

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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-M-E-M-O-R-A-N-D-U-M- RECORDS AND REPORTING

**DATE:** OCTOBER 26, 2000

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

**FROM:** DIVISION OF COMPETITIVE SERVICES (ILERI) *ji*  
DIVISION OF LEGAL SERVICES (CALDWELL) *2.8.7. [signature]*

**RE:** DOCKET NO. 981444-TP - NUMBER UTILIZATION STUDY:  
INVESTIGATION INTO NUMBER CONSERVATION MEASURES.

**AGENDA:** 11/7/00 - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** 1/22/01 (START DATE FOR NUMBER POOLING IN THE 954 AREA CODE)  
2/5/01 (START DATE FOR NUMBER POOLING IN THE 561 AREA CODE)  
4/2/01 (START DATE FOR NUMBER POOLING IN THE 904 AREA CODE)

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\LEG\WP\981444RA.RCM

CASE BACKGROUND

The Federal Communications Commission (FCC) issued Order No. FCC 99-249 granting the Florida Public Service Commission's (Commission) April 2, 1999, Petition for Delegation of Additional Authority to Implement Number Conservation Measures. In its Order, the FCC granted the Commission interim authority to:

- (1) Institute thousands-block pooling by all local number portability (LNP)-capable carriers in Florida;
- (2) Reclaim unused and reserved NXX codes;
- (3) Maintain rationing procedures for six months following area code relief;
- (4) Set numbering allocation standards;

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

- (5) Request number utilization data from all carriers;
- (6) Implement NXX code sharing; and
- (7) Implement rate center consolidation.

At the February 29, 2000, Agenda Conference, the Commission approved portions of staff's recommendation to exercise the federal authority to conserve telephone numbers and delay the early exhaustion of area codes in Florida. At the Agenda, a number of concerns were raised by the industry and the North American Numbering Plan Administrator (NANPA) regarding staff's recommendation to implement various portions of the FCC's Order. The Commission voted to implement thousands-block number pooling for wireline carriers in the 954, 561, and 904 area codes, beginning May 1, July 1, and October 1, 2000, respectively. In addition, the Commission established criteria for obtaining initial numbering resources, approved mandatory thousands-block number management procedures, and instituted a process to verify and reconcile numbering resource data available from different sources, all of which are equally applicable to wireline and wireless carriers. On March 16, 2000, Order No. PSC-00-0543-PAA-TP was issued memorializing this decision.

On April 6, 2000, a protest of Order No. PSC-00-0543-PAA-TP was filed by a number of parties<sup>1</sup> (Joint Petitioners). Specifically, the Joint Petitioners protested and sought a hearing regarding only the portions of the PAA order that related to: (1) mandatory implementation of thousands-block pooling; (2) thousands-block pooling software release and implementation dates; and (3) designation of a pooling administrator. In addition, on April 6, 2000, Ms. Peggy Arvanitas filed comments responding to the informal Florida NXX Code Holders Group's plan and protested a portion of the PAA Order. The remaining portions of the Order were not protested by the Joint Petitioners and were deemed stipulated pursuant to Section 120.80(13)(b), Florida Statutes.

On April 11, 2000, the Joint Petitioners filed an Offer of Settlement to Resolve the Number Pooling Implementation Protest of the PAA Order. The Offer of Settlement addressed many of the same

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<sup>1</sup>ALLTEL Communications, Inc.; AT&T Communications of the Southern States, Inc.; AT&T Wireless Services, Inc.; BellSouth Mobility, Inc.; BellSouth Telecommunications, Inc.; Florida Cable Telecommunications Association; Global NAPs, Inc.; GTE Service Corporation; Intermedia Communications; MCI WorldCom, Inc.; Media One Communications; Florida Telecom, Inc.; Sprint Spectrum Ltd., d/b/a Sprint PCS; Sprint Communications Company Ltd Partnership; Sprint-Florida, Inc.; Time Warner Telecom of Florida, L.P.; Trivergent Communications, Inc.

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issues set forth in the Florida NXX Code Holders Group's Number Pooling Implementation Plan for the 954, 561, and 904 NPAs.

