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030600-TP

July 10, 2003

**BY HAND DELIVERY**

Ms. Blanca Bayó, Director  
Division of Records and Reporting  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

RECEIVED FPSC  
JUL 10 PM 3:51  
COMMISSION  
CLERK

Re: Petition of AT&T Wireless Services of Florida, Inc.  
For Expedited Review and Authorization for  
NPA-NXX Thousands Block Code,  
New Docket

Dear Ms. Bayó:

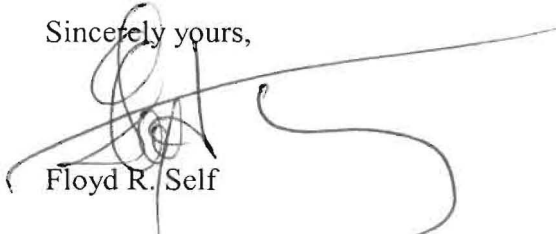
Enclosed for filing on behalf of AT&T Wireless Services of Florida, Inc.. are an original and fifteen copies of the Petition of AT&T Wireless Services of Florida, Inc. For Expedited Review and Authorization for NPA-NXX Thousands Block Code. Please note that there is a separate Claim for Confidentiality being filed herewith which is associated with this filing.

Please acknowledge receipt of these documents 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,

RECEIVED & FILED  
FPSC-BUREAU OF RECORDS

  
Floyd R. Self

FRS/amb  
Enclosures

DOCUMENT NUMBER - DATE  
06115 JUL 10 8  
FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for Expedited Review of Thousands )  
 Block Denial by the Pooling Administrator )  
 )

Docket No. 030600-TP  
 Filed July 10, 2003

**PETITION OF AT&T WIRELESS SERVICES OF FLORIDA, INC.  
 FOR EXPEDITED REVIEW AND AUTHORIZATION FOR  
 NPA-NXX THOUSANDS BLOCK CODE**

AT&T Wireless Services of Florida, Inc. ("AT&T Wireless"), pursuant to 47 C.F.R. Section 52.9(b) of the Federal Communications Commission's ("FCC") Rules and Florida Public Service Commission ("Commission") Order No. PSC-01-1973-PCO-TL, petitions the Commission to review the Pooling Administrator's ("PA") denial of AT&T Wireless' request for additional numbering resources and respectfully requests that the Commission grant AT&T Wireless' safety valve request in the 772 NPA for the Port St. Lucie, Florida rate center. AT&T Wireless is submitting this safety valve request to the Commission because it does not meet the utilization criteria to obtain an additional thousands block in this rate center, yet it requires the grant of one (1) thousands block so that it has adequate numbering resources to assign new customers in the Port St. Lucie rate center. In support of this Petition, AT&T Wireless states:

1. AT&T Wireless is a commercial mobile radio services provider as such providers are defined and regulated by the Federal Communications Commission. AT&T Wireless holds mobile radio services licenses from the FCC to provide cellular radio telecommunications services to authorized geographic areas within the State of Florida. AT&T Wireless is not a telecommunications company, as such term is defined by Chapter 364, Florida Statutes, but by operation of federal and Florida law, it is appropriate for AT&T Wireless to file with and seek from the Florida Public Service Commission the relief being requested herein.

DOCUMENT NUMBER-DATE

06115 JUL 10 8

FPSC-COMMISSION CLERK

2. AT&T Wireless Services of Florida, Inc. is affiliated with AT&T Wireless Services, Inc., whose principal place of business is 8645 - 154th Ave. NE, Redmond, Washington, 98052-4092. Pleadings, orders, notices and other papers filed or served in this matter should be served upon:

Lisa Volpe, Esq.  
Regulatory Affairs  
AT&T Wireless Services, Inc.  
1150 Connecticut Avenue, NW  
Washington, DC 20036  
202-416-6519  
[lisa.volpe@attws.com](mailto:lisa.volpe@attws.com)

Floyd Self, Esq.  
Messer, Caparello & Self  
215 S. Monroe Street, Suite 701  
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Tallahassee, FL 32302  
850-222-0720  
[fself@lawfla.com](mailto:fself@lawfla.com)

4. Pursuant to a separate Claim of Confidentiality, being filed contemporaneously herewith, AT&T Wireless is submitting a detailed justification (Exhibit "A" to this Petition) that is the basis for this request, such detailed justification containing proprietary information that AT&T Wireless does not disclose publicly and customarily guards from its competitors. AT&T Wireless requests that the Commission consider the information in Exhibit "A" a part of this Petition, but in doing so that it treat Exhibit A confidential pursuant to Rule 25-22.006, Florida Administrative Code, and Section 364.183, Florida Statutes.

**The Commission Should Grant AT&T Wireless' Safety Valve Request for Additional Numbering Resources in the Port St. Lucie Rate Center**

5. In its 3<sup>rd</sup> NRO<sup>1</sup> the Federal Communications Commission ("FCC") established a safety valve mechanism to ensure that a carrier experiencing rapid growth in a given market would not be limited by telephone numbering resources from meeting customer demand. As set forth by the FCC in the 3<sup>rd</sup> NRO, carriers requesting numbers pursuant to the safety valve mechanism do not need to meet the utilization criteria, however, the carrier must be within three

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<sup>1</sup> See In the Matter of Number Resource Optimization, Third Report and Order ("3<sup>rd</sup> NRO"), CC Docket No. 99-200, (rel. Dec. 28, 2001), paragraphs 61-66.

(3) months of exhaust. The FCC delegated authority to state commissions to address safety valve claims when the PA denies a specific request for numbering resources. AT&T Wireless submits the following information as well as the confidential documents filed under seal demonstrating its need for additional numbering resources pursuant to a safety valve request in the Port St. Lucie rate center.

6. AT&T Wireless respectfully requests additional number resources to avoid running out of numbering resources in this rate center. AT&T Wireless was unable to meet the utilization criteria for a growth code, seventy percent (70%). This is precisely the scenario the FCC meant to be addressed by a safety valve request. By granting AT&T Wireless an additional numbering resources the Commission will allow AT&T Wireless to have an adequate supply of numbers to serve this rate center. With these additional numbering resources, AT&T Wireless will be able to obtain the FCC's permissible six month inventory of numbers. In its 1<sup>st</sup> NRO, the FCC specifically stated that a six (6) month inventory of numbers was appropriate for both the industry and the service provider inventory in a pooling environment.<sup>2</sup>

7. Immediate assignment of additional numbering resources in the Port St. Lucie rate center to AT&T Wireless is appropriate and in the public interest. AT&T Wireless may be in jeopardy of being unable to serve customers in this rate center if it does not receive additional numbers. The 1996 Telecommunications Act directed the FCC to adopt rules that would spur competitive entry and accelerate the deployment of competitive telecommunications services throughout the nation.<sup>3</sup> The FCC has thus consistently maintained that access to adequate

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<sup>2</sup> See In the Matter of Numbering Resource Optimization, First Report and Order and Further Notice of Proposed Rulemaking ("1<sup>st</sup> NRO"), CC Docket No. 99-200, (rel. March 31, 2000), paragraph 189.

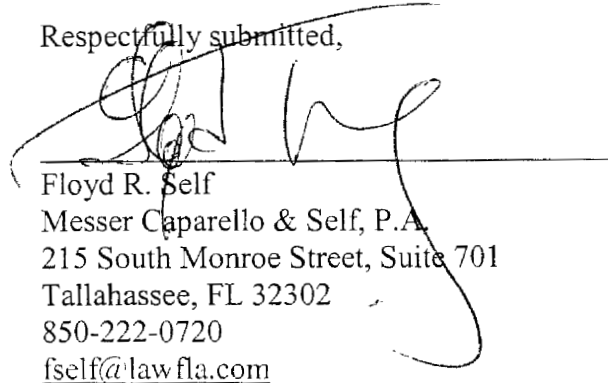
<sup>3</sup> H. Conf. Rep. 104-458, 104<sup>th</sup> Cong. 2d Sess. at 1 (1996).

numbering resources is crucial to the growth of competition.<sup>4</sup> The FCC has also made clear that, in discharging any numbering authority delegated to them, states must ensure that adequate numbering resources are available to all telecommunications carriers. If carriers are unable to obtain numbers needed to provide service, consumers will not be able to choose the carrier of their choice. Such a result contravenes the purpose of the 1996 Act, derogates the FCC's rules, and undermines the public interest.

### **Conclusion**

8. For the foregoing reasons, AT&T Wireless believes that the assignment of additional thousands blocks in the 772 area code is in the public interest and therefore the Commission should direct the PA to assign three (1) thousands block to AT&T Wireless for use in the Port St. Lucie rate center.

Respectfully submitted,



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Attorney for AT&T Wireless  
Services of Florida, Inc.

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<sup>4</sup> Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Second Report and Order and memorandum Opinion and Order, 11 FCC Rcd 19392, 19508 ¶ 261 (1996). The FCC's rules require that number administration to facilitate entry into the telecommunications marketplace by making telecommunications numbering resources available on an efficient, timely basis to telecommunications carriers. 47 C.F.R. § 52.9(a).

Exhibit "A"

This document consists of 7 pages, all of which are confidential, and which are being filed contemporaneously herewith pursuant to a claim for confidentiality under section 364.183, Florida Statutes, and Rule 25-22.006(5), Florida Administrative Code.