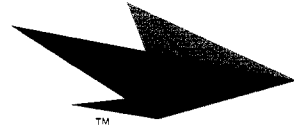


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EMBARQ™

Embarq Corporation
Mailstop: FTLHO0102
1313 Blair Stone Rd.
Tallahassee, FL 32301
EMBARQ.com

February 27, 2007

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

RECEIVED-FPSC
07 FEB 27 PM 3:12
COMMISSION
CLERK

Re: Docket No. 070129-TH

Dear Ms. Bayó:

Enclosed for filing on behalf of Embarq Florida, Inc. (Embarq), is the original and fifteen copies of Embarq's redacted Petition for expedited Review of NXX-X Code Denial, which we ask that you file in the captioned new docket.

Confidential
DOCUMENT NUMBER-DATE
01839 FEB 27 06
FPSC-COMMISSION CLERK

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,

Susan S. Masterton

Susan S. Masterton
Counsel

DOCUMENT NUMBER-DATE
01838 FEB 27 06
FPSC-COMMISSION CLERK

Enclosure

RECEIVED & FILED
R.V.N.
BUREAU OF RECORDS

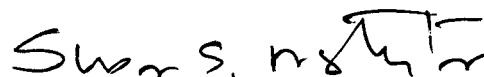
Susan S. Masterton
COUNSEL
LAW AND EXTERNAL AFFAIRS- REGULATORY
Voice: (850) 599-1560
Fax: (850) 878-0777

CERTIFICATE OF SERVICE
DOCKET NO. _____

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S.
Mail this 27th day of February, 2007 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



Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Expedited Review of Growth Code Denials by the North American Numbering Plan Administration for the Fort Myers Exchange

Docket No. 070129-TL

Date Filed: February 27, 2007

PETITION FOR EXPEDITED REVIEW OF NXX-X CODE DENIAL

Embarq Florida, Inc. (Embarq), 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 Pooling Administrator’s (“NeuStar”) denial of Embarq’s requests for additional numbering resources in the Fort Myers Exchange. In support of this petition, Embarq states:

PARTIES

1. Embarq 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 Committee’s (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.

DOCUMENT NUMBER-DATE

01838 FEB 27 07

FPSC-COMMISSION CLERK

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 ¶ 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. Embarq has utilized mechanisms such as number pooling to manage its numbering resources in the most efficient manner. However, Embarq 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 carriers 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.

10. The Fort Myers Exchange consists of eight (8) central offices and eight (8) switching entities that utilizes numbering resources: Alva (ALBAFLXARS1), Cypress Lake (CYLKFLXADS0), Regional Airport (CYLKFLXBRS0), Fort Myers (FTMYFLXADS0), East Fort Myers (FLTYFLXBRS0), South Fort Myers (FTMYFLXCDS2), Cypress Lake – Iona/Punta Rassa (IONAFLXARS0), Cypress Lake – San Carlos Park (SCPKFLXARS0)..
11. On February 8, 2007 Embarq Florida 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, Embarq requested 1,000 new DID numbers in the South Ft. Myers (FTMYFLXCDS2) wire center. The customer has requested 1,000 numbers and have indicated they need a block which begins with a 1, 2 or 5. Embarq 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 much longer than six (6) months and a utilization of 75.9%. On a switch basis, the South Ft. Myers Switch (FTMYFLXCD2) has an MTE of 88.76 months and utilization of 79%. There are no blocks of un-assigned numbers large enough to meet the request of this customer in this switch.

13. On February 9, 2007, NeuStar denied Embarq's request for additional numbering resources because Embarq had not met the utilization criteria, notwithstanding the fact that Embarq's South Ft. Myers switch is at 79% utilization and does not have available blocks of numbers in sufficient quantity to meet the customer's requirements. See Attachment 1.
14. Embarq'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 that 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. Embarq's inability to provide this customer with the requested blocks of numbers prevents Embarq 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. Embarq requests that the Commission reverse NeuStar's decision to withhold numbering resources from Embarq on the following grounds:

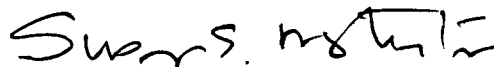
(a.) NeuStar's denial of numbering resources to Embarq interferes with Embarq's ability to service its customers within the State of Florida.

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

WHEREFORE, Embarq Florida, Inc. requests:

1. The Commission review the decision of NeuStar to deny Embarq's request for additional numbering resources for the Fort Myers exchange, and
2. The Commission directs NeuStar to provide the requested numbering resources for the Fort Myers exchange as discussed above.

Respectfully submitted this 27th day of February, 2007.



Susan S. Masterton
Counsel for Embarq Florida, Inc.
P.O. Box 2214
Tallahassee, FL 32316-2214
850-599-1560

Screen One - PAS

Pooling Administration System	
john.king@embarq.com (SP)	Sign Out
Part 1A	
Type of Application : New	
1.1 Contact Information :	
<i>Note: If any of the contact info is incorrect, edit your user profile.</i>	
Block Applicant :	
Company Name EMBARQ FLORIDA, INC. UNITED	
Headquarters Address: 5454 W. 110 St.	
City: Overland Park	
State: ME	
Zip: 66211	
Contact Name Mr John B King	
Contact Address 555 Lake Border Dr.	
City Apopka	State FL
Zip 32703	
Telephone (407) 889-6643	Fax (407) 889-1595
E-mail john.king@embarq.com	
Pooling Administrator :	
Contact Name Ms Dara Sodano	
Contact Address 1800 Sutter St. Ste. 780	
City Concord	State CA
Zip 94520	
Telephone (925) 363-8730	Fax (925) 363-7697
E-mail dara.sodano@neustar.biz	
1.2 General Information	
LRN Needed ⁱⁱ No	
NPA 239	LATA * 939
OCN ⁱⁱⁱ 0341-EMBARQ FLORIDA, INC. UNITED	
Parent Company OCN * 0341	
Number of Thousands-Blocks Requested 1	
Switch Identification (Switching Identity/POI) ^{iv} FTMYFLXCDS2	City or Wire Center Name South Ft. Myers
Rate Center ^v FORT MYERS	Rate Center Sub Zone 02
1.3 Dates	
Date of Application ^{vi} Wednesday, February 14, 2007	
<input type="text" value="17"/> <input type="text" value="Mar"/> <input type="text" value="2007"/>	

