

JAMES MEZA III
Attorney

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5561

April 15, 2002

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


Re: Docket No. 010743-TL (407/321 Area Codes)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Post-Hearing Brief, 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 (KA)

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

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 010743-TL

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

U.S. Mail this 15th day of April, 2002 to the following:

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

Fritz Behring, City Manager
City of Deltona
P.O. Box 5550
800 Deltona Blvd.
Deltona, Florida 32728
Tel. No. (407) 860-7160
Fax. No. (407) 860-7161
fberhing@ci.deltona.fl.us

Carole Joy Barice, Esq.
James A. Fowler, Esq.
Fowler, Barice, Feeney & O'Quinn, P.A.
28 W. Central Blvd.
Orlando, FL 32801

Robert M. Weiss
Communications Director
County of Volusia
123 West Indiana Avenue
DeLand, Florida 32720-4615

Frank B. Gummy, III
Assistant County Attorney
County of Volusia
123 West Indiana Avenue
DeLand, Florida 32720-4613

Morrison & Foerster Law Firm
Kimberly D. Wheeler
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-1888
Tel. No. (202) 887-1500
Fax. No. (202) 887-0763

NeuStar, Inc.
Thomas C. Foley
820 Riverbend Blvd.
Longwood, FL 32779
Tel. No. (407) 389-8929
Fax. No. (407) 682-1108
thomas.foley@neustar.com

Pennington Law Firm
Peter Dunbar/Karen Camechis
P.O. Box 10095
Tallahassee, FL 32301
Tel. No. (850) 222-3533
Fax. No. (850) 222-2126
pete@penningtonlawfirm.com

Time Warner Telecom of Florida, L.P.
Ms. Carolyn Marek
c/o Time Warner Telecom
233 Bramerton Court
Franklin, TN 37069-4002
Tel. No. (615) 376-6404
Fax. No. (615) 376-6405
carolyn.marek@twtelecom.com

Susan S. Masterton
Sprint
P.O. Box 2214
Tallahassee, FL 32316-2214
Tel. No. (850) 599-1560
susan.masterton@mail.sprint.com

Jeff Pfaff
Sprint PCS
Legal Department
4900 Main Street, 11th Floor
Kansas City, MO 64112
Tel. No. (816) 559-1000

Anne E. Hoskins
Verizon Wireless
Regulatory Counsel
Lolita D. Smith
Associate Director Regulatory Matters
1300 Eye Street, N.W., Ste. 400 West
Washington, D.C. 20005

Patrick K. Wiggins
Natalie B. Futch
Katz, Kutter, Haigler, Alderman,
Bryant & Yon, P.A.
106 East College Avenue
Tallahassee, FL 32301
Tel. No. (850) 224-9634
Fax. No. (850) 222-0103
Represents Verizon Wireless

Ms. Dana Smith
Verizon Wireless
Six Campus Circle
Room 8322D
Westlake, TX 76262


James Meza III (KA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for review of) Docket No. 010743-TL
proposed numbering plan relief for the)
407/321 area codes by Neustar, Inc.)
as North American Numbering Plan)
Administration (NANPA), one behalf of)
Florida telecommunications industry.)
_____) Filed: April 15, 2002

POST-HEARING BRIEF OF BELL SOUTH TELECOMMUNICATIONS, INC.

Pursuant to the request by the Florida Public Service Commission ("Commission") for the parties to brief Issues 4 and 5 in this docket, BellSouth Telecommunications, Inc. ("BellSouth") submits this post-hearing brief in support of its previously stated positions on Issues 4 and 5.

STATEMENT OF THE CASE

This docket was established to select Numbering Plan Area ("NPA") relief for the 407/321 area code. The Telecommunications Industry in the State of Florida ("Industry") recommended that the Commission order Alternative 3, which consisted of implementing another overlay for 407/321 and moving the remaining 321 NXXs in the 407/321 overlay to Brevard County. (Tr. 30). Volusia County, under the guise of area code relief, has also requested that the Commission order BellSouth to "drop" a 386 code, or 10,000 386 numbers, in its Sanford exchange. The sole purpose of Volusia County's request is to allow customers in the Osteen area of Volusia County, customers who have historically shown no desire to change area codes, to obtain 386 numbers.

In Order No. PSC-02-0405-FOF-TL issued on March 25, 2002, the Commission resolved Issues 1, 2 and 3 in this docket by ordering implementation

of relief Alternative 3 with an implementation date of Monday, July 15, 2002. At the hearing of this matter, the Commission requested that the parties brief Issues 4 and 5, which solely relate to whether the Commission should approve Volusia County's request regarding the placement of a 386 NXX in the Sanford exchange. In accordance with that request, BellSouth hereby submits this post-hearing brief.

GENERAL POSITION

Due to previous NPA relief proceedings, the City of Deltona in Volusia County, Florida is currently served by three area codes – 407, 321 and 386.¹ (Orlando Tr. 18). Approximately 90 percent of Deltona is served by 386, but there is a small enclave of approximately 3200 customers in the Osteen area who are served by 407. (Melbourne Tr. at 19). Despite repeated rejections by Osteen customers to receive 386 numbers, Volusia County has requested that the Commission order BellSouth to place a 386 NXX, or 10,000 386 numbers, in its Sanford exchange to allow customers in Osteen to obtain 386 numbers and to migrate existing 407 numbers to 386 numbers. For the reasons discussed in detail below, this proposal is ripe with procedural, competitive, and legal problems and should be rejected by the Commission.

¹ The evidence in this proceeding established that BellSouth has not assigned any 321 numbers to Osteen customers. (Melbourne Tr. at 19). However, as stated by Mr. Foley at the hearing, 321 NXXs have been assigned to the Sanford exchange and there is a question as to whether other carriers have assigned 321 in Osteen. (Tr. at 25)

ISSUES AND POSITIONS

Issue 4: What type of mechanisms, not previously considered, if any, should the Commission approve to address Volusia County's area code and local dialing issues, and if so, when?

Position: The Commission should not adopt Volusia County's proposal because it is ripe with procedural, administrative, and legal problems and offers little benefit for Osteen customers.

Volusia County asserts that its proposal would yield significant advantages to Osteen customers, as it would offer Osteen customers the opportunity to secure 386 numbers to attain a "geographical identity" with Volusia County, prevent proliferation to three areas codes² and reduce confusion among residents as to the location of customers with 407 area codes. (Tr. at 72, 65-66).

Contrary to these statements, however, the implementation of the Volusia County proposal would not provide any significant advantages for Osteen customers. (Tr. At 35). Even under Volusia County's proposal, Osteen customers will continue to have the same dialing patterns, continue to pay the same rates and still need to contend with multiple NPAs. Id. at 42. The only effect of Volusia County's proposal is that Osteen customers would be able to obtain 386 numbers. However, the residents of Osteen have rejected similar proposals on two previous occasions. Id. at 35, 37-38.

Volusia County attempts to distinguish the results in those two previous ballots from its instant proposal by stating that Osteen has never had the opportunity to vote whether they wish to have a 386 overlay as opposed to a new

area code overlay in their area.³ Id. at 72. However, both previous ballots specifically asked Osteen customers if they wanted 386 numbers, thereby giving them a “geographical identity” with Volusia County. And, both ballots failed by large margins. Id. at 37-38.

Thus, there can be no question that the Osteen customers have previously rejected the opportunity to migrate to 386 numbers. Despite the overwhelming response against such a move, Volusia County is now attempting to circumvent the “voice of the people” as evidenced by the two previous ballots by asking this Commission in a NPA relief docket to do what the Osteen residents refused to do in the past -- move them to 386.

Further, contrary to Volusia County’s statements, the adoption of Volusia County’s proposal will not reduce the number of area codes that Osteen customers will have to deal with. With the new overlay, customers in the Osteen area will have 3 area codes to contend with, 407, the new overlay NPA (689) and possibly 321 (if other carriers have assigned 321 to Osteen customers). By comparison, under Volusia County’s proposal, Osteen customers would still have three area codes to deal with -- 407, 321, and 386.⁴ Thus, Volusia County proposal will not relieve Osteen customers from dealing with multiple area codes. It will just keep the status quo. (Tr. at 37-38).

² Volusia County separately stated that the proposal would avoid four area codes in the Deltona/Osteen area, stating that the codes are currently 386, 407, 321 and the proposed relief alternatives would add a fourth area code. (Orlando Tr. at 18).

³ This distinction presumes that a ballot on the “386 overlay” versus a new area code overlay would be appropriate. BellSouth does not believe that it would be appropriate for reasons discussed in this brief, including the absence of Commission authority to require the “386 overlay” in the Osteen area.

⁴ It is BellSouth’s understanding that under Volusia County’s proposal, 689 would not be available in the Osteen area.

Even in the absence of the two prior ballots, any minimal benefits of Volusia County's proposal do not outweigh or justify the issues of concern the proposal raises.

First, implementation of Volusia County's proposal would create a dangerous precedent. Id. at 33. Other areas in the state, including areas like Barefoot Bay, that are unhappy with the outcome of an area code decision may follow Volusia County's lead and attempt to turn area code relief proceedings into area code convenience proceedings. Id. at 33, 41, 45. The issue of multiple NPAs in geographic areas is inevitable, especially in areas that border area code boundaries. Id. at 45-46. If the Commission adopts Volusia County's proposal, it can expect that other areas will request similar changes, asserting that their proposals are indistinguishable from Volusia County's. Id. at 33. The Commission will be hard pressed to distinguish Osteen from these other areas, because there is no legitimate legal or numbering reason to approve Volusia County's request. Id.

