

STATE OF FLORIDA

Commissioners:
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August 30, 1999

BY ELECTRONIC COMMENT FILING SYSTEM

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th, SW - TW-A325
Washington, DC 20554

Re: CC Docket No. 99-200 - Numbering Resource Optimization

Dear Ms. Salas:

Enclosed please find the original and 12 copies of the Florida Public Service Commission Reply Comments in the above-noted docket.

A copy on diskette is being provided by mail to Sheryl Todd and to the International Transcription Service.

Sincerely,

(Signed)

Cynthia B. Miller
Intergovernmental Counsel

CBM:jmb

cc: Brad Ramsay, NARUC
Common Carrier Bureau, FCC
International Transcription Service (with diskette)
Sheryl Todd (with diskette)

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
Connecticut Department of Public Utility Control Petition for Rulemaking to Amend the Commission's Rule Prohibiting Technology-Specific or Service-Specific Area Code Overlays)	RM No. 9528
)	
Massachusetts Department of Tele- communications and Energy Petition for Waiver to Implement a Technology- Specific Overlay in the 508, 617, 781, and 978 Area Codes)	NSD File No. L-99-17
)	
California Public Utilities Commission and the People of the State of California Petition for Waiver to Implement a Technology-Specific or Service-Specific Area Code)	NSD File No. L-99-36
)	

**REPLY COMMENTS OF
THE FLORIDA PUBLIC SERVICE COMMISSION**

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Introduction and General Comments

Florida Public Service Commission Reply Comments
 CC Docket No. 99-200

The Florida Public Service Commission (FPSC) hereby submits reply comments in support of number optimization measures. Many of the industry-sponsored comments oppose state public service commission recommendations to ease the national numbering crisis. We should note, however, that the industry's agenda and the state commissions' agenda may not be one and the same. The industry's agenda is necessarily one focused primarily on profit maximization. We believe the most appropriate course of action for the FCC to take is to grant Florida, and other petitioning states, the authority to initiate actions that will serve to protect the welfare of their consumers.

The FPSC also believes that the FCC should, among other actions:

1. Require data to support requests for growth codes;
2. Prohibit NANPA from awarding codes without proper showing of need;
3. Delegate additional authority to state commissions; and
4. Mandate 1,000-block pooling.

The table below summarizes the positions of various states, companies, groups, and individuals on key aspects of number resource optimization.

Key Issues	States / Companies / Groups / Persons
In support of delegation to state for numbering authority	CA, FL, NJ, WI, MN, NY, PA, CT, Peggy Arvanitas
In support of 1,000-block pooling	FL, MN, NJ, NH, NY, WI, PA, CO, CA, CT, NENA, Small Business Alliance, US West, Michael A. Sullivan, MCI WorldCom*
In support of fines or revocation for inaccurate utilization information	CO, CT, FL, NJ, NH, WI, NCTA, Peggy Arvanitas
In support of utilization threshold prior to obtaining a new block of telephone numbers	FL, CA, MN, NJ, NH, NY, WI, OH, CO, CT, NCTA
In support of sequential numbering (either voluntary or mandatory)	FL, NY, CO, CT, Peggy Arvanitas

In favor of independent or regulatory audit of number utilization	CA, CT, FL, MO, MN, NJ, NH, WI, Small Business Alliance, Cox Communications
In support of rate center consolidation	MN, NJ, NY, WI, CO, RNC Telecom Services, Inc., Small Business Alliance, Peggy Arvanitas, BellSouth, OmniPoint Communications, Michael A. Sullivan, Cox Communications
In opposition to rate center consolidation	CA, MCI WorldCom
In support of 10-digit dialing	Small Business Alliance, US West, BellSouth
In opposition to or questioning the benefits of 10-digit dialing	FL, CT, OH, SBC Communications
In support of reclamation of unused NXXs	FL, OH, Small Business Alliance, Cox Communications

*MCI Worldcom's support for 1,000-block pooling is conditioned upon use of Reliance software version 3.0.

We are pleased to see in many of the comments support for 1,000-block pooling, a utilization threshold, and various delegations of authority to state commissions.

