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From: Nadeau, Joanne [Joanne.Nadeau@BellSouth.COM]
Sent: Tuesday, July 03, 2001 2:47 PM
To: 'filings@psc.state.fl.us'
Subject: Filing in Docket No. 010783-TL

ORIGINAL



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The attached document is from:

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Docket No. 010783-TL - Petition for Review of Pooling Administrator's Denial or Request for Additional Numbering Resources

Total number of pages: 9 (includes cover letter, certificate of service and pleading)

Pleading entitled: Amended Petition for Review of Pooling Administrator's Denial of Request for Additional Numbering Resources

A paper copy will be filed with the eDivision of the Commission Clerk and Administrative Services today.

By filing electronically, BellSouth accepts that the official copy is the version printed by the Public Service Commission's Division of the Commission Clerk and Administrative Services and filed in the official docket file.

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James Meza III
Attorney

BellSouth Telecommunications, Inc
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July 3, 2001

Mrs. Blanca S. Bayó
Director, Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

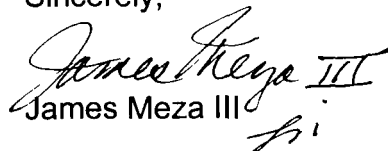
Re: Docket No. 010783-TL - Petition for Review of Pooling Administrator's Denial or Request for Additional Numbering Resources

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Amended Petition for Review of Pooling Administrator's Denial of Request for Additional Numbering Resources, 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
ji

Enclosures

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

CERTIFICATE OF SERVICE
Docket No. 010783-TP

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

U.S. Mail this 3rd day of July, 2001 to the following:

Lee Fordham
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

**Attempted to serve previously at this
address; Returned from Post Office
as "No such street"**

Jonathan W. Kyleskwy, III
3343 North 5th Street
Suite 911
Miami, Florida 33130


James Meza III

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Review of Pooling) Docket No. 010783-TL
Administrator's Denial or Request for)
Additional Numbering Resources)
_____) Filed: July 3, 2001

**AMENDED PETITION FOR REVIEW OF POOLING ADMINSTRATOR'S
DENIAL OF REQUEST FOR ADDITIONAL NUMBERING RESOURCES**

NOW COMES BellSouth Telecommunications, Inc. ("BellSouth"), who petitions the Florida Public Service Commission ("Commission" or "FPSC") to review the Pooling Administrator, NeuStar's, denials of BellSouth's applications for use of additional numbering resources in the Ft. Lauderdale and Jacksonville exchanges. In support of this Petition, BellSouth states:

PARTIES

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

2. NeuStar is an independent non-governmental entity who is responsible for administering and managing the numbering resources in the Florida interim pooling trials. *See* PSC-00-1046-PAA-TP at 8.

JURISDICTION

3. The Commission has jurisdiction of this matter pursuant to Industry Numbering Committees (INC) Number Pooling Guidelines ("INC Guidelines") Sections 3.7 and 12(c).

BACKGROUND AND REQUEST FOR RELIEF

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

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

6. In FCC 00-104, the FCC directed the industry and the Pooling Administrator to comply with the INC Pooling Guidelines in implementing pooling trials. *See* FCC 00-104 at ¶ 183.

7. Under the INC Guidelines, in order to obtain growth thousand-block allocations, the carrier must demonstrate that its existing numbering resources for the rate center will exhaust within six (6) months. *See* INC Guidelines Appendix 3.¹ This requirement is known as six (6) months-to-exhaust ("MTE"). *Id.*

8. Since the beginning of the year, BellSouth has submitted five (5) one thousand (1,000) block requests to NeuStar for the assignment of numbering resources to meet the demands of its customers in Florida.

9. In compliance with the INC Guidelines, BellSouth submitted its requests to NeuStar by completing the necessary MTE Certification Worksheets. As previously

¹ There appears to be a discrepancy between the information NeuStar requires to be filed and the INC Guidelines. NeuStar's MTE worksheet requires that the carrier demonstrate that its MTE on a rate center does not exceed six (6) months. *See* INC Guidelines, Appendix 3. However, Section 8.3.4 of the INC Guidelines states that the carrier must demonstrate that its existing numbering resources for the switching

stated, this worksheet required that BellSouth establish that it had less than six (6) MTE on a rate center basis in order to obtain additional thousand blocks.

10. NeuStar denied BellSouth's requests for thousand block allocations for the Fort Lauderdale and Jacksonville exchanges solely because it failed to meet the six (6) MTE requirement.

FT. LAUDERDALE

11. The Ft. Lauderdale exchange consists of ten (10) central offices and eleven (11) switching entities, Coral Ridge (FTLDFLCRH01 and FTLDFLCR56E), Cypress (FTLDFLCYDS0), Jacaranda (FTLDFLJADS0), Ft. Lauderdale Main (FTLDFLMRDS0), Plantation (FTLDFLPLDS0), Oakland (FTLDFLLOADS0), Sunrise (FTLDFLSU74E), Sawgrass (FTLDFLSGDS0), and Weston (FTLDFLWNDS0).

12. On May 8, 2001 BellSouth filed its request with NeuStar to obtain two thousand (2,000) consecutive DID numbers for the Ft. Lauderdale Cypress (FTLDFLCY0S0) switch to meet the needs of a specific customer. *See Attachment 1.*

13. At the time of the block requests, the Ft. Lauderdale Rate Center MTE was 6.3 months, while the switch MTE for Cypress (FTLDFLCYDS0) was 2.51 MTE .

