

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: Request for review of proposed numbering plan relief for the 561 area code.

DOCKET NO. 990456-TL

In re: Request for review of proposed numbering plan relief for the 954 area code.

DOCKET NO. 990457-TL

In re: Request for review of proposed numbering plan relief for the 904 area code.

DOCKET NO. 990517-TL
ORDER NO. PSC-01-0808-AS-TL
ISSUED: March 27, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
BRAULIO L. BAEZ

ORDER APPROVING OFFER OF SETTLEMENT AND APPROVING OFFER TO
INITIATE NUMBER POOLING IN THE FLORIDA KEYS

BY THE COMMISSION:

I. BACKGROUND

By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, we ordered area code relief for the 305/786, 954, 561, and 904 area codes. The Order was a final agency action with the exception of portions concerning rate center consolidation (RCC) and code sharing in the Keys and Miami/Dade areas, which were rendered as proposed agency action (PAA). We issued Amendatory Order No. PSC-00-1937A-PAA-TL on November 3, 2000, due to a technical difficulty in our computer system, which resulted in text set forth in table

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REGISTRATION REPORTING

headings on pages 42, 74, 76 and 77 of the original order being inadvertently omitted.

On November 7, 2000, the Florida Code Holders Group (FCHG)¹ filed a joint motion for reconsideration and request for hearing on the PAA portion of the Order addressing code sharing. Pursuant to the Notice of Further Proceeding attached to the Order, motions for reconsideration were due within 15 days of the issuance of this Order. The FCHG joint motion for reconsideration was filed on November 7, 2000, one day late, and is considered untimely under case law. The request for hearing on the PAA portion of the Order concerning code sharing, however, was filed timely within the 21 day protest period.

On November 9, 2000, AT&T and AT&T Wireless filed a joint motion to accept the FCHG petition for reconsideration as timely filed, stating that "technical difficulties were encountered which delayed the completion of the copying process." The messenger who was sent with the FCHG motion for reconsideration arrived late and found the doors to the Office of Records and Reporting locked. The messenger returned the next morning and filed the motion for reconsideration and request for hearing on the PAA at 8:00 a.m. on November 7, 2000, causing the late filing.

On November 13, 2000, the Office of Public Counsel (OPC) filed a protest to the portion of the Order that requires a ballot in the Keys on a rate additive. By Order PSC-01-0091-PAA-TL, issued January 10, 2001, in Docket No. 920260-TL, we approved the BellSouth Telecommunications, Inc. (BellSouth) and OPC stipulation which provides that BellSouth will absorb the non-recurring cost for the operational support system upgrades necessary to implement rate center consolidation. The stipulation also provides that BellSouth will absorb the recurring cost of eliminating Extended Calling Service as a result of consolidating the seven Florida Keys rate centers into one. This negates the requirement in Order No. PSC-00-1937-PAA-TL to ballot customers of the Keys area, because

¹ AllTel Florida, Inc., AT&T Communications for the Southern States, Inc., AT&T Wireless Services, Inc., BellSouth Telecommunications, Inc., Cingular Wireless LLC, MCI WorldCom, Inc., and Sprint

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they would not experience a rate additive for the rate center consolidation. There is, however, a possibility that customers in the Keys area may incur a cost should BellSouth seek to establish a new exchange due to rate center consolidation. Consummating Order No. PSC-01-0310-CO-TL, issued February 5, 2001, made Order PSC-01-0091-PAA-TL final and effective.

Also on November 13, 2000, BellSouth filed a Petition for Withdrawal or Modification of Proposed Agency Action, or, in the Alternative, Formal Hearing. In this Petition, BellSouth requested that we withdraw the proposed agency action portion of our Order to reflect that the rate center consolidation will be implemented voluntarily by BellSouth in the Miami-Dade area provided: 1) those customers approve it in a balloting process; 2) BellSouth recovers the resulting costs and lost revenues; and 3) numbering resources are resolved. As noted above, BellSouth, by agreement with OPC, has agreed to absorb the rate center consolidation costs in the Keys area.

On November 20, 2000, Cingular Wireless LCC (Cingular) and BellSouth, each filed a Notice of Appeal with the Florida Supreme Court appealing Order No. PSC-00-1937-PAA-TL. On November 20, 2000, a joint motion for reconsideration of Order No. PSC-00-1937-PAA-TL, as amended by Order No. PSC-00-1937A-PAA-TL, was filed by Cingular and BellSouth. This Motion asserted that it was timely, because it was filed within 15 days of the date that the Amendatory Order was issued.

On November 29, 2000, we received notification from the North American Numbering Plan Administrator (NANPA) that the Florida telecommunications industry request for a new NPA code for relief of the 561 NPA was denied. NANPA indicated that the request was denied, stating that our decision for area code relief for NPA 561 did not meet the Industry Numbering Committee (INC) guidelines. The chosen area code relief only provides relief in one region for 3.1 years, which does not meet the INC minimum guidelines of five years for a area code relief plan.

Also on November 29, 2000, VoiceStream Wireless (VoiceStream) filed VoiceStream Wireless' Notice of Joinder in Support of Motions for Reconsideration. VoiceStream indicated that it joined and supported the previously filed motions for reconsideration,

specifically with respect to the pending requests for reconsideration and clarification of the Commission's further rationing of NXX codes and establishment of a 75 percent utilization threshold rate for new codes.

