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February 2, 2001

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**BY HAND DELIVERY**

Ms. Blanca Bayó, Director  
Division of Records and Reporting  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Docket Nos. 990455-TL, 990456-TL, 990457-TL and 990517-TL

Dear Ms. Bayó:

Enclosed for filing are an original and fifteen copies of the Joint Parties' Offer of Settlement to Resolve the Code Sharing PAA Protest, Reconsideration Requests, and Appeals of Order No. PSC-00-1937-PAA-TP in the above referenced dockets.

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

Thank you for your assistance with this filing.

Sincerely,



Floyd R. Self

FRS/amb  
Enclosure  
cc: Parties of Record  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM 5  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
LEG 1  
OPC \_\_\_\_\_  
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SEC 1  
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FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Request for Review of Proposed Numbering Plan Relief for the 305/786 Area Code - Dade County and Monroe County/Keys Region	) ) ) ) _____ ) ) )	Docket No. 990455-TL
In re: Review of Proposed Numbering Plan Relief for the 561 Area Code	) ) _____ ) ) )	Docket No. 990456-TP
In re: BellSouth Telecommunications, Inc.'s Request for Review of Proposed Numbering Plan Relief for the 954 Area Code	) ) _____ ) ) )	Docket No. 990457-TL
In re: Review of Proposed Numbering Plan Relief for the 904 Area Code	) ) _____ ) ) )	Docket No. 990517-TP Filed: February 2, 2001

**JOINT PARTIES' OFFER OF SETTLEMENT  
TO RESOLVE THE CODE SHARING PAA PROTEST,  
RECONSIDERATION REQUESTS, AND APPEALS  
OF ORDER NO. PSC-00-1937-PAA-TP**

Pursuant to Sections 120.569 and 120.57, Florida Statutes, and Rules 28-106.201 and 28-106.204, Florida Administrative Code, the undersigned parties (hereinafter "Joint Parties") hereby submit to the Florida Public Service Commission (the "Commission" or "FPSC") this Offer of Settlement To Resolve The Code Sharing PAA Protest, Reconsideration Requests, and Appeals of Order No. PSC-00-1937-PAA-TP ("Offer of Settlement"), and respectfully request that the Commission accept this Offer of Settlement to fully and completely resolve the various outstanding issues in these consolidated dockets in lieu of the requested sections 120.569 and 120.57(1) hearings on code sharing, requests for reconsideration, and the appeals currently outstanding by various parties. In support of this Offer of Settlement, the Joint Parties state:

I. Parties

1. The name, address, and telephone number of each of the Joint Parties, and each Joint Parties' representative(s), is attached hereto as Exhibit "A" and incorporated herein.
  
2. Each of Joint Parties is an official party of record or interested party to one or more of the above referenced dockets, and some of the Joint Parties are parties to one or more of the currently outstanding pleadings described below. Each of the Joint Parties requests that the

Commission adopt this Offer of Settlement consistent with its terms. The Office of the Public Counsel is not among the Joint Parties and does not join in requesting approval of this Offer of Settlement, but it has advised the Joint Parties that it does not oppose the Commission's adoption of this Offer of Settlement.

## II. Background

3. On October 6, 2000, the Commission issued Order No. PSC-00-1937-PAA-TP ("PAA Order"), which sets forth the Commission's determinations and actions adopting various area code relief plans for the 305/786, 954, 561, and 904 NPAs. Some portions of the PAA Order are final agency actions, and other portions of the decision are proposed agency action ("PAA"). On November 3, 2000, the Commission issued Order No. PSC-00-1937A-PAA-TP ("Amendatory PAA Order"), an amendatory order to the PAA Order to correct several errors that were present in the officially filed copy of the PAA Order.

4. On November 6, 2000, some of the carriers that are parties to these dockets served a Joint Motion for Reconsideration and Request for Hearing on Proposed Agency Action ("Reconsideration Motion"), which due to a photocopying problem was not accepted for filing by the Commission until November 7, 2000.<sup>1</sup> The PAA protest provisions opposed the Commission's preliminary decision to implement code sharing in the Florida Keys and Miami-Dade County, Florida. As for the matters for which reconsideration was sought, the Reconsideration Motion sought relief on eight issues, including a return to the NXX rationing approved by the carriers, the elimination of or a reduction in the 75% utilization thresholds, a rescheduling of the Daytona Beach and Ft. Pierce pooling trials, immediate implementation of the 561 NPA split, adoption of wireless grandfathering, a slight change to the start of permissive dialing in the 904 NPA, a change in the aging of numbers policy, and elimination of the restrictions on the assignment of administrative numbers.

5. On November 9, 2000, the signatory carriers to the Reconsideration Motion filed a Motion to Accept Petition For Reconsideration As Timely Filed. The Reconsideration Motion explained the problems associated with the attempt to have the November 6<sup>th</sup> pleading filed with the Commission, and requested that the Commission accept the November 6<sup>th</sup> document as timely filed.

6. On November 13, 2000, the Citizens of Florida, through Jack Shreve, Public Counsel, filed a limited protest of Order No. PSC-00-1937-PAA-TP. The purpose of this protest was to address the balloting of customers in the Florida Keys to determine if they would be willing to pay a rate additive to implement rate center consolidation and the November 9, 2000 settlement between

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<sup>1</sup> All of the carriers that are signatories to the Reconsideration Motion have signed this Offer of Settlement. In addition, this Offer of Settlement includes other signatures that are parties to one or more of these dockets.