14. On May 10, 2001, NeuStar denied BellSouth's block requests for the Ft. Lauderdale - Cypress switch. *See Attachment 2.* The basis for the denial was that BellSouth had not met the MTE criteria, notwithstanding the fact that BellSouth did not have the numbering resources necessary to satisfy its customer's demand in the switch.

entity/POI will exhaust within six (6) months In compliance with Appendix 3, BellSouth has filed its requests with NeuStar on a rate center basis

JACKSONVILLE

15. The Jacksonville exchange consists of thirteen (13) central offices and switching entities, Arlington (JCVLFLARDS0), Beachwood (JCVLFLBWDS0), Clay Street (JCVLFLCLDS0), Ft. Caroline (JCVLFLFCDS0), International Airport (JCVLFLIARS0), Lake Forest (JCVLFLLF76E), Normandy (JCVLFLNODS0), Oceanway (JCVLFLOWDS0), Riverside (JCVLFLRV38E), San Jose (JCVLFLSJ73E), San Marco (JCVLFLSMDS0), Southpoint (JCVLFLJTRSO), and Westconnett (JCVLFLWCDS0).

16. On May 10, 2001, BellSouth filed its request with NeuStar to obtain one thousand, two hundred (1,200) consecutive DID numbers to meet a specific customer's needs for the Jacksonville - Clay Street (JCVLFLCLDS0) switch. *See* Attachment 1.

17. At the time of the block request, the Jacksonville Rate Center MTE was 11.7 months, while the switch MTE for Clay Street (JCVLFLCLDS0) was 14.7 MTE.

18. On May 11, 2001, NeuStar denied BellSouth's block request for the Jacksonville – Clay Street switch. *See* Attachment 2. The basis for the denial was that BellSouth had not met the MTE criteria, notwithstanding the fact that BellSouth did not have the numbering resources necessary to satisfy a customer's demands in the switch.

19. The INC Guidelines provide that the appropriate regulatory authority has the power and authority to review a decision by NeuStar to deny a carrier's request for numbering resources. *See* INC Guidelines at §§ 3.7, 12(c). In this case, the appropriate regulatory authority is this Commission because the FCC delegated to the Commission the authority to implement number conservation measures in Florida, including thousand

block pooling trials. *See In re: Florida Public Service Commission Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures*, FCC 99-249, Docket No. 96-98, Sept. 15, 1999 (“FCC 99-249”). Indeed, in FCC 99-249, the FCC held that in exercising its delegated authority, the Commission must ensure “that numbers are made available on an equitable basis; that numbering resources are made available on an efficient and timely basis; [and] that whatever policies the Florida Commission institutes with regard to numbering administration not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers;” FCC 99-249 at ¶ 9.

20. Unfortunately, BellSouth’s inability to obtain numbering resources in the above offices will not be the last time BellSouth experiences this problem. BellSouth has a total of 101 rate centers in Florida with 30 of these being multi-switch rate centers. Some of the switches within these multi-switch rate centers are already within or near the six (6) MTE. BellSouth believes that it will be unable to meet the six MTE threshold at the rate center level in all of these multi-switch rate centers, jeopardizing BellSouth’s ability to fulfill its "Carrier of Last Resort" obligations.

21. BellSouth requests that the Commission’s reverse NeuStar’s decision to withhold numbering resources from BellSouth on the following grounds:

(a) NeuStar’s denial of numbering resources to BellSouth interferes with BellSouth’s ability to serve its customers within the State of Florida. BellSouth believes that it has lost significant customers solely because of its inability to obtain additional numbering resources. The inability to service its customers directly contravenes the FCC’s expressed goal "that all carriers have the numbering resources they need to

compete in the rapidly growing telecommunication market." FCC 100-104 at p. 1. Additionally, in FCC 99-249, the FCC stated: "Consumers should never be in the position of being unable to exercise their choice of carrier because that carrier does not have access to numbering resources." ¶ 16.

(b) The MTE at the rate center level requirement is discriminatory against the incumbent LEC, because the ILEC is typically the only local service provider with multiple switches in a rate center. ILECs deploy multiple switches in a rate center in order to meet customer demand for telephone service, and NeuStar's requirements for obtaining additional numbering resources both penalizes and discriminates against the ILEC for having done so. BellSouth believes that 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 the ALECs that have recently entered the local service market have to meet the MTE requirement in only the single switch that they have deployed to serve their customers in a single rate center or even multiple rate centers.

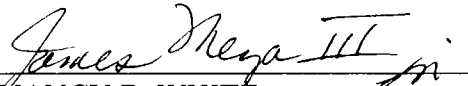
(c) BellSouth submits that its requested numbering resources would not materially impact the exhaustion of available numbers in the 904 area and 954 area codes.

WHEREFORE, for the foregoing reasons, BellSouth requests:

1. The Commission review the decisions of NeuStar to deny BellSouth's request for additional numbering resources; and
2. The Commission should direct NeuStar to provide the requested additional numbering resources for the Ft. Lauderdale and Jacksonville exchanges discussed above.

Respectfully submitted this 3rd day of July, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.



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