🚔 Sprint

Susan S. Masterton Attorney

#### Law/External Affairs

FLTLH00107 Post Office Box 2214 1313 Blair Stone Road Tallahassee. FL 32316-2214 Voice 850 599 1560 Fax 850 878 0777 susan.masterton@mail.sprint.com

January 9, 2006

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

Docket No. 060025-TL Re:

Dear Ms. Bayó:

Enclosed are the original and fifteen copies of Sprint's Petition for expedited Review of NXX-X Code Denial and the original and fifteen copies of Sprint's Request for Confidential Classification, which we ask that you file in the captioned new docket.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850-599-1560.

Sincerely,

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Susan S. Masterton

Enclosure

DOCUMENT NUMBER DATE 00188 JAN-98

FPSC-COMMISSION CLERK

### CERTIFICATE OF SERVICE DOCKET NO.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this 9<sup>th</sup> day of January, 2006 to the following:

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

NANPA Tom Foley, Relief Planner Eastern Region 820 Riverbend Blvd. Longwood, FL 32779-2327

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Susan S. Masterton

### BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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In re: Petition for Expedited Review of Growth Code Denials by the North American Numbering Administration for the Fort Myers Exchange Docket No.

Filed: January 9, 2006

### PETITION FOR EXPEDITED REVIEW OF NXX-X CODE DENIAL

Sprint-Florida, Incorporated ("Sprint"), 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-01-1973-PCO-TL, petitions the Commission to review the Poolling Administrator's ("NeuStar") denial of Sprint's requests for additional numbering resources in the Fort Myers and North Cape Coral Exchanges. In support of this petition, Sprint states:

### **PARTIES**

1. Sprint is 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 the 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 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  $\P$  105.

- 6. On December 29, 2000, the FCC also released FCC 00-429, which reaffirmed FCC 00-104 and 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 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 75 percent for the specific rate center. See INC Guidelines Section 4.3 (c) [THOUSANDS-BLOCK NUMBER (NXX-X) POOLING ADMINISTRATION GUIDELINES (TBPAG) dated May 20, 2005] and Appendix 3. These requirements are known as the six (6) months-to-exhaust ("MTE") and utilization threshold.
- 8. Sprint has utilized mechanisms such as number pooling to manage its numbering resources in the most efficient manner. However, Sprint is required in this instance to petition the Commission for relief.
- 9. 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 BellSouth's Petition and the Commission's efforts to make numbering resources available to carriers, the commission issued Order No. PSC-01-1973-PCO-TL setting forth an expedited code denial process. On March 15, 2002, the Commission issued Order No. PSC-02-0352-PAA-TL adopting the same expedited code denial process for pooling areas.

- The Fort Myers Exchange consists of eight (8) central offices and eight (8) switching entities that utilize numbering resources: Alva (ALVAFLXARS1), Cypress Lake (CYLKFLXADS0), Regional Airport (CYLKFLXBRS0), Fort Myers (FTMYFLXADS0), East Fort Myers (FTMYFLXBRS0), South Fort Myers (FTMYFLXCDS2), Cypress Lake – Iona/Punta Rassa (IONAFLXARS0), Cypress Lake – San Carlos Park (SCPKFLXARS0).
- 11. On November 17, 2005 Sprint requested additional numbering resources from NeuStar for the Fort Myers exchange. See Attachment 1. Specifically, in order to meet the telephone number needs of one of its customers, Sprint requested a 1,000 consecutive number block in the South Ft. Myers (FTMYFLXCD52) wire center. The customer has requested 1,000 numbers and have indicated they prefer the 8000-8999 block. Sprint cannot currently meet this request given the inventory of numbers available at this time in this switch.
- 12. At the time of the code request, the Fort Myers exchange had a MTE of 124 and a utilization of 77%. On a switch basis, the South Ft. Myers Switch

(FTMYFLXCD2) has an MTE of much longer than 6 months and utilization of 70%. There are no blocks of un-assigned numbers large enough to meet the request of this customer in this switch.