BellSouth and Citizens in Docket No. 920260-TL. Citizens requested that the Commission approve the settlement between BellSouth and Citizens whereby BellSouth would absorb the nonrecurring costs for the operational support system upgrades necessary to implement rate center consolidation and the recurring cost of eliminating extended calling service associated with such rate center consolidation in the Keys. The settlement was approved by Commission Order Order No. PSC-01-0091-PAA-TL, issued on January 10, 2001, in Docket No. 920260-TL. No further action with respect to the Public Council's protest will be necessary once this Order becomes final.

7. Also on November 13, 2000, BellSouth filed its Petition for Withdrawal or Modification of Proposed Agency Action, Or, In the Alternative, Formal Hearing on the PAA Order's PAA provisions pertaining to rate center consolidation. BellSouth's Petition addressed the same issues, and made the same requests, with respect to rate center consolidation in the Keys. As for the proposed rate center consolidation in Miami-Dade County, BellSouth requested that the Commission withdraw its directive for rate center consolidation and that BellSouth be allowed to voluntarily implement rate center consolidation in Miami-Dade County if BellSouth's customers vote in favor of rate center consolidation and there is a resolution of the cost, lost revenue, and numbering resource issues associated with such rate center consolidation. No further action with respect to BellSouth's protest to rate center consolidation in the Keys is necessary in view Order No. PSC-01-0091-PAA-TL. While further action is outstanding with respect to BellSouth's protest of the Miami-Dade rate center consolidation, this issue will be addressed by a separate pleading.

8. On November 20, 2000, Cingular Wireless LLC, formerly Florida Cellular Service, Inc. d/b/a BellSouth Mobility, filed a new Motion for Reconsideration that was substantively the same as that served on November 6<sup>th</sup>. Cingular made this filing at that time on the basis of the filing date of the Commission's Amendatory PAA Order, which Cingular asserted restarted the clock for the filing of motions for reconsideration. Also on this day, BellSouth and Cingular separately filed notices of appeal of the PAA Order with this Commission and the Florida Supreme Court. As Cingular noted in its notice of appeal, "Cingular is only filing this Notice of Appeal out of an abundance of caution in order to preserve its right to appeal the [PAA] Order in the event that the Commission deems Cingular's Motion for Reconsideration untimely."

9. On December 29, 2000, the Federal Communications Commission ("FCC") issued its Order No. FCC 00-429, the Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking CC Docket No. 99-200 ("Order 00-429"). The FCC's Number Resource Optimization proceeding, CC Docket No. 99-200, is part of the FCC's continuing process to develop, adopt, and implement strategies to ensure that the numbering resources of the North American Numbering Plan ("NANP") are used efficiently and that all carriers have the numbering resources they need to compete. Order 00-429 adopted policies on several matters that were addressed by the FPSC in its PAA Order, including, *inter alia*, code rationing and number aging policies and affirmed and followed up on several matters from the FCC's Order No. FCC 00-104, released March 31, 2000, also in the Number Resource Optimization proceeding ("Order 00-104").

10. On December 12, 2000, the Commission filed with the Florida Supreme Court a request to relinquish jurisdiction in the BellSouth and Cingular appeals back to the Commission in order for the Commission to readdress the PAA Order in view of the FCC's Order 00-429 and other possible corrective actions it found might be necessary due to changed facts or circumstances. By Order dated January 2, 2001, the Court relinquished jurisdiction back to the FPSC for 90 days "in light of the FCC's recent number optimization decision, and to pursue and perhaps approve settlement of these cases and the outstanding protest to the proposed agency action decisions of Order No. PSC-00-1937."

11. There is no dispute that the various protests filed to the PAA Order were each and all timely filed for purposes of Florida law, and those outstanding protests must be addressed, one way or another, by this Commission. However, it has been suggested that the unsuccessful attempt to have the Reconsideration Motion filed on November 6, the acceptance of the Motion by the Commission on the next day, the November 9<sup>th</sup> Motion to Accept, and Cingular's reconsideration on the basis of the Amendatory PAA Order may present procedural barriers to the Commission's consideration of the Reconsideration Motion.

12. The carriers to the two November 6<sup>th</sup> and November 20<sup>th</sup> motions for reconsideration would welcome the Commission's consideration of the issues they raise either as timely filed motions or on the Commission's own motion. However, irrespective of the procedural status of the two reconsideration documents, the Joint Parties believe that it is best for this Commission to resolve all of the issues raised by the reconsideration and the code sharing PAA protest and the corresponding appeals in a prompt and comprehensive manner. Accordingly, the Joint Parties have attempted to develop a compromise that would lead to timely, cost effective, efficient, and effective area code relief and number conservation in the NPAs that are in jeopardy and at issue in the above referenced dockets. On the basis of the information presented in this Offer of Settlement and in the pleadings previously discussed, the undersigned respectfully request that the Commission accept and adopt this Offer of Settlement to resolve all of the outstanding issues in the Joint Motion for Request for Hearing on Proposed Agency Action dated November 6, 2000, BellSouth's Petition for Withdrawal or Modification of Proposed Agency Action, Or, In the Alternative, Formal Hearing on the PAA Order's PAA, except for rate center consolidation in Miami-Dade County, Cingular's Motion for Reconsideration dated November 20, 2000, BellSouth's Notice of Appeal filed on November 20, 2000, and Cingular's Notice of Appeal also filed on November 20, 2000. The Joint Parties submit that the Offer of Settlement and its approval by the Commission will be considered by the Joint Parties to be consistent with the Commission's grant of authority, as delegated by the FCC to implement number conservation measures, and the FCC's orders.

