

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Expedited Review of Growth Code Denials by the Number Pooling Administrator for the Tampa Rate Center

Docket No. 060782-TP
Filed: December 8, 2006

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PETITION FOR EXPEDITED REVIEW OF NXX-X CODE DENIAL

NuVox Communications, Inc. ("NuVox"), pursuant to 47 C.F.R. § 52.15(g)(3)(B)(iv) and Florida Public Service Commission ("PSC") Order No. PSC-01-1973-PCO-TL, hereby petitions the Commission for expedited review and reversal of the Thousands-Block Pooling Administrator's ("National Pooling Administrator" or "PA") denial of NuVox's request for additional numbering resources in the Tampa Rate Center.

In support of this petition, NuVox states:

PARTIES

1. NuVox is a Delaware Corporation licensed by the Commission as a competitive local exchange carrier ("CLEC") to provide service throughout Florida, including in the Tampa rate center. NuVox manages and assigns to customers telephone numbers allocated by the North American Numbering Plan ("NANP").

2. NeuStar is an independent non-governmental entity ("NANPA" or "PA") charged with administering the NANP in the United States. NeuStar has also been appointed by the FCC to serve as the National Pooling Administrator, which administers thousands-blocks ("blocks") to carriers in areas where pooling has been implemented. See 47 C.F.R. § 52.20(d).

JURISDICTION

3. The Commission has full authority to grant this request and has granted

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similar requests in the past. See e.g. Order No. PSC-06-0540-CO-TL in Docket No. 060385-TL, Order No. PSC-06-1004-CO-TL in Docket No. 060687, and Order No. PSC-06-1005-CO-TL in Docket No. 060688.

4. The FCC set uniform standards in 2000 governing requests for telephone numbering resources to increase efficiency in the use of existing telephone numbers and to further avoid exhaustion of the NANP.¹ In that decision and a subsequent order, FCC Order 00-429,² the FCC directed the industry and the PA to comply with the INC Thousands-Block (NXX-X) PA Guidelines (“the Pooling Guidelines”). To obtain growth thousands-blocks under the Pooling Guidelines, a carrier must demonstrate that its existing resources in the rate center will exhaust within six months and that the carrier has assigned 75% of the existing resources to customers.

5. The Pooling Guidelines allow a state regulatory authority to review and reverse a denial by the PA for numbering resources.³ In 2001, the FCC further clarified the authority delegated to state commissions to address denials by the PA or the NANPA of requests for numbering resources.⁴ In FCC Order 01-362, the FCC said “[W]e agree with the commenting parties that a safety value mechanism should be established, and we delegate authority to state commissions to hear claims that a safety valve should be applied when the NANPA or Pooling Administrator denies a specific request for

¹ Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 00-104, 15 FCC Rcd. 7574 (2000) (“FCC Order 00-104”).

² Numbering Resource Optimization, *Second Report and Order, Order on Reconsideration, and Second Further Notice of Proposed Rulemaking*, FCC 00-429, 16 FCC Rcd. 306 (2000) (“FCC Order 00-429”).

³ See INC Thousands-Block Pooling Administration Guidelines, § 3.7 and 11.1; see also 47 C.F.R. § 52.15 (g)(5).

⁴ Numbering Resource Optimization, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, FCC 01-362, 17 FCC Rcd. 252 (2001) (“FCC Order 01-362”).

numbering resources.”⁵ The FCC delegated authority to state commissions to consider safety valve requests precisely because there are situations like this one where a carrier has a legitimate need for numbers to meet customer demand outside of the standard criteria.⁶

6. Regarding the substance of the numbering request at issue here, the request fits squarely within a permissible category for assignment of additional numbering resources. The FCC has clarified that numbers may be assigned to satisfy a specific customer request for a contiguous block of numbers:

[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 request**. We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center. States may not accommodate requests for specific numbers (i.e., vanity numbers), but **may grant requests for customers seeking contiguous blocks of numbers**. Any numbering resources granted for this reason may be initially activated only to serve the requesting customer for whom the application was made. If the customer request is withdrawn or declined, the requesting carrier must return the numbering resources to the NANPA or Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements.⁷

7. The relief sought is thus within the Commission’s jurisdiction and, indeed, the Commission is the only body that can grant the necessary relief on the necessary expedited basis.

