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March 27, 2002

BY HAND DELIVERY

Ms. Blanca Bayó, Director
The Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Dear Ms. Bayó:

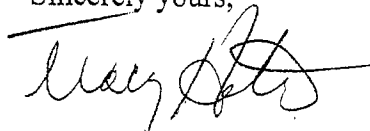
020285-TL

Enclosed for filing on behalf of AT&T Communications of the Southern States, LLC and TCG South Florida, Inc. are an original and fifteen copies of the Petition of AT&T Communications of the Southern States, LLC on behalf of TCG South Florida, Inc. for Review of Neustar's Denial of Request for Central Office Code.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,



Tracy W. Hatch

TWH/amb
Enclosures

DOCUMENT NUMBER-DATE
03701 APR-18
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of AT&T Communications)
of the Southern States, LLC on behalf of)
TCG South Florida, Inc. for Expedited)
Review of Neustar's denial of request)
for NXX Code.)

Docket No. _____
Filed: April 1, 2002

**PETITION OF AT&T COMMUNICATIONS OF THE SOUTHERN STATES,
LLC, ON BEHALF OF TCG SOUTH FLORIDA, INC. FOR REVIEW OF
NEUSTAR'S DENIAL OF REQUEST FOR CENTRAL OFFICE CODE**

AT&T Communications Of The Southern States, LLC on behalf of TCG South Florida, Inc. ("AT&T") respectfully petitions the Florida Public Service Commission ("Commission") for review of the denial of AT&T's request for issuance by the North American Numbering Plan Administrator, Neustar, Inc., (Neustar) of a NXX code. By this Petition, AT&T requests that the Commission overturn Neustar's denial of AT&T's applications for a block of telephone numbers and that the Commission specifically authorize and direct Neustar to immediately release the requested block of telephone numbers to AT&T so that AT&T may serve its customer's request for service.

This Petition is made pursuant to Chapter 364, Florida Statutes, Orders Nos. PSC-01-1073-PCO-TL, issued October 4, 2001 and PSC-02-0352-PAA-TL. The petition is further based on the Federal Communications Commission ("FCC") Rules found at 47 C.F.R. § 52.15(g)(4) and pursuant to the Central Office Code ("CO Code" or "NXX") Assignment Guidelines published by the Industry Numbering Committee ("INC").

1. **Introduction and Factual Background.**

A Florida customer of AT&T has requested that AT&T provide one complete NXX (10,000 numbers) for its business telephone service.¹ AT&T has developed a

¹ AT&T considers the customer's name proprietary and trade secret information. This information is attached as Exhibit A.

communications plan that the customer will implement, and consequently, the customer will assign all of the 10,000 numbers in the NXX within 180 days of the numbers being made available by AT&T to the customer's enterprise. This customer will be using the new NXX to displace the three current, partial NXX's that have been provided by another Service Provider. The use of these three current NXX's has caused serious problems and confusion to the customer and their clients. The customer will begin the transition process as soon as AT&T has secured a new NXX. Once the process has been completed and the current numbers properly aged, those numbers will be available for other service applications.

On February 28, 2002, AT&T submitted a "Central Office Code (NXX) Assignment Request - Part 1" to NANPA for one NXX in the West Palm Beach rate center to satisfy the customer request.² On March 13, 2002, AT&T received a "Central Office Code (NXX) Assignment Request - Part 3" from the NANPA denying AT&T's code request.³ The denial of AT&T's request was based on NANPA's understanding of the applicable FCC rules⁴ and related INC Guidelines⁵. These rules and guidelines require that code holders requesting growth codes demonstrate that existing codes within the rate center will both exhaust within 6.0 months, and meet the 60% utilization level.

Although AT&T has an adequate supply of telephone numbers to satisfy incremental requests for numbers without receiving the new block of numbers, AT&T's

² A copy of this Part 1 request is attached hereto as Exhibit B. AT&T asks the Commission to treat the information contained within this Exhibit as confidential by the Commission.

³ A copy of the Part 3 denial is attached hereto as Exhibit C. AT&T asks the Commission to treat the information contained within this Exhibit as confidential by the Commission.

⁴ NANPA code requests denial explanation from Part 3: "According to the FCC 2nd Report and Order (FCC 00-429) effective May 8, 2001, in order to receive additional numbering resources, the MTE form you submit must meet the 60% utilization level." The AT&T MTE Worksheet is attached hereto as Exhibit D.