On May 30, 2000, proposed agency action Order No. PSC-00-1046-PAA-TP, was issued approving the offer of settlement and dismissing the protest of Ms. Arvanitas. On June 20, 2000, Ms. Arvanitas filed Peggy Arvanitas's Motion for Reconsideration of Order No. PSC-00-1046-PAA-TP. On July 3, 2000, AT&T Communications of the Southern States, Inc., AT&T Wireless Services, Inc. (AT&T), and MCI WorldCom, Inc. (WorldCom) filed their Response to Motion for Reconsideration. On July 7, 2000, BellSouth Telecommunications, Inc. (BellSouth) filed its Response to the Motion for Reconsideration of Ms. Arvanitas. On July 7, 2000, Sprint-Florida Incorporated, Sprint Communications Company Limited Partnership, and Sprint PCS (collectively Sprint) filed their concurrence in AT&T and MCIWorldCom's Response.

By Order No. PSC-00-1527-FOF-TP, the Commission denied Ms. Arvanitas's Motion requesting reconsideration of the issues contained in the final agency action portion of Order No. PSC-00-1046-PAA-TP. Thus, the Commission's Order No. PSC-00-1046-PAA-TP, issued May 30, 2000, has become effective and final.

On July 28, 2000, BellSouth filed a Motion for Variance of the number pooling requirement for its 1AESS switches. On August 10, 2000, Ms. Arvanitas filed a Motion to Protest BellSouth's request for variance of number pooling implementation. On August 21, 2000, BellSouth filed its Response to Ms. Arvanitas' Motion to Protest.

This recommendation addresses whether the Motion filed by BellSouth should be granted.

**ISSUE 1:** Should the Commission grant BellSouth's Motion for Variance of number pooling requirement for its 1AESS switches?

**RECOMMENDATION:** No. Staff recommends that the Commission deny BellSouth's Motion for Variance of number pooling requirement for its 1AESS switches. Staff recommends that the Commission order BellSouth to comply with its agreement and implement the pooling trials in the 561, 904, and 954 area codes, pursuant to Order Nos. PSC-00-0543-PAA-TP and PSC-00-1046-PAA-TP. (**ILERI**)

**STAFF ANALYSIS:** On May 30, 2000, the Commission issued Order No. PSC-00-1046-PAA-TP, approving the Joint Petitioners' offer of settlement to resolve the number pooling implementation in the 561, 904, and 954 area codes, using software release 3.0 (SR30). On July 28, 2000, BellSouth filed a Motion for Variance of Number pooling requirement for its 1AESS switches in Florida. (See Attachment A)

In this Motion, BellSouth states that it has 19 1AESS switches in Florida; ten are located in the 561, 954, and 904 area codes, where the Commission instituted number pooling trials. BellSouth further states that it became aware that Lucent Technologies would continue supporting the 1AESS switches until the fourth quarter of 2003, but would not provide any software upgrades at this time. Staff believes that this also includes any necessary software upgrades to implement number pooling.

BellSouth indicates that its current replacement schedule has 18 of the 19 1AESS switches being replaced in the fourth quarter of 2003. BellSouth adds that the 19th 1AESS switch is scheduled to be replaced in July of 2004. BellSouth notes that the replacement cost for each 1AESS switch is approximately \$8.5 million.

In conclusion, BellSouth requests that the Commission grant BellSouth a variance from Order No. PSC-00-1046-PAA-TP for technical reasons until the existing 1AESS switches are replaced.

On August 10, 2000, Ms. Arvanitas filed a Motion to Protest BellSouth's request for a variance of number pooling implementation. (See Attachment B)

Ms. Arvanitas claims that if an LNP carrier is excluded from the pooling trials, this situation would not be competitively neutral, according to the Telecommunications Act. Ms. Arvanitas also states that there will not be any technical support for Lucent's 1AESS switches after 2003. She further states that this situation should not keep BellSouth from upgrading its switches.

Ms. Arvanitas claims that if BellSouth had had a proper representation during the Florida's number pooling committee meetings, BellSouth could have informed the Commission. She also claims that BellSouth's lack of foresight is not an emergency on the State of Florida's part. In conclusion, Ms. Arvanitas requests that the Commission deny BellSouth's request for variance from the number pooling requirement for its 1AESS switches.

On August 21, 2000, BellSouth filed its Response to Ms. Arvanitas' Motion to Protest, stating that Ms. Arvanitas' assertions are irrelevant and incorrect.

Upon review of BellSouth's motion, staff determined that additional information would be needed to fully analyze BellSouth's motion. Therefore, staff requested additional information from BellSouth by letters dated August 8, 2000 and September 25, 2000.

