

# County of Volusia ORIGINAL

Legal Department  
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October 25, 2001

**VIA FEDERAL EXPRESS**

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

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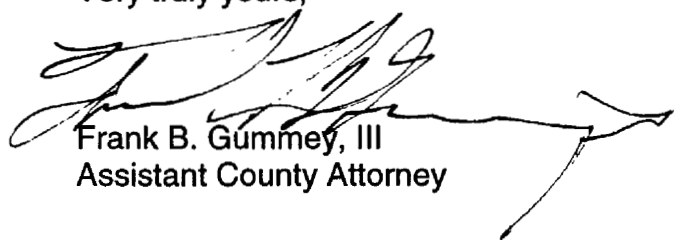
**Re: Docket No.: 010743-TL**

Dear Mrs. Bayo:

Enclosed please find an original and 15 copies of the Rebuttal of Robert M. Weiss, County of Volusia.

Copies of these documents have been served to the parties shown on the attached Certificate of Service.

Very truly yours,

  
Frank B. Gummey, III  
Assistant County Attorney

APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_ FBG:cd  
COM RTY Enclosure (as stated above)  
CTR \_\_\_\_\_  
TCR \_\_\_\_\_  
LEG \_\_\_\_\_  
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DOCUMENT NUMBER-DATE

13579 OCT 26 01

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for review of  
proposed numbering  
relief plan for the 407/321  
area code.

DOCKET NO.: 010743-TL

Filed October 24, 2001

COUNTY OF VOLUSIA  
REBUTTAL TESTIMONY OF  
ROBERT M. WEISS

Q. Please state your name, organization, address, and title.

A. My name is Robert M. Weiss. I am the Communications Director for Volusia County government. My business address is 123 West Indiana Avenue, Room #205, DeLand, Florida 32720. The telephone number is (386) 736-5750.

Q. What is the purpose of your testimony?

A. To refute the direct testimony of Stan L. Greer, BellSouth Communications, Inc. at page 5, line 6 through page 12, line 21.

Q. What is your response to BellSouth's specific issues that it believes are raised by the proposal of Volusia County to overlay 386 NPA in the Osteen area of Volusia County?

A.1. The first issue concerns existing customers receiving additional lines with 407 telephone numbers. With the overlay proposed in this docket there is no guarantee

1 that those customers would receive a 407 number. If it is the policy of the Public  
2 Service Commission that existing customers wishing additional lines receive  
3 additional numbers with the same area code if available, Volusia County does not  
4 object to that procedure in the Osteen area. We have only the desire to associate  
5 386 with as much of Volusia County as possible and more importantly we would  
6 hope that the city of Deltona, already divided telephonically between two NPA, three  
7 wire centers, and two local exchange carriers would not be further divided into a  
8 third NPA.

9  
10 2. The second issue BellSouth raises is that the County proposal would create a  
11 “dangerous precedent”. The technology by BellSouth’s own admission is available  
12 to craft area code relief plans to improve upon existing conditions. Having a tiny  
13 corner of one county in a different area code and then compounding the problem  
14 by overlaying a third area code in the county does not make sense. If the public is  
15 better served by the solution proposed by the County, it is not a dangerous  
16 precedent but rather a fulfillment of this Commission’s goal of public service.

17  
18 3. The third point raised by BellSouth appears to be an altruistic effort to foster  
19 competition against its dominant position in the Osteen area by attempting to  
20 question whether other telecommunication carriers would have equal access to  
21 numbering resources. The nature of the Osteen area, which is predominantly rural  
22 and residential, makes BellSouth’s desire to promote the interest of its competitors  
23 seem much like a red herring.

- 1 4. The County would agree with BellSouth that the number pooling arrangement  
2 should be addressed with additional criteria necessary to implement the overlay of  
3 386 in the Osteen area.  
4
- 5 5. There would be significant advantages to Osteen customers in obtaining the 386  
6 overlay. Those receiving the new 386 numbers would have a geographical identity  
7 with Volusia County, and contrary to the statements of Mr. Greer, the customers  
8 have never had the opportunity to vote whether they wished to have 386 overlaid  
9 in their area as opposed to a new area code being overlaid in their area.  
10
- 11 6. BellSouth fails to provide any concrete data showing that the 386 overlay in Osteen  
12 would prohibit BellSouth from receiving numbering resources needed to meet  
13 customer demand. The present lines (significantly less than 10,000) and the growth  
14 rate of Osteen make it questionable whether this area would significantly impact  
15 BellSouth's receipt of additional numbering resources in the Sanford exchange.  
16
- 17 7. BellSouth has failed to quantify the burden placed upon it by the County's proposal  
18 so it is impossible to assess whether such burdens, in the era of sophisticated  
19 electronic resources is such that it would outweigh the benefits contained in the  
20 proposal.  
21
- 22 8. Although I am not a lawyer, I wonder if BellSouth is estopped from raising a legal  
23 objection to the overlay of the 386 area code in the Osteen area because it failed

1 to raise objection twice before when this matter has been considered by the Public  
2 Service Commission.

3  
4 Q. BellSouth addresses the issue of previous ballots in the Osteen area. Are these  
5 applicable to the present docket?

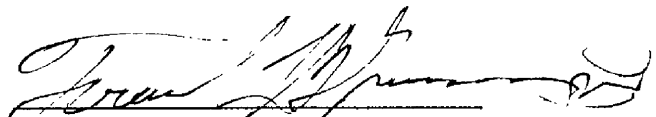
6  
7 A. No. The two previous ballots asked customers where they wished to have their  
8 existing 10-digit telephone numbers completely changed. They voted no. They  
9 have never been asked whether they wished to have overlaid the 386 NPA as  
10 opposed to a different NPA overlay that is being established in this docket.

11  
12 Q. Does this conclude your testimony?

13  
14 A. Yes.  
15  
16  
17  
18

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail this 25<sup>th</sup> day of October to: Alarm Association of Florida, Inc., Bob Neely, 1802 North University Drive, #329, Plantation, FL 33322-4115; BellSouth Telecommunications, Inc., James Meza III/Nancy B. White, 150 West Flagler Street, Suite 1910, Miami, FL 33130; City of Deltona Fritz Behring, City Manager, P. O. Box 5550, Deltona, FL 32728-5550; Florida Cable Telecommunications Assoc. Inc., Michael A. Gross, 246 E. 6th Ave., Suite 100, Tallahassee, FL 32303; Florida Public Telecommunications Assoc., Angela Green, General Counsel, 2292 Wednesday Street, Tallahassee, FL 32308-4334; Fowler, Barice Law Firm Carole J. Barice/James A. Fowler, 8 W. Central Blvd., Orlando, FL 32801; Jonathan W. Kyleskwy, III, P. O. Box 7836, Ft. Lauderdale, FL 33329; Katz, Kutter Law Firm, Patrick Wiggins/Natalie Futch, P.O. Box 1877, Tallahassee, FL 32302-1877; Messer Law Firm, Floyd R. Self, Esq., P. O. Box 1876, Tallahassee, FL 32302-1876; Morrison & Foerster Law Firm, Kimberly D. Wheeler, 2000 Pennsylvania Ave., NW, Washington, DC 20006-1888; NeuStar, Inc., Thomas C. Foley, 820 Riverbend Blvd., Longwood, FL 32779; Pennington Law Firm, Peter Dunbar/Karen Camechis, P. O. Box 10095, Tallahassee, FL 32301; Sprint-Florida Incorporated, Mr. F.B. Poag, (MC FLTLHO0107), Tallahassee, FL 32316-2214; Time Warner Telecom of Florida, L.P., Ms. Carolyn Marek, c/o Time Warner Telecom, Franklin, TN 37069-4002; VCOG, Marry Curran, 1190 Pelican Bay Drive, Daytona Beach, FL 32119-1381; and Verizon Wireless, Anne Hoskins, 180 Washington Valley Road, Bedminster, NJ 07921.



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