 order stipulated that as they became LNP capable they must do number pooling, and the ability to do roaming before doing pooling was not a requirement, then ALL CMRS providers will need to be a part, also, of the Voluntary Stipulation, so the non contamination rules of 1000 block numbers will be followed, and they will have less contamination. And the State of Florida PSC will need to clarify the type of checks they will have in place to welcome "CMRS providers into Florida's pooling arms."

#### UTILIZATION REQUESTS

September 15, 1999 the FCC issued Order 99-249, granting Florida's additional Number Conservation Methods. On pg 2 of the Staff's filing (memorandum) She states that the FCC 's Order allowed Florida to "5) request number utilization data from all carriers."

Unfortunately, the Voluntary Stipulation's Joint Petitioners only agreed to "... submit utilization reports upon written request of the FPSC, but no more than twice per year." If this is what SOME, not ALL of them agreed to, wouldn't you want to clarify this in Rulemaking?

#### SIX MONTHS OF INVENTORY

First, there is a "typo" on the Staff's Memorandum. On pg one, she states 3)

"Service providers will hold no greater than 9 (should be 6 months) of 1000 block resources to meet customer demand." The Order 99-1393TP stipulated, first, 6 months. But "six months of inventory" from NANPA (NXX allocation) for numbers allocated is not the same as "six month's inventory...to meet customer demand. To receive additional resources from NANPA you cannot ask for more than 6 months past plus 15% from your MTE worksheet. That's projected need of numbers from the 10,000 block NANPA.

We are allocating 1000 block numbers to be taken from the code holders, and customer demand would be according to numbers allocated to customers. This would necessitate a utilization threshold use-type formula. Would it not?

Since CMRS providers have at least 30% of the 954,561 and 904 numbers, and Bellsouth, from their IAESS Variance request want to exclude approx. 30-40% of the numbers on those switches from immediate (2 years later) pooling, how many numbers are you going to have available for pooling if Bellsouth is your major ILEC? And if this is not stipulated in Rulemaking, anything slightly vague in Bellsouth's mind has a terrible way of going to the Appeal's division.

#### CONCLUSION

Caldwell's comments (yes, I can tell her writing style) that she is reviewing wireless comments concerning this matter concerns me. That she thinks this should be pushed off because the "Commission's jurisdiction may be questioned" makes me wonder that if this docket is making her tired, she'd be better served to surrender this docket to someone else. This is the Public Service Commission. We are always concerned about the PUBLIC, aren't we?

Unfortunately, she is also incorrect as she mistakens the Voluntary Stipulation as "another conservation measure." The Voluntary Stipulation is a group of rules clarifying the methodology of 1000 block pooling. Her understanding is limited in this area, as she does not do FCC filings (Levent Ileri does). So her interpretation of Florida Statutes 120.54(1) is incorrect. All matters concerning this issue are resolved and if she is aware of another FCC filing I do not know of that could enhance this Rulemaking request, I am all ears.

I think the issues I brought forth are adequate for the Commissioners working for the Public Service Commission to post haste allocate some time to clarify this and go into Rulemaking. I shouldn't have to beg for the next nine months for the State of Florida public. And even though this is a "generic docket" (Caldwell's words) for 981444 TP, it is initiating pooling on the East coast and it will have major repercussions for the West coast 727 and 813 area codes which are nearing jeopardy relief,

A Certificate of Service is attached to this filing.

  
Peggy Arvanitas

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 . . . . . Mail this 13th day of October, 2000.

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