### III. The Offer of Settlement

#### A. PAA Code Sharing Protest, and Further Pooling in the Keys, Daytona Beach and Ft. Pierce

13. In Section V.A.3 of the PAA Order, beginning at page 24, the Commission required the implementation of code sharing in the Florida Keys and Miami-Dade County. As the

Commission is aware, the FCC decided that the FPSC could implement code sharing after it had determined that code sharing was technically possible and economically feasible. This Commission acknowledged its failure to meet these requirements at page 26 of the PAA Order by stating that little work had been undertaken by the working group assigned to study this subject, and “the record in this proceeding is quite limited with respect to code sharing.” The carriers in their Reconsideration Motion also expressed their concern that in addition to the absence of record evidence on code sharing, there are technical, financial, service quality degradation, and network reliability issues associated with code sharing. As a practical matter, it could take a year or more to implement code sharing assuming the other issues could be resolved.

14. The Joint Parties to this Offer of Settlement believe that the intent of the Commission in ordering code sharing was to further assist in the potential delay of the exhaust of the 305 NPA and to retain, for as long as possible, 7-digit local dialing for the citizens of the Florida Keys. Assuming this objective, the Joint Parties believe that a more satisfactory, efficient, cost effective, and timely means of number conservation for the Keys would be the implementation of number pooling by the participating carriers in the Keys in lieu of code sharing.

15. As the Commission is aware, the FCC has granted the FPSC the ability to implement number pooling in one MSA at a time. Under the FCC’s delegated authority, this Commission has already approved and is in the process of implementing number pooling in the 954/Broward County MSA, the 561/Palm Beach MSA, and the 904/Jacksonville MSA. Although, the Keys do not fall within an MSA, the Joint Parties respectively offer that in lieu of code sharing in the Keys and Miami-Dade County, number pooling in the Keys be adopted by this Commission as a number pooling trial, with a mandated implementation date of May 28, 2001. As stated before, the Joint Carriers will consider adoption of a number pooling trial in the Keys as set forth herein to be consistent with the FPSC’s delegated authority. As for the Miami-Dade County MSA, it is a top 100 tier MSA. Under the FCC’s schedule, Miami-Dade will be one of the first national number pooling MSAs to be implemented. Accordingly, given the limited number of pooling trials and the effort of the Commission to retain 7 digit local dialing in the Keys as long as possible, the Joint Parties believe that only the immediate adoption of a pooling trial for the Florida Keys is necessary at this time. In approving this Offer, the Joint Parties want to make it clear that implementation of rate center consolidation and number pooling in the Keys will not guarantee a significant delay in the extension of the 786 overlay to the Keys.

16. In proposing the start of a pooling trial for the Keys with a mandated implementation date of May 28, 2001, the Joint Parties recognize that such a start date poses potential conflicts both with the originally three approved pooling trials for 954, 561/Palm Beach, and 904/Jacksonville<sup>2</sup> as

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<sup>2</sup> In Docket 981444, the Commission has ordered the implementation of number pooling in three MSAs: the Broward County 954 NPA (which began on January 22, 2001); the 561 Palm Beach MSA (to begin on February 5, 2001); and the 904/Jacksonville MSA (to begin on April 2, 2001).

well as the additional pooling trials for the 904/Daytona Beach MSA and the 561/Ft. Pierce MSA set forth in the PAA Order. The carriers on the Reconsideration Motion had specifically requested that the Commission reconsider its decision regarding the schedule for the implementation of number pooling in the 904 Daytona Beach MSA and 561 Ft. Pierce MSA, as the intervals between the pooling trials in the first three MSAs were designed to be approximately 60 days between mandated implementation dates to “provide carriers time to upgrade or replace their SCPs and other components of their network, as necessary.” Order No. FCC 99-249 at ¶ 19.<sup>3</sup>

17. In view of the area code relief ordered for the 904 and 561 NPAs, the Joint Parties believe that it would be appropriate to schedule implementation of the pooling trials in the Daytona Beach and Ft. Pierce MSAs after the start of the pooling trial for the Keys. The Joint Parties note that the permissive dialing associated with the 904 NPA relief decision will begin on Feb. 15, 2001, and the pooling in the 561/Palm Beach MSA will begin on February 2, 2001. While these actions alone will not completely resolve the numbering needs in these MSAs, these two areas will be able to retain 7 digit dialing under the PAA Order. However, for the Keys, 7-digit local dialing will end when the exhaust of the 305 NPA is reached, which could be as early as October 2001. While adoption of number pooling in the Keys will not guarantee the retention of 7-digit local dialing in the Keys, the Joint Parties believe that the combination of number pooling in the Keys beginning in May along with the rate center consolidation in the Keys to begin as soon as it is technically possible, pose the best opportunity to prolong the exhaust of the 305 NPA.