On December 7, 2000, the FCC announced its latest decision in its numbering optimization docket, CC Docket 99-200, which was issued as Order FCC 00-429, on December 29, 2000. Recognizing certain inconsistencies between our Order and the FCC's numbering decisions, including the decision resulting in FCC 00-429, we filed a motion with the Florida Supreme Court to temporarily relinquish jurisdiction of the BellSouth and Cingular appeals back to us for our reconsideration. We asked the Court to permit us to reconsider our Order on our own motion and in light of the FCC's recent numbering optimization order, and to pursue and perhaps approve settlement of the appeals. The Court granted our motion on January 2, 2001, for a period of 90 days.

On January 8, 2001, in response to NANPA's refusal to issue a new NPA for the 561 area, we filed a petition with the FCC for an "Expedited Decision for the Release of a New Area Code to Provide Relief for the 561 Numbering Plan Area; CC Docket No. 96-98." The FCC assigned Delegation of Authority No. 01-341 to our petition. Comments were due March 9, 2001 with reply comments due March 23, 2001.

On January 16, 2001, our staff conducted an issue identification and settlement meeting to identify and discuss the issues to be addressed at hearing regarding the petitions on the PAA portion of Order No. PSC-00-1937-PAA-TL. Parties and staff also discussed possible settlement of the appeal. All interested persons were invited to attend, but discussion was limited to the parties of record.

On January 26, 2001, Order No. PSC-01-0241-PCO-TL was issued, which established procedure regarding the protests of the PAA portion of Order No. PSC-00-1937-PAA-TL. Accordingly, an administrative hearing was scheduled to address our decision regarding rate center consolidation and code sharing.

On February 2, 2001, the Joint Parties² filed an Offer of Settlement to Resolve the Code Sharing Protest, Reconsideration Requests, and Appeals of Order No. PSC-00-1937-PAA-TL. Also on February 2, 2001 BellSouth filed a Motion to Resolve Reconsideration or Challenges to Rate Center Consolidation for the Miami/Dade 305/786 Region. Based upon BellSouth's motion, we vacated that portion of Order No. PSC-00-1937-PAA-TL which requires RCC in the Keys Region during the February 22, 2001 Agenda Conference.

On February 5, 2001 Time Warner Telecom of Florida, L.P. filed a Joinder in the Joint Offer of Settlement to Resolve the Code Sharing PAA Protest, Reconsideration Requests, and Appeals of Order No. PSC-00-1937-PAA-TP. On February 19, 2001, the FCHG filed a letter amending the offer of settlement. Hereinafter, all parties to the offer of settlement shall be referred to as the "Joint Parties."

During the February 22, 2001 Agenda Conference, the Commission approved the Joint Parties's offer of settlement, as amended by the February 19, 2001 letter. Commissioner Baez did not participate in these dockets at the time the Commission rendered its decision regarding Order No. PSC-00-1937-PAA-TL. Therefore, his participation was limited to the Commission's decision to approve the Joint Parties's offer to initiate number pooling in the Keys area in lieu of requiring code sharing, which was a PAA decision in Order No. PSC-00-1937-PAA-TL.

This Order addresses the offer of settlement as amended by the Joint Parties's February 19, 2001 letter, to resolve the code sharing protest, reconsideration requests, and appeals of Order No. PSC-00-1937-PAA-TL. The offer of settlement and letter amending the offer of settlement are attached to this Order as Attachments A and B, respectively, which, by reference, are incorporated herein.

² AllTel Florida, AT&T Communications for the Southern States, Inc., AT&T Wireless Services, Inc., BellSouth Telecommunications, Inc., Cingular Wireless LLC, Florida Cable Telecommunications Association, Inc., VoiceStream Wireless, Sprint-Florida, Inc., Sprint Communications Company Limited Partnership, Sprint PCS, Volusia County, and WorldCom, Inc.

II. JURISDICTION

We have authority to address area code relief pursuant to 47 C.F.R. §§ 52.3 and 52.19. In addition, as part of our ongoing effort to conserve area codes, on April 2, 1999, we filed a petition with the Federal Communications Commission (FCC) seeking authority to implement number conservation measures, which could help minimize consumer confusion and expenses associated with imposing new area codes too frequently.

On September 15, 1999, the FCC issued Order FCC 99-249, granting our Petition for Delegation of Additional Authority to Implement Number Conservation Measures. FCC 99-249 granted us interim authority to: 1) Institute thousand-block pooling by all 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; (5) Request number utilization data from all carriers; (6) Implement NXX code sharing; and (7) Implement rate center consolidation.

III. OFFER OF SETTLEMENT

As discussed earlier, the FCHG filed a request for reconsideration of Order No. PSC-00-1937-PAA-TL on November 7, 2000. Because its petition was untimely³, the FCHG filed an appeal of the Order with the Florida Supreme Court. Recognizing two mistakes of law in our Order, we filed a petition with the Florida Supreme Court requesting the Court to relinquish jurisdiction in the BellSouth and Cingular appeals to allow us to review and reconsider Order No. PSC-00-1937-PAA-TL on our own motion.

The motion for reconsideration requested reconsideration of eight items included in Order No. PSC-00-1937-PAA-TL. Along with the motion for reconsideration, the FCHG filed a protest of that portion of the PAA Order concerning code sharing. The items and the FCHG positions are as follows:

³ See City of Hollywood v. Public Employees Relations Commission, 432 So. 2d 79 (4th DCA 1983), and Citizens of the State of Florida v. North Fort Myers Utility, Inc., No. 95-1439 (Fla. 1st DCA November 16, 1995)

1) Code Rationing - The Commission should reconsider the decision to reduce the rationing of NXX codes to three codes per month in the 561, 954, and 904 numbering plan areas (NPAs).

2) Utilization Threshold - The Commission should reconsider its decision to require all non-pooling carriers in the 305, 561, 786, 904, and 954 area codes to achieve a 75 percent utilization rate within an NXX before requesting the assignment of a new NXX in the same rate center.

3) Pooling Trial Schedule - The Commission should reconsider the timing of the implementation schedule for pooling in the Daytona / Fort Pierce Metropolitan Statistical Areas (MSAs).

4) Area Code 561 Implementation Date - The Commission should reconsider its decision to withhold selection of an implementation date for the geographic split of the 561 NPA until the impact of conservation measures can be determined.

5) Wireless Grandfathering - The Commission should address the matter of wireless number grandfathering in the 904 and 561 NPA splits. The Joint Parties offer of settlement, as amended, withdraws this issue from consideration.

6) Start of Area Code 904 Permissive Dialing - The Commission should reconsider its decision to set the permissive dialing date for the 904 NPA area code relief as February 15, 2001.

7) Aging of Numbers - The Commission should reconsider its decision that establishes aging limits inconsistent with those ordered by the FCC.

8) Assignment of Administrative Numbers - The Commission should reconsider its decision limiting the assignment of administrative numbers to a single 1,000 block within each NXX.

9) PAA Protest - Code Sharing - The PAA protest of Order No. PSC-00-1937-PAA-TL concerns code sharing and RCC in the Keys and Miami/Dade areas. The FCHG protests the requirement to implement code sharing in the Keys and Miami-Dade area. RCC

in the Keys was addressed in the BellSouth/OPC stipulation discussed earlier in this Order. RCC in the Miami-Dade area was addressed in BellSouth's Motion to Resolve Reconsideration or, Challenges to Rate Center Consolidation for the Miami-Dade 305/786 Region, which was resolved during the February 22, 2001 Agenda Conference.

A detailed discussion of each item, including the Joint Parties's offer of settlement, as amended, follows.

1) Code Rationing - By Order No. PSC-00-1937-PAA-TL, we ordered that code rationing of NXX codes be reduced from the existing six NXX codes per month for the 954 NPA, seven codes per month for the 561 NPA, and seven codes per month for 904 NPA, to three codes per month.

The Joint Parties requested that we reconsider this decision in light of the Florida Delegation Order, FCC 99-249, and other FCC orders. The Joint Parties have offered to settle the motion for reconsideration, PAA protest of code sharing, and appeal of Order No. PSC-00-1937-PAA-TL based, in part, on our reconsideration of this issue.

FCC Order No. FCC 00-429 (Second Report and Order, Order on Reconsideration) states that:

The rationing of NXX codes should only occur when it is clear that an NPA will run out of NXX codes before timely implementation of a relief plan. Rationing may only be used to ensure that an area code does not exhaust completely before the state commission, acting expeditiously, can implement a new area code.

Order at ¶ 61.

Florida's delegation Order (FCC 99-249) states that:

Whether the rationing plan in place prior to relief was an industry consensus plan, or whether it was a state commission-ordered plan, only those terms in place prior to area code relief may remain in place for up to six months following area code relief. The Florida

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Commission may order a continuation of rationing for up to six months, but neither the Florida Commission, nor the telecommunications industry participants in a consensus plan may alter the terms of the rationing plan.

Order at ¶ 28.

In this case, the industry consensus plan had been in place prior to the issuance of Order No. PSC-00-1937-PAA-TL. After further analysis, we find that our requirement that code rationing of NXX codes be reduced from the existing six NXX codes per month for the 954 NPA, seven codes per month for the 561 NPA, and seven codes per month for 904 NPA, to three codes per month is inconsistent with the FCC orders discussed above. Therefore, we find it appropriate, on our own motion, to reconsider the portion of Order No. PSC-00-1937-PAA-TL requiring that code rationing for the 954 NPA, 561 NPA, and 904 NPA be reduced to three per month, and we hereby adopt the industry consensus plan in effect prior to our Order.

2) Utilization Threshold - In the First Report and Order on Number Optimization (FCC 00-104), the FCC concluded that carriers not participating in thousands-block number pooling would be required to show that they had used a certain percentage of their existing inventory of numbers before receiving additional resources in a given rate center. It also concluded that pooling carriers should not have to meet such a utilization threshold to receive additional numbering resources in a rate center.

By Order No. PSC-00-1937-PAA-TL, we established a utilization threshold of 75 percent for all non-pooling carriers in the 305, 561, 786, 904, and 954 NPAs. This requires non-pooling carriers in these areas to achieve a 75 percent utilization rate within an NXX before requesting the assignment of a new NXX in the same rate center.

Subsequent to Order No. PSC-00-1937-PAA-TL, the FCC issued Order FCC 00-429 on December 29, 2000, establishing a 60 percent initial utilization threshold. FCC 00-429 at ¶ 22. The initial utilization threshold of 60 percent becomes effective three months after publication of the FCC Order in the Federal Register. FCC-00-429 at ¶ 26. Because the FCC Order was published in the Federal

Register on February 8, 2001, the utilization threshold of 60 percent becomes effective May 8, 2001. As stated in the Order, the utilization threshold will be increased by five percent on June 30, 2002, and annually thereafter until the utilization threshold reaches 75 percent. FCC 00-429, ¶ 26.

The FCC also stated that it was encouraged by the results achieved in pooling trials using a utilization threshold, and was persuaded that its national numbering resource optimization goals could be met more quickly and efficiently if it required all carriers, including pooling carriers, to meet a utilization threshold to obtain growth numbering resources. It therefore concluded that pooling carriers should also be subject to meeting the utilization thresholds established in the FCC's order to obtain growth numbering resources. FCC 00-429, ¶ 28.

In its Offer of Settlement, the Joint Parties have proposed to adopt the national standard of 60 percent, and its phased-in increases of five percent per year until it reaches 75 percent in 2004. In making this offer, the Joint Parties recognize that reconsideration of this issue may be sought at the FCC causing the national policy to be temporarily stayed. Accordingly, the Joint Parties further offered that in the event of a stay by the FCC or the courts, the Florida policy shall prevail requiring a utilization threshold of 60 percent with five percent annual increases. In other words, in the event of a stay or other administrative or judicial proceedings, the 60 percent utilization threshold and five percent yearly increases shall remain in effect until such time as the FCC adopts a new national number utilization policy.

Because the FCC issued Order No. FCC 00-429 subsequent to Order No. PSC-00-1937-PAA-TL, and because the FCC established a new utilization policy of initiating a utilization rate of 60 percent with five percent step increases to a maximum of 75 percent, we find it appropriate to reconsider this issue on our own motion. Therefore, we hereby approve the Joint Parties' offer of settlement regarding utilization rates for all carriers and adopt the thresholds set forth in FCC 00-429.

3) Pooling Trial Schedule - By Order No. PSC-00-1937-PAA-TL, we mandated implementation of pooling trial dates of March 12, 2001

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for the Daytona Beach Metropolitan Statistical Area (MSA), and April 30, 2001 for the Fort Pierce-St. Lucie MSA. By Order No. PSC-00-1046-PAA-TP, issued May 30, 2000, in Docket No. 981444-TP, we ordered the implementation of three pooling trials in the 954, 561, and 904 area codes to begin on January 2, February 5, and April 2, 2000, respectively.

The FCC states that the state commissions, including Florida, must allow sufficient transition time between pooling trials. Specifically, ¶ 19 of FCC 99-249 states:

After having implemented a thousands-block number pooling trial in one MSA, the Florida Commission may wish to expand to another MSA. Should it wish to do so, we direct the Florida Commission to allow sufficient transition time for carriers to undertake any necessary steps, such as modifying databases and upgrading switch software, to prepare for an expansion of thousands-block pooling to another MSA. In other words, start dates for thousands-block pooling trials in different MSAs should be appropriately staggered to permit the industry to undertake all necessary steps. The purpose of a staggered roll-out is to provide carriers time to upgrade or replace their SCPs and other components of their network, as necessary, if the increased volume of ported numbers as a result of the pooling trial requires them to do so.

As part of the settlement offer, the Joint Parties have requested that we reconsider the timing of the implementation schedule for pooling in the Daytona Beach and Fort Pierce-St Lucie MSAs. The Joint Parties believe that 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."

As discussed later in this Order under code sharing, the Joint Parties have offered to add an additional pooling trial in the Keys area with an implementation date of May 28, 2001. The Joint Parties have also proposed that the Daytona Beach MSA have a July

16, 2001 implementation date, and the Ft. Pierce-St. Lucie MSA have an implementation date of September 17, 2001.

We find that a delay in the implementation dates of the Daytona Beach and the Ft. Pierce-St. Lucie pooling trials to allow for an additional pooling trial to begin in the Keys area May 28, 2001 is reasonable. We therefore find it appropriate to reconsider, on our own motion, our decision regarding mandatory implementation dates for the number pooling trials ordered in Order No. PSC-00-1937-PAA-TL. We hereby establish new dates of July 16, 2001 for the Daytona Beach MSA, and September 17, 2001 for the Ft. Pierce-St. Lucie MSA.

4) Area Code 561 Implementation Date - By Order No. PSC-00-1937-PAA-TL, we decided to withhold the approval of implementation schedules for the 561, 954, and 305/786 area codes, pending the outcome of the various number conservation measures. We also directed the affected local exchange companies (LECs) to jointly file a notice: (1) to inform the Commission of the outcome of various number conservation measures; and (2) to recommend the permissive and mandatory dialing periods for the 561, 954, and 305/786 NPAs. As ordered, the notice must be submitted to us no later than October 1, 2001.

The FCHG sought reconsideration of this issue for the limited purpose of requesting the immediate implementation of the geographic split to prevent customers from receiving a telephone number in the 561 area code and then having to change their telephone numbers to the new area code shortly after.

As a part of the proposed settlement, the Joint Parties agree that the implementation of the geographic split for the 561 NPA should occur pursuant to the process outlined in our Order. Accordingly, the Joint Parties agree to report to us 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.

5) Wireless Grandfathering - The Joint Parties offer of settlement, as amended, withdraws this issue from consideration.

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6) Date to Begin Permissive Dialing in the 904 Area Code - Order No. PSC-00-1937-PAA-TL set the date to begin the permissive dialing period for the 904 area code split on Thursday, February 15, 2001. The FCHG requested on reconsideration that this date be changed to Monday, February 12, 2001 to perform the necessary modifications to their information systems and databases to execute an NPA split over a weekend.

Because of the work that has already been undertaken to implement the permissive dialing associated with the 904 NPA split, the Joint Parties indicate that it is no longer appropriate to change the date to begin the permissive dialing period. As a part of the offer of settlement, the Joint Parties no longer seek any change in the start of the permissive dialing period for the 904 NPA.

7) Aging of Numbers - The FCC defines "aging numbers" as disconnected numbers that are not available for assignment to another end user or customer for a specified period of time. FCC 00-104 at ¶29. By Order No. PSC-00-1937-PAA-TL, we found that in non-jeopardy situations, it is appropriate to adopt guidelines developed by the INC for aging of disconnected numbers. We therefore ordered that residential telephone numbers shall be aged no less than 30 days and no longer than 90 days from the subscriber-specific disconnect date, and business telephone numbers shall be aged no less than 90 days and no longer than 365 days from the subscriber disconnect date.

In jeopardy situations, we ordered that residential telephone numbers shall be aged no less than 30 days and no longer than 90 days from the subscriber-specific disconnect date, and business telephone numbers shall be no less than 60 days and not more than 180 days.

The Joint Parties believe that the aging limits ordered by the Commission are inconsistent with those ordered in FCC Order 00-104. Accordingly, as a part of the offer of settlement, the Joint Parties suggest that we follow the FCC's requirements and rescind the provisions of the PAA Order with respect to adopting Florida-specific aging rules. In Order FCC 00-104 at ¶ 29, the FCC stated:

Consistent with the Industry Numbering Committee (INC) Guidelines, we also adopt an upper limit of 90 days for residential numbers and 365 days for business numbers. We follow the upper limits in the guidelines in this instance because they represent industry experience as well as aging requirements imposed by some states. We decline to set lower limits at this time. We observed recently that, in areas of acute number shortages, some carriers have reduced aging limits to one to seven days, or even zero in situations where no charges are incurred for calls of less than one minute in duration. Although we are concerned that too short of an aging period could cause confusion and unnecessary disruptions to subscribers, we believe that carriers can selectively reduce some aging limits to near zero if necessary without causing these problems. Also, in the interest of maintaining uniformity in our definitions and reporting requirements, we decline to permit states to modify our aging limits.

We find that the aging guidelines we established in PSC-00-1937-PAA-TL are inconsistent with the guidelines established in FCC 00-104. Therefore, we find it appropriate to reconsider this issue on our own motion, and we hereby adopt the aging number guidelines set forth in FCC 00-104.

8) Assignment of Administrative Numbers - The FCC defines administrative numbers as any numbers used by carriers to perform internal administrative or operational functions necessary to maintain reasonable quality of service standards. FCC 00-104 at ¶ 32. By Order No. PSC-00-1937-PAA-TL, we limited the ability of code holders to assign administrative numbers to multiple 1,000 blocks. We further found that for maximum efficiency, administrative numbers that do not require assignment to specific 1,000 blocks for technical reasons should be assigned to a single 1,000 block within each NXX.

The joint parties believe that our Order fails to follow the FCC guidelines that have been set forth for sequential number assignment. In Order 00-104 at ¶ 244, the FCC stated:

We adopt a flexible requirement which mandates that carriers first assign all available telephone numbers within an opened thousands-block before opening another thousands-block, unless the available numbers in the opened thousands-block are not sufficient to meet a customer request. We note that this requirement applies to a carriers existing numbering resources as well as any new numbering resources it obtains in the future. We believe that such a requirement will adequately protect clean thousands-blocks from unnecessary contamination.

Subsequent to the issuance of PSC-00-1937-PAA-TL, the FCC, on December 29, 2000, issued Order 00-429. This Order gives state commissions access to carriers' utilization data reported to NANPA. In the Order, the FCC requires that NANPA provide mandatorily reported forecast and utilization data to any requesting state twice per year, consistent with its collection of such data twice per year. FCC 00-429 at ¶ 118.

We find that the sequential numbering guidelines provided for in FCC 00-104, along with the new access to carrier's utilization data provided for in FCC 00-429, make the administrative number assignment restrictions in PSC-00-1937-PAA-TL unnecessary. We can now determine any abuses of administrative numbers by monitoring the utilization data provided by NANPA. We therefore find it appropriate to reconsider this issue, and we hereby vacate the restrictions on administrative numbers set forth in Order No. PSC-00-1937-PAA-TL.

9) PAA Protest - Code Sharing - As discussed earlier in this Order, the PAA protest of Order No. PSC-00-1937-PAA-TL concerns code sharing and rate center consolidation in the Keys and Miami/Dade areas. The FCHG protested the requirement to implement code sharing in the Keys and Miami-Dade County and addressed it in the Joint Parties' offer of settlement. RCC in the Keys was addressed in the BellSouth/OPC stipulation discussed earlier in this Order. RCC in the Miami/Dade area was addressed in BellSouth's Motion to Resolve Reconsideration or, Challenges to Rate Center Consolidation for the Miami-Dade 305/786 Region, which was resolved during the February 22, 2001 Agenda Conference.

On September 15, 1999, by Order No. 99-249, the FCC granted us authority to exercise various number conservation measures, including code sharing. Code sharing is the process where an NPA-NXX associated with a specific rate center is distributed among the service providers that serve that rate center. For instance, if there were ten carriers serving residents in a given rate center, the NPA-NXX would be assigned by 1,000 blocks to a specific switch in each service provider's network. Accordingly, switches are identified by seven digits (NPA-NXX-X), rather than the current six digit (NPA-NXX) identification. Code sharing differs from 1,000 block pooling since pooling utilizes the existing LNP technology to share the numbers. In Order 99-249, the FCC permitted us to implement NXX code sharing on a trial basis if we find that NXX code sharing is technically and economically feasible, as well as cost effective.

