



# Public Service Commission

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## -M-E-M-O-R-A-N-D-U-M-

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COMMISSION CLERK

**DATE:** October 9, 2009

**TO:** Jamie Morrow, Attorney, Office of the General Counsel *jm*

**FROM:** Jim Polk, Regulatory Analyst, Division of Regulatory Compliance *JP*

**RE:** Recommendation to Office of the General Counsel - Docket No. 090464-TL – Petition for expedited review of NXX-X code denial by North American Numbering Plan Administrator for Ft. Myers exchange by Embarq Florida, Inc.

On September 3, 2009, Embarq Florida, Inc., (Embarq) filed a request for additional numbering resources from the Number Pooling Administrator (NeuStar) for the Ft. Myers exchange, (FTMYFLXADS0) switch. Embarq requested a full NXX to this new switch for Location Routing Number (LRN) purposes, specifically, Embarq is installing a new packet switch in Ft. Myers from which new services will be offered to both new and existing customers. Embarq will retain only the 0xxx block and will return the other nine blocks to the number pool. At the time of the code request, the Ft. Myers exchange had a Months-to-Exhaust (MTE) of longer than the six (6) months and a utilization of 70%. On September 3, 2009, Embarq's request for additional numbering resources was denied, because it did not meet MTE and a utilization criteria.

On October 1, 2009, 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 needs an LRN to install a new packet switch in Ft. Myers;
- 2) The carrier has shown that it is unable to provide services to future potential customer because of NeuStar's denial of the numbering resources; and
- 3) The future customers will not be able to obtain service from the provider of their choice, because the carrier does not have the numbers available.

Since 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 (October 20, 2009), as outlined in the expedited code denial process order. NeuStar should be directed to provide Embarq the needed numbering resources to meet its LRN needs in the Ft. Myers exchange, (FTMYFLXADS0) switch. Please allow staff assigned to the docket to review the Order before it is issued. If you have any questions, please call Jim Polk at (850) 413-6510.

cc: Division of Regulatory Compliance (Harvey, Casey)  
Office of General Counsel (A. Teitzman)  
Office of Commission Clerk (Docket No. 090464-TL)

DOCUMENT NUMBER-DATE

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