18. Accordingly, as a settlement of both the PAA protest of the code sharing proposal for the Keys and Miami-Dade County and to also settle the issue of the implementation schedule for the Daytona Beach and Ft. Pierce pooling trials, the Joint Parties offer the adoption of pooling trials for the following MSAs with the corresponding mandatory implementation dates: in the Keys on May 28, 2001, Daytona Beach on July 16, 2001, and Ft. Pierce on September 17, 2001.<sup>4</sup> The Joint Parties believe the Commission should allow the carriers to initially begin these trials by donating

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<sup>3</sup> The date for implementation of pooling in the 954 NPA was moved from its original December 2000 date with the parties’ consent only after it became clear that NeuStar would not be able to deliver its 3.0 software release on time for the December date. Although this left very little time between the implementation of pooling in 954 and the implementation of pooling in 561, the parties were willing to agree to this extremely short interval in order to start pooling in the hope that the 3.0 software would be ready by January.

<sup>4</sup> Exhibit B, attached hereto, provides a draft proposed schedule for the other relevant dates in these pooling trials. While the Joint Parties believe that these are viable dates, their final adoption is subject to the schedule agreed to in the first implementation meeting for each MSA. However, as with the first three MSA pooling trials adopted by this Commission in Order No. PSC-00-1046-PAA-TP, the carriers to this Offer of Settlement commit that the mandated implementation date will not be changed absent Commission approval.

non-contaminated blocks and establish a donation schedule for contaminated blocks as adopted by the Commission for its previous trials.

### B. Code Rationing

19. In Section VI.E of the Order, beginning at page 67, the Commission ordered additional, stricter rationing measures for the 561, 954, and 904 NPAs, reducing the availability of NXX codes to three NXX codes per month with one of the three codes to be made available to wireless carriers. The parties to the Reconsideration Motion requested that the Commission should reconsider this decision, as it failed to consider the fact that the limitation on the allocation of the remaining NXX codes for the 561, 954 and 904 NPAs violates the Florida Delegation Order, FCC 99-249, and other FCC orders, had no support in the record, and unfairly and impermissibly discriminated against wireless carriers.

20. In FCC 00-429, the FCC reaffirmed that the state commissions may order rationing “only if [the state commission] has ordered a specific form of area code relief and has established an implementation date, and the industry is unable to agree on a rationing plan.” FCC 00-429, at paragraph 61. This policy was first adopted by the FCC in the *Pennsylvania Numbering Order*.<sup>5</sup> Given the present circumstances, where the code holders have agreed upon a rationing plan, it is clear under both FCC orders that this Commission may not order or otherwise change the already agreed upon rationing plan.

21. Accordingly, as a settlement offer for the resolution of the requested relief from the PAA Order’s new rationing requirements, the Joint Parties offer in settlement that the Commission remove the PAA Order’s requirements for code rationing and allow for the continuation of the industry’s previously agreed upon code rationing plan for each of the respective NPAs.

### C. 75% Utilization Threshold

22. In the PAA Order, the Commission requires all non-pooling carriers in the 305/786, 561, 904, and 954 area codes to achieve a 75% overall utilization rate within a NXX before requesting the assignment of a new NXX in the same rate center. PAA Order, at 62. According to the Commission, a utilization threshold is “a conservation measure” that should improve “the efficiency with which numbers are used by requiring carriers to use contaminated blocks up to a specified percentage before they can receive and use additional blocks.” PAA Order, at 59. The

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<sup>5</sup> See *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 and Order on Reconsideration, 13 FCC Rcd, at ¶ 26 (rel. Sept. 28, 1998) (“FCC 98-224”).



carriers requesting reconsideration of this issue did so on the basis that this level was arbitrary, without an evidentiary basis, and could serve to deny a code to a carrier needing a code.

23. The FCC has now adopted a number utilization threshold requirement that the Joint Parties believe this Commission should adopt. In FCC 00-429, the FCC has established an initial 60% utilization threshold that will become effective three months after publication in the Federal Register. Thereafter, the utilization threshold shall be increased by 5 percentage points each year beginning on June 30, 2002, until the utilization threshold reaches 75% in 2004. FCC 00-429, at paragraph 26. The FCC chose this approach in order to give carriers sufficient time to increase the efficiency with which they use number resources. However, unlike the FPSC's 75%, these utilization thresholds apply to all carriers, pooling and non-pooling alike. FCC 00-429, at paragraphs 27-28.

24. Accordingly, since the FCC has now adopted a national number utilization policy, the Joint Parties believe that it is in the best interests of carriers and customers for that policy to be followed. Therefore, to settle the question of number utilization thresholds for which reconsideration was sought, the Joint Parties offer adoption of the national standard of 60%, and its phased in increases of 5% per year until it reaches 75% in 2004. In making this offer, the Joint Parties recognize that reconsideration of this issue may be sought at the FCC and that the effectiveness of this national policy could be temporarily stayed. Accordingly, the Joint Parties further offer that in the event of a stay by the FCC or the courts, that the Florida policy shall be an initial utilization threshold of 60% with the annual 5% increases. In other words, in the event of a stay or other administrative or judicial proceedings, the Florida policy shall be the FCC's policy, which shall remain in effect until such time the FCC withdraws Florida's delegated authority or adopts a new national number utilization policy.