Numbering Crisis

Within their comments, several states have made references to area codes that have required relief due to premature number exhaust. The Monroe County (Keys) region of Florida's 305 area code is one of the most glaring examples of how the current numbering system fails to protect consumers. Specifically, there are only 79,978 people in the Keys, yet 64 NXXs (i.e., 640,000 numbers) have been issued.¹ This equates to a number utilization rate of approximately 12.5 percent. Although extraordinary NXX rationing procedures are now being implemented to avert imminent exhaust, the industry's consensus solution for the Keys is to overlay a second area code. In the FPSC's opinion, imposing a second area code on such a small population is clearly an unacceptable

¹Data taken from the U.S. Census and the Telcordia Technologies' NPA-NXX List.

solution. As stated in our initial comments, "The FPSC strongly believes that all code applicants should be precluded from requesting additional codes from the NANPA until they have achieved a specified level of numbering utilization."

However, the industry solution to rapid number depletion continues to be support for new area codes as well as the issuance of numbers to any provider who wishes to serve a specific rate center. The California Public Utilities Commission (CPUC) succinctly stated in its comments, "The incalculable cost to consumers of enduring repeated area code relief is absolutely not of concern to the industry." The FPSC agrees with the CPUC. The FPSC reiterates its challenge to the FCC "to provide for the delegation of authority in a reasonable, timely, and workable fashion; not to create false obstacles to their implementation while the resource is being wasted."

Rate Center Consolidation

Another industry "solution" to the numbering crisis is rate center consolidation. Although there is merit to the concept of reducing the number of rate centers that a provider would need to request an NXX in order to serve, there are legitimate concerns regarding the potential rate impact of this measure. Unless local providers voluntarily agree to forego the lost revenues associated with fewer rate centers, there has been a concern expressed that local providers might attempt to recoup lost toll revenue through higher local rates.

1,000 Block Number Pooling and Reclamation of Unused NXXs

As shown in the previous table, support for 1,000-block number pooling measure exists among the states as well as some of the largest telecommunications providers. It is our understanding that Metropolitan Chicago has conducted a 1,000-block numbering trial for several area codes. The results of this trial have been encouraging from the perspective that the need for the industry-sponsored overlay relief has been delayed. The FPSC reiterates its request that the FCC grant state commissions the authority to implement 1,000-block number pooling.

In addition, the FPSC recommends that a portion of the unused telephone numbers within a given provider's NXX code be assigned to other providers operating in the same area. This would require collaboration between providers and the pooling administrator. The FPSC also suggests that NANPA serve as the 1,000-Block Pooling Administrator. Finally, the FPSC urges the FCC to require telecommunications' providers to return unused NXXs for reassignment to other providers.

FPSC Response to BellSouth's and SBC's Comments

BellSouth considers the use of all-services overlays as a tool for state commissions to maximize resource optimization. However, this tool is simply an industry guideline, and may not be in the best interest of Florida's consumers.

BellSouth says that the FCC should only grant additional authority to state commissions to adopt administrative measures and optimization solutions where such grants will not thwart the development of a uniform national approach to number optimization. Further, BellSouth says that a state should not be delegated authority to order number pooling until finalization of national industry standards for thousands-block pooling and a national framework for phased implementation, and the state has thoroughly examined rate center consolidation.

The FPSC believes that BellSouth's recommendations will lead to unwarranted delay in implementing viable numbering measures and much too limited a role for states in resolving the numbering crisis. We wholeheartedly oppose those recommendations. States seeking delegated authority need it now.

The FPSC strongly disagrees with SBC's comments that the FCC could not meet its obligations under the Communications Act by allowing disparate numbering administration schemes in different states. The FPSC maintains its position on having state-by-state implementation of different number conservation measures upon state petition, at least on an interim basis until a

national solution is developed. It is obvious that the industry is not receptive to the state commissions' overtures to try and implement new number conservation measures.

SBC says there are two issues, extending rationing before and after area code relief and requiring unassigned number porting, that should not be permitted under any circumstances. According to SBC, "These items are clearly and unequivocally integrally part of number administration." The FPSC strongly opposes SBC's comments on the basis that restricting state commissions in this fashion impinges on their ability to protect the public interest. There is clearly a need for measures to control the industry's way of rationing NXX codes.

In closing, the FPSC continues to urge the FCC to delegate authority to state commissions to implement number conservation measures.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Comments of the Florida Public Service Commission is being furnished to the parties on the attached list by the 31st day of August, 1999.

CYNTHIA B. MILLER
Intergovernmental Counsel