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March 9, 2001

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

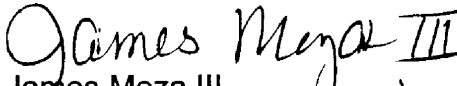
Re: **Docket No. 010309-TL**
Petition For Expedited Review of Area Code Denials

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Petition for Expedited Review of Area Code Denials, which we ask that you file 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,


James Meza III
(KA)

Enclosures

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE

03088 MAR-96

FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Petition For Expedited Review of Area Code Denials

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

U.S. Mail this 9th day of March, 2001 to the following:

Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850


James Meza III (KA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Expedited Review of Growth) Docket No.
Code Denials by the North American Numbering)
Administration)
_____) Filed: March 9, 2001

PETITION FOR EXPEDITED REVIEW OF AREA CODE DENIAL

NOW COMES BellSouth Telecommunications, Inc. (“BellSouth”), pursuant to 47 C.F.R. § 52.15(g)(iv), petitions the Florida Public Service Commission (“FPSC”) to review the North American Plan Administration’s (“NANPA”) denial of BellSouth’s application for use of central office code numbering resources or NXX codes in the Orlando Magnolia switch. In support of this petition, BellSouth states:

PARTIES

1. BellSouth is a corporation organized and formed under the laws of the State of Georgia and an incumbent local exchange company (“ILEC”) regulated by the Commission and authorized to provide local exchange telecommunications and intraLATA toll telecommunications in the State of Florida..

2. NANPA is an independent non-governmental entity who is responsible for administering and managing the North American Numbering Plan (“NANP”). *See* 47 C.F.R. § 52.13(a),(b).

JURISDICTION

3. The Commission has jurisdiction of this matter pursuant to 47 C.F.R. § 52.15(g)(iv). This provision provides that a “carrier may challenge the NANPA’s decision to the appropriate state regulatory commission.” *Id.*

BACKGROUND AND REQUEST FOR RELIEF

4. On March 31, 2000, the Federal Communications Commission (FCC) issued Order No. 00-104 (“FCC 00-104” or the “Order”) in the Numbering Resource Optimization docket (Docket No. 99-200).

5. The goal of FCC 00-104 was to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of telephone numbers and to avoid further exhaustion of telephone numbers under the NANP.

6. Among other things, FCC 00-104 adopted a revised standard for assessing a carrier’s need for numbering resources by requiring rate center based utilization rates to be reported to NANPA. FCC 00-104 at § 105. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing numbering inventory within the applicant’s rate center will be exhausted within six months of the application. Prior to the ruling, the Central Office Code Assignment Guidelines, used by the industry and NANPA to make code assignments, required the applicant’s existing number inventory within the applicant’s serving switch to exhaust within six months of the code application in order for a code to be assigned.

7. The FCC stated its reason for the shift to a “rate center” basis for determining the need for new numbering resources was intended to “more accurately reflect how numbering resources are assigned” and to allow “carriers to obtain numbering resources in response to specific customer demands.” FCC Order at ¶ 105.

8. As a result of FCC 00-104, the FCC adopted 47 C.F.R. § 52.15 (g)(iii) and (iv) which provide:

All service providers shall maintain no more than a six-month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resources application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an Operating Company Number (OCN). The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state regulatory commission may affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

47 C.F.R. § 52.15 (g)(iii), (iv).

9. Since the beginning of the year, BellSouth has submitted four Central Office Code (NXX) Assignment Requests to NANPA for the assignment of NXX resources necessary to meet the demands of its customers in the Hollywood, Ft. Lauderdale, Orange Park, and Orlando exchanges.

10. BellSouth completed the applications in accordance with NANPA's Central Office Code Assignment Guidelines and filled out the necessary Months to Exhaust ("MET") Certification Worksheet required by NANPA.

11. For all of the exchanges except Orlando, BellSouth has been able to identify a mechanism, such as number pooling, that BellSouth believes will probably provide some relief in the very near future. As for the Orlando exchange, BellSouth states the following:

12. The Orlando exchange consists of six (6) central offices and seven (7) switches, Azalea Park (ORLDFLAPDS0), Colonial (ORLDFLCLDS0), Magnolia (ORLDFLMADS1 and ORLDFLMA42E), Pinecastle (ORLDFLPCDS0), Pinehills (ORLDFLPHDS0), and Sand Lake (ORLDFLSADS0).

13. BellSouth made the reservation request for the Orlando Magnolia ORLDFLMADS1 switch to allow BellSouth to provide 2,500 consecutive DID numbers to a specific customer.

14. On January 24, 2001, the NANPA denied BellSouth's code request for the Orlando Magnolia switch. The basis for the denial was that BellSouth had not met the rate-center based MTE criteria now set forth in the Central Office Code Guidelines Section 4.2.1, notwithstanding the fact that BellSouth does not have the numbering resources needed to satisfy its customer's demands in the switch.

15. At the time of the code denial, the Orlando Rate Center MTE was 14.74 months, while the MTE for the Magnolia – ORLDFLMADS1 switch was 4 months.

