

Voice Data Internet Wireless Entertainment

January 22, 2008

Ms. Ann Cole Office of Commission Clerk Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850

Docket No. <u>080057 -</u> TZ Re:

san & Masterton

Dear Ms. Cole:

Enclosed for filing on behalf of Embarq Florida, Inc. (Embarq), is the original and seven 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,

Susan S. Masterton

Senior Counsel

Enclosure

Embarq

Mailstop: FLTLHO0102 1313 Blair Stone Rd Tallahassee, FL 32301 embarq.com

Susan S. Masterton SENIOR COUNSEL

(850) 599-1560 Voice: Fax: (850) 878-0777 susan.masterton@embarq.com

CERTIFICATE OF SERVICE DOCKET NO. _____

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. Mail this 22nd day of January, 2008 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 Clermont Exchange

Docket No. <u>080057 - TL</u>

Date Filed: January 22, 2008

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 Clermont Exchange. In support of this petition,

Embarq states:

<u>PARTIES</u>

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

00545 JAN 22 8

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-toexhaust ("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 Clermont Exchange consists of one (1) central office and one (1) switching entity that utilizes numbering resources.
- 11. On January 11. 2008 Embarq Florida requested additional numbering resources from NeuStar for the Clermont exchange. See Attachment 1. Specifically, in order to meet the telephone number needs of one of its customers, Embarq requested 20 new consecutive DID numbers in the Clermont (CFMTFLXADS0) wire center. The customer has requested 20 consecutive numbers and these numbers cannot be in thousands blocks which begin with the digits 0, 1 and 9. 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 Clermont exchange had a MTE of much longer than six (6) months and a utilization of 90%. There are no blocks of unassigned numbers large enough to meet the request of this customer in this switch.
- 13. On January 15, 2008, NeuStar denied Embarq's request for additional numbering resources because Embarq had not met the MTE criteria, notwithstanding the fact that Embarq's Clermont switch is at 90% 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 Clermont Exchange would not materially impact exhaustion of available numbers in the 352 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:

 The Commission review the decision of NeuStar to deny Embarq's request for additional numbering resources for the Clermont exchange, and

2. The Commission directs NeuStar to provide the requested numbering resources for the Clermont exchange as discussed above.

Respectfully submitted this 22nd day of January 2008.

L Susan S. Masterton

Counsel for Embarq Florida, Inc.

P.O. Box 2214

Tallahassee, FL 32316-2214

850-599-1560

Appendix 3 - Modified August 6, 2001

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

me of Block Applicant:EMBAF	₹Q			Signa	ture:							
all Codes NPA(s)-NXXs and Blocks	NPA(s)-N	XX-X(a): _	(352) 241	, 242, 243,	394, 404	, 536, 98!	9	···				
e:				Telephone	No.;				FAX	No.:		
Nail			-									
Available Numbers:												
Assigned Numbers:			•									
Total Numbering Resources:												
Quantity of numbers activated in the List excluded Code(s) or Block(s):	e past 90 d	ays and e	xcluded fr	rom the Util	ization ca	alculation:		_				
	Month #1	Month #2	Month #3	Month #4	Month #5	Month #8	Month #7	Mon ti n #8	Month #9	Month #10	Month #11	Month #12
Growth History - Previous 6 months ²	_				<u>-</u>							
Forecast – Next 12 months ³												
Average Monthly Forecast (Sum of month	s #1-6 (Part F	= above) divi	ided by 6): _	35 _								
Months to Exhaust ⁴		Number		lor Assignmen Monthly Fore		ners (A)		z	_0_			
				- Excluded No (C) - Exclude			*100		_90%_			
Utilization ⁵												

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))

Jan-15-2008 04:57 PM Embarq 407-884-1992

lesource Request Information

Page 1 of 1

Sign Out

Pooling Administration System

Terry.Woodford@Embarq.com (SP)	
Reques	t Resources
	te FLORIDA EA
	er CLERMONT
	N 0341-EMBARQ FLORIDA, INC. UNITED
Type of Application	on Application for Individual Blocks
Quantity of Blocks Requeste	od 1
	Provide the special section of the s

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.

ESOURCE REQUEST DENIED

Page 1 of 1

Pooling Administration System

☆Terry.Woodford@Embarq.com (SP)

Sign Out

Resource Request Denied

This application cannot be accepted because you do not have a current forecast on file. Please submit a forecast before proceeding. Please refer to the INC guidelines or call the help desk at 866-NeuPool for assistance.

5/14

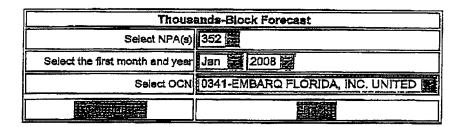
Screen One - PAS

Page 1 of 1

Pooling Administration System

∄ Тапу."	Woodford@Embarq.com	(SP)
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Sign Out



ORECAST - PAS

Page 1 of 1

Pooling Administration System

Terry.Woodford@Embarq.com (SP)

Sign Out

Thousands-Block Forecast Report

Service Provider Name: EMBARQ FLORIDA, INC. UNITED

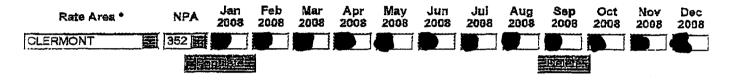
OCN: 0341-EMBARQ FLORIDA, INC. UNITED

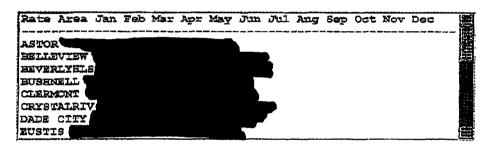
Phone: (407) 889-1681 Ext:

Fax #: (407) 884-1992

E-Mail: terry.woodford@embarq.com

Forecast Report Date 15 Jan 2008





Directions:

Please provide the forecasted number of thousands blocks in each Rate Area that your company expects to take from the pool each month for the next 12 months.

Only the total quantity of thousands blocks that are forecasted should be entered. Do not include in the forecast the thousands blocks or full NXXs that are already in your inventory. If full NXX(s) is/are forecasted, please reflect this in thousands blocks, e.g., a full NXX = 10 thousands blocks.

If any of the forecasted demand above includes the need for a new NXX due to a LRN, please indicate in the space provided below, e.g. a new NXX due to a LRN = 1.

Jan Feb Jun Nov Dec LRN Required NPA 2008 2008 2008 2008 2008 2008 2008 2008 2008 2008 2008 2008 352

If further assistance is required, please contact the PA on 866-838-7865.

and the constant

Successfully updated forecast.

Page 1 of 1

Pooling Administration System

☆Terry.Woodford@Embarq.com (SP)

Sign Out

Your forecast has been successfully submitted.



8/14

lesource Request Information

Page 1 of 1

Pooling Administration System

Terry.Woodford@Embarq.com (SP)		Sign Out
Req	uest Resources	
	State FLORIDA	
	NPA 352	
Rate	Center CLERMONT	
	OCN 0341-EMBARQ FLORIDA, INC. UNITED	
Type of Appl	ication Application for Individual Blocks	
Quantity of Blocks Req	uested 1	

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.

	Pooling Administra	ation System	
Teny.Woodford@Embarq.com (SP)			Sign Out
	Part 1A		
Type of Application :	New		
i Contact Information :		The second of th	
		Note: If any of the contact info is incorrec	t. edit vour user profile.
ock Applicant :		•	,,,,
Company Name	EMBARQ FLORIDA, INC. UNI	TED	
Headquarters Address:	6500 Sprint Parkway		
City:	Overland Park		
State:	KS		
Zīp:	86251		
Contact Name	Mrs Terry D Woodford		
Contact Address	555 Lake Border Dr		
City	Apopka	\$	State FL
Zìp	32703		•
Telephone	(407) 889-1661		Fax (407) 884-1992
E-mali	terry.woodford@embarq.com	l	
oling Administrator ^{il} :			
-	Ms Dara Sodano	•	
Contact Address	1800 Sutter St. Ste. 780		
City	Concord	\$	State CA
Z ip	94520		
Telephone	(925) 363-8730		Fax (925) 363-7697
E-maļl	dara.sodano@neustar.biz		
2 General Information			
LRN Needed ³⁷	No		
NPA	352	LATA - 454	
ocn ha	0341-EMBARQ FLORIDA, INC. UNITED	Primary same of	
Parent Company OCN *	-		
umber of Thousands-Blocks Requested	}		
Switch Identification (Switching Identity/POI) V*		City or Wire Center Name CLERMONT	
	CLERMONT	Rate Center Sub Zone 03	
3 Dates			
	Tuesday, January 15, 2008	,	***************************************
Requested Block Effective Date VIII			
Request Expedited Treatment	O Yes @ No		

and the second of the second o

creen One - PAS			Page 2 of
1.4 Type of Service Provider Requesting the Tho	usands-Block		
a) Type of Service Provider * Incumbent L	ocal Exchange Carrier	(ILEC)	
b) Primary type of service Blocks to be wireline used for *			
c) Thousands-Block(s) (NPA-NXX-X) assignment preference			
Click here to see the available blocks in the poot.			
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			
ime the request is processed. Therefore, it is			
recommended that you provide additional block preferences in the event those blocks are not			
vallable.			
d) The second Black(s) (NBA NXX X) that are	,		
d) Thousands-Block(s) (NPA-NXX-X) that are undestrable for this assignment, if any	L		
	İ		
j			
	į		E DE COL
) if requesting a code for LRN purposes, indicate which blocks will be given to the pool)	ock(s) you will be kespin	g (the remainder of th	e N/A
.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			
Remarks	is reques	ting 20 consect	rtive 2
	y cannot use tho	usand blocks	
beginning wit		Customer contac We do not have	टा न्स
range of 20 c	onsecutive number	rs.	
Annual property of the second	ويرو و مشارعت مناه و ما ما و المارون و ا		
nereby certify that the above information requesting an N	CX-X block is true and ac	curate to the best of n	ny knowledge and that this application
as been prepared in accordance with the Thousands-Blod	k (NAX-A) Pooling Admir	usuation Guidelines (A 115-0300088)

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

nttps://www.nationalpooling.com/pas/control/partla?rqstType=N

.

dereen One - PAS

Page 3 of 3

address. The Pooling Administrator section also requires the Service Provider to fill in the Pooling Administrator's name, address, phone, fax and e-meil

Section 1.2 Service Providers who need a thousands-block assignment or for an Location Routing Number (LRN) are required to fill in this section. If needed for an LRN, a CO Code Application needs to also be submitted to the PA. The Service Provider should supply the Numbering Plan Area (NPA); the Local Access Transport Area (LATA), which is a three-digit number that can be found in the TelcordiaTM LERGTM Routing Guide. The Operating Company Number (OCN) assigned to the service provider and the OCN its parent company. An OCN is a four-character alphanumeric assigned by TelcordiaTM Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification as well as the city or wire center name, rate center, rate center sub zone, homing tandem and CLLI TM tandem of the facilities based provider ^{tx}. Explanations of these terms may be found in the footnotes.

Section 1.3 The date the Service Provider completes the application should be entered in this section, as well as the Effective Date of the requested thousands-block.

Section 1.4 Service Providers should indicate their type, e.g., local exchange carrier, competitive local exchange carrier, interexchange carrier, CMRS. The also Indicate the primary type of business in which the numbering resource is to be used. Service Providers also may Indicate their preference for a particular thousands-block, e.g., 321-8XXX, or indicate any thousands-blocks that may be undesirable, e.g., 321-8XXX.

Section 1.5 Service Providers Indicate the type of request. Initial requests are for first applications for thousands-blocks in a rate center, growth for additional thousands-blocks in a rate center in which the applicant already has numbering resources, and provide the required evidence as ordered by the FCC.

The thousands-block applicant certifies veracity of this form by signing their name, and providing their title and date.

Foot Notes:

- ildentify type of and reason for change(s) in Section 1.5.
- The Pool Administrator is available to assist in completing these forms.
- Il A CO Code application will also need to be submitted to the PA.
- ^{iv} Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments should contact NECA (800 524-1020) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignments should direct questions regarding appropriate OCN usage to (TRA) (732-599-5700).
- YThis is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character CLLITM code of the switch /POI.
- vi Rate Center name must be a tariffed Rate Center.
- vil Acknowledgment and indication of disposition of this application will be provided to applicant within seven calendar days from the date of receipt of this application. An incomplete form may result in delays in processing this request.
- VIII Please ensure that the NPA-NXX of the LRN to be associated with this block(s) is/will be active in the network prior to the effective date of the block(e).
- ^{IX} Telcordia, LERG Routing Guide, and CLLI are trademarks of Telcordia Technologies, Inc.

	Pooling Admi	nistration System	71	
ry.Woodford@Embarq.com	n (SP)	,		Sign Ot
Ma	onths to Exhaust and Utilizati	on Certification Workshee	- TN Level ¹	
	Dain Turn day	. James de Ann		
	OCN 0341	, January 15, 2008		
	- "	2 FLORIDA, INC. UNITED		
	Rate Center CLERMO			
ail Codes NPA(s)-NXXs an		•		
	(3)		Children Company Company	
(352) 241, 242,	243, 394, 404, 536, 98			
<u> </u>	Name of Block Applicant Mrs Terr	y D Woodford	and the same and t	77.55
	Title Enginee			
	Telephone Number (407) 889)-1661		
	Fax Number (407) 884	•		
	E-Mail terry.wo	odford@embarq.com		
	A. Avallable Numbers *			
	B. Assigned Numbers *			
C. Total	Numbering Resources *			
ntity of numbers activated	in the past 90 days and Utilization *			
	ded Code(s) or Block(s)			
wth History - Previous 6 ma	onths ² *			
Month 1	9	Month 2		
Month 3		Month 4		
Month 5		Month 6		
cast - Next 12 months ³ *				
Month 1		Month 2		

Month 4

Month 3

MTE

Page 2 of 1

Month 5	Month 6	
Month 7	Month 8	5
Month 9	Month 10	
Month 11	Month 12	

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



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

Block Requested

A. Available Numbers

H. Months to Exhaust 606.111

1. Utilization 5 (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100

89,648

Explanation

is requesting 20 consecutive numbers. They cannot use thousand blocks beginning with 0, 1, and 9. Customer contact is

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



¹A 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.

²Net 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.

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

⁴To 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, ý 52.15 (g)(3)(iii)).

MTE

Page 1 of)

Pooling Administration System

♣Terry.Woodford@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
- O Discard all the information provided for the request and start with a fresh Part 1A
- O State Waiver Option