Our staff noted in its area code recommendation filed September 15, 2000, that the record in this proceeding was quite limited with respect to code sharing, and recommended that the issue be dealt with in Docket No. 981444-TP to identify and study the technical and economic feasibility of NXX code sharing, its implications for the delivery of emergency services, and network impacts.

Code sharing was discussed at the September 29, 2000 Special Agenda Conference as a means to enhance number conservation in the Keys area along with RCC, and to receive some immediate benefit by gaining access to the existing NXX blocks. In ordering the implementation of code sharing, we noted in Order No. PSC-00-1937-PAA-TL that code sharing might be particularly effective in the Keys portion of the 305/786 region, and that implementation of this measure might provide significant relief from the exhaustion of NXXs in this rapidly growing region.

The Joint Parties expressed concern that in addition to the absence of record evidence on code sharing, there are technical, financial, service quality, and network reliability issues associated with code sharing. The parties also indicated that as a practical matter, it could take a year or more to implement code sharing, assuming the other issues could be resolved. Our staff tried to determine if any other states have initiated code sharing among carriers and was unsuccessful.

The Joint Parties assert 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, seven 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.

Because of the lack of knowledge and experience concerning code sharing, and because local number portability is available in the Keys, we find that number pooling in the Keys will provide an immediate benefit to number conservation in the area. The Joint Parties have offered a pooling trial schedule which would allow a mandatory starting date of May 28, 2001 for the Keys pooling trial. We find this proposal preferable to code sharing and hereby approve the Joint Petitioners' offer to number pool in the Keys in lieu of code sharing.

IV. CONCLUSION

Based on the foregoing, we hereby approve the Joint Parties' Offer of Settlement as amended. In approving the settlement, we hereby do the following:

- a) reconsider our decision to reduce the rationing of NXX codes in the 561, 954, and 904 NPAs, and adopt the industry consensus plan in effect prior to Order No. PSC-00-1937-PAA-TL;
- b) reconsider our decision to require all non-pooling carriers in the 305, 561, 786, 904, and 954 area codes to achieve a 75 percent utilization rate within an NXX before requesting the assignment of a new NXX in the same rate center, and adopt the new standards set forth in FCC 00-429 establishing initial utilization rates of 60 percent with five percent step increases to a maximum of 75 percent for pooling and non-pooling carriers;
- c) reconsider our decision regarding number pooling implementation dates, and establish new number pooling trial implementation dates of July 16, 2001 for the Daytona Beach MSA, and September 17, 2001 for the Ft. Pierce-St. Lucie MSA;

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d) reconsider our decision assigning new aging guidelines and adopt the aging number guidelines set forth in FCC 00-104;

e) reconsider our decision to limit the ability of code holders to assign administrative numbers to multiple 1,000 blocks and vacate the restrictions on administrative numbers in Order No. PSC-00-1937-PAA-TL.

Furthermore, we hereby adopt the Joint Parties's offer to initiate number pooling in the Florida Keys area with a mandatory starting date of May 28, 2001 in lieu of requiring code sharing.

Finally, Order No. PSC-00-1937-PAA-TL also required that customers in the proposed Sanford exception area be surveyed to determine if they are willing to accept a full 10-digit number change in order to be included with the rest of Volusia County in the new area code. A recommendation containing the balloting results was presented for our consideration at the February 20, 2001 agenda. A majority of the customers voted against the number change. Therefore, by Order No. PSC-01-0753-FOF-TL, issued March 23, 2001, in Docket No. 990517-TL, we ordered that the customers in the proposed Sanford exception area not be transferred, and their area code and phone numbers not be changed. There are no outstanding issues to address in Docket No. 990517-TL; therefore, that docket shall be closed. By Order No. PSC-00-1937-PAA-TL, we also ordered affected local exchange companies to submit an implementation schedule for relief of the 305/786 NPA, 561 NPA, and 954 NPA no later than October 1, 2001. We indicated that upon receipt of this report, our staff will file a recommendation for our consideration and final approval of implementation dates. Therefore, Dockets Nos. 990455-TL, 990456-TL, and 990457-TL shall remain open to address implementation dates for the 305/786, 561, and 954 NPAs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Joint Parties' Offer of Settlement, as amended by the Joint Parties February 19, 2001 letter, is hereby approved, as set forth in the body of this Order. It is further

ORDER NO. PSC-01-0808-AS-TL
DOCKETS NOS. 990455-TL, 990456-TL, 990457-TL, 990517-TL
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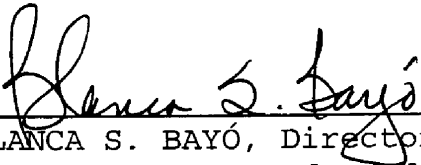
ORDERED that the Joint Parties' offer to initiate number pooling in the Florida Keys area with a mandatory starting date of May 28, 2001 in lieu of requiring code sharing is hereby approved as set forth in the body of this Order. It is further

ORDERED that Attachments A and B of this Order are, by reference, incorporated herein. It is further

ORDERED that Docket No. 990517-TL shall be closed. It is further

ORDERED that Dockets Nos. 990455-TL, 990456-TL, and 990457-TL shall remain open.

By ORDER of the Florida Public Service Commission this 27th day of March, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

TV

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

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Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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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

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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, 2000.¹ 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 6th pleading filed with the Commission, and requested that the Commission accept the November 6th 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

¹ 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.