#### D. Immediate Implementation of 561 NPA Split

25. In the PAA Order, the Commission decided to relieve the jeopardy situation in the 561 NPA by a geographic split, with Palm Beach County retaining the 561 area code and the remaining counties currently in 561 receiving a new area code. PAA Order, at 27-29. This plan enjoyed widespread support from community leaders and would alleviate the current jeopardy situation in 561. However, this plan did not specify an implementation date for the geographic split, and instead the Commission ordered a monitoring process with the split to be commenced later when the NPA was closer to exhaust. Those carriers that sought reconsideration of this issue did so for the limited purpose of requesting only the immediate implementation of the geographic split to prevent customers from getting 561 telephone numbers and then having to change their telephone numbers to the new area code shortly after being assigned a new 561 telephone number.

26. As a part of this offer to settle all outstanding issues in these dockets, the Joint Parties agree that the implementation of the geographic split for the 561 NPA should occur pursuant to the process outlined in the PAA Order. Accordingly, the Joint Parties agree to follow the PAA Order and report to the Commission by October 1, 2001, on the outcome and effect of the implementation

of the various conservation measures and to recommend the permissive and mandatory dialing periods for when the split would occur.

#### E. Wireless Grandfathering

27. Some of the carriers requesting reconsideration also sought that the Commission address the issue of the grandfathering of wireless numbers when the 904 and 561 NPAs are split. Wireless grandfathering involves the wireless carrier retaining its existing NPA-NXX code in the geographic area that was receiving a new NPA, which means that calls to or from such affected wireless phones would be dialed on a 10-digit local basis and not on a 7-digit local basis. This issue was raised since the PAA Order was silent on wireless grandfathering, and there had been evidence submitted on this question. As the Commission is well aware, whenever an NPA is split, wireless carriers must reprogram many of the individual wireless telephones to reflect the new NPA. This process is disruptive and inconvenient for the customers since it may require them to physically bring their phone to an office of the wireless carrier to have it reprogrammed. Moreover, given the large geographic areas and the numbers of customers that are going to be subject to an NPA change by the PAA Order, this process is very expensive for the wireless carriers and their customers to implement.

28. Wireless grandfathering remains a valuable and meaningful alternative for some wireless carriers and their customers. Accordingly, as a part of its offer of settlement, the Joint Parties offer that a wireless carrier would be allowed to have the option of grandfathering telephone numbers. If a wireless carrier chose to grandfather an NXX code, then its customers would have the option of requesting a new NPA number so that the customer would be able to complete local calls on a 7-digit basis.

#### F. Start of 904 Permissive Dialing

29. The PAA Order set the start of permissive dialing date for the 904 area code split to be Thursday, February 15, 2001. PAA Order, at 79. The carriers requesting reconsideration on this issue did so to request that this date be changed to Monday, February 12, 2001, since carriers ordinarily perform the necessary modifications to their information systems and databases to execute an NPA split over a weekend.

30. In view of the work that has already been undertaken to implement the permissive dialing associated with the 904 NPA split, the Joint Parties believe it is no longer appropriate to change the start date for the permissive dialing. Accordingly, as a part of this offer of settlement, the Joint Parties would no longer seek any change in the start of the permissive dialing for the 904 NPA.

### G. Aging of Numbers Policies

31. In section VI.B.2.ii of the PAA Order, at page 73, the Commission ordered specific timelines for the aging of residential and business numbers in jeopardy and non-jeopardy situations.<sup>7</sup> The carriers to the Reconsideration Motion sought action on this issue because the PAA Order's requirements are inconsistent with those ordered by the FCC in FCC 00-104.

32. The FCC in its *Number Resource Optimization Order*, Order No. FCC 00-104, set limits for the aging of numbers. Specifically, the FCC adopted an upper limit of 90 days for residential numbers and 360 days for business numbers and declined to set lower aging limits. The FCC also determined that states were not allowed to alter the aging timeframes for numbers, "in the interest of maintaining uniformity in our definitions and reporting requirements, we decline to permit states to modify our aging limits." FCC 00-104, at paragraph 29.

33. In view of the clear directive of the FCC that the states shall not alter the timeframes set forth in the *Number Resource Optimization Order*, the Joint Parties believe that the FCC's requirements must be followed by this Commission. Accordingly, as a part of this offer of settlement, the Joint Parties offer that the FCC's requirements be followed and the provisions of the PAA Order with respect to adopting Florida-specific aging rules be rescinded.

### H. Assignment of Administrative Numbers

34. In Section VI.B.2.iii of the PAA Order, beginning on page 63, the Commission ordered that code holders can not assign administrative numbers to multiple thousands blocks unless for technical reasons the administrative number has to be assigned to a specific thousands block. The carriers seeking reconsideration of this issue did so because such a policy fails to follow the guidelines that have been set forth for sequential number assignment, which the PAA Order recognized at page 68 did not require any further action.

35. The FCC in its recent order adopted several policies with respect to audits and to providing the states with more access to mandatory reporting data. FCC 00-429, at paragraphs 116-119 and 116-123. For the immediate short term, these provisions should give this Commission access to additional information and provide it with the ability to audit the information being reported. In view of these increased reporting and auditing provisions, the need to restrict the assignment of administrative numbers as is set forth in the PAA Order appears to be unnecessary at this time. Accordingly, as a part of this offer of settlement, the Joint Parties offer that the limitations on administrative numbers that are set forth in the PAA Order should be set aside. Instead, the Commission should review the Numbering Resource Utilization and Forecast ("NRUF") report,

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<sup>7</sup> The Commission adopted non-jeopardy aging timelines for residential of no less than 30 and no longer than 90 days and for business no less than 90 and no longer than 365 days. For jeopardy situations, the Commission ordered for residential no less than 30 and no longer than 90 days and for business no less than 60 and no longer than 180 days.

formerly COCUS, when it is submitted later this year. If a review of that data indicates that further action is required to address potential abuses in the assignment of administrative numbers, then the Commission should proceed to investigate and act upon such information as a part of its comprehensive number conservation investigation in Docket No. 981444.