- 13. On January 9, 2006, NeuStar denied Sprint's request for additional numbering resources because Sprint had not met the utilization criteria, notwithstanding the fact that Sprint's South Ft. Myers switch does not have available blocks of numbers in sufficient quantity to meet the customer's requirements. See Attachment 1.
- 14. Sprint's request for additional numbering resources to meet this customer's requirement in the Fort Myers Exchange would not materially impact exhaustion of available numbers in the 239 area code.
- 15. As discussed above, both the FCC Order and INC guidelines provided hat state regulatory authorities have the power and authority to review NANPA's decision to deny a request for numbering resources. See INC Number Pooling Guidelines Sections 3.7 and 11.1(c).
- 16. Under earlier 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 and NANPA look at the MTE criteria and utilization threshold for the rate center and allow exceptions. The current process is arbitrary and may result 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.

- 17. Sprint's inability to provide this customer with the requested blocks of numbers prevents Sprint from providing the quality of service this customer desires and expects.
- 18. This Commission has previously received similar requests from numerous carriers, both ILECs and CLECS in which the carriers have asked the PSC to overrule a decision of NANPA and NeuStar. The Commission has granted these requests.
- 19. Sprint requests that the Commission reverse NeuStar's decision to withhold numbering resources from Sprint on the following grounds:
  - (a.) NeuStar's denial of numbering resources to Sprint interferes with Sprint's ability to service its customers within the State of Florida.
  - (b.) As a result of NeuStar's denial of Sprint's request for additional numbering resources, Sprint will be unable to provide telecommunications services to its customers as required under Florida law.

WHEREFORE, Sprint requests:

 The Commission review the decision of NeuStar to deny Sprint's request for additional numbering resources for the Fort Myers exchange, and

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

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Respectfully submitted this 9<sup>th</sup> day of January, 2006

Susan S. Masterton Attorney for Sprint P.O. Box 2214 Tallahassee, FL 32316-2214 850-599-1560

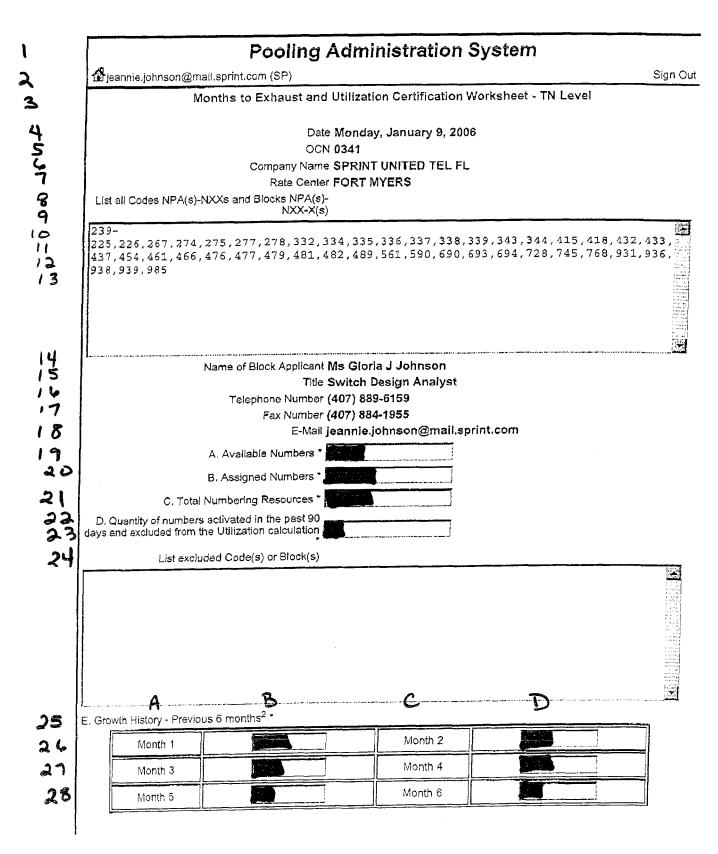
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Resource Request Information

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<u></u>	Pooling Administration System	
Gianazia isharras (	)mail.sprint.com (SP)	Sign Ou
i jeanne,jonnsonæ	Request Resources	
	State FLORIDA	
	NPA 239	
	Rate Center FORT MYERS	
	Type of Application Application for Individual Blocks Quantity of Blocks Requested 1	
	Continue	
NOTE: If you are select	cting a Rate Center that is moving to a new NPA due to a split, PAS will autor quest to the new NPA once the mandatory dialing date occurs.	natically
mgrate me rec	quest to the new NEA once the manuatory draining date boods.	