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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 6th. 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").

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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 9th 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 6th and November 20th 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

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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/Jacksonville² as

² 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).

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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 ¶ 19.³

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, 2001.⁴ The Joint Parties believe the Commission should allow the carriers to initially begin these trials by donating

³ 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.

⁴ 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.

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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*.⁵ 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

⁵ 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").

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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

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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.

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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.⁷ 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,

⁷ 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.

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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)


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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.



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

ATTORNEYS FOR ALLTEL FLORIDA,
INC.

ATTACHMENT A
Page 13 of 23

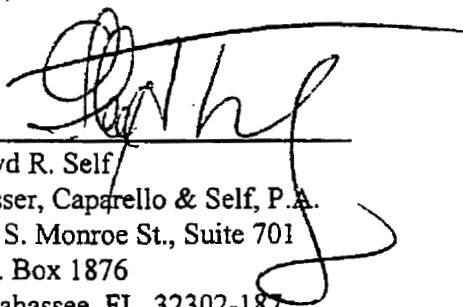
EXHIBIT "A"

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

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

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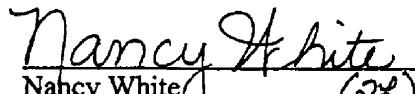
EXHIBIT "A"

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 2nd day of February, 2000


Nancy White (22)
BellSouth Telecommunications, Inc.
150 South Monroe Street
Suite 400
Tallahassee, Florida 32301-1556

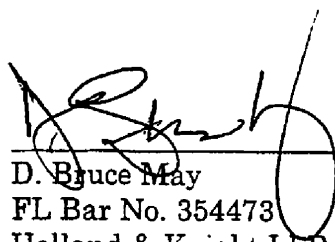
Attorney for BellSouth Telecommunications, Inc.

ATTACHMENT A
Page 15 of 23

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.



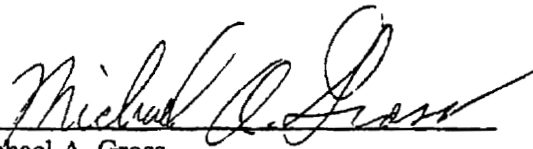
D. Bruce May
FL Bar No. 354473
Holland & Knight LLP
P. O. Drawer 810
Tallahassee, Florida 32302-0810
(850) 224-7000
Attorneys for Cingular Wireless LLC

ATTACHMENT A
Page 16 of 23

EXHIBIT "A"

The name, address, and telephone number of this Joint Party is: Florida Cable Telecommunications Association, Inc., 246 East 6th 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 6th Avenue
Tallahassee, FL 32303
(850)681-1990
Attorneys for Florida Cable Telecommunications Association, Inc.

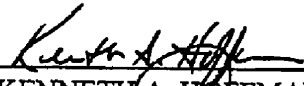
ATTACHMENT A
Page 17 of 23

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

Attorneys for VoiceStream Wireless

ATTACHMENT A
Page 18 of 23

EXHIBIT "A"

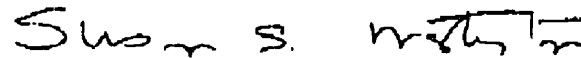
The name, address, and telephone number of this Joint Party is:

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

Sprint PCS
4900 Main Street, 11th 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, 11th Floor
Kansas City, MO 64112
(816) 559-1000

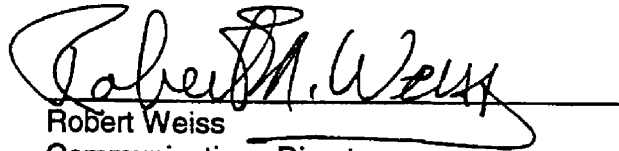
ATTORNEYS FOR SPRINT-FLORIDA, INCORPORATED,
SPRINT COMMUNICATIONS COMPANY LIMITED
PARTNERSHIP AND SPRINT PCS

ATTACHMENT A
Page 19 of 23

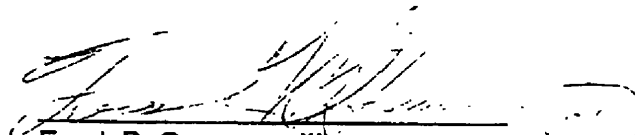
EXHIBIT "A"

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



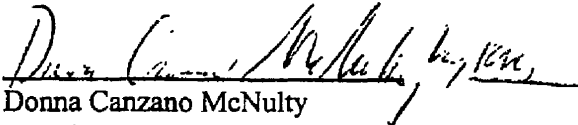
Frank B. Gummey, III
Assistant County Attorney
County of Volusia
123 W. Indiana Avenue
DeLand, FL 32720
(904) 736-5950
Fla. Bar No: 156128

ATTACHMENT A
Page 20 of 23

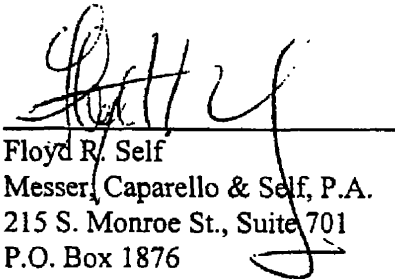
EXHIBIT "A"

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



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

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

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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 2nd 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.
Tallahassee, FL 32399-0850

Nancy B. White
c/o Nancy H. Sims
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, FL 32301

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

Charles J. Rehwinkel
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
Florida Cable Telecommunications Association, Inc.
246 East 6th Avenue
Tallahassee, FL 32303