#### IV. Conclusion

36. The purpose of this Offer of Settlement is to only address those issues raised or contested in the Code Sharing PAA Protest, the reconsideration requests, and Appeals of Order No. PSC-00-1937-PAA-TP. The Joint Parties shall continue to work with the Commission, other carriers, and interested persons to develop reasonable and prudent solutions to address area code relief and number conservation issues in Florida.

37. The terms and conditions of this Offer of Settlement are made in an effort to settle the code sharing PAA Protest, the reconsideration requests, and Appeals of Order No. PSC-00-1937-PAA-TP that are described more fully in paragraphs 4, 5, and 8 above. Thus, the Joint Parties reserve all rights if this Offer of Settlement is not approved by the Commission and incorporated into a final order in accordance with its terms.

38. This Offer of Settlement shall be valid and binding upon the Joint Parties only to the extent it is adopted in its entirety as presented to the Commission.

39. If this Offer of Settlement is accepted by the Commission, the Joint Parties shall not request reconsideration or appeal of the order of the Commission approving this Offer of Settlement in accordance with its terms.

40. In adopting this Offer of Settlement and Revised Plan, the Commission shall attach and incorporate this document to its order.

WHEREFORE, the Joint Parties prepared and filed this Offer of Settlement with the Commission in an effort to quickly and efficiently remove any further legal challenges to the NPA relief decisions for these dockets. We respectfully request adoption of this Offer of Settlement to resolve the outstanding issues associated with the area code relief in the 305/786, 954, 561, and 904 NPAs so that the necessary relief for these areas can be implemented without any further delay.

Respectfully submitted,

(Signatures begin on the following page)

**EXHIBIT "A"**

The name, address, and telephone number of this Joint Party is:

ALLTEL Florida, Inc  
P. O. Box 550  
Live Oak, FL 32060  
904.364.2517  
Attn: Harriet Eudy

The names, address, and telephone numbers of ALLTEL's representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for each ALLTEL Representative.



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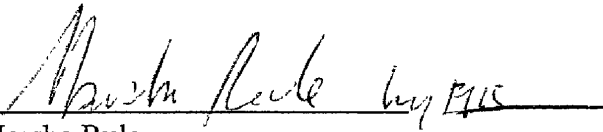
J. JEFFRY WAHLEN  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, Florida 32302  
850/425-5471

ATTORNEYS FOR ALLTEL FLORIDA,  
INC.

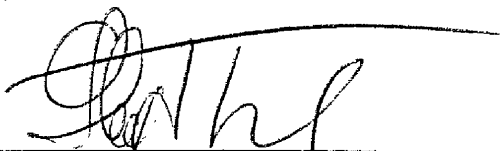
**EXHIBIT "A"**

The name, address, and telephone number of this Joint Party is: AT&T Communications of the Southern States, Inc., 101 N. Monroe St., Suite 700, Tallahassee, Florida 32301, and AT&T Wireless Services, Inc., P.O. Box 97061, Redmond, Washington 98073-9761 (collectively "AT&T").

The names, address, and telephone numbers of AT&T's representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for each AT&T representative.



Marsha Rule  
101 N. Monroe St., Suite 700  
Tallahassee, FL 32301  
(850)425-6364



Floyd R. Self  
Messer, Caparello & Self, P.A.  
215 S. Monroe St., Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302-1876  
(850)222-0720  
E-mail: [fself@lawfla.com](mailto:fself@lawfla.com)

Attorneys for AT&T Communications for the Southern States,  
Inc. and AT&T Wireless Services, Inc.


**EXHIBIT "A"**

The name, address, and telephone number of this Joint Party is:

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

The name, address, and telephone number of BellSouth's representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for BellSouth's representative.

DATED this 2<sup>nd</sup> day of February, 2000

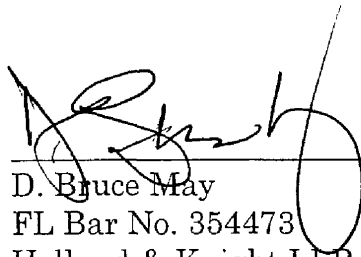
  
Nancy White (SL)  
BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Suite 400  
Tallahassee, Florida 32301-1556

Attorney for BellSouth Telecommunications, Inc.

**EXHIBIT "A"**

The name, address, and telephone number of this Joint Party is Cingular Wireless LLC ("Cingular"), formerly Florida Cellular Service, Inc. d/b/a Bellsouth Mobility, 1100 Peachtree Street, Suite 809, Atlanta, Georgia 30309 [404-249-0478].

The name, address, and telephone number of Cingular's representative in connection with this Offer of Settlement is provided below the following signature of Cingular's authorized representative.

