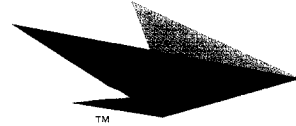


ORIGINAL



**EMBARQ**<sup>TM</sup>

Embarq Corporation  
Mailstop: FTLH00102  
1313 Blair Stone Rd.  
Tallahassee, FL 32301  
EMBARQ.com

Voice | Data | Internet | Wireless | Entertainment

March 16, 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-INFO  
07 MAR 16 PM 4:37  
COMMISSION  
CLERK

Re: Docket No. 070176 -TL

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.

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,

*del* Susan S. Masterton  
Counsel

Enclosure

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Susan S. Masterton  
COUNSEL  
LAW AND EXTERNAL AFFAIRS- REGULATORY  
Voice: (850) 599-1560  
Fax: (850) 678-0774  
DOCUMENT NUMBER-DATE


02421 MAR 16 05

**CERTIFICATE OF SERVICE**  
**DOCKET NO. \_\_\_\_\_**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S.  
Mail this 16<sup>th</sup> day of March, 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  
*sub*

# ORIGINAL

## 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 Naples Exchange

Docket No. 070176-72

Date Filed: March 16, 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 Naples 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

02421 MAR 16 5

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 Naples Exchange consists of three (3) central offices and three (3) switching entities that utilizes numbering resources: Golden Gate (GLGCFLXADSO) Naples Moorings (NPLSFLXDDSO) Naples Southeast (NPLSCFLXCDSO).
11. On March 13, 2007 Embarq Florida requested additional numbering resources from NeuStar for the Naples exchange. See Attachment 1. Specifically, in order to meet the telephone number needs of one of its customers, Embarq requested a new NXX in the Naples Southeast (NPLSFLXCDSO) wire center. The customer has requested 10,000 numbers and have indicated they need an entire NXX for their exclusive use. 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 Naples exchange had a MTE of much longer than six (6) months and a utilization of 73%. On a switch basis, the Naples Southeast Switch (NPLSFLXCDSO) has an MTE of more than 6 month and utilization of 90%. There are no blocks of un-assigned numbers large enough to meet the request of this customer in this switch.
13. On March 13, 2007, NeuStar denied Embarq's request for additional numbering resources because Embarq had not met the utilization criteria, in the Naples exchange, notwithstanding the fact that Embarq's Naples Southeast

switch is at 90% utilization and does not have an available NXX 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 Naples 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 Naples exchange, and
- 2. The Commission directs NeuStar to provide the requested numbering resources for the Naples exchange as discussed above.

Respectfully submitted this 16<sup>th</sup> day of March, 2007.

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



## Pooling Administration System

 john.king@embarq.com (SP)

[Sign Out](#)

### Request Resources

---

State	FLORIDA
NPA	239
Rate Center	NAPLES
OCN	0341-EMBARQ FLORIDA, INC. UNITED
Type of Application	Application for a full NXX for a Dedicated Customer

---

**NOTE:**

If you are selecting a Rate Center that is moving to a new NPA due to a split, PAS will automatically migrate the request to the new NPA once the mandatory dialing date occurs.

Block Request Successful!

## Pooling Administration System

 john.king@embarq.com (SP)

[Sign Out](#)

### Request Full NXX (Dedicated Customer)

Do you already have a block/code in this rate center? <input checked="" type="radio"/> Yes <input type="radio"/> No
Will all blocks be activated on the same switch? <input checked="" type="radio"/> Yes <input type="radio"/> No
Will there be multiple block effective dates requested? <input type="radio"/> Yes <input checked="" type="radio"/> No
<input type="button" value="Back"/> <input type="button" value="Continue"/> <input type="button" value="Cancel"/>

## Pooling Administration System

John.King@embarq.com (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level 1

Date Tuesday, March 13, 2007  
OCN 0341  
Company Name EMBARQ FLORIDA, INC. UNITED  
Rate Center NAPLES

List all Codes NPA(s)-NXXs and Blocks NPA(s)-  
NXX-X(s)

239-	213, 261, 262, 263, 304, 348, 352, 353, 354, 403, 417, 430, 434, 435, 436, 455, 530, 643, 649, 659, 732, 774, 775, 793
------	--

Name of Block Applicant Mr John B King

Title Engineer II

Telephone Number (407) 889-6643

Fax Number (407) 889-1595

E-Mail John.King@embarq.com

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)

▲	▼	
---	---	--

E. Growth History - Previous 6 months<sup>2</sup> \*

Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

F. Forecast - Next 12 months<sup>3</sup> \*

Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

MTE

Month 3	[REDACTED]	Month 4	[REDACTED]
Month 5	[REDACTED]	Month 6	[REDACTED]
Month 7	[REDACTED]	Month 8	[REDACTED]
Month 9	[REDACTED]	Month 10	[REDACTED]
Month 11	[REDACTED]	Month 12	[REDACTED]

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

H. Months to Exhaust <sup>4</sup> (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Explanation

[REDACTED] wants to obtain a full 10,000 number exchange (NPA/NXX) for the exclusive use of [REDACTED]

<sup>1</sup>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.

<sup>2</sup>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.

<sup>3</sup>Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

<sup>4</sup>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)(iii)).

<sup>5</sup>Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

**Appendix 3 - Modified August 6, 2001**

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

Date: 3/6/07\_ OCN: 0341 Company Name: EMBARQ

Rate Center: NAPLES

Name of Block Applicant: EMBARQ Signature: \_\_\_\_\_

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s): 239-213,261,262,263,304,348,352,353,354,403,417,430,434,435,436,455,530,643,649,659,732,774,775,793

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 months <sup>2</sup>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
F. Forecast – Next 12 months <sup>3</sup>	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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

H. Months to Exhaust<sup>4</sup>  $\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}} = \underline{\quad 0 \quad}$

I. Utilization<sup>5</sup>  $\frac{\text{Assigned Numbers (B) – Excluded Numbers (D)}}{\text{Total Numbering Resources (C) – Excluded Numbers (D)}} \cdot 100 = \underline{\quad 73\% \quad}$

Explanation: [REDACTED] wants to obtain a full 10,000 number exchange (NPA/NXX) for the exclusive use of [REDACTED]. It will need to be out of the Naples Southeast Central Office. The contact person is [REDACTED] number is [REDACTED].

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) (iii)).  
 5 Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

**Appendix 3 - Modified August 6, 2001**

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

Date: 3/15/07\_ OCN: 0341 Company Name: EMBARQ

Rate Center: NAPLES - Naples Southeast wire center only

Name of Block Applicant: EMBARQ Signature: \_\_\_\_\_

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s): 239- 417, 530, 732, 774, 775, 793

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 months<sup>2</sup> [REDACTED]

[REDACTED]

F. Forecast – Next 12 months<sup>3</sup>

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

H. Months to Exhaust<sup>4</sup>  $\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}} = \underline{\quad 0 \quad}$

I. Utilization<sup>5</sup>  $\frac{\text{Assigned Numbers (B) – Excluded Numbers (D)}}{\text{Total Numbering Resources (C) – Excluded Numbers (D)}} * 100 = \underline{\quad 90\% \quad}$

Explanation: [REDACTED] wants to obtain a full 10,000 number exchange (NPA/NXX) for the exclusive use of [REDACTED]. It will need to be out of the Naples Southeast Central Office. The contact person is [REDACTED] number is [REDACTED].

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.  
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 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) (iii)).  
 5 Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))