⁵ *Id.* at ¶ 61; 47 C.F.R. § 52.15(g)(3)(iv).

⁶ *Id.* at ¶ 61.

⁷ In the Matter of Numbering Resource Optimization, CC Docket Nos. 99-200 and 96-98, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, FCC 01-362, ¶ 64 (Dec. 28, 2001) [emphasis added; footnote omitted].

BACKGROUND

8. On or about December 1, 2006, NuVox requested additional numbering resources from NeuStar for the Tampa Rate Center. At the request of and to meet the needs of Customer for 10,000 consecutive numbers, NuVox requested a full new NXX code (10,000 numbers). The requests and worksheets are attached hereto as Confidential Exhibits "A" and "B," respectively. A letter from Customer to NuVox requesting such numbering resources is attached hereto as Confidential Exhibit C. Customer cites an expansion and growth and the need for a dedicated prefix as its bases for this request. NuVox's switch serving the Tampa rate center does not have sufficient number resources to meet Customer's need.

9. At the time of the request, NuVox had a MTE in the Tampa rate center of approximately 3.544 months and a utilization of 51.699%. NuVox's inability to provide this customer with the requested numbers prevents NuVox from providing the quality of service this customer desires and expects.

10. On December 1, 2006, the PA denied NuVox's request for additional numbering resources in Tampa. Under existing procedures, the PA is not allowed to look beyond the standard months-to-exhaust and number utilization criteria that are used in determining whether a carrier may obtain additional, growth blocks. 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. That decision is attached hereto as Exhibit "D."

REQUEST FOR RELIEF

11. As discussed above, the Commission has jurisdiction to grant appeals from the PA's decisions regarding numbering resources. The denial of sufficient numbering resources to NuVox to meet its Customer's request is clearly inconsistent with the FCC's position that "under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at 11. By refusing to grant numbering resources sufficient to meet its Customer's needs, the PA is preventing Customer from obtaining the service of its choice from its carrier of choice, NuVox.

12. All necessary elements are present to allow the Commission to overrule the PA's automatic denial. First, NuVox has demonstrated that it has received a customer request for numbering resources that it cannot meet with its current inventory. Second, NuVox has demonstrated need by documenting in writing that it has a customer request and has demonstrated proof of utilization. Third, NuVox made the appropriate application to the PA. Fourth, the PA automatically denied NuVox's request for numbers in the Tampa rate center because NuVox's utilization of its numbers in this rate center did not hit the requisite percentage.

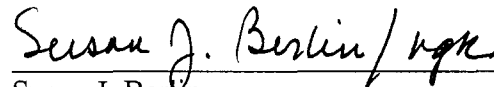
13. NuVox asks the Commission to review and reverse the National Pooling Administrator's decision to withhold numbering resources from NuVox on the grounds that the PA's decision prevents NuVox from meeting a specific need to serve its customer in the Tampa rate center, thereby interfering with NuVox's ability to serve its customers within Florida.

WHEREFORE, NuVox requests that the Commission issue an Order reversing the National Pooling Administrator's decision denying NuVox's request for additional numbering resources and directing the National Pooling Administrator to assign one entire NXX code, ten consecutive 1000s blocks, from the Tampa rate center to NuVox to meet the specific requirements of its Customer.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Expedited Review of NXX- Code Denial has been furnished by (*) hand delivery and U.S. Mail to the following this 8th day of December, 2006:

(*)Patrick K. Wiggins
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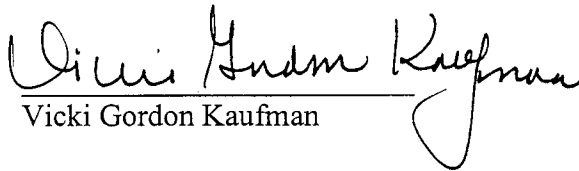

Vicki Gordon Kaufman

EXHIBIT A

IS CONFIDENTIAL

AND

**HAS BEEN REDACTED
IN ITS ENTIRETY**

EXHIBIT B

IS CONFIDENTIAL

AND

**HAS BEEN REDACTED
IN ITS ENTIRETY**

EXHIBIT C

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