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Public Service Commission

December 4, 2001

VIA AIRBORNE EXPRESS

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

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Re: *Ex Parte* Filing of the Florida Public Service Commission Petition for Expedited Declaratory Statement and/or Petition for Expedited Temporary Waiver of 47 C.F.R.52.19(c)(3)(ii) in the 954 NPA, CC Docket No. 96-98

Dear Ms. Salas:

On June 28, 2001, the Florida Public Service Commission (FPSC) issued Order No. PSC-01-1403-PCO-TL in Docket No. 990457-TL, approving implementation of a new overlay area code for the 954 area code. The FPSC staff would like to submit this Order in 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), Bob Casey (850/413-6974), and Levent Ileri (850/413-6562) are the key contacts on this docket.

Sincerely,

Cynthia B. Miller, Esquire
Bureau of Intergovernmental Liaison

David E. Smith, Esquire
Division of Appeals

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Enclosures

cc: Jennifer Gorny, Common Carrier Bureau
Service List

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for review of proposed numbering plan relief for the 305/786 area code - Dade County and Monroe County/Keys Region.

DOCKET NO. 990455-TL

In re: Request for review of proposed numbering plan relief for the 954 area code.

DOCKET NO. 990457-TL
ORDER NO. PSC-01-1403-PCO-TL
ISSUED: June 28, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
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ORDER APPROVING IMPLEMENTATION OF NEW AREA CODE OVERLAY

BY THE COMMISSION:

By Order No. PSC-00-1937-PAA-TL, issued October 20, 2000, in Docket Nos. 990455-TL and 990457-TL, we approved relief plans for the 305/786 and 954 area codes. However, we withheld the approval of implementation dates for the 954 and 305/786 area codes pending the outcome of various number conservation measures. We also directed the Local Exchange Companies (LECs) in the affected area codes to jointly file a notice informing us of the outcome of various number conservation measures, and recommend, no later than October 1, 2001, the permissive and mandatory dialing periods.

On January 22, 2001, pursuant to Order No. PSC-00-1046-PAA-TP, issued May 30, 2000, the industry began a number pooling trial in the 954 numbering plan area (NPA). The industry has been unable to forecast the impact on numbering resources, as the trial has only been in place approximately three months.

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10-digit basis at the same time. Phase two will implement permissive 7 or 10-digit dialing for the 954/754-561 EAS routes, with later 10-digit mandatory dialing for the EAS routes between Broward and Palm Beach Counties. We note that if a two phase approach is not implemented with this option, code conflicts would create network dialing issues resulting in an unacceptable four to seven second delay to allow for proper routing.

When EAS routes were initially established in this area, consumers were taught that when they dial a 1+10 number, it would be billed as a toll call. If the EAS routes are switched from 7 to 1+10 digit dialing, as detailed in Option one of the LEC proposal, customers will believe they are initiating a toll call. Changing customers from 7 to 1+10 digit dialing and then back to 10-digit dialing once the overlay is implemented would only exacerbate the NPA implementation confusion.

Implementing the new 754 NPA in two phases will minimize disruption and customer confusion and provide needed numbering resources immediately. Also, this timeframe will allow the alarm industry sufficient time to make the necessary changes to their systems, provide the necessary consumer education, and furnish carriers with necessary numbering resources.

There has been some concern expressed by industry representatives and our staff that this implementation plan may be inconsistent with 47 C.F.R. 52.19(c)(3)(ii), which states:

No area code overlay may be implemented unless there exists, at the time of implementation, mandatory ten-digit dialing for every telephone call within and between all area codes in the geographic area covered by the overlay area code.

Therefore, a request shall be filed with the FCC for a declaratory statement regarding the justification for the implementation plan which we are approving, or, in the alternative, a temporary waiver of the above-cited rule. Said request shall inform the FCC that the described plan will become effective by September 1, 2001.

Accordingly, the implementation date for phase one, as described above, shall be August 1, 2001. The implementation date

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review 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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

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