⁵ NANPA remarks from Part 3: "According to the Central Office Code Assignment Guidelines, Section 4.2.1, code holders requesting growth codes must demonstrate that existing codes within the rate center will exhaust within 6 months. If you are in disagreement with the disposition of this code request, please refer to the Central Office Code (NXX) Assignment Guidelines for the appeals process."

existing telephone resources cannot satisfy its customer's specific need. AT&T holds no empty NXXs that it can assign to the customer.

2. **AT&T's Petition Is A Timely And Proper Appeal of The NANPA Denial of AT&T's Request for Assignment Numbering Resources in the West Palm Beach Rate Center.**

In setting its policy for the assignment of telephone numbers, the FCC designated NANPA to handle central office code administration.⁶ If NANPA denies numbering resources requested by a carrier, the FCC has specifically authorized state commissions to overturn those decisions for reasonable cause documented herein. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R. § (g)(4), which states:

"The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource 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 commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies." (emphasis added)

The FCC also clarified in the text of its most recent NRO Order⁷ that carriers may

⁶ 47 C.F.R. § 52.15(a) states: "Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission."

⁷ *In the Matter of Numbering Resource Optimization, et al.*, CC Docket Nos. 99-200 and 96-98, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 ("Third NRO").

now appeal to states using a “safety valve” mechanism (paragraphs 57-66). As is noted in the following, the FCC contemplated the need for, and gave structure to states to respond when denials failed to consider a “specific customer request”:

“We also agree with WinStar that a carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier’s inability to satisfy a specific customer request. We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center. States may not accommodate requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers. Any numbering resources granted for this reason may be initially activated only to serve the requesting customer for whom the application was made. If the customer request is withdrawn or declined, the requesting carrier must return the numbering resources to the NANPA or Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements.⁸”

It is clear that all necessary elements are present to allow the Commission adequate evidence for the overturning of the NANPA denial.

An essential aspect of the safety valve provision is the accelerated response needed to comply according to the FCC’s order. States have ten days to act upon such a petition, as noted by the FCC:

“Finally, we recognize that in many instances, the failure to address a request for additional numbering resources can impair a carrier’s ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety valve as expeditiously as possible. Although we do not establish a specific time limit for states to act on these requests, we believe that, in most instances, 10 business days from receipt of a request that the state determines to

⁸ *Id.* at ¶ 64.

be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests. If a state does not reach a decision on a safety valve request within a reasonable timeframe, carriers may submit such requests to the Commission for resolution. In addition, carriers may appeal to the Commission safety valve decisions made by states, and we delegate authority to the Common Carrier Bureau to review such petitions as expeditiously as possible.”⁹

The provisions of the safety valve mechanism are satisfied in this filing. First, AT&T made the appropriate application to the NANPA. Second, pursuant to 47 C.F.R. § (g)(4), the NANPA denied AT&T’s request for NXXs in the West Palm Beach rate center not because of any reporting deficiencies by AT&T but because both AT&T’s utilization of its numbers in this rate center has not hit the requisite 60%, and because AT&T is not within six (6) months of exhausting its existing number inventory. Third, NANPA’s denial of AT&T’s application occurred within the statutory ten (10) day period mandated by the rule. Fourth, by timely bringing this Petition to this Commission, AT&T properly challenges the NANPA’s decision to the appropriate state regulatory commission. With this evidence in hand, the Commission should overturn NANPA’s decision.

3. The Commission Has Authority To Expeditiously Grant This Petition.

FCC numbering policy is not intended to deny carriers the use of numbers for legitimate purposes such as this. In issuing its Numbering Resource Optimization Order released December 29, 2000 (and effective May 8, 2001)¹⁰, the FCC communicated the heart of its pro-competition policy when it stated:

⁹ *Id.* at ¶ 66.

¹⁰ *In the Matter of Numbering Resource Optimization, et al.*, CC Docket Nos. 99-200 and 96-98, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and

“[w]e continue to develop, adopt and implement a number of 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 in the rapidly expanding telecommunications marketplace.¹¹”

The Commission’s help in overturning the NANPA denial is necessary for satisfaction of the FCC’s latter goal of facilitating competition in the, “rapidly expanding telecommunications marketplace”.