16. BellSouth's requested numbering resources would not materially impact exhaustion of available numbers in the 407/321 area code.

17. As discussed above, both the FCC Order and NANPA's Central Office Code Guidelines provide that state regulatory authorities have the power and authority to

review NANPA's decision to deny a request for numbering resources. *See* 47 C.F.R. § 52.15(g)(3)(iv); § 13.0 of the NANPA Central Office Code (NXX) Guidelines.

18. 22. Under earlier MTE procedures used by NANPA, waivers or exceptions were granted when customer hardships could be demonstrated or when the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under existing procedures, NANPA looks at the number of MTE for the entire rate center without any exceptions. The current process is arbitrary and results in (1) decisions contrary to the public interest and welfare of consumers in the State of Florida; and (2) decisions that do not necessarily promote the efficient use of telephone numbers.

18. Unfortunately, BellSouth's inability to obtain numbering resources in the above offices, which are necessary to meet customers' requests in multi-switch rate centers, will not be the last time BellSouth experiences this problem. BellSouth has a total of 101 rate centers in Florida with 30 of these being multi-switch rate centers. Some of the switches within these multi-switch rate centers are already within or near six MTE. BellSouth believes that it will be unable to meet the six MTE threshold at the rate center level in all of these multi-switch rate centers, thereby jeopardizing BellSouth's ability to fulfill its obligations as a Carrier of Last Resort.

19. BellSouth requests that the Commission's reverse the NANPA's decision to withhold numbering resources from BellSouth on the following grounds:

(a) The NANPA's decision violates the intent and requirements of the FCC in allowing carriers access to numbering resources to meet specific customer demands upon a sufficient showing of need.

(b) The NANPA's denial of numbering resources to BellSouth interferes with BellSouth's ability to serve its customers within the State of Florida.

(c) The MTE at the rate center level requirement discriminates against those carriers that operate multiple switches in a rate center. Typically, ILECs are the only local service provider with multiple switches in a rate center. BellSouth has deployed multiple switches in a rate center in order to meet customer demand for telephone service; however, the new FCC rules for obtaining numbering resources both penalize and discriminate against it for having done so. BellSouth believes that it is patently unfair to hold it to the same standard as carriers that have recently entered the local service market and therefore typically have a single switch in a rate center. These carriers do not face the same problem as BellSouth and therefore are not being deprived of numbering resources because of the inability to satisfy the MTE requirement.

(d) As a result of the NANPA's denial of BellSouth's request for additional numbering resources, BellSouth will be unable to provide telecommunications services to its customers as required under Florida law.

(e) The North Carolina Utilities Commission, in a similar proceeding, reversed the NANPA's decision to deny BellSouth's request for numbering resources in North Carolina and ordered the NANPA to provide the requested codes to BellSouth. *See* North Carolina Utilities Commission, Docket No. P-55, Sub 1250, January 16, 2001, attached hereto as Exhibit A.

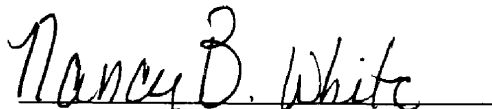
WHEREFORE, BellSouth requests:

1. The Commission review the decision of the NANPA to deny BellSouth's request for additional numbering resources; and

2. The Commission direct the NANPA to provide the requested code for the Orlando Magnolia switch discussed above.

Respectfully submitted this 9th day March, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE (KA)

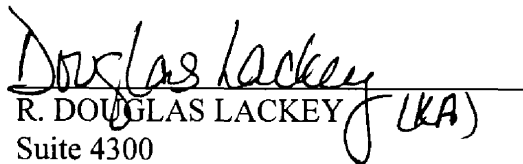
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STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. P-55, SUB 1250

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)
Petition of BellSouth Telecommunications,) ORDER GRANTING RESERVED
Inc. for Review of NANPA Denial of) NUMBERS
Application for Numbering Resources)

BY THE COMMISSION: On November 15, 2000, BellSouth Telecommunications, Inc. (BellSouth), requested that the Commission review the North American Numbering Plan Administrator's (NANPA) decision denying the reservation of two central office codes (NXX) in the 980 Numbering Plan Area (NPA). Reservations of one NXX were requested for Duke Energy Corporation (Duke Energy) and Microsoft Corporation (Microsoft) from NANPA.

BellSouth stated in its Petition that on March 31, 2000, the Federal Communication Commission (FCC) issued a Report and Order and Further Notice of Proposed Rulemaking relating to numbering resource optimization (FCC 00-104 or the Order) with the goal to implement uniform standards governing the requests for telephone numbering resources to increase efficiency in the use of existing telephone numbers and to avoid further exhaustion of existing numbers under the North American Numbering Plan (NANP). The FCC's Order revised the standard by which a carrier's numbering assets are evaluated from a central office or switch basis to a rate center basis in awarding additional numbering resources. The shift in the basis of evaluation was intended to reflect numbering assignments and to allow numbering resources to be awarded to carriers with specific customer requirements. However, because BellSouth was requesting reserved numbers in a newly established NPA, the months-to-exhaust (MTE) calculation on the rate center basis within the new NPA resulted in BellSouth not meeting the MTE definition under the rate center basis. Therefore, NANPA under the guidelines established by the FCC Order denied BellSouth's request for reserved numbers in the 980 NPA.

