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COMMISSION CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: September 27, 2004

TO: Dovie L. Rockette-Gray, Attorney, Office of the General Counsel

FROM: James V. Maduro Jr., Regulatory Analyst II, Division of Competitive Markets & Enforcement *JVM* *AK*

RE: Docket No. 041094-TX, KMC Telecom III, LLC's Petition for Expedited Review of a Code Denial by the Number Pooling Administrator (NeuStar) for the Fort Myers Rate Center

On August 16, 2004, KMC Telecom III (KMC) submitted a code request application to NeuStar for one (1) single 10,000 block of numbers for a specific customer. Also, on August 16, 2004, NeuStar denied KMC's application because it did not meet the utilization criteria required for a new block of numbers.

On September 17, 2004, KMC filed a petition requesting that the Commission overturn NeuStar's decision to deny numbering resources in the Fort Myers (FTMYFLO2DSO) switch located in the Fort Myers rate center. In accordance with Commission Order PSC-02-0352-PAA-TL (Docket No. 020087-TL) which approved an expedited process for NeuStar code denials, we have examined the KMC petition, along with the confidential supplemental information, and have determined the following:

- 1) The carrier has demonstrated that it has a customer in need of immediate numbering resources;
- 2) The carrier has shown that it will be unable to provide services to the potential customer because of NeuStar's denial of the numbering resources; and
- 3) A potential customer will not be able to obtain service from the provider of his/her choice because the carrier does not have the numbers available.

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Since the three required criteria of Order PSC-02-0352-PAA-TL have been met, please prepare an administrative Proposed Agency Action (PAA) Order to be issued within seven business days of this memorandum (October 6, 2004) as outlined in the expedited code denial process order. NeuStar should be directed to provide KMC the needed numbering resources to meet its customer's needs in the Fort Myers Rate Center, specifically, a full ten thousand block.

DOCUMENT NUMBER DATE

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of numbers in the 533-NXX. Also, please allow staff assigned to the docket to review the Order before it is issued. If you have any questions, please call James Maduro Jr. at 413-6510.

cc: Division of Competitive Markets and Enforcement (Maduro, Bulecza-Banks, Casey)
Office of the General Counsel (B. Keating)
Division of the Commission Clerk & Administrative Services (Docket No. 041094-TX)