Based on BellSouth's Motion and its response to staff's information requests, staff learned that Lucent Technologies (Lucent) informed BellSouth on February 12, 1999, that Lucent only would provide product support for the 1AESS switches until October 2003. Lucent also indicated that after October 2003, it would only provide minimal and billable support on a best effort basis in special circumstances. Based upon this information, staff believes that BellSouth's key managers knew about the software upgrade issues for the 1AESS switches prior to entering into the joint stipulation agreement.

Per staff's discussion with the number pooling administrator (PA), the PA stated that software release 1.4 (SR14) is currently available in every switch, and that it takes two months to implement number pooling trials. In addition, the PA indicated that the carriers could choose to use SR14 or SR30 or both simultaneously, depending on their switch capabilities.

During Chicago's first pooling trials, Ameritech owned (and still does) 1AESS switches and implemented its first pooling trials using SR14. Based on this, staff believes that if Ameritech and other carriers owning LNP capable 1AESS switches could implement pooling trials using SR14, BellSouth should be able to do it, as well. In addition to being technically possible, staff also notes that this is manageable considering the fact that BellSouth has only ten 1AESS switches in the 561, 904, and 954 area codes.

Staff believes that regardless of whether BellSouth uses new or old switches, there is a mechanism to implement number pooling

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trials in the 561, 904, and 954 area codes, per the established schedule.

Therefore, consistent with (1) Commission Order No. PSC-00-1046-PAA-TP approving the Joint Petitioners' settlement offer, and (2) the fact that BellSouth's managers already knew about Lucent Technologies' new position on software upgrades, staff recommends that the Commission deny BellSouth's Motion for Variance of the number pooling requirement for its 1AESS switches. Staff also recommends that the Commission order BellSouth to comply with its agreement and implement the number pooling trials, pursuant to Order Nos. PSC-00-0543-TP and PSC-00-1046-PAA-TP.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** No. Any person whose interests are substantially affected by the proposed agency action must file a protest of the Commission's decision within the 21-day protest period. If no timely protest is filed, a consummating order shall be issued at the conclusion of the protest period. However, staff recommends that this docket should remain open as other issues remain pending in this docket. (CALDWELL)

**STAFF ANALYSIS:** Any person whose interests are substantially affected by the proposed agency action must file a protest of the Commission's decision within the 21-day protest period. If no timely protest is filed, a consummating order shall be issued at the conclusion of the protest period. However, staff recommends that this docket should remain open as other issues remain pending in this docket.

Legal Department

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July 28, 2000

Mrs. Blanca S. Bayó  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

JUL 31 2000

**Re: Docket No. 981444-TP (No. Utilization)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Motion for Variance of Number Pooling Requirement for 1AESS Switches, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

  
Nancy B. White

Enclosures

cc: All parties of record  
Marshall M. Criser III  
R. Douglas Lackey

**CERTIFICATE OF SERVICE**  
**Docket No. 981444-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

U.S. Mail this 28th day July, 2000 to the following:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Number Utilization Study )  
Investigation into Number )  
Conservation Measures )  
\_\_\_\_\_ )

DOCKET NO. 981444-TP

FILED: July 28, 2000

**MOTION FOR VARIANCE OF NUMBER POOLING  
REQUIREMENT FOR 1AESS SWITCHES**

COMES NOW, BellSouth Telecommunications, Inc. ("BellSouth"), and files its Motion for Variance of Number Pooling Requirement for 1AESS Switches. In support of its Motion, BellSouth states the following:

1. On September 15, 1999, the Federal Communications Commission issued Order No. 99-249, granting the Florida Public Service Commission ("Commission") authority to implement interim number pooling.

2. On May 30, 2000, the Commission issued Order No. PSC-00-1046-PAA-TP accepting the parties offer of settlement, as modified in the order, requiring all local number portability capable (LNP) carriers to implement number pooling in the 954, 561, and 904 by January 22, 2001, February 5, 2001 and April 2, 2001, respectively.

3. The 1AESS switch is a first generation digital switch manufactured by Lucent Technologies ("Lucent"). BellSouth currently has nineteen (19) 1AESS switches in Florida. (See Exhibit 1) Of the 19 switches, ten (10) switches are in the three metropolitan statistical areas (MSAs) where the Commission has required number pooling to be implemented by April 2, 2001.

4. In approximately late May or early June of 2000, BellSouth became aware that Lucent did not intend to develop the software necessary to implement number pooling in the 1AESS switch due to Lucent's announced discontinuance of support for the

1AESS switch in the fourth quarter 2003. At this time, BellSouth is not aware of any potential workaround that will allow the 1AESS switches to participate in number pooling.