On November 30, 2000, the Commission issued its Order Requesting Comments and Reply Comments on the BellSouth Petition of NANPA's decision to not grant reserve NXX codes for Duke Energy and Microsoft. Comments were received from WorldCom, Inc.; The Alliance of North Carolina Independent Telephone Companies¹; Verizon South, Inc.; and the Public Staff. A summary of the responding parties' comments are as follows:

¹ The ALLIANCE consists of the following independent North Carolina local telephone companies: Citizens Telephone Company, The Concord Telephone Company, Eilerbe Telephone Company, LEXCOM Telephone Company, MEBTEL Communications, North State Telephone Company, and Randolph Telephone Company.

EXHIBIT "A"

WorldCom: WorldCom commented that ILECs and CLPs would suffer if they are unable to receive the necessary numbering resources to meet customer demands. WorldCom further stated that, even though a carrier may not meet the utilization fill-rate for the rate area in question, extraordinary requests should be evaluated based on the individual merits of the request and the impact on the remaining life of the NPA. That being said, WorldCom supported the assignment of the numbering resources requested based on the facts as presented by BellSouth.

Alliance: As background to BellSouth's Petition, the Alliance pointed out that the decision reached by NANPA in denying the reservation of numbering resources was based on the FCC Order issued March 31, 2000. The Order changed the review of numbering resources held by a carrier from the "serving switch measure" to the "rate center measure." The Order changed the exhaust of numbering resources to within six months at the rate center level. The Order also intended to conserve numbering resources among carriers.

The Alliance stated that after its reviews of the facts, it concluded that the numbering resources should be provided to BellSouth based on the following two reasons: (1) NANPA's refusal to provide sequentially numbered blocks is contrary to NANPA's prior practice and the FCC's intent; and (2) failure to grant the relief sought by BellSouth will diminish the quality of telecommunications service provided to all North Carolina customers. On the first point, the Alliance summarily stated that the "NANPA's refusal to provide the sequential number resources requested by BellSouth and necessary to serve specific customer requests in this case is a misapplication of the FCC's standards and should be overturned by the Commission." On the second point, the Alliance stated that "the FCC gave no indication in its Order that it intended to restrict actual customer utilization of numbering resources." The intent of the Order was to conserve resources and to prevent the wasteful hoarding of numbers. As stated by the Alliance, the BellSouth situation clearly is one in which specific customer requirements are being met.

Verizon: Verizon commented that it agreed with the rationale provided by BellSouth in its Petition and recommends that the Commission grant the requested numbering resources for Duke Energy and Microsoft.

The Public Staff: The Public Staff suggested that a "more flexible application" of the rate center MTE criteria should be used in this instance to meet customer demand. Furthermore, the Public Staff stated that Duke Energy's request for 10,000 sequential numbers will not result in an increase in the use of numbers, since Duke Energy plans to replace numbers in the 704 NPA with the new numbers in the 980 NPA. The Public Staff also commented that Microsoft will immediately use approximately 6,000 numbers in establishing a new call center in Charlotte. The Public Staff concluded that the request for numbering resources appeared to be warranted and NANPA should be directed to provide the resources to BellSouth to meet these specific customer requirements.

The requested codes by BellSouth would be in the new 980 NPA, and as such, numbering resources should be in reasonable supply in granting this request. Furthermore, as stated by the Public Staff, it is not unusual for large businesses to request and have a need for large blocks of telephone numbers.

Therefore, the Public Staff recommends that the Commission grant BellSouth's Petition and direct NANPA to provide numbers to meet the specific requests of Duke Energy and Microsoft.

WHEREUPON, the Commission now reaches the following

CONCLUSIONS

After careful consideration, the Commission concludes that the NXXs requested by BellSouth from NANPA for Duke Energy and Microsoft be granted.

The Commission makes this decision for the reasons as generally set forth by BellSouth and the other commenters. The Commission notes that BellSouth, as a telecommunications service provider, is being allowed to meet the specific customer requirements. Furthermore, the reservations of numbering resources in this instance represent identifiable and known market requirements.

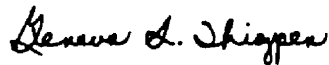
IT IS, THEREFORE, SO ORDERED as follows:

1. That NANPA provide the numbering resources as requested by BellSouth for the specific assignment to meet the customer requirements for Duke Energy and Microsoft.
2. That the numbering resources assigned by BellSouth to Duke Energy and Microsoft be done in a sequential numbering manner to optimize these resources.
3. That these numbering resources are subject to reclamation if not utilized within the allowable reservation period according to industry guidelines.

ISSUED BY ORDER OF THE COMMISSION.

This the 16th day of January, 2001.

NORTH CAROLINA UTILITIES COMMISSION



Geneva S. Thigpen, Chief Clerk