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Public Service Commission

July 17, 2001

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VIA AIRBORNE EXPRESS

JUL 18 2001

Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

FCC MAIL ROOM

Re: *Ex Parte* Filing of the Florida Public Service Commission
Petition for Expedited Decision for the Release of a New Area Code
to Provide Relief for the 561 Numbering Plan Area
CC Docket No. 96-98, DA-No. 01-341

Dear Ms. Salas:

At the Florida Public Service Commission's July 9 Internal Affairs, the FPSC voted to send this supplemental filing in the above docket. Enclosed are an original and 14 copies. Please date stamp and return one copy in the enclosed envelope. Cheryl Bulecza-Banks (850/413-6642) and Bob Casey (850/413-6974) are the key contacts on this docket.

Sincerely,

Handwritten signature of Cynthia B. Miller.

Cynthia B. Miller, Esquire
Bureau of Intergovernmental Liaison

Handwritten signature of David E. Smith.

David E. Smith, Esquire
Division of Appeals

CBM:tf

Enclosures

cc: Chief, Competitive Pricing Division, Common Carrier Bureau
International Transcription Service
Brad Ramsay, National Association of Regulatory Utility Commissioners

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

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In the Matter of)
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Implementation of the Local)
Competition Provisions in the)
Telecommunications Act of 1996)
)
Florida Public Service Commission)
Petition for Expedited Decision)
for the Release of a New Area Code)
to Provide Relief for the)
561 Numbering Plan Area)

CC Docket No. 96-98
DA-No. 01-341

FLORIDA PUBLIC SERVICE COMMISSION
SUPPLEMENTAL FILING TO FURTHER SUPPORT
PETITION FOR EXPEDITED
DECISION FOR THE RELEASE OF A NEW AREA
CODE TO PROVIDE RELIEF FOR THE 561
NUMBERING PLAN AREA

The Florida Public Service Commission (FPSC) requests that the Federal Communications Commission (Commission) consider this supplemental filing when making its determination to direct the North American Numbering Plan Administrator (NANPA or NeuStar) to release a new area code to provide relief for the 561 numbering plan area (NPA).

(1) On January 8, 2000, the FPSC filed its Petition for Expedited Decision For The Release Of A New Area Code To Provide Relief For The 561 Numbering Plan Area (Petition) with the Commission. The following information was provided:

On October 20, 2000, the FPSC in consolidated Docket Nos. 990455-TL, 990436-TL, 990457-TL, and 990517-TL, issued Order No. PSC-00-1937-PAA-TL, Final Order Approving Number Plan Relief for the 305/786 Area Code, the 561 Area code, the 954 Area code, and the 904 Area Code, Requiring Customer Survey for a Number Change, and Notice of Proposed Agency Action Order Implementing Rate Center Consolidation and Code Sharing in Certain Areas and Requiring Customer Survey for Cost Sharing.

By that Order, the FPSC, in part, approved an area code relief plan for the 561 NPA, resulting in a geographic split. Pursuant to delegated authority, under FCC Conference, the FPSC also entertained additional comments from county and state officials.

By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, the FPSC, in part, approved a relief plan for the 561 NPA which consists of a geographic split, creating two regions. The approximate exhaust periods were determined to be 24.6 years for Region A, and 3.1 years for Region B.

On November 13, 2000, consistent with the FPSC's Order, the Florida telecommunications industry, through the NANPA NPA Relief Planner, submitted to NeuStar an application for a relief NPA code for the 561 NPA. NeuStar denied the request, stating that the NPA Assignment Guidelines require that relief options cover a period of at least five years beyond the projected date of exhaust.

(2) Upon further review, the FPSC has determined that there now exists data and compelling information that further justifies the FPSC's decision to implement its chosen geographic split in the 561 NPA.

(3) When the FPSC filed its petition with the Commission on January 8, 2001, the pooling trial for the 561 NPA had not begun.

Pursuant to FPSC Order PSC-00-1046-PAA-TP, the pooling trial for the 561 NPA began on February 5, 2001.