MTE



https://www.nationalpooling.com/pas/control/part1bstep1?rqstType=N //9/2006

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	MTE				Page 3		
١	F. Fore	A ecast - Next 12 months <sup>3</sup> •	В	C	D		
Z		Month 1		Month 2			
3 4 5		Month 3		Month 4			
4		Month 5		Month 6			
5		Month 7		Month 8			
6		Month 9		Month 10			
1		Month 11		Month 12			
9	H. Months to Exhaust <sup>4</sup> (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))						
10 12	Explanal		y the 8000-8999	000 consecutive num block.	bers,		
יושיישייש משקה א							

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<sup>24</sup>,54

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1/9/2006

ATTACHMENT 1

Screen One - PAS

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	Sign
	Part 1A
Type of Application : New	
1.1 Contact Information :	na na sana ana ang mananana ang mang na mang na
	Note: If any of the contact info is incorrect, edit your user profile
Block Applicant : Company Name SPRINT UNITED T	EI EI
Headquarters Address: 555 Lake Border D	
City: Apopka	
State: FL	
Zip: <b>32703</b>	
Contact Name Ms Gloria J Johnso	
Contact Address 555 Lake Border Di	
City Apopka Zip 32703	State FL
Telephone (407) 889-6159	Fax (407) 884- 1955
E-mail jeannie.johnson@m	
poling Administrator :	ansprinteon
Contact Name Mr Gary Zahn	
Contact Address 1800 Sutter St. Ste.	780
City Concord	State CA
Zip <b>94520</b>	
Telephone (925) 363-8753	Fax (925) 363- 7688
≝-mail gary.zahn@neustar.	biz
2 General Information	
LRN Needed No	
NPA 239	LATA * 939
OCN 0341-SPRINT UNITED	D
Parent Company OCN * 2000	
Number of Thousands-Blocks Requested	
Switch Identification (Switching FTMYFLXCDS2	City or Wire Center SOUTH FT. MYERS
Rate Center FORT MYERS	Rate Center Sub Zone 02

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Screen One - PAS

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Date of Application Monday,			
Requested Block Effective Date 9 😽 Feb	2006 🚽		
Request Expedited Treatment O Yes @	No		
1.4 Type of Service Provider Requesting th	re Thousands-Bl	lock	ай на тарана на на тарана на т
a) Type of Service Provider * Incumbent	Local Exchange (	Carrier (ILEC)	Ţ
b) Primary type of service Blocks to Wireline be used for *		· · · · · · · · · · · · · · · · · · ·	
c) Thousands-Block(s) (NPA-NXX-X) assignment preference Click here to see the available blocks in the pool.			239-938-8
NOTE: The blocks available list shows blocks that are available at the time a request is submitted. These same blocks may not be available at the time the request is processed. Therefore, it is recommended that you provide additional block preferences in the event those blocks are not available.			Delete
d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any			Delete
) If requesting a code for LRN purposes, indicate when an indicate when a second state of the blocks will be given to the pool)	nich block(s) you wil	I be keeping (the N/	Ά
5 Type of Request			
Initial block for rate center O Yes			
Growth block for rate center 🛭 🧟 Yes			
Change block N/A			
Disconnect block N/A			
ereby certify that the above information requesting a at this application has been prepared in accordance iidelines INC 99-0127-023	an NXX-X block is tr with the Thousands	rue and accurate to the -Block (NXX-X) Poolir	e best of my knowledge and ng Administration