Donna McNulty, Esq.
WorldCom, Inc.
The Atrium Building, Suite 105
325 John Knox Road
Tallahassee, FL 32303

Mr. Richard H. Brashear
ALLTEL Florida, Inc.
206 White Avenue, S.E.
Live Oak, FL 32060-3357

Ms. Gwen Azama-Edwards
City of Daytona Beach
P.O. Box 2451
Daytona Beach, FL 32115-2451

Mr. Fritz Behring
City of Deltona
P.O. Box 5550
Deltona, FL 32728-5550

Carole Baris
James Fowler
Fowler, Barice Law Firm
28 W. Central Blvd.
Orlando, FL 32801

Bruce May, Esq.
Holland & Knight
P.O. Drawer 810
Tallahassee, FL 32302

Mr. Bob Koslow
News-Journal Corp.
Southwest Volusia Bureau
1107 Saxon Blvd.
Orange City, FL 32763

ATTACHMENT A
Page 23 of 23

Ms. Deborah L. Nobles
Northeast Florida Telephone Company, Inc.
P.O. Box 485
Macclenny, FL 32063-0485

Mr. Robert Weiss
Volusia County
123 W. Indiana Ave. Room #205
DeLand, FL 32720

J. Jeffry Wahlen
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Harriet Eudy
ALLTEL Florida, Inc.
206 White Avenue, S.E.
Live Oak, FL 32060

Peter M. Dunbar, Esq.
Pennington, Moore, Wilkinson, Bell &
Dunbar, P.A.
P.O. Box 10095
Tallahassee, FL 32302-2095

Carolyn Marek
Vice President of Regulatory Affairs
Southeast Region
Time Warner Communications
233 Bramerton Court
Franklin, TN 37069

Marsha Rule, Esq.
Tracy Hatch, Esq.
AT&T
101 N. Monroe St., Suite 700
Tallahassee, FL 32301

Kenneth A. Hoffman, Esq.
John R. Ellis, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
P.O. Box 551
Tallahassee, FL 32302

Mr. D. Wayne Milby
Lockheed Martin IMS
Communications Industry Services
1133 15th Street, N.W.
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

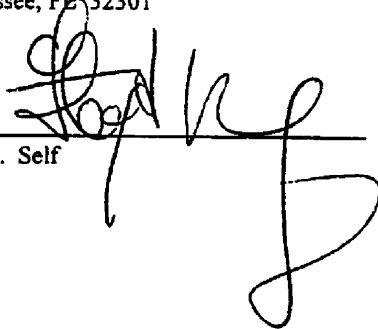
Mr. Brian Sulmonetti
WorldCom, Inc.
6 Concourse Parkway, Suite 3200
Atlanta, GA 30328

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

LAW OFFICES
MESSER, CAPARELLO & SELF
A PROFESSIONAL ASSOCIATION

ATTACHMENT B
Page 1 of 2

215 SOUTH MONROE STREET, SUITE 701
POST OFFICE BOX 1876
TALLAHASSEE, FLORIDA 32302-1876
TELEPHONE (850) 222-0720
TELECOPIER (850) 224-4359
INTERNET www.lawfla.com

February 19, 2001

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: FPSC Docket No. 990455-TL, 990456-TL, 990457-TL, and 990517-TL

Dear Ms. Bayo:

On February 2, 2001, I filed on behalf of various parties an Offer of Settlement to resolve the outstanding issues in the above referenced dockets associated with the two Proposed Agency Action Protests, the Motions for Reconsideration, and the two Appeals associated with Order No. PSC-00-1937-PAA-TL.

Since filing the Offer of Settlement, I have learned that the Offer of Settlement provisions relating to wireless grand fathering may not lead to an acceptable resolution of these outstanding matters. The wireless carriers believe that providing wireless carriers with the option of grandfathering customers is beneficial to both the carriers and their customers. However, in the desire to promptly and efficiently resolve all outstanding issues in these dockets, I have been directed to advise the Commission that the parties to the Offer of Settlement hereby withdraw their proposal on wireless grandfathering. Instead of the wireless grand fathering of numbers and NXX codes, all wireless carriers in the two affected NPAs shall change their NPA-NXX codes to the respective new NPA codes.

On behalf of the parties to the Offer of Settlement, this shall be considered an amendment to the offer of settlement on the wireless grand fathering issue. As amended by this letter, the Offer of Settlement otherwise remains unchanged. The parties to the offer of settlement and this letter hereby urge the Commission to approve the offer of settlement as amended by this letter as promptly as possible.

DOCUMENT NUMBER-DATE

02295 FEB 19 2001

FPSC-RECORDS/REPORTING

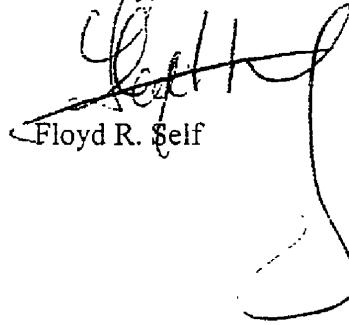
ORDER NO. PSC-01-0808-AS-TL
DOCKETS NOS. 990455-TL, 990456-TL, 990457-TL, 990517-TL
PAGE 45

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Page 2 of 2

Ms. Blanca Bayó
February 19, 2001
Page 2

If you have any questions regarding this matter, please let me know.

Sincerely,



Floyd R. Self

FRS/amb
cc: Parties of Record