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COMMISSION CLERK

DATE: April 20, 2007

TO: Victor S. McKay, Research Assistant, Office of the General Counsel *MS* *UM*

FROM: Catherine S. Beard, Regulatory Analyst I, Division of Competitive Markets & Enforcement *CSB*

RE: Recommendation to Office of the General Counsel - Docket No. 070254-TL -- Petition for expedited review of NXX-X code denial by Number Pooling Administrator for Ft. Myers exchange, (South Ft. Myers), by Embarq. *PR*

On April 9, 2007, Embarq Florida, Inc., (Embarq) filed a request for additional numbering resources from the Number Pooling Administrator (NeuStar) for the Ft. Myers exchange, South Ft. Myers (FTMYFLXCDS2) switch. Embarq requested two (2) 1,000 blocks of numbers, to meet a customer's request. On April 9, 2007, Embarq's request for additional numbering resources was denied because it did not meet the months-to-exhaust utilization criteria.

On April 10, 2007, Embarq filed a petition requesting that the Commission overturn NeuStar's decision. In accordance with Commission Order No. PSC-02-0352-PAA-TL, (Docket No. 020087-TL) which approved an expedited process for the NeuStar code denials, staff has examined the Embarq petition and has determined the following:

- 1) The carrier has demonstrated that it has a customer in need of numbering resources;
- 2) The carrier has shown that it is unable to provide services to this potential customer because of NeuStar's denial of the numbering resources; and
- 3) The customer will not be able to obtain service from the provider of his/her choice because the carrier does not have the numbers available.

Since the three criteria of PSC-02-0352-PAA-TL have been met, please prepare an administrative Proposed Agency Action Order to be issued within seven business days of this memorandum (May 1, 2007), as outlined in the expedited code denial process order. NeuStar should be directed to provide Embarq the needed numbering resources to meet its customer's needs in the Ft. Myers exchange, South Ft. Myers (FTMYFLXCDS2) switch. Also, please allow staff assigned to the docket to review the Order before it is issued. If you have any questions, please call Catherine Beard at (850) 413-7080.

cc: Division of Competitive Markets and Enforcement (Moses, Casey)
Office of General Counsel (P. Wiggins)
Division of Commission Clerk & Administrative Services (Docket No. 070254-TL)

DOCUMENT NUMBER-DATE

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