(4) In calculating the projected years beyond exhaust, NANPA did not incorporate the impact of number pooling. Data now exists that shows the number pooling trial in the 561 NPA has had a positive impact on NXX demand. Since the implementation of the number pooling trial in the 561 NPA, the number of central office codes (NXXs) issued from NANPA has declined. For the period February, 2000, through May, 2000, NANPA had issued 24 NXXs in the 561 NPA. NANPA has issued only 15 NXXs for the period February, 2001, through May, 2001. This results in a 37 percent decline in the number of NXXs issued. Applying this data to NANPA's original calculation of the expected life of the 561 NPA results in a life of 5.05 years beyond exhaust. The resulting 5.05 years beyond exhaust meets the 5-year-beyond-exhaust threshold recommended by the NPA Assignment Guidelines. This increase in the years beyond exhaust also reduces the difference in the NPA lifetimes to less than 20 years.

(5) According to the NPA Assignment Guidelines, the difference in NPA lifetimes in a geographic split should be no greater than 15 years. Prior to obtaining the pooling data, the difference between the regions was determined to be 21.5 years.

Applying the pooling data to NANPA's original calculations reduces the difference between the NPA lifetimes to 19.6 years. While the resulting calculation does not meet the guideline threshold of 15 years, additional supporting data indicates that the difference between the NPA lifetimes will be less than 19.6 years. During the customer hearings, two different witnesses indicated that Region A (incorporating Indian River, Martin, and St. Lucie counties) is growing at a considerably higher rate than Region B. The witnesses described the growth in Region A as "phenomenal" and noted that it is "widely accepted that they are growing at a considerably higher rate." This indicates that the life beyond exhaust for Region A will be less than NANPA's original projection. Reducing the life of Region A will result in the difference between the NPA lifetimes to perhaps fall within the NPA Assignment Guidelines.

(6) The FPSC believes that other factors will also serve to increase the years beyond exhaust and reduce the difference in the NPA lifetimes. As wireless carriers become local number portability capable, these carriers will begin participating in number pooling. Since wireless carriers file a significant number of NXX code requests to NANPA, the FPSC believes the life of the 561 NPA will be prolonged once they begin participating in the pool.

(7) The FPSC has taken an active role in promoting number conservation. The FPSC was so convinced that the number pooling trial would have a positive impact on the 561 NPA, that it withheld the approval of an implementation date for the geographic split, pending results of the number pooling trial.

(8) The FPSC has assumed the responsibility of number reclamation. To date, the FPSC has reclaimed over one million numbers. The FPSC has also conducted reviews to ensure that telecommunications carriers are adhering to the numbering requirements of the FPSC and the Commission.

(9) While the FPSC has aggressively pursued the implementation of number conservation measures, it acknowledges that there are times when an overlay may be the only reasonable option. The FPSC has not shied away from implementing overlays. In other proceedings, the FPSC has implemented overlays, resulting in 10-digit dialing throughout the NPA. However, in the case of the 561 NPA, the record evidence indicated that an overlay was not the best area code relief proposal.

(10) The FPSC is aware of the purpose and goals of the NPA Assignment Guidelines. The FPSC's decision, however, was based on a multitude of considerations, including citizen input that, when

weighed together, supported a decision to implement the chosen geographic split.

(11) Affected local governments provided testimony informing the FPSC of existing communities of interest. Since local governments are familiar with communities of interest, and the harm that could result if the areas were split, the FPSC relied on their expertise. The record is clear that the communities of interest are best preserved by the FPSC's chosen relief plan.

(12) The citizens residing in Region B of the FPSC's proposed geographic split area recognize that they may again need area code relief in the near future. The citizens are willing to accept that inevitability in order to maintain their communities of interest as long as possible. Based on the communities of interest and the prohibition of splitting rate centers, the citizens acknowledge that there are limited options available for future area code relief.

(13) The citizens residing in Region A will have the benefit of an extended life of that Region's area code. While these citizens will be required to change their area code, they are willing to accept this change in return for having the benefit of the extended life of the new area code.

(14) The citizens of Regions A and B support the FPSC's efforts to impose strict number conservation measures to extend the life of the 561 NPA.

Conclusion

The FPSC believes the additional information contained in this supplemental filing provides support justifying immediate approval of its Petition. In conclusion, the FPSC requests that the Commission issue an expedited decision directing NANPA to release a new area code to provide relief for the 561 numbering plan area as provided for in Order No. PSC-00-1937-PAA-TL.

Respectfully submitted.



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FLORIDA PUBLIC SERVICE COMMISSION
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Dated: July 17 2001

CERTIFICATE OF SERVICE

I hereby certify that copies of this FPSC Petition are being mailed to the attached service list for overall numbering dockets.

Respectfully submitted,

Cynthia B. Miller

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