5. BellSouth's current schedule indicates that eighteen of the nineteen 1AESS switches in Florida will be replaced by the end of the fourth quarter of 2003. The last 1AESS switch is currently scheduled for replacement in July 2004. The current average replacement cost of each 1AESS is approximately \$8.5 million.

6. BellSouth has completed its initial review of the number blocks available to be donated to the pools for each exchange once number pooling begins in these three NPAs.<sup>1</sup> Based on this review, the ten 1AESS switches in these NPAs contain only 21 Non-Contaminated<sup>2</sup> and 16 Contaminated<sup>3</sup> blocks. (See Exhibit 2)

7. BellSouth requests that the Commission grant BellSouth a variance from Order No. PSC-00-1046-PAA-TP, for technical reasons with regard to the 1AESS switches in Florida until such time as those switches are replaced. BellSouth does not believe granting the requested variance will adversely impact the implementation of number pooling in these NPAs. BellSouth will implement number pooling in the switches that replace the 1AESS switches at the time of replacement. In addition, BellSouth will continue to comply with the Commission's number management requirements. These requirements will ensure that at the time of replacement, the maximum number of 1000 blocks available for donation will be protected from contamination.

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<sup>1</sup> BellSouth's initial review is the first step in preparing its numbering resources for pooling.

<sup>2</sup> Non-Contaminated means no telephone numbers have been assigned in the 1000 block.

<sup>3</sup> Contaminated means less than 10% or 100 telephone numbers have been assigned in the 1000 block

WHEREFORE, BellSouth requests that the Commission grant its Motion for  
Variance of Number Pooling Requirement for 1AESS established in Commission Order  
No. PSC-00-1046-PAA-TP.

Respectfully submitted this \_\_\_ Day of \_\_\_, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

---

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222108

**Exhibit 1**  
**Page 1 of 1**

<b>NPA</b>	<b>Exchange</b>	<b>Location</b>	<b>Service</b>
407	Orlando	ORLD-Magnolia	1/19/2002
561	Ft. Pierce	Ft. Pierce	10/14/2001
561	Jupiter	Jupiter	12/8/2001
561	Delray Beach	Kings Point	5/11/2002
561	West Palm Beach	Riviera Beach	12/7/2002
561	Delray Beach	Delray Beach Main	12/7/2003
904	Jacksonville Beach	Jacksonville Beach	12/8/2002
904	Jacksonville	JCVL Riverside	12/6/2003
904	Jacksonville	JCVL Lake Forest	12/6/2003
954	Ft. Lauderdale	FTLD-Coral Ridge	3/16/2002
954	Ft. Lauderdale	FTLD-Sunrise	2/12/2002
954	Hollywood	Hallandale	8/01/2003
305/786	Miami	MIAM-West Miami	5/18/2001
305/786	Miami	MIAM-Poinciana	10/13/2001
305/786	Miami	MIAM-Opa Locka	8/17/2002
305/786	Miami	MIAM-Metro	4/1/2003
305/786	Miami	MIAM-Allapattah	10/1/2003
305/786	Miami	MIAM-Bayshore	12/1/2003
305/786	Miami	Miami Shores	7/15/2004

Exhibit 2  
 Page 1 of 1

Exchange	NPA	Number of Switches in the Exchange	Number of 1AESS Switches	Number of Non-Contaminated Blocks in 1AESS	Number of Contaminated Blocks in 1AESS	Total Number of Non-Contaminated Blocks	Total Nur of Contamin Blocks
Jacksonville	904	18	2	4	5	14	10
Jacksonville Beach	904	1	1	3	1	0	0
Delray Beach	561	2	2	7	5	7	5
West Palm Beach	561	7	1	1	0	10	10
Jupiter	561	1	1	4	5	4	5
Hollywood	954	4	1	0	0	0	0
Ft. Lauderdale	954	11	2	2	0	3	2



## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In RE: Number Utilization Study )  
 Investigation Into Number )  
 Conservation Measures )

Docket No. 981444TP  
 Filed: August 9, 2000

MOTION TO PROTEST BELLSOUTH'S REQUEST FOR VARIANCE OF NUMBER POOLING IMPLEMENTATION

Peggy Arvanitas, being the "lone consumer" on the docket 981444TP does hereby strongly protest any waivering of a major ILEC , Bellsouth Telecommunications, Inc (referred in the future as Bellsouth) from deviating in any way from the PAA order 00-1046. The variance of Bellsouth is for the exclusion of IAESS switch upgrades which need to be upgraded for number pooling for the trial dates in three area codes 954, 561, and 904. In protest of this filing, Peggy Arvanitas states the following:

1. May 30, 2000, the Commission issued order no. PSC 00-1046 PAA TP requiring all local number portability capable (LNP) carriers to implement number pooling in the 954, 561, and 904 area codes by Jan. 22, 2001, Feb 5, 2001, and April 2, 2001 respectively.
2. FCC order 95-116 third order May 1998, demands land line carriers (not CMRS providers) to be LNP capable in the top 100 MSA's by Dec 30, 1998. The 954, 561, and 904 area codes are within the geographic scope of the top 100 Metropolitan Service Areas.
3. Bellsouth representative, Michael Goggin stated at the May 5, 2000 Public Service Commission of Florida hearing his company was LNP capable. That asking for 3.0 pooling software and a delayed 2001 implementation date was NOT because they weren't LNP capable on their switches. That the additional time frame would be needed to "upgrade their switches for number pooling."
4. That if Bellsouth has 19 IAESS switches in Florida, and have known for two months, about 2003 phase out for software on AESS switch, Bellsouth has not and is not doing upgrades on this first generation switch.
5. That the timing for the proclamation of this variance comes after a rate center consolidation sub committee meeting, in which there was a discussion ILEC's might not receive 100% cost recovery for rate center consolidation.

6. That to economize ( or defer the building of rate centers) this is an "administrative" AESS switch which has been compressed. This allows you 2-3 times the number of NXX's on a switch. Maybe you asking not to upgrade switches for 1-3 years, in violation of an order has more to do with a "wait and see attitude" on cost recovery reimbursement than on actually being unable to perform switch upgrades in reference to software.

7. The Public Service Commission of Florida is aware that an Auditing department has just been created and trained. There has been no formal review or verification of Bellsouth's declarations as to the limited number of pooling numbers that would be affected. (See Exhibit 2, Bellsouth's July 28 filing)

8. The 954, 561, and 904 area codes have and will be in jeopardy relief and/or lottery for almost two years , by the time the last pooling trial is implemented (as per the Order). Not allowing pooling of numbers, no matter how small, for 1-2 years impedes CLEC's who are not able to compete in those rate center-areas.

9. That the EXCLUSION of any LNP capable carrier is not "competitively neutral", as per the 1996 Telecommunication's Act Section 251. And the State of Florida is ordered by Florida Statutes 120 to be in compliance of the 1996 Telecommunication's Act (120.80)

10. Bellsouth, if it had the proper representation, should have been advised of the repercussions of pooling subcommittees for almost nine (9) months before the Order was final. The Lucent AESS switches will not have TECH SUPPORT after 2003. This should not keep them from upgrading their switches now. Today's date is August 8, 2000 Their "lack of expenditure" is not an emergency on the State of Florida's part.

Wherefore, Peggy Arvanitas asks the Commission to DENY the motion for variance, and make the PSC-00-1046-PAA-TP move forward. Also, as my Exhibit A (attached), I would like to call attention to Bellsouth's plans to have an Internet hub in Miami up and running by the end of this year. If they can afford a new bussiness venture, they can afford to upgrade existing switches. And our November 28, 2000 Neustar pooling "inventory" meeting will be met with great concern as to our available numbering resources for 954 pooling.

Respectfully,  
*Peggy Arvanitas*  
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DOCKET NO. 981444-TP  
DATE: OCTOBER 26, 2000

8/8/2000  
**BRIEFLY** *St. Pete Times*

**BELLSOUTH TO BUILD INTERNET ACCESS HUB:** BellSouth Corp. plans to build the first major hub for Internet traffic in the Southeast, providing a much more direct route for communications with other parts of the United States and the world. The new "network access point" in Miami, only the eighth in the country, is expected to open by the end of this year, easing network delays for everyday Internet users and boosting service to Latin America and the Caribbean, BellSouth said. At present, Internet traffic is routed to and from the Southeast from as far away as Washington or even one of the network hubs on the West Coast.

**AOL LATIN AMERICA RAISES \$200-MILLION:** America Online Latin America Inc. raised \$200-million in an initial public offering, at the low end of the price it was hoping to get. AOL Latin America sold 25-million shares at \$8 each, according to Salomon Smith Barney, an