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TAT 1	

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Pooling Administration System			
∰jeannie.jchnson@mail.sprint.com (\$P)	Sign Out		
Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)			
You have requested more blocks than you will exhaust in six months.			
Select One Option and Submit			
Return to the Months To Exhaust Form			
C Discard all the information provided for the request and start with a fresh Part 1A			
C State Waiver Option			
Submit Cancel			
	[		

		0004						·		Page	ACHMENT 1 7
E	Appendix 3 - Modified August 6 MON	THS TO EXHAUST	and UTILIZATION ds-Block Number F					Level <sup>1</sup>			
4	Date:11/17/2005OCN: _0341	Company Name:	SPRINT								
5	Rate Center: _ <u>Fort Myers, FI</u> _THIS NX)	NEEDS TO BE AS	SIGNED TO SWIT	CH FTMYF	LXCDS2	2 (South	Ft Myers	switch)			
5	Name of Block Applicant: SPRINT			Signature:							
-7	List all (	Codes	NPA(s)-NXXs					cksNPA(s			239-
8	225,226,267,274,275,277,278,332,334,3	35,336,337,338,33	<u>),343,344,415,418,4</u>	32,433,437	.454,461	,466,476,	477,479,	481,482,4	89,561,59	0,690,693	
9	768,931,936,938,939,985										▲ݔݐݐݸݑݩݒݐݐݪݪ
10	Title: <u>Switch Design Analys</u>	st -	Telephone No.	(407)	889-6	159		FAX N	lo -		
	E:Mail jeannie.johnson@sprint.com		•		<b></b>			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			· ·
12	A. Available Numbers:										
13	B. Assigned Numbers:										
14	C. Total Numbering Resources:										
15	D. Quantity of numbers activated in the List excluded Code(s) or Block(s): _	past 90 days and e	xcluded from the Ut	lization calc	culation:						
17		Month Month #1 #2	Month Month #3 #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month ∦11	Month #12
19 20	E. Growth History — Previous 6 months <sup>2</sup>				y tay si t						
21	F. Forecast - Next 12 months <sup>3</sup>				 				n se e se se se se e se		
22	G. Average Monthly Forecast (Sum of month	s #1-6 (Part F above) div	rided by 6);								
23 24		Numbe	ers Available for Assignm Average Monthly Fo	<u>ent to Custom</u> recast (G)	iers (A)		. <b>H</b>	_124			
35	I. Utilization <sup>5</sup>		Numbers (B) — Excluded 1g Resources (C) — Exclu		(D)	* 100	=	77%	-		
21	needs 1000 consec	cutive numbers, pre	ferably and request	ing 8000-8	999 bloc	k. PLEAS	SE PROC	EED WIT	H A WAN	/ER/APPI	EAL WHEN THIS
20	REQUEST IS DENIED-	ka 	<u></u>								
50 31 32		c c		-		-				poses, the a	applicant must retain a
33	3 Forecast of TNs needed in each following mo 4 To be assigned an additional thousands-bloc	onth, starting with the mo k (NXX-X) for growth, "N	ist recent month as Mont Ionths to Exhaust" must	h #1. pe less than of	r equal to 6						

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e can	Appendix 3 - Modified August 6, 2001 MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORKSHEET – TN Level <sup>1</sup> (Thousands-Block Number Pooling Growth Block Request)	ATTACHMENT 1 Page 8
	Date: 01/09/06 OCN: 0341 Company Name: SPRINT	
	Rate Center:	
i, e	Name of Block Applicant:SPRINTSignature:Signature:	
7	List all Codes NPA(s)-NXXs and BlocksNPA(s)-NXX-X(s): <u>239-274, 275, 277, 278, 418, 931, 936, 938, 939</u>	
В	Title:     Switch     Design     Analyst     Telephone     No.:     407-889-6159     FAX     No.:	
7	E:Mail jeannie.johnson@sprint.com	
10	A. Available Numbers:	
<b>\$ \$</b>	B. Assigned Numbers:	
12	C. Total Numbering Resources:	
s *9		
13	D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation: List excluded Code(s) or Block(s):	
15		
	Month #1 Month #2 Month #3 Month #4 Month #5 Month #6 Month #7 Month #8 Month #9 Month #10	Month Month #11 #12
16	E. Growth History – Previous 6	
17	qmonths <sup>2</sup>	
18	F. Forecast – Next 12 months <sup>3</sup>	
19	G. Average Monthly Forecast (Sum of months #1-6 (Part F above) divided by 6):	
RO		
2	H. Months to Exhaust <sup>4</sup> Numbers Available for Assignment to Customers (A) = Zero Average Monthly Forecast (G)	
23	I.       Utilization <sup>5</sup> Assigned Numbers (B) - Excluded Numbers (D)       * 100 =	
24		TH A WAIVER/APPEAL
29 20		
<b>.</b>		
.~?	1 A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the ap	nlicant must retain a conv of this
:8	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.	
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33		

