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May 25, 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. 010782-TL
BellSouth's Petition for Generic Proceedings to Establish Expedited
Process for Reviewing NANPA's Denial of Applications for Use of
Additional NXX Codes**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Petition for Generic Proceedings to Establish Expedited Process for Reviewing NANPA's Denial of Applications for Use of Additional NXX Codes, which we ask that you file in the captioned docket.

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

Sincerely,

James Meza III
James Meza III (KA)

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

DOCUMENT NUMBER-DATE
06618 MAY 25 01
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. _____

**Generic Proceedings to Establish Expedited Process for Reviewing NANPA's
Denial of Applications for Use of Additional NXX Codes**

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

U.S. Mail this 25th day of May, 2001 to the following:

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

NANPA
Ron Connor
Director
Suite 400
1120 Vermont Avenue
Washington, D.C. 20005



James Meza III (KA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of BellSouth)
Telecommunications, Inc. for)
Generic Proceeding to Establish)
Expedited Process for Reviewing)
NANPA's Denial of Applications)
for Use of Additional NXX Codes)

Docket No. _____

Filed May 25, 2001

**PETITION OF BELLSOUTH TELECOMMUNICATIONS, INC. FOR GENERIC
PROCEEDING TO ESTABLISH EXPEDITED PROCESS FOR
REVIEWING NANPA'S DENIAL OF APPLICATIONS
FOR USE OF ADDITIONAL NXX CODES**

NOW COMES BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to 47 C.F.R. § 52.15(g)(iv), § 120.80(13)(d), Florida Statutes, and § 364.01(a),(g), Florida Statutes, and petitions the Florida Public Service Commission ("FPSC") to establish an expedited process for reviewing future denials of applications for use of central office code numbering resources ("NXX codes") in the State of Florida by the North American Plan Administration ("NANPA"). 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") 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). Additionally, the Commission has the authority to create a generic proceeding to establish an expedited process for reviewing future application denials by NANPA pursuant to § 120.80(13)(d), Florida Statutes, because such a procedure is consistent with the Telecommunications Act of 1996 (the “Act”) and the FCC rules interpreting the Act. See 47 C.F.R. § 52.1 (stating that the rules adopted in section 52 were adopted pursuant to the Act). Further, the Commission instituted a similar proceeding to establish generic collocation procedures in Order No. PSC-99-1744-PAA-TP. Finally, an expedited process for reviewing denials by NANPA is authorized by § 364.01(4)(a) (Commission shall exercise exclusive jurisdiction to ensure that basic local service is available to all consumers in the state) and § 364.01(4)(g) (Commission shall exercise exclusive jurisdiction to ensure that all providers of telecommunications services are treated fairly by preventing anticompetitive behavior and eliminating unnecessary regulatory restraint).

BACKGROUND AND REQUEST FOR RELIEF

4. Under § 251(e)(1) of the Act, Congress directed the Federal Communications Commission (“FCC”) to “create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis.” 47 U.S.C. § 251(e)(1). Pursuant to this directive, the FCC created NANPA to “assign and administer NANP resources in an efficient, effective, fair, unbiased, and with industry-developed guidelines and Commission regulations.” 47 C.F.R. § 52.13(b).

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

6. 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.

7. 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 (6) months of the application. Prior to the Order, 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 a specific months-to-exhaust (“MTE”) of the code application in order for a code to be assigned.

8. 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.

9. 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).

10. Since the beginning of 2001, BellSouth has submitted five (5) NXX Assignment Requests to NANPA for the assignment of NXX resources necessary to meet customer demand in the Hollywood, Ft. Lauderdale, Orange Park, and Orlando exchanges. NANPA has denied all of these requests.

11. The basis for NANPA's denial of these requests was that BellSouth had not met the new rate center based six (6) MTE criteria in these switches, notwithstanding the fact that BellSouth did not have the numbering resources necessary to satisfy customer demand in these switches. However, due to number pooling, BellSouth has

been able to meet its numbering needs in all of the switches, except for the Orlando-Pinecastle and Orlando-Magnolia switches.

12. As a result of the denials for additional numbers in the Orlando-Pinecastle and Orlando-Magnolia switches, BellSouth has been forced to file petitions with the Commission (Docket Nos. 010565-TL and 010309-TL), asking it, pursuant to the authority granted to it by the FCC, to review NANPA's denials and order NANPA to provide the requested codes to BellSouth.

