

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Numbering Resource Optimization

CC Docket No. 99-200

**BELLSOUTH TELECOMMUNICATIONS, INC.  
AMENDED EMERGENCY PETITION FOR WAIVER AND  
EXTENSION OF TIME**

BellSouth Telecommunications, Inc. (“BellSouth”),<sup>1</sup> by counsel and pursuant to Sections 1.3<sup>2</sup> and 1.46<sup>3</sup> of the Commission’s rules, respectfully submits this amended petition for a waiver or extension of the August 1, 2002 deadline for submitting a complete forecast and utilization report (Number Resource Utilization/Forecast “NRUF” Report) as mandated by Section 52.15(f)(6)(i) of the Commission’s rules.<sup>4</sup> On July 31, 2002, BellSouth filed a petition asking the Commission to waive or extend the August 1 deadline because of recently discovered errors in some of the data to be submitted to the North American Numbering Plan Administrator

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<sup>1</sup> This petition is filed on behalf of BellSouth Telecommunications, Inc., an affiliated company of BellSouth Corporation, that provides wireline local telephone service.

<sup>2</sup> 47 C.F.R. § 1.3 (“Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown.”).

<sup>3</sup> 47 C.F.R. § 1.46.

<sup>4</sup> 47 C.F.R. § 52.15(f)(6)(i).

("NANPA").<sup>5</sup> In that petition, BellSouth stated that it would submit a partial report by the August 1 deadline for four of its nine states (Florida, Georgia, North Carolina, and South Carolina). BellSouth further indicated that it would submit data for the remaining five states (Alabama, Kentucky, Louisiana, Mississippi, and Tennessee) by the end of August 2002. Due to unforeseen problems with compiling and inputting the data into the NRUF report, BellSouth was not able to submit the partial report by August 1 as previously intended. Accordingly, BellSouth respectfully requests that the Commission grant a waiver of the reporting deadline to allow BellSouth to submit the NRUF report in its entirety as soon as possible, and in any event, no later than August 31, 2002.

**I. A WAIVER IS WARRANTED.**

BellSouth satisfies the "good cause" standard for grant of a waiver.<sup>6</sup> Courts have held that "a waiver is appropriate only if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."<sup>7</sup> The Commission "may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest."<sup>8</sup>

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<sup>5</sup> See BellSouth Telecommunications, Inc. Petition for Partial Waiver and Extension, CC Docket No. 99-200 (filed July 31, 2002)

<sup>6</sup> See 47 C.F.R. §1.3; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("The FCC has authority to waive its rules if there is 'good cause' to do so.").

<sup>7</sup> *Northeast Cellular Telephone Co.*, 897 F.2d at 1166; see also *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

<sup>8</sup> *Northeast Cellular Telephone Co.*, 897 F.2d at 1166 (citing *WAIT Radio*, 418 F.2d at 1159).

A waiver is justified under the standard articulated above. First, unique circumstances exist that would make strict application of the reporting deadline inconsistent with the public interest. As indicated in its original petition, in June 2002, BellSouth converted 32 wire centers<sup>9</sup> containing 138 NXXs (or 1,380,000 telephone numbers) from SWITCH<sup>10</sup> to a new operations support system, CNUM<sup>11</sup> (which includes the companion Telephone Number Tracker System (“TN Tracker”)).<sup>12</sup> A download of the data to TN Tracker in July revealed extensive errors caused by the conversion. The only way to correct these errors is through manual processes, and BellSouth has been working diligently to accomplish this task. Although BellSouth believed that it would be able to correct the errors by the August 1 reporting deadline, it became apparent that, due to the large volume of data, BellSouth would not meet the August 1 date.

Notwithstanding the problems created by the conversion, BellSouth had every intention of providing the NANPA with utilization and forecast data for four of its nine states by the August 1 deadline; however, BellSouth was not able to meet that deadline. On the evening of August 1, 2002, BellSouth experienced certain administrative difficulties in compiling and inputting the data into the NRUF report for the four states in which it intended to submit

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<sup>9</sup> Data from these 32 wire centers covers the five states in BellSouth’s region for which BellSouth intended to submit utilization and forecast data at a later date.

<sup>10</sup> SWITCH is an operations support system that inventories telephone numbers.

<sup>11</sup> CNUM is an operations support system that inventories, selects, and administers telephone numbers. BellSouth began converting to CNUM for number administration functions in late June 2002 and will continue a phased deployment through December 2002.

<sup>12</sