



**EMBARQ™**

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

October 1, 2009

**VIA HAND DELIVERY**

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

RECEIVED-FPSC  
09 OCT - 1 PM 4:33  
COMMISSION  
CLERK

Re: Docket No. 090464-TL Petition for Expedited Review of Growth Code Denials by the North American Numbers Plan Administration for the Fort Myers Exchange

Dear Ms. Cole:

Enclosed for filing on behalf of Embarq Florida, Inc. (Embarq), are the original and seven copies of Embarq's 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,

*sel* Susan S. Masterton  
Senior Counsel

- COM \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 2 Enclosure
- OPC \_\_\_\_\_
- RCP \_\_\_\_\_
- SSC \_\_\_\_\_
- SGA \_\_\_\_\_
- ADM \_\_\_\_\_
- CLK \_\_\_\_\_

Susan S. Masterton  
SENIOR COUNSEL  
Voice: (850) 599-1560  
Fax: (850) 878-0777  
susan.masterton@embarq.com

DOCUMENT NUMBER-DATE  
10153 OCT-1 09

FPSC-COMMISSION CLERK

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. \_\_\_\_\_

Date Filed: October 1, 2009

**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  
10153 OCT-1 8  
FPSC-COMMISSION CLERK

## **BACKGROUND AND REQUEST FOR RELIEF**

4. The Fort Myers Exchange consists of eight (8) central offices and eight (8) switching entities that utilize numbering resources: Alva (ALVAFLXARS1), Cypress Lake (CYLKFLXADS0), Regional Airport (CYLKFLXBRS0), Fort Myers (FTMYFLXADS0), East Fort Myers (FTMYFLXBRS0), South Fort Myers (FTMYFLXCDS2), Cypress Lake – Iona/Punta Rassa (IONAFLXARS0), and Cypress Lake – San Carlos Park (SCPKFLXARS0).

5. On September 3, 2009 Embarq Florida requested additional numbering resources from NeuStar for the Fort Myers exchange. (See Attachment 1 which was filed under Claim of Confidentiality with the Commission Clerk's office.) Specifically, Embarq is installing a new packet switch in Fort Myers from which new services will be offered to both new and existing customers. Because existing customers (both Embarq's and other carriers') may request services from the new switch, thus requiring porting of their existing telephone numbers, a new Location Routing Number (LRN) must be established for this new switch. The LRN is a ten (10) digit number used to uniquely identify a switch that has ported numbers. The LRN must be established before any numbers can be ported. Embarq cannot currently meet this request given the inventory of numbers available at this time in this exchange. Embarq has requested NeuStar to assign a full NXX to this new switch for LRN purposes. Embarq will retain only the 0xxx block and will return the other blocks to the number pool.

6. At the time of the code request, the Fort Myers exchange had a Months-to-Exhaust (MTE) of much longer than six (6) months and a utilization of 70%. There are no unassigned NXX's available in this exchange to meet this request.

7. On September 3, 2009, NeuStar denied Embarq's request for additional numbering resources because Embarq had not met the MTE and utilization criteria, notwithstanding the fact that Embarq cannot meet the company's requirement for a new LRN for the new switch. (See Attachment 1 which was filed under Claim of Confidentiality with the Commission Clerk's office.)

8. Embarq's request for additional numbering resources to meet this requirement in the Fort Myers Exchange would not materially impact exhaustion of available numbers in the 239 area code.

9. 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).

10. 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.

11. Embarq's inability to meet this business need with the existing number inventory available in this exchange prevents Embarq from offering the new services from this new switch to existing customers without requiring those customers to take a number change.

12. 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.

13. Embarq requests that the Commission use its delegated authority to reverse NeuStar's decision to withhold numbering resources from Embarq and waive the Months-to-Exhaust and Utilization requirements so that Embarq may be assigned the NXX code necessary to create the new LRN in this rate center.

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 1<sup>st</sup> day of October 2009.

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

# **ATTACHMENT 1**

FILED UNDER CLAIM OF  
CONFIDENTIALITY  
PURSUANT TO SECTION  
364.183(1), FLORIDA  
STATUTES.

---