Screen One - PAS

Requested Block Effective Date

Request Expedited Treatment Yes No

1.4 Type of Service Provider Requesting the Thousands-Block

a) Type of Service Provider *

b) Primary type of service Blocks to be used for *

<p>c) Thousands-Block(s) (NPA-NXX-X) assignment preference</p> <p>Click here to see the available blocks in the pool.</p> <p>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.</p>	<input type="text"/>	<input type="button" value=">>>"/>	<input type="button" value="Delete"/>
<p>d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any</p>	<input type="text"/>	<input type="button" value=">>>"/>	<input type="button" value="Delete"/>

e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) N/A

1.5 Type of Request

Initial block for rate center Yes

Growth block for rate center Yes

Change block N/A

Disconnect block N/A

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines (ATIS-0300066)

Instructions for filling out each Section of the Part 1A form:

Section 1.1 Contact information requires that Service Providers supply under "Block Applicant" the company name, company headquarters address, a contact within the company, an address where the contact person may be reached, in addition to the correct phone, fax, and e-mail address. The Pooling Administrator section also requires the Service Provider to fill in the Pooling Administrator's name, address, phone, fax and e-mail.

MTE

Pooling Administration System

 john.king@embarq.com (SP)

[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
- Discard all the information provided for the request and start with a fresh Part 1A
- State Waiver Option

Appendix 3 - Modified August 6, 2001

**MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORKSHEET - TN Level 1
(Thousands-Block Number Pooling Growth Block Request)**

Date: 2/14/06 OCN: 0341 Company Name: EMBARQ

Rate Center: Ft Myers, FL- South Ft Myers Switch FTMYFLXCDS2

Name of Block Applicant: EMBARQ Signature: _____

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s): 239-274, 275, 277, 278, 418, 931, 936, 938(7BLOCKS), 939

Title: _____ Telephone No.: _____ FAX No.: _____

E-Mail: _____

- A. Available Numbers: [REDACTED]
- B. Assigned Numbers: [REDACTED]
- C. Total Numbering Resources: [REDACTED]
- D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation: _____
List excluded Code(s) or Block(s): _____

Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11	Month #12
----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------	-----------	-----------

E. Growth History - Previous 6 months² [REDACTED]

F. Forecast - Next 12 months³ [REDACTED]

G. Average Monthly Forecast (Sum of months #1-6 (Part F above) divided by 6): [REDACTED]

H. Months to Exhaust⁴
$$\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}} = \underline{\quad 0 \text{ (zero)} \quad}$$

I. Utilization⁵
$$\frac{\text{Assigned Numbers (B) - Excluded Numbers (D)}}{\text{Total Numbering Resources (C) - Excluded Numbers (D)}} * 100 = \underline{\quad 78.9\% \quad}$$

Explanation: [REDACTED] Customer Needs 1K block that begins with 1, 2 or 5. Cannot use any others with dialing plan and we do not have blocks in that criteria. Please proceed with Waiver process when Neustar denies initial request. PLEASE EXPEDITE

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 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 (NXX-X) 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)(iii))

Appendix 3 - Modified August 6, 2001

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORKSHEET - TN Level 1
(Thousands-Block Number Pooling Growth Block Request)

Date: 02/08/2007 OCN: 0341 Company Name: EMBARQ

Rate Center: Fort Myers, FI THIS 1K BLOCK NEEDS TO BE ASSIGNED TO SWITCH FTMYFLXCDS2 (South Ft Myers switch)

Name of Block Applicant: EMBARQ Signature:

List all Codes NPA(s)-NXXs and BlocksNPA(s)-NXX-X(s): 239-225,226,267,274,275,277,278,332,334,335,336,337,338,339,343,344,346,415,418,432,433,437,454,461,466,476,477,479,481,482,489,561,590,690,693,694,728,745,768,931,936,938,939,985

Title: Telephone No.: FAX No.:

E:Mail:

- A. Available Numbers:
B. Assigned Numbers:
C. Total Numbering Resources:
D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation:
List excluded Code(s) or Block(s):

Table with 12 columns labeled Month #1 through Month #12.

- E. Growth History - Previous 6 months
F. Forecast - Next 12 months
G. Average Monthly Forecast (Sum of months #1-3 (Part F above) divided by 6):

H. Months to Exhaust: Numbers Available for Assignment to Customers (A) / Average Monthly Forecast (G) = 297
I. Utilization: Assigned Numbers (B) - Excluded Numbers (D) / Total Numbering Resources (C) - Excluded Numbers (D) * 100 = 75.9%

Customer: Customer Needs 1K block that begins with 1, 2 or 5. Cannot use any others with dialing plan and we do not have blocks in that criteria. Please proceed with Waiver process when Neustar denies initial request.

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 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 (NXX-X) 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))