13. BellSouth's reasons for seeking the reversal of NANPA's code denials have been threefold:

a. First, under earlier MTE procedures used by NANPA, waiver 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.

b. Second, NANPA's denial of numbering resources to BellSouth interferes with BellSouth's ability to serve and provide its customers with telecommunications services in the State of Florida. In fact, BellSouth believes it has lost significant customers solely because it was unable to meet customers' numbering requests as a result of NANPA's denials of BellSouth's applications for additional NXX codes.

c. Third, the MTE at the rate center level requirement is discriminatory against ILECs because ILECs are typically the only local service provider with multiple switches in a rate center. Generally, an ILEC deploys multiple switches in a rate center in order to meet customer demand for telephone service. The new FCC rules for obtaining additional numbering resources both penalize and discriminate against the ILEC for having done so. It is patently unfair to require that the ILEC only get six (6) MTE in all the switches it has deployed in a rate center, when an alternative local exchange company (“ALEC”) that has recently entered the local service market has to meet the MTE requirement in only the single switch that it has deployed to serve its customers in a single rate center or even in multiple rate centers.

14. 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 the six MTE. However, BellSouth will be unable to meet the six (6) MTE threshold at the rate center level in all of these multi-switch rate centers. Accordingly, based on NANPA’s current position, BellSouth fully expects that it will be forced to bring numerous petitions for review in the future.

15. An expedited review process of NANPA’s code denials (not lasting more than 30 days) is required to minimize the detrimental effect these denials have on BellSouth and its customers. BellSouth believes that Staff is committed to moving these types of request through the Commission’s process as quickly as possible. However, under the current PAA process, assuming no protest, it takes, at a minimum, approximately 60 days (20 days for response to Petition, 20 days for Staff to file a

recommendation and for the Commission to address Petition, and 20 days for Commission to issue order and have the PAA process run) to get a final ruling from the Commission on a Petition for Review. In addition to this time frame, it takes another 30 to 60 days for the BellSouth customer to receive the requested numbers if the Commission reverses NANPA's decision. During this 90 to 120 days, BellSouth could lose valuable customers and would be in jeopardy of being unable to fulfill its carrier of last resort obligations solely because NANPA denied its requests for additional NXX codes. A 30-day review process would provide the parties and the Commission with a sufficient amount of time to determine whether a denial was appropriate while, at the same time, minimizing the detrimental effects of a denial.

16. An expedited process is consistent with the FCC's rules and the Act. For instance, under FCC Rule 52.15(g)(iv), 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." 47 C.F.R. 52.15(g)(iv). This short time frame evidences that the FCC intended for NANPA's decision and any appeal of that decision to the appropriate state regulatory commission to be conducted expeditiously. Additionally, in the FCC's Order 00-104, the FCC ruled that one of its two primary goals in fulfilling its obligations under the Act was "to ensure that all carriers have the numbering resources they need to compete in the rapidly growing telecommunications marketplace." FCC 00-104 at ¶ 1. Further, the FCC expressed that, in implementing FCC 00-104, it sought to "impose the least societal cost possible, and ensure competitive neutrality while obtaining the highest benefit . . . [and] ensure that no class of carrier or consumer is unduly favored or disfavored by our optimization efforts." Id. at ¶ 3.

17. Consistent with the Act, the FCC's statements in FCC 00-104, and to minimize the potential adverse effects of code denials, BellSouth suggests that the Commission adopt the following review process:

a. Day 1: A carrier that submits a code request to NANPA that does not meet the six (6) MTE requirement may file a Petition for Review with the Commission at the same time it files its code request based on the carrier's expectation that NANPA will deny the code request for failure to meet the MTE standard.

b. Day 15: NANPA or any other interested party files a response and Code Applicant files NANPA's denial (Part 3) with the Commission.

c. Day 25: Commission agenda conference on the Petition for Review.

d. Day 30: Commission issues final order on Petition for Review.

18. BellSouth believes that these procedures will minimize the delay associated with getting additional numbering resources. The procedures will allow the carrier requesting numbering resources from NANPA to begin the process of obtaining sufficient numbering resources to meet the needs of the carrier in a timeframe that would not jeopardize service to its customers.

WHEREFORE, for the forgoing reasons, BellSouth respectfully requests that the Commission institute a generic proceeding to establish an expedited process for reviewing NANPA's denial of applications for use of additional NXX codes and that the Commission adopt the timeframe listed above as the interim procedure for such a process.

Respectfully submitted this 25th day of May, 2001.

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