Volusia County seeks to counter this concern by simply saying that, if the public is better served by the Volusia County proposal, then it is not a dangerous precedent but fulfillment of the Commission's goal of public service. Id. at 71. This has a nice "ring to it" but does not acknowledge the contrary and analogous point – if Volusia County's proposal is approved and followed by inevitable similar proposals, the Commission's view on area code relief will be transformed from a global view – what best serves the State of Florida or the area in question as a

whole – to a specific, special interest view – what best serves a select few. Such a transformation does not promote the Commission’s goal of public service.

Second, the requirement to place a 386 NXX in the Sanford exchange raises a competitive concern for other carriers seeking to secure 386 numbers to serve the Osteen area. (Tr. at 34-35). Specifically, under Volusia County’s proposal, only BellSouth will be able to provide Osteen customers with 386 numbers. This is so because Volusia County is only requesting that BellSouth place a 10,000 block of 386 numbers in the Sanford exchange. (Tr. 19). For other carriers to obtain 386 numbers to serve Osteen customers, they will have to ask NANPA and the Commission for their own 10,000 block of 386 numbers or obtain numbers from BellSouth’s block through some type of subpooling arrangement. (Tr. at 20, 21).

While pooling, which is defined as the sharing of 1,000 block of numbers on an exchange level basis, will be available in the Sanford exchange shortly, there is no plan to implement subpooling. (Tr. 20-21). Subpooling, in contrast to pooling, is the sharing of numbers in an area that is less than a full exchange. (Tr. at 21). In order to address the competitive concerns raised by Volusia County’s proposal, absent other carriers receiving their own 10,000 block of 386 numbers (which undermines the goal of number conservation), the Commission would have to order subpooling. This is so because the sharing of BellSouth’s 386 numbers placed in the Sanford exchange would not be on an exchange level basis. (Tr. at 21).

However, the Commission does not have the authority to order subpooling. The FCC has delegated interim authority for number pooling to the Commission. See FCC 99-249 at par. 1. The national pooling requirements, which the FCC established pursuant to FCC 00-104, set forth the criteria that carriers and the pooling administrator must follow when implementing number pooling and engaging in interim pooling trials. This criteria includes the Industry Numbering Committee Thousand Block Number Pooling Administration Guidelines (the "INC Guidelines"). FCC 00-104 at par. 183.

FCC 00-104 does not allow for subpooling, and subpooling is not currently addressed by the INC Guidelines. The FCC has required pooling in the Orlando MSA on an exchange basis. See FCC 1st Quarter 2002 Schedule for Pooling, Released Dec. 28, 2001. If the Commission wanted to implement the Volusia County's proposal, it would need to petition the FCC for authority to pursue any subpooling.

During the hearing in this Docket, there was some discussion concerning the allocation and donation mechanism the Commission established for 1AESS switches. (Tr. at 49). As pointed out at the hearing, this mechanism is merely an allocation and donation method for the specific switch type; it does not establish requirements inconsistent with the national pooling requirements, such as subpooling, since the guidelines take into consideration technical limitations of network components. See. Tr. at 49, INC Pooling Guidelines, FCC 00-104 at par. 174.

Simply stated, even if the Commission wanted to address these competitive concerns through subpooling, it could not under the current scope of its authority.

Volusia County suggests that these competitive concerns are a "red herring," especially in a rural and residential area like the Osteen area. Id. at 71. However, the competitive concerns expressed by BellSouth are very real, as explained above, and have been recognized as concerns in this docket not only by BellSouth but also by an ALEC.⁵ Id. at 59.

Third, Volusia County's proposal would negatively impact BellSouth's and other carriers' ability to receive numbering resources for the Sanford exchange. Id. at 35, 46-48. The adoption of Volusia County's proposal would make it more difficult for carriers to meet the FCC's requirements for the acquisition of additional numbering resources -- 6 months-to-exhaust and at least 60% utilization. Id. If a carrier cannot meet these requirements, NANPA will automatically deny the request, and the carrier will be forced to petition the Commission for the requested numbers. Id. Further, subpooling would not eliminate the numbering resources concerns mentioned above. Id. at 46-48.

Volusia County suggests that BellSouth has failed to provide concrete data showing that Volusia County's proposal would prohibit BellSouth from receiving necessary numbering resources. Volusia County focuses on the fact

⁵ The competitive issues are not only of concern in this docket but in any future dockets where similar changes are requested. As mentioned above, if the Commission approves Volusia County's proposal, it is likely to see future similar requests. Thus, the precedent-setting issue should be considered with respect to competitive concerns as well as all other concerns raised in this Brief (in other words, the concerns will multiply if proposals like Volusia County's are proposed and approved in the future).

that the present number of lines (significantly less than 10,000) and the growth rate of Osteen make it questionable whether the adoption of Volusia County's proposal would significantly impact BellSouth's receipt of numbering resources in the Sanford exchange. Id. at 72. However, as stated by witness Greer at the hearing, if Volusia County's proposal was in place the last time BellSouth requested a code for Sanford it would have been denied. Id. at 48. Accordingly, BellSouth's concerns about the effect Volusia County's proposal will have on its ability to obtain additional numbering resources is very real and not hypothetical.

BellSouth understands that the Commission has implemented an expedited process to obtain additional growth numbering resources. But, as pointed out at the hearing, that process still takes approximately 30-45 days to complete and could affect BellSouth's ability to compete for customers with specific numbering needs within that time period. (Tr. at 47).

Fourth, implementation of Volusia County's proposal would create an administrative burden on BellSouth and other carriers. Id. at 36. The industry handles the assignment of numbers on an exchange basis. Implementation of a split exchange creates additional administration problems by requiring BellSouth to track numbers, and protect against code assignment conflicts. Id. at 43. These additional administrative burdens are not limited to BellSouth. Id. at 59. Simply put, the day-to-day network issues become more difficult for BellSouth and any other carrier in a split exchange.

Issue 5: Pursuant to the Florida Statutes, FCC delegated authority, or both, does the Commission have the authority to require telecommunications carriers to place 386 numbers in their Sanford exchange to allow customers in the Osteen area to get new lines and migrate their existing services to the 386 numbers?

Position: It does not appear that the Commission has the authority to require telecommunications companies to place 386 numbers in the Sanford exchange.

BellSouth does not believe that the Commission has the authority to require BellSouth to "drop" a 386 code in the Sanford exchange, as proposed by Volusia County. (Hearing Tr. at 36-37). This is so because Volusia County's proposal does not come within the Commission's limited scope of authority regarding numbering issues.

The FCC has exclusive jurisdiction over numbering issues but can delegate certain authority to state commission. (Tr. at 36). At this point, the FCC has only delegated the following limited authority to the Commission: (1) pursuant to the FCC's Local Competition Report and Order, FCC 98-224, the Commission has the authority to implement area code relief; and (2) pursuant to FCC Order 99-249, the Commission has the authority to implement certain numbering conservation measures. Id. Volusia County's proposal does neither and thus is outside the Commission's authority.

First, Volusia County's proposal does not constitute area code relief for the simple reason that the Osteen area is not in a state of numbering jeopardy. The adoption of an area code relief mechanism - overlay, split, realignment, presupposes that a relief mechanism is needed to avoid running of our numbers. As admitted by Volusia County itself, the Osteen area is a slow growth area, not

currently facing an exhaustion of available area codes or numbers. (Tr. at 72). Thus, the Commission cannot consider the placement of a single NXX in the Sanford exchange to be area code relief necessary to avoid the exhaustion of available numbers in Osteen. Simply put, no matter how Volusia County characterizes its proposal, the adoption of such a proposal would not constitute an area code relief mechanism.

Second, Volusia County's proposal cannot be considered number conservation. Mr. Foley of NANPA clearly stated that, the placement of 386 numbers in the Sanford exchange will not extend the life of 407 or 386 area codes. Id. at 23.

Q If this Commission were to order BellSouth to drop a 386 code in the Sanford exchange, would that have any effect on extending the life of the 407 or 386 area codes?

A No, it would not because no codes would be returned to the inventory for reassignment anywhere else.

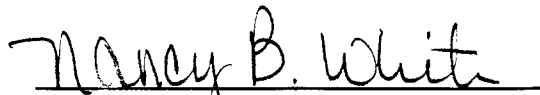
(Hearing Tr. p. 22, lines 10-14).

CONCLUSION

For the foregoing reasons, BellSouth respectfully requests that the Commission reject Volusia County's proposal or any other mechanisms to address the area code issues Volusia County has raised.

Respectfully submitted this 15th day of April, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE

(KA)

JAMES MEZA

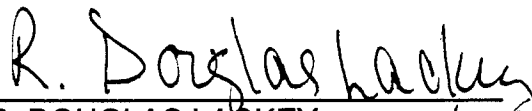
c/o Nancy H. Sims

150 South Monroe Street

Suite 400

Tallahassee, FL 32301

(305) 347-5558



R. DOUGLAS LACKEY

(KA)

Suite 4300

675 W. Peachtree Street, N.E.

Atlanta, GA 30375

(404) 335-0747

442704