A handwritten signature in black ink, appearing to read "D. Bruce May", is written over a horizontal line. The signature is stylized and cursive.

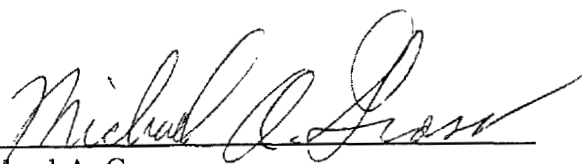
D. Bruce May  
FL Bar No. 354473  
Holland & Knight LLP  
P. O. Drawer 810  
Tallahassee, Florida 32302-0810  
(850) 224-7000  
Attorneys for Cingular Wireless LLC



**EXHIBIT "A"**

The name, address, and telephone number of this Joint Party is: Florida Cable Telecommunications Association, Inc., 246 East 6<sup>th</sup> Avenue, Tallahassee, Florida 32303 ("FCTA").

The names, address, and telephone numbers of FCTA's representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for each FCTA representative.



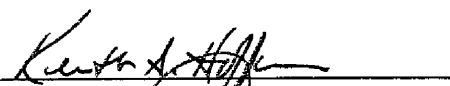
Michael A. Gross  
Florida Cable Telecommunications Association, Inc.  
246 East 6<sup>th</sup> Avenue  
Tallahassee, FL 32303  
(850)681-1990  
Attorneys for Florida Cable Telecommunications Association, Inc.

**EXHIBIT "A"**

The name, address, and telephone number of this Joint Party is:

VoiceStream Wireless, formerly known as Omnipoint Communications MB  
Operations, LLC d/b/a Omnipoint Communications  
600 Ansin Boulevard  
Hallandale, Florida 33009  
(954) 457-5700 (Telephone)  
(954-457-5705 (Telecopier)

The name, address, and telephone number of VoiceStream's representative in connection with this Offer of Settlement for purposes of service in this matter is set forth with his signature below.

  
KENNETH A. HOFFMAN  
Rutledge, Eckenrode, Purnell & Hoffman, P.A.  
P. O. Box 551  
Tallahassee, FL 32302  
(850) 681-6788 (Telephone)  
(850) 681-6515 (Telecopier)

Attorneys for VoiceStream Wireless

**EXHIBIT "A"**

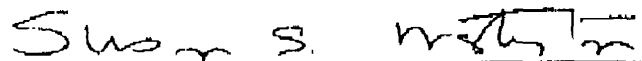
The name, address, and telephone number of this Joint Party is:

Sprint Communications Company Limited Partnership  
7301 College Boulevard  
Overland Park, KS 66210

Sprint PCS  
4900 Main Street, 11<sup>th</sup> Floor  
Kansas City, MO 64112

Sprint-Florida, Incorporated  
Box 165000  
Altamonte Springs, FL 32716

The names, address, and telephone numbers of Sprint's representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below.



Charles J. Rehwinkel  
Susan S. Masterton  
Sprint  
P.O. Box 2214  
Tallahassee, FL 32316-2214  
850-599-1560

AND

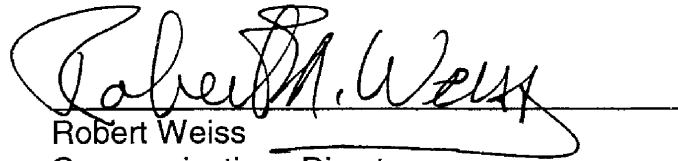
Jeff Pfaff  
Sprint PCS  
Legal Department  
4900 Main Street, 11<sup>th</sup> Floor  
Kansas City, MO 64112  
(816) 559-1000

ATTORNEYS FOR SPRINT-FLORIDA, INCORPORATED,  
SPRINT COMMUNICATIONS COMPANY LIMITED  
PARTNERSHIP AND SPRINT PCS

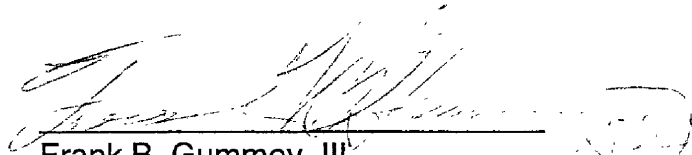
EXHIBIT "A"

The name, address, and telephone number of this Joint Party is: County of Volusia,  
123 W. Indiana Avenue, DeLand, Florida.

The names, address, and telephone numbers of the County of Volusia's  
representatives in connection with this Offer of Settlement for purposes of service in this  
matter is set forth below the signature for each County of Volusia representative.



Robert Weiss  
Communications Director  
County of Volusia  
123 W. Indiana Ave.  
DeLand, FL 32720  
(904) 822-5750

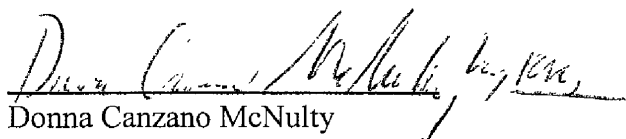


Frank B. Gummey, III  
Assistant County Attorney  
County of Volusia  
123 W. Indiana Avenue  
DeLand, FL 32720  
(904) 736-5950  
Fla. Bar No: 156128


**EXHIBIT "A"**

The name, address, and telephone number of this Joint Party is: WorldCom, Inc. and its operating subsidiaries, ("WorldCom"), 325 John Knox Road, Suite 105, Tallahassee, FL 32303,

The names, address, and telephone numbers of WorldCom's representatives in connection with this Offer of Settlement for purposes of service in this matter is set forth below the signature for each WorldCom representative.



