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October 3, 2005

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**BY HAND DELIVERY**

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

050699-TX

Dear Ms. Bayó:

**Re: Application of MCI-meto Access Transmission Services, LLC Requesting Review and Intervention in NXX Code Denials**

MCI-meto Access Transmission Services, LLC ("MCI-meto") , respectfully requests the Florida Public Service Commission ("Commission") intervene and overturn or waive the denial by the Pooling Administrator, NeuStar, Inc. ("NeuStar"), of MCI-meto's request for assignment of 8 Thousands-Blocks to meet projected customer needs in the Tampa rate center. MCI-meto is the surviving and/or successor entity in a number of completed or pending transactions including the merger of Intermedia into MCI-meto. As a result, MCI-meto will utilize a number of OCNs, including the OCN assigned to Intermedia.

MCI-meto has requested and been denied the numbering resources required to serve a customer requiring *intermediate* numbers in these rate centers. The intermediate number classification refers to a block of numbers given to another carrier or non-carrier entity for future assignment.<sup>1</sup> Although MCI-meto requests the intermediate numbering resources and reports utilization and forecast data to NeuStar, subsequent allocation of the numbers is relinquished to MCI-meto's customer, which then assigns these numbers to its end users. MCI-meto's current numbering resources cannot accommodate this customer's growth requirements, which call for 8 Thousands-Blocks (comprised of 8 one-thousands blocks) in the Tampa rate center to meet customer growth for the next six months. Thus, in order for MCI-meto to serve this customer, it must have the numbering resources requested on this waiver in an expedited timeframe.

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- FR \_\_\_\_\_
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<sup>1</sup> 47 CFR §52.15 (f)(1)(v).

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On September 20, 2005, NeuStar denied MCImetro's code request on the grounds that MCImetro had not met the months-to-exhaust and utilization criteria established by the FCC.<sup>2</sup> (See attached rate center worksheets, which correspond to the specified rate centers.) NeuStar denied MCImetro's code request despite the fact that MCImetro does not have adequate numbering resources to satisfy its customer's demands referenced above. (See Affidavit of Godfrey L. Chisanga, Manager, NXX Planning/Code Administration/Number Pooling.)

MCImetro's inability to provide this important customer with the requested numbers prevents MCImetro from providing the quality of service this customer desires, needs, and expects. If MCImetro is not assigned the codes needed to meet its customer's request, the customer will be unable to provide the telecommunication services requested by its customers. NeuStar's refusal to grant numbering resources sufficient to meet the customer's needs is inconsistent with the FCC's position that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for a want of numbering resources."<sup>3</sup>

The FCC established a "safety valve mechanism," which delegates authority to state commissions to review the Pooling Administrator's decisions and reverse them when appropriate.<sup>4</sup> The FCC further allowed 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's request,"<sup>5</sup> as is the case in this instance. Additionally, states may grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a rate center that it cannot meet with its current inventory.<sup>6</sup> The rate center worksheets attached demonstrate that there are not adequate numbers in available inventory to meet a customer's demand for 8 Thousands-Blocks in the Tampa rate center. As required by the FCC, the customer requesting the additional numbering resources has documented its request.<sup>7</sup> (See letter from customer to MCImetro.)

MCImetro requests that the Commission reverse NeuStar's decision to withhold numbering resources in the Tampa rate center. The additional numbers requested by this application are necessary so that MCImetro's customer can meet the service demands of its customers, which in turn will be able to offer a valuable service to Florida consumers.

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<sup>2</sup> 47 CFR §52.15(g)(3)(iii), CFR 47 §52.15(h).

<sup>3</sup> FCC 00-429 at ¶61 (rel. Dec. 29, 2000).

<sup>4</sup> FCC 01-362 at ¶61 (rel. Dec. 28, 2001).

<sup>5</sup> Id. at ¶64.

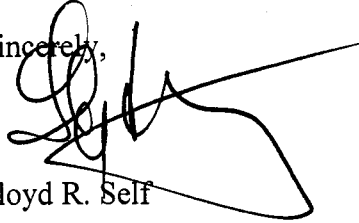
<sup>6</sup> Id.

<sup>7</sup> FCC 01-362 ¶64.

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Acknowledgement and date of receipt of this filing are requested. Questions regarding this matter may be referred to me, or directly to MCImetro Access Transmission Services, LLC by calling Godfrey L. Chisanga, Manager, NXX Planning/Code Administration/Number Pooling at (972)729-5103.

Sincerely,

A handwritten signature in black ink, appearing to read 'Floyd R. Self', written over a horizontal line.

Floyd R. Self

FRS/amb

Enclosures

cc: Donna McNulty, Esq.  
Mr. Godfrey L. Chisanga