Consistent with the FCC’s provisions regarding the review of Neustar’s denials of numbering resources needed to serve specific customer requests, the Commission has adopted an expedited review process. See Orders Nos. PSC-01-1073-PCO-TL, issued October 4, 2001 and PSC-02-0352-PAA-TL issued March 15, 2002. These orders provide for an expedited review of denials of requests for numbering resources by Neustar. The expedited process requires that the petitioner provide three specific items: 1) the customer’s name, address and telephone number; 2) the utilization thresholds for every switch in the particular rate center where additional numbering resources are sought and 3) the Months-to-Exhaust (MTEs) for every switch in the at particular rate center where additional numbering resources are sought. This information has been supplied attached to this petition. See Exhibits A, B, C and D. AT&T does not have sufficient numbering resources to meet its customers needs without the numbers requested from Neustar. Without the numbering resources requested, AT&T’s customer will be denied the opportunity to receiver service from its preferred carrier.

Accordingly AT&T hereby respectfully requests the Commission take immediate

Second Further Notice of Proposed Rulemaking in CC Docket No. 89-200 (rel. Dec. 29, 200) (“*FCC 00-429 Second NRO*”). Due to its length, the 108 page *FCC 00-429 Second NRO* is not attached hereto but may easily be accessed at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-00-429A1.doc.

¹¹ *Id.* at ¶ 1.

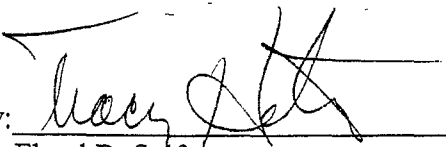
action to overturn Neustar's denial and direct Neustar to immediately grant the requested number resources to AT&T under the authority granted this Commission by the FCC. Any correspondence with Neustar in this matter may be brought to the attention of the Code Administrator who denied AT&T's request:

Ms. Terah Adger, Code Administrator
NeuStar, Inc.
1800 Sutter Street, Suite 570
Concord, CA 94502
(925) 363-8705

BASED ON THE FOREGOING, AT&T respectfully requests that the Commission expeditiously consider this petition and grant the instant request to have Neustar's denial overturned, thus enabling AT&T to serve its customer according to the customer's request, and grant any other and further relief to AT&T that the Commission may deem just and equitable.

Respectfully submitted this 1st day of April, 2002.

AT&T COMMUNICATIONS OF THE
SOUTH ON BEHALF OF TCG SOUTH
FLORIDA, INC.

By: 
Floyd R. Self
Tracy W. Hatch
Messer, Caparello and Self
Tallahassee, Florida
(850) 222-0720

Attorneys for AT&T Communications Of
The Southern States, LLC, and
TCG South Florida, Inc

EXHIBIT "A"

EXHIBIT A - CUSTOMER NAME AND ADDRESS

The name of the AT&T customer for whom the NNX code request was made is a follows:

(REDACTED)

PROPRIETARY CONFIDENTIAL BUSINESS INFORMATION

EXHIBIT "B"

Central Office Code (NXX) Assignment Request – Part 1
Revised September 24, 2001

Type of Application: New Change¹ Delete

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:

Company/Entity Name: AT&T Local Service dba TCG _____

Headquarters Address:

Contact Address: 900 Rt 202/206 N _____

City, State, Zip: Bedminster, NJ 07921 _____

City, State, Zip:

Contact Name: Lisa Loper _____

Contact Address: 900 Rt 202/206 N _____

City, State, Zip: Bedminster, NJ 07921 _____

Phone: 908-234-7622 _____ FAX: 908-234-8044 _____ E-Mail: lloper@att.com _____

Code Administrator:²

Name: Gary Zahn _____

Address: 1800 Sutter St Suite 570 _____

City, State, Zip: Concord, CA 94520 _____

Phone: 925-363-8753 _____ FAX: 925-363-8713 _____

1.2 NPA: 772 NXX:³ _____ LATA: 46018 OCN:⁴ 8300 Parent Company's OCN(s) 7125 _____

Switching Identification (Switching Entity/POI)⁵ _____

Locality/City/Wire Center: _____ Rate Center:⁶ _____

Homing Tandem Operating Co. /: BELL SOUTH Tandem Homing CLLI™:⁸ WPBHFLGR02T

1.3 Dates: Date of Application: 2/28/02 Requested Effective Date:^{9 10 3} 5/6/02

1.4 Type of company/entity requesting the code:

a). CLEC (LEC, IC, CMRS, Other)

b). b) Type of service Local Service (e.g., Cellular - Type 2)

c). Code Assignment Preference (Optional) _____

d). Codes that are undesirable, if any _____

e). Type of change: _____

1.5 Type of Request (Initial, growth, etc.): GROWTH CODE-Code needed FOR Customer

If an initial code, attach (1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pool Indicator _____(YES)¹¹

1.6 NPA Jeopardy Criteria Apply: Yes _____ No _____

1.7 Code request for new service (Explain): This is a request for an Initial Code in this Rate Center _____

1.8 Part 2 is attached _____ Part 2 is not attached X for BIRRD^{12, 13}

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application^{14:3}

Lisa Loper (Signature on File) _____ Supervisor _____ 2/28/02 _____
Signature of Code Applicant¹⁵ _____ Title _____ Date _____

EXHIBIT "C"

Central Office Code (NXX) Assignment Request - Part3
Effective May 18, 1998

Code Request Tracking Number: [REDACTED]

Administrator's Response/Confirmation

Date of Application: February 28, 2002 Date of Receipt: March 5, 2002
Date of Response: March 13, 2002 Effective Date: _____
Company/Entity Name: TCG SOUTH FLORIDA

Code Administrator Contact Information:

Terah Adger Phone: 9253638705
Signature of Code Administrator
Terah Adger Fax: 9253638714
Name (print)

NPA: 772 **Code Assigned:** _____ **Date of NXX Code Assignment:** _____

- a. Switch Identification (Switching Entity/POI): [REDACTED] Rate Center: [REDACTED]
b. The Code Administrator is _____, is not responsible for inputting Part 2 information into RDBS and BRIDS.
c. Routing and Rating information complete: Yes ___ No
Additional RDBS and BRIDS information necessary as follows:
No
d. To be published in the LERG and TMP by _____
Additional RDBS and BRIDS information needs to be received by the code administrator no later than _____

____ **Code Reserved:** _____ **Date of Reservation:** _____

Your code will be honored until _____
Switch Identification (Switching Entity / POI): _____

____ **Form incomplete**
Additional information required in the following section(s):

Form complete, code request denied

Explanation: 60% Utilization Level not met [REDACTED]

____ **Assignment activity suspended by the administrator**

Explanation: _____

Further Action: _____

NPA in jeopardy: Yes ___ No

If yes, refer to Section 7 of the assignment guidelines.

Change/Disconnect List: _____

Remarks:

DR:22 According to the FCC 2nd Report and Order (FCC 00-429) effective May 8, 2001, in order to receive additional numbering resources, the MTE form you submit must meet the 60% utilization level. If you are in disagreement with the disposition of this code request, please refer to the Central Office Code (NXX) Assignment Guidelines for the appeals process. OCN 8300

EXHIBIT "D"

CO CODE ASSIGNMENT
MONTHS TO EXHAUST CERTIFICATION WORKSHEET - TN Level¹
 (Worksheet to be used for Requests for Additional Codes for Growth)

Date: 2/28/02 Company Name: at&t Local dba TCG

Rate Center: [REDACTED]

NPA(s)-NXXs included in growth calculation²: [REDACTED]

Signature of Authorized Representative of Code Applicant: Lisa Loper (Signature on File)

Title: Supervisor Telephone No.: 908-234-7622 FAX No.: 908-234-8044

A. Telephone Numbers (TNs) Available for Assignment (See Glossary³): 2000

Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11	Month #12
----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------	-----------	-----------

B. Previous 6-month growth history⁴ [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

C. Forecast – Next months 1-12⁵ _____

D. Average Monthly Forecast (Sum of months 1-6 Part C above divided by 6): [REDACTED]

E. Months to Exhaust⁶ =
$$\frac{\text{Telephone Numbers (TNs) Available for Assignment (A)}}{\text{Average Monthly Forecast (D)}}$$
 = [REDACTED]

F. Utilization Level⁷ =
$$\frac{\text{Telephone Numbers (TNs) Assigned}}{\text{Total Numbering Resources in Applicant's Inventory}} \times 100 = \text{[REDACTED]} \%$$

Explanation:

1 A copy of this worksheet is required to be submitted to the Code Administrator; for audit purposes, it must be in the applicant's files.
 2 Report on all resources for the requested geographic area, including newly acquired codes.
 3 Definitions of terms may be found in the Glossary section of the Central Office Code (NXX) Assignment Guidelines.
 4 Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.
 5 Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
 6 To be assigned an additional CO Code (NXX) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g) (3) (iii)).
 7 Newly acquired numbers (see glossary) may be excluded from the utilization calculation (FCC 00-104, § 52.15 (g) (3) (ii)).