Legal Department

Nancy B. White
General Counsel - Florida

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

July 30, 2004

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.:** 040804-TL
Petition for Expedited Review of Growth Code Denials by the Number Pooling Administrator for the Miami exchange (Silver Oaks)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Petition for Expedited Review of NXX-X Code Denial, which we ask that you in the captioned *new* 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,

Nancy B. White/BH
Nancy B. White

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

CERTIFICATE OF SERVICE
Petition for Expedited Review of Growth Code Denials by the Number Pooling Administrator for the Miami exchange (Silver Oaks)

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via First Class U.S. Mail this 30th day of July, 2004 to the following:

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

NANPA
Thomas Foley
NPA Relief Planner
820 Riverbend Blvd.
Longwood, Florida 32779-2327
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thomas.foley@neustar.com

Nancy B. White/RH
Nancy B. White

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Expedited Review of Growth Code Denials by the Number Pooling Administrator for the Miami exchange (Silver Oaks)	Docket No. 040804-TL Filed: July 30, 2004

PETITION FOR EXPEDITED REVIEW OF NXX-X CODE DENIAL

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to 47 C.F.R. § 52.15(g)(iv), Federal Communications Commission ("FCC") Order FCC 00-104, and Florida Public Service Commission ("Commission") Order No. PSC-01-1873-PCO-TL, petitions the Commission to review the Pooling Administrator's ("NeuStar") denial of BellSouth's request for additional numbering resources in the Miami exchange. 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, which is responsible for administering and managing the numbering resources in pooling areas. See 47 C.F.R. § 52.20(d).

JURISDICTION

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

provision provides that a carrier may challenge NeuStar's decision to deny numbering resources to the appropriate regulatory authority.

BACKGROUND AND REQUEST FOR RELIEF

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

5. Among other things, FCC 00-104 adopted a revised standard for assessing a carrier's need for numbering resources by requiring rate center based utilization rates to be reported to North American Numbering Plan Administrator ("NANPA"). FCC Order at § 105. The FCC further required that, to qualify for access to new numbering resources, applicants must establish that existing numbering inventory within the applicant's rate center will be exhausted within six months of the application. Prior to the ruling, the Central Office Code Assignment Guidelines, used by the industry and NANPA to make code assignments, required the applicant's existing number inventory within the applicant's serving switch to exhaust within a specific months-to-exhaust ("MTE") of the code application in order for a code to be assigned or for the carrier to prove that it was unable to meet a specific customer's request with its current inventory of numbers. The FCC stated that the shift to a "rate center" basis for determining the need for new numbering resources was intended to "more accurately reflect how numbering resources are assigned" and to allow "carriers to obtain numbering resources in response to specific customer demands." FCC Order at ¶ 105.

6. On December 29, 2000, the FCC also released FCC 00-429, which reaffirmed FCC 00-104 and also required carriers to also meet a 60 percent initial utilization threshold. FCC 00-429 at ¶ 26. Based on these two FCC orders, carriers are required to meet a six MTE criteria as well as a utilization threshold on a rate center/exchange basis in order to be granted additional numbering resources. Id. at ¶ 29.

7. In FCC 00-104, the FCC directed the industry and the Pooling Administrator to comply with the INC Pooling Guidelines. FCC 11-104 ¶183. Pursuant to the INC Guidelines, in order to obtain thousand-block allocations, the carrier must demonstrate that its existing numbering resources for the rate center will exhaust within six (6) months and also have a utilization of 60 percent for the specific rate center. See INC Guidelines Section 4.3(d) and Appendix 3. These requirements are known as the six (6) months-to-exhaust ("MTE") and utilization threshold.

8. Since the beginning of this year, BellSouth has submitted several requests for additional numbering resources to North American Numbering Plan Administrator ("NANPA") and NeuStar for assignment of additional numbering resources to meet the demands of its customers in several Florida exchanges, including Daytona Beach, DeLand, Ft. Lauderdale, Jacksonville, Keys, Miami, North Dade, Orlando, Palm Coast, Sebastian, Weekiwachee Springs, and West Palm Beach.

9. BellSouth has completed these applications in accordance with INC guidelines and filled out the necessary Months-to-Exhaust and Utilization Certification Worksheets as required.

10. BellSouth has utilized mechanisms such as number pooling to manage its numbering resources in the most efficient manner. However, as the Commission is well

aware, in some circumstances, BellSouth has been required to petition the Commission for relief.