Donna Canzano McNulty  
WorldCom, Inc.  
325 John Knox Road, Suite 105  
Tallahassee, FL 32303  
(850)422-1254  
E-mail: [donna.mcنulty@wcom.com](mailto:donna.mcنulty@wcom.com)



Floyd R. Self  
Messer, Caparello & Self, P.A.  
215 S. Monroe St., Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302-187  
(850)222-0720  
E-mail: [fself@lawfla.com](mailto:fself@lawfla.com)

Attorneys for WorldCom, Inc. and its operating subsidiaries

## EXHIBIT "B"

### Milestones

		Keys	Daytona Beach	Ft. Pierce
1.	First Implementation Meeting	2/12/01	4/2/01	6/4/01
2.	Forecast Report	2/26/01	4/16/01	6/18/01
3.	Block Protection Date	3/26/01	5/14/01	7/16/01
4.	Block Donation Identification Date	4/16/01	6/4/01	8/6/01
5.	PA Assessment of Industry Inventory	4/30/01	6/18/01	8/20/01
6.	Block Donation Date for Uncontaminated Blocks	5/14/01	7/2/01	9/3/01
7.	Pool Start/Allocation Date	5/28/01	7/16/01	9/17/01
8.	Mandated Implementation Date	5/28/01	7/16/01	9/17/01

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Joint Parties' Offer of Settlement to Resolve the Code Sharing PAA Protest, Reconsideration Requests, and Appeals of Order No. PSC-00-1937-PAA-TP in Docket Nos. 990455-TL, 990456-TL, 990457-TL, and 990517-TL has been served upon the following parties by Hand Delivery (\*) and/or U.S. Mail this 2<sup>nd</sup> day of February, 2001.

Beth Keating, Esq.\*  
Division of Legal Services, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Lee Fordham, Esq.\*  
Division of Legal Services, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Tim Vaccaro, Esq.\*  
Division of Legal Services, Room 370  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
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Nancy B. White  
c/o Nancy H. Sims  
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Tallahassee, FL 32301

Angela Green, Esq.  
Florida Public Telecommunications  
Association  
125 S. Gadsden St., Suite 200  
Tallahassee, FL 32301

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Susan Masterton  
F. Ben Poag  
Sprint-Florida, Incorporated  
MC FLTHO0107  
P.O. Box 2214  
Tallahassee, FL 32399-2214

Michael A. Gross  
Vice President, Regulatory Affairs  
& Regulatory Counsel  
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Tallahassee, FL 32303

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Tallahassee, FL 32303

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ALLTEL Florida, Inc.  
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Live Oak, FL 32060-3357

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City of Daytona Beach  
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Mr. Fritz Behring  
City of Deltona  
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News-Journal Corp.  
Southwest Volusia Bureau  
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Orange City, FL 32763

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Northeast Florida Telephone Company, Inc.  
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Macclenny, FL 32063-0485

Mr. Robert Weiss  
Volusia County  
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DeLand, FL 32720

J. Jeffry Wahlen  
Ausley & McMullen  
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Vice President of Regulatory Affairs  
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Kenneth A. Hoffman, Esq.  
John R. Ellis, Esq.  
Rutledge, Ecenia, Purnell & Hoffman, P.A.  
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Tallahassee, FL 32302

Mr. D. Wayne Milby  
Lockheed Martin IMS  
Communications Industry Services  
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Washington, DC 20005

Omnipoint Communications  
600 Ansin Blvd.  
Hallandale, FL 33009

Kimberly D. Wheeler  
Morrison & Foerster Law Firm  
2000 Pennsylvania Avenue, NW  
Washington, DC 20006-1888

Joe Assenzo  
Sprint PSC  
Legal Department  
49000 Main Street, 11th Floor  
Kansas City, MO 64112

Mr. Brian Sulmonetti  
WorldCom, Inc.  
6 Concourse Parkway, Suite 3200  
Atlanta, GA 30328

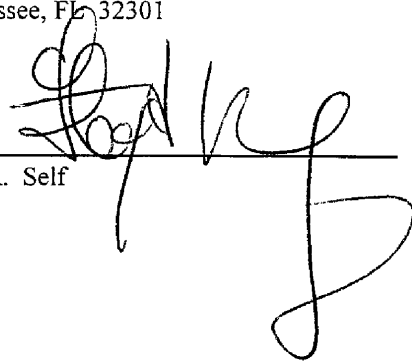
Gloria Johnson  
Associate General Counsel  
BellSouth Cellular Corp.  
1100 Peachtree Street, N.E., Suite 910  
Atlanta, GA 30309-4599

Kimberly Caswell  
GTE Florida Incorporated  
P.O. Box 110, FLTC0007  
Tampa, FL 33601-0110

Charles Beck, Esq.  
Office of Public Counsel  
111 West Madison St., Room 812  
Tallahassee, FL 32399-1400

Daniel H. Thompson  
Berger Davis & Singerman  
215 S. Monroe St., Suite 705  
Tallahassee, FL 32301

Floyd R. Self

A handwritten signature in black ink, appearing to read 'Floyd R. Self', is written over a horizontal line. The signature is stylized and cursive.