

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for expedited review of NXX-X code denial by North American Numbering Plan Administration for Lehighacrs rate center, by Teleport Communications of America, LLC.

DOCKET NO. 20250027-TA  
ORDER NO. PSC-2025-0039-PAA-TA  
ISSUED: February 5, 2025

The following Commissioners participated in the disposition of this matter:

MIKE LA ROSA, Chairman  
ART GRAHAM  
GARY F. CLARK  
ANDREW GILES FAY  
GABRIELLA PASSIDOMO SMITH

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DIRECTING SOMOS, INC. TO PROVIDE  
TELEPORT COMMUNICATIONS AMERICA, LLC  
WITH ADDITIONAL NUMBERING RESOURCES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission (Commission) that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code (F.A.C.).

BACKGROUND

On December 19, 2024, Teleport Communications of America, LLC (TCAL) filed a request for additional numbering resources from the Number Pooling Administrator, Somos, Inc. (Somos), for the LEHIGHACRS rate center. TCAL requested a contiguous block of 1,000 numbers (Thousands-Block) to meet the request of a specific customer in the 239 NPA. On December 19, 2024, Somos denied TCAL's request for additional numbering resources because Somos determined that TCAL did not meet the Federal Communications Commission's (FCC) Months to Exhaust (MTE) and/or Utilization criteria.

On January 15, 2025, TCAL filed a petition asking that this Commission to overturn Somos' decision. In its petition, TCAL asserts that at the time of the code request, the LEHIGHACRS rate center had an MTE of 4.863 months and a utilization of 14.600%. TCAL requests that we overturn Somos' decision because Somos' denial interferes with TCAL's ability

to serve its customers in Florida and that we direct Somos to provide the requested numbering resources to TCAL for the LEHIGHACRS rate center.

We are vested with jurisdiction pursuant to Sections 364.16(7), Florida Statutes, and 47 C.F.R. §52.15(g)(4)(iv).

### ANALYSIS

Somos denied TCAL additional numbering resources because TCAL had not met the applicable MTE criteria and/or utilization requirements. However, denial of additional numbering resources poses a possible barrier to competition. In this instance, a customer desiring service from TCAL may have to obtain services from another carrier simply because TCAL cannot meet the utilization or MTE rate center requirement. The FCC has stated:

Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources.<sup>1</sup>

A procedure is available to carriers who are denied additional numbering resources to challenge such a decision by Somos. Addressing additional numbering resources denials, 47 C.F.R. §52.15(g)(4)(iv) states:

The carrier may challenge [Somos'] decision to the appropriate state regulatory commission. The state commission may affirm or overturn [Somos'] decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

In reviewing TCAL's petition as contemplated by 47 C.F.R. §52.15(g)(4)(iv), we have considered the information provided by TCAL and, in accordance with Order No. PSC-2001-1973-PCO-TL,<sup>2</sup> which lays forth our criteria for reversing code denials, we find that TCAL has met the following criteria:

- 1) TCAL has demonstrated that it has a customer in need of immediate numbering resources;
- 2) TCAL has shown that it is unable to provide services to a potential customer because of Somos' denial of the numbering resources; and,

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<sup>1</sup> DA 01-386, CC Docket No. 99-200, CC Docket No. 96-98, *In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996* (February 14, 2001), at Paragraph 11.

<sup>2</sup> Order No. PSC-2001-1973-PCO-TL, issued on October 4, 2001, in Docket No. 20010782-TL, *In Re: Petition for generic proceedings to establish expedited process for reviewing North American Numbering Plan Administration (NANPA) future denials of applications for use of additional NXX Codes by BellSouth Telecommunications, Inc.*

- 3) A potential customer will not be able to obtain service from the provider of his/her/its choice because TCAL does not have the numbers available.

CONCLUSION

For the above reasons, we find it appropriate to overturn Somos' decision to deny additional numbering resources to TCAL, and direct Somos to provide TCAL with additional numbering resources for the LEHIGHACRS rate center as soon as possible to permit TCAL to meet its customer's needs.

Based on the foregoing, it is

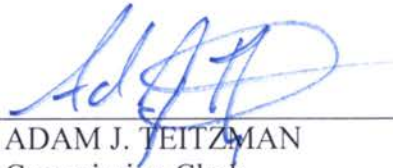
ORDERED by the Florida Public Service Commission that the Number Pooling Administrator, Somos, Inc., shall provide Teleport Communications America, LLC with additional numbering resources for the LEHIGHACRS rate center as soon as possible, as reflected in the body of this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the Notice of Further Proceedings attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 5th day of February, 2025.



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ADAM J. TEITZMAN  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

JLA

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 26, 2025.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.