11. On May 25, 2001, BellSouth petitioned the Commission to develop an expedited process to review NANPA's denial of a request for additional numbering resources to minimize the delay carrier's experience in attempting to challenge a denial by NANPA. As a result of the BellSouth's Petition and the Commission's efforts to make numbering resources available to carriers, the Commission issued Order No. PSC-01-1873-PCO-TL setting forth an expedited code denial process for non-pooling areas. On March 15, 2002, the Commission issued Order No. PSC-02-0352-PAA-TL adopting the same expedited code denial process for pooling areas.

12. The Miami exchange consists of twenty four (24) central offices and twenty eight (28) switching entities that utilize numbering resources: Airport (MIAMFLAPDS0), Alhambra (MIAMFLAEDS0 and MIAMFLAERS0), Allapattah (MIAMFLAL63E), Bayshore (MIAMFLBA85E), Beach (MIAMFLBRDS0), Biscayne (MIAMFLBCDS0), Canal (MIAMFLCADS0), Dadeland (MIAMFLDBRS1), Flagler (MIAMFLFLDS0), Grande (MIAMFLGRDS0 and MIAMFLGRDS1), Hialeah (MIAMFLHLDS0), Indian Creek (MIAMFLICDS0), Key Biscayne (MIAMFLKEDS0), Metro (MIAMFLME32E and MIAMFLMERS0), Shores (MIAMFLSH75E), North Miami (MIAMFLNMDS0), Northside (MIAMFLNSDS0), Opa Locka (MIAMIFLOLDS0), Palmetto (MIAMFLPLDS0 and MIAMFLPLRS0), Poinciana (MIAMFLPBDS0), Red Road (MIAMFLRRDS0), Silver Oaks (MIAMFLSODS0), West Dade (MIAMFLWDDS0) and West Miami (MIAMFLWMDS0).

13. On July 28, 2204, BellSouth requested additional numbering resources from NeuStar for the Miami – Silver Oaks (MIAMFLSODS0) switch. See Attachment 1. Specifically, BellSouth requested four (4) consecutive numbering blocks in the format of 786-NX4-6-9 to meet a request for a specific customer's dialing format.

14. At the time of the code request, the Miami exchange had a MTE of 40.27 and a utilization of 72.12%. Due to a decrease in average growth, BellSouth was unable to calculate the MTE for the Silver Oaks (MIAMFLSODS0) switch.

15. On July 28, 2004, NeuStar's automated number request system denied BellSouth's request for additional numbering resources because BellSouth had not met the rate center based utilization criteria, notwithstanding the fact that BellSouth is unable to provide the numbering resources requested by the specific customer. See Attachment 1. Pursuant to Commission Order No. PSC-01-1973-PCO-TL, attached to this Petition is the MTE, utilization rate for each switch in the Miami exchange and the customer contact information. See Attachment 2.

16. As discussed above, both the FCC Order and the INC guidelines provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources. See INC Number Pooling Guidelines Sections 3.7 and 12(c).

17. Under earlier MTE procedures used by NANPA, waivers or exceptions were granted when customer hardships could be demonstrated or when the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under existing procedures, NeuStar nor NANPA looks at the number of MTE and utilization for the entire rate center without exception. The

current process is arbitrary and results in (1) decisions contrary to the public interest and welfare of consumers in the State of Florida; and (2) decisions that do not necessarily promote the efficient use of telephone numbers.

18. 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.

(b) The MTE at the rate center level and the utilization requirements are discriminatory against the incumbent LEC, since the ILEC is typically the only local service provider with multiple switches in a rate center. The ILEC deploys multiple switches in a rate center in order to meet customer demand for telephone service. The new FCC rules for obtaining numbering resources both penalizes and discriminates against the ILECs for deploying multiple switches. BellSouth believes that it is patently unfair to require that the ILEC to meet these requirements in all the switches it has deployed in a rate center, when the ALECs, which have recently entered the local service market, have to meet these requirements in only the single switch that they have deployed to serve their customers in a single rate center or even multiple rate centers.

(c) As a result of NeuStar's denial of BellSouth's request for additional numbering resources, BellSouth will be unable to provide telecommunications services to its customers as required under Florida law.

WHEREFORE, BellSouth requests:

1. The Commission review the decision of NeuStar to deny BellSouth's request for additional numbering resources for the Miami exchange; and

2. The Commission direct NeuStar to provide the requested numbering resources for the Miami exchange as discussed above.

Respectfully submitted this 30th day of July, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.

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(305) 347-5558

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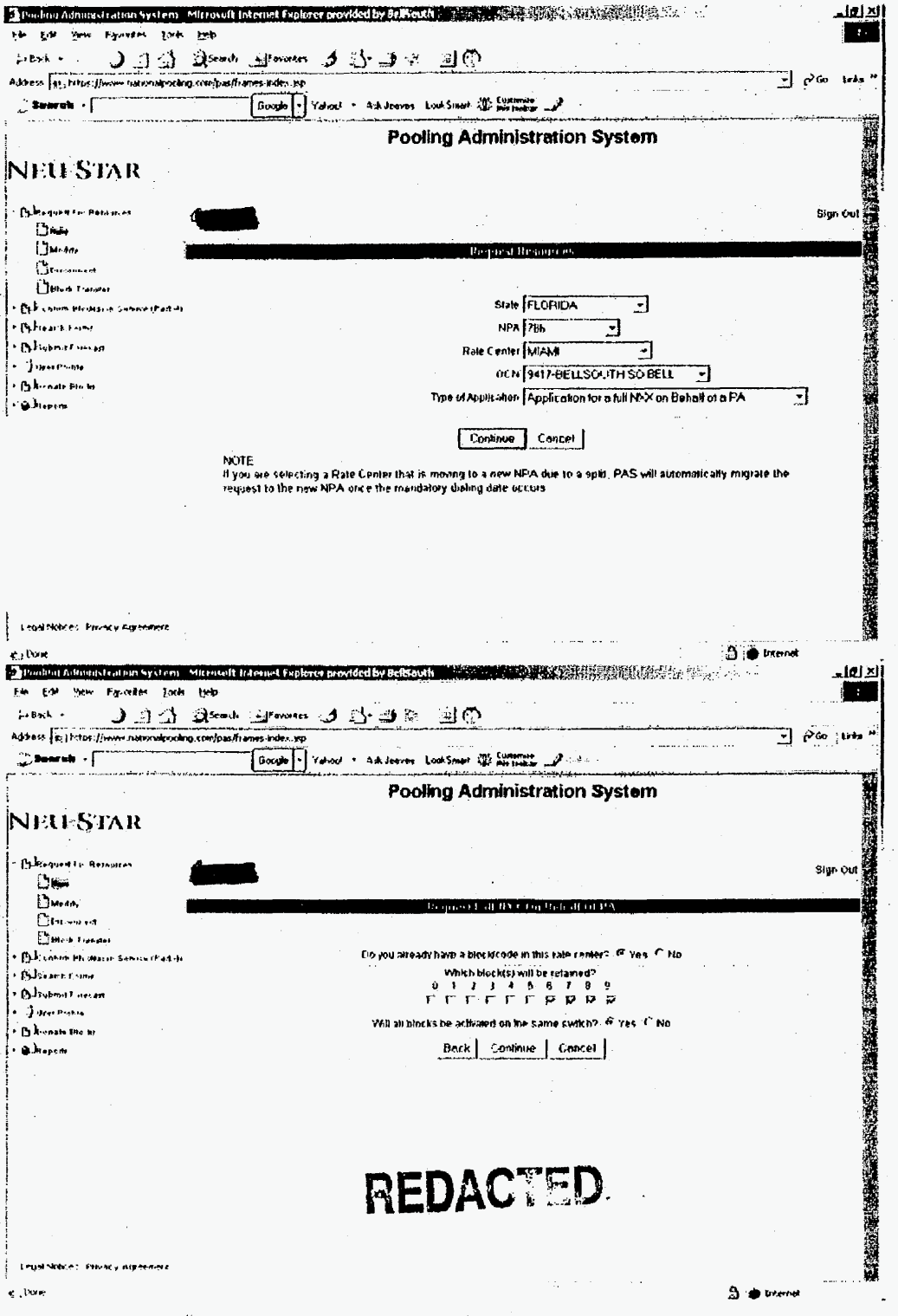
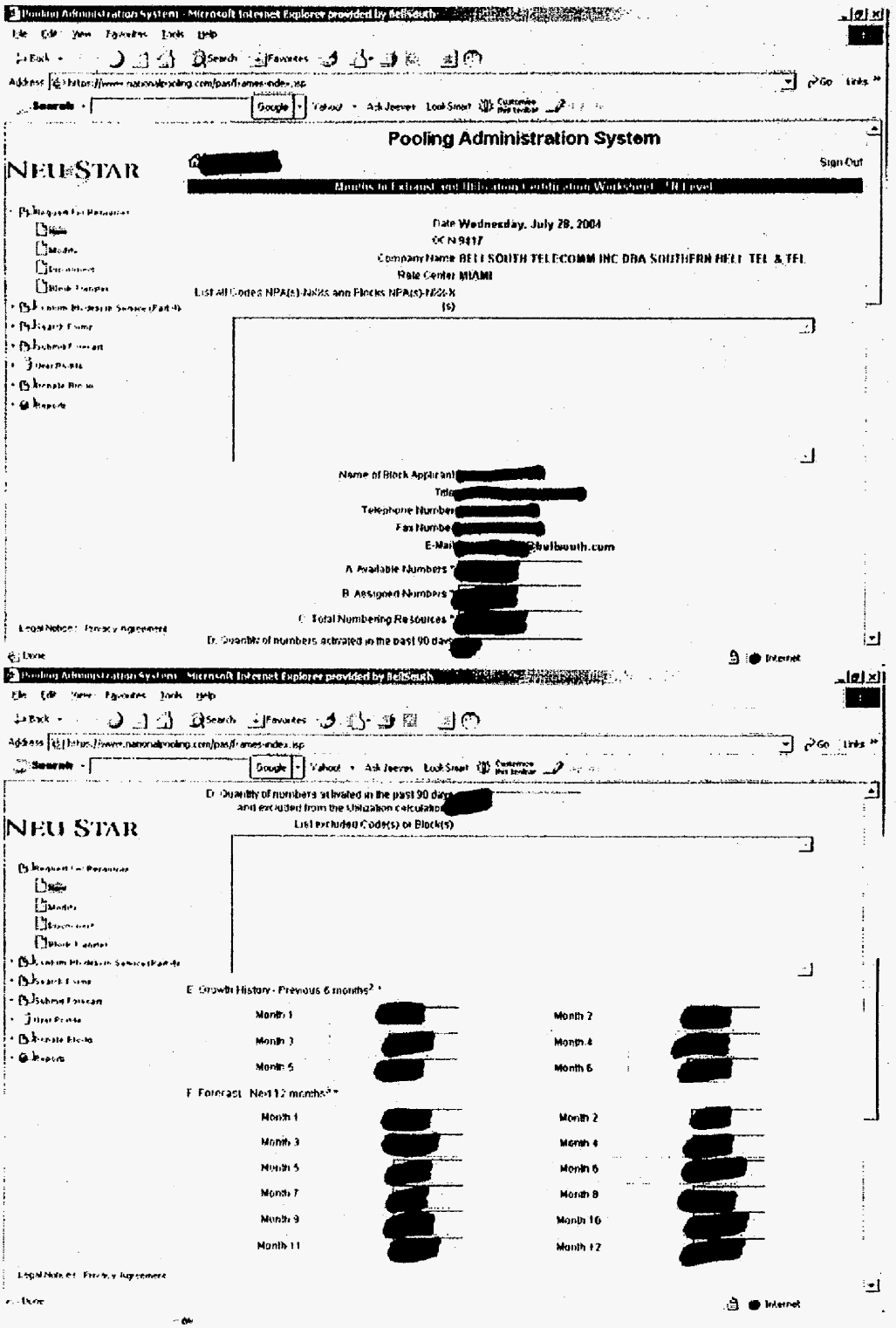
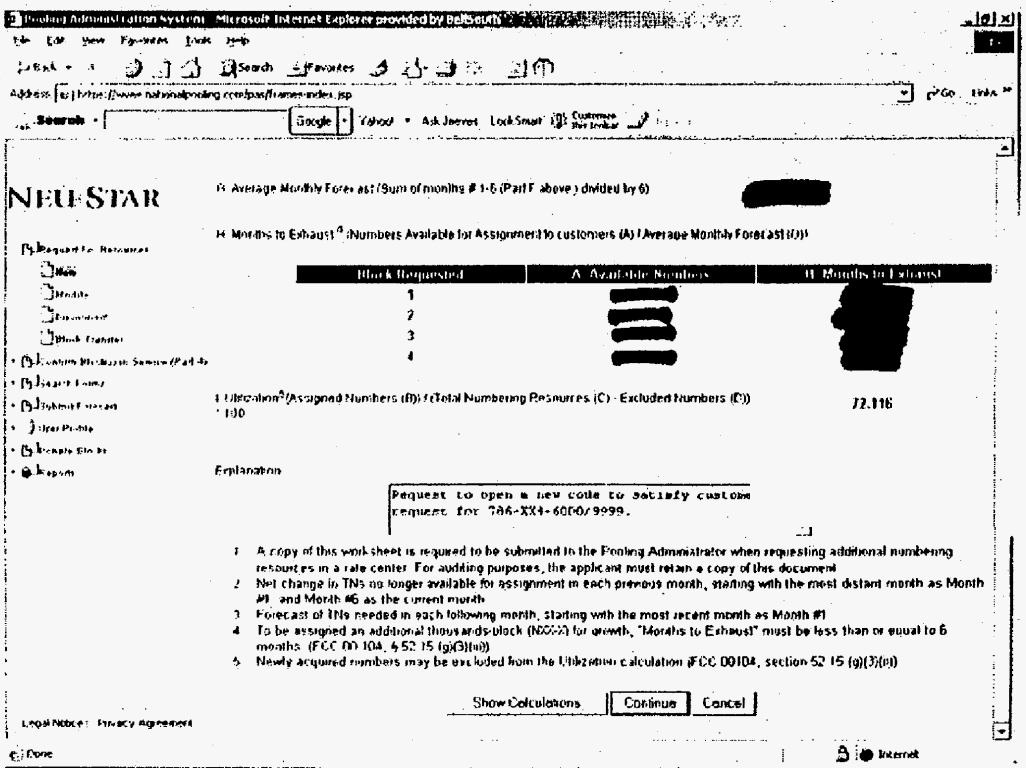
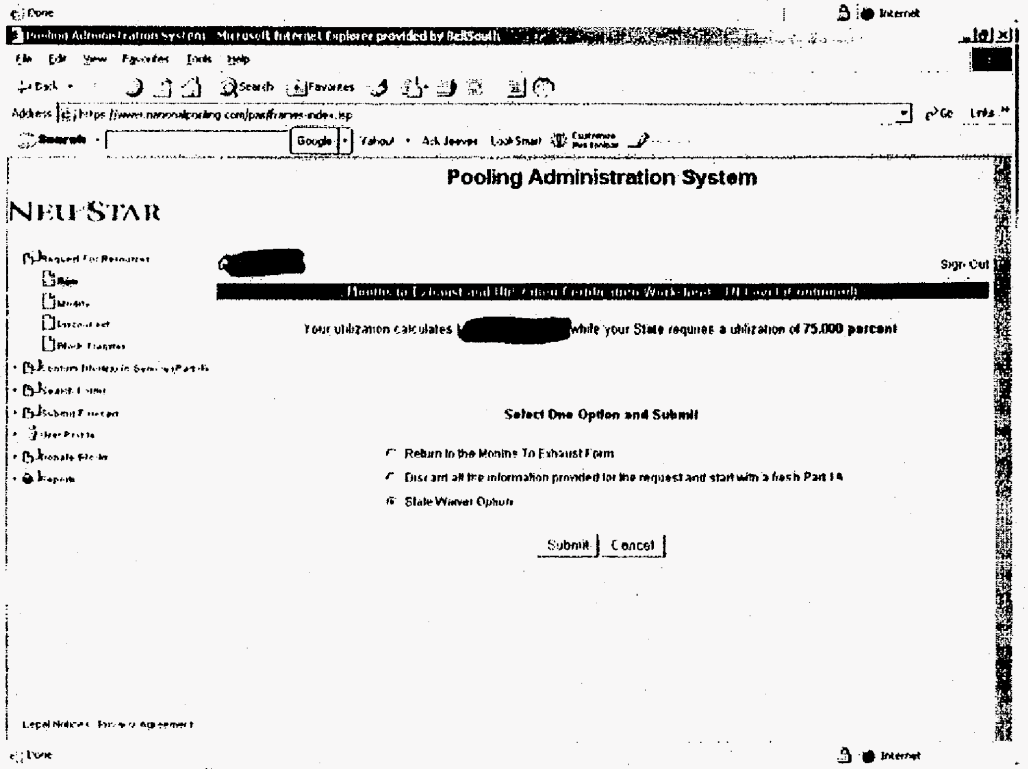
545618

Attachment 1




Pooling Administration System - Microsoft Internet Explorer provided by BellSouth
Address https://www.nanpooling.com/pas/frames-index.jsp
Pooling Administration System
NEUSTAR
Sign Out
Date Wednesday, July 28, 2004
OCN 9417
Company Name BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
Rate Center MIAMI
List All Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X
(s)
Name of Block Applicant
Title
Telephone Number
Fax Number
E-Mail
@bellsouth.com
A Available Numbers
B Assigned Numbers
C Total Numbering Resources
D Quantity of numbers activated in the past 90 days
Legal Notice Privacy Agreement
Done
Internet
D Quantity of numbers activated in the past 90 days
and excluded from the Utilization calculation
List excluded Code(s) or Block(s)
E Growth History - Previous 6 months
Month 1
Month 2
Month 3
Month 4
Month 5
Month 6
F Forecast Next 12 months
Month 1
Month 2
Month 3
Month 4
Month 5
Month 6
Month 7
Month 8
Month 9
Month 10
Month 11
Month 12
Legal Notice Privacy Agreement
Done
Internet


NEUSTAR
G Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6)
H Months to Exhaust (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))
Block Requested
A Available Numbers
H Months to Exhaust
1
2
3
4
I Utilization (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (E)) * 100
72.116
Explanation
Request to open a new code to satisfy customer request for 786-XX4-6000/9999.
1 A copy of this work sheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document
2 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
3 Forecast of TNs needed in each following month, starting with the most recent month as Month #1
4 To be assigned an additional thousands-block (NXXX) for growth, "Months to Exhaust" must be less than or equal to 6 months (FCC 00-104, § 52.15 (g)(3)(ii))
5 Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))
Show Calculations
Continue
Cancel
Legal Notices
Privacy Agreement
Done
Internet


Pooling Administration System
NEUSTAR
Sign Out
Your utilization calculates
while your State requires a utilization of 75.000 percent
Select One Option and Submit
Return to the Months To Exhaust Form
Discard all the information provided for the request and start with a fresh Part 1.4
State Waiver Options
Submit
Cancel
Legal Notices
Privacy Agreement
Done
Internet

Attachment 2

Miami
Utilization Summary
Report
(Silver Oaks)

Exchange	Central Office	Wire Center CLLI	Blocks	Available TNs	Average Growth	MTE	Util
Miami	Airport	MIAMFLAPDS0	79	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Alhambra	MIAMFLAEDS0	172	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Alhambra	MIAMFLAERS0	7	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Allapattah	MIAMFLAL63E	61	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Bayshore	MIAMFLBA85E	82	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Beach	MIAMFLBRDS0	114	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Biscayne	MIAMFLBCDS0	46	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Canal	MIAMFLCADS0	194	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Dadeland	MIAMFLDBRS1	18	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Flagler	MIAMFLFLDS0	72	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Grande	MIAMFLGRDS0	39	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Grande	MIAMFLGRDS1	316	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Hialeah	MIAMFLHLDS0	250	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Indian Creek	MIAMFLICDS0	70	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Key Biscayne	MIAMFLKEDS0	23	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Metro	MIAMFLME32E	91	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Metro	MIAMFLMERS0	10	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Shores	MIAMFLSH75E	80	[redacted]	[redacted]	[redacted]	[redacted]
Miami	North Miami	MIAMFLNMDS0	60	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Northside	MIAMFLNSDS0	67	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Opa Locka	MIAMFLOLDS0	64	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Palmetto	MIAMFLPLDS0	337	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Palmetto	MIAMFLPLRS0	15	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Poinciana	MIAMFLPBDS0	107	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Red Road	MIAMFLRRDS0	131	[redacted]	[redacted]	[redacted]	[redacted]
Miami	Silver Oaks	MIAMFLSODS0	127	[redacted]	[redacted]	[redacted]	[redacted]
Miami	West Dade	MIAMFLWDDS0	91	[redacted]	[redacted]	[redacted]	[redacted]
Miami	West Miami	MIAMFLWMDS0	107	[redacted]	[redacted]	[redacted]	[redacted]

REDACTED

Miami
Utilization Summary
Report
(Silver Oaks)

Attachment 2

Customer Information

[redacted]
Phone [redacted]
Cell Phone [redacted]
Email Address [redacted]