## **Customer Contact Information:**

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### **BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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In re: Petition for Expedited Review of Growth Code Denials by the North American Numbering Administration for the Fort Myers Exchange. DOCKET NO.

FILED: January 9, 2006

### <u>Sprint-Florida, Incorporated's Request for Confidential Classification</u> <u>Pursuant to Section 364.183(1), Florida Statutes</u>

Sprint-Florida, Incorporated (hereinafter, "Sprint") hereby requests that the Florida Public Service Commission ("Commission") classify certain documents and/or records identified herein as confidential, exempt from public disclosure under Chapter 119, Florida Statutes and issue any appropriate protective order reflecting such a decision.

1. The information that is the subject of this request is proprietary customer information or information that is confidential and proprietary to Sprint, the release of which would impair the competitive business of Sprint. Sprint is filing this request pursuant to Rule 25-22-2006, F.A.C. The following documents or excerpts from documents are the subject of this request:

# Highlighted information in Attachment 1 to Sprint's Petition for Expedited Review of NXX-X Code Denial

2. Two redacted copies of the information are attached to this request. One unredacted copy of the confidential information was filed under seal with the Division of Records and Reporting on under separate cover on this same date. Confidential information is highlighted in yellow.

3. The information for which the Request is submitted is customer information that Sprint is required by law to keep confidential or information the release of which would impair Sprint's competitive business interests and is confidential and proprietary to Sprint. Specific justification for confidential treatment is set forth in Attachment A.

- 4. Section 364.183(3), F.S., provides:
  - (3) The term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to:
  - (a) Trade Secrets.
  - (b) Internal auditing controls and reports of internal auditors.
  - (c) Security measures, systems, or procedures.
  - (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the company or its affiliates to contract for goods or services on favorable terms.
  - (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information.
  - (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.
  - 5. The subject information has not been publicly released by Sprint.

Based on the foregoing, Sprint respectfully requests that the Commission grant the

Request for Confidential Classification, exempt the information from disclosure under

Chapter 119, Florida Statutes and issue any appropriate protective order, protecting the

information from disclosure while it is maintained at the Commission.

RESPECTFULLY SUBMITTED this 9<sup>th</sup> day of January, 2006.

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Susan S. Masterton Post Office Box 2214 Tallahassee, Florida 32316-2214 850/599-1560

ATTORNEY FOR SPRINT

### ATTACHMENT A

Document and page and line	Justification for Confidential Treatment
numbers Highlighted information contained in Attachment 1 to Sprint's Petition, P. 2 lines, 19-21, 23 and 26-28 columns B & D. P. 3, lines 2-7, Columns B & D. and line 11. P. 7, lines 12-14, 19, 21 & 22 and P. 8 lines 10-12, 16, 18, 19, 24 and 25	Contains information concerning Sprint's projected growth and telephone number resources which is proprietary to Sprint and which is information the release of which would impair Sprint's competitive business interests and is confidential and proprietary to Sprint. S.364.183(3)(e), F.S.
Highlighted information contained in Attachment 1 to Sprint's Petition P. 3 line 11, P. 7, line 27-28 and P. 9, lines 2-4	Contains proprietary customer information which Sprint is prohibited by law from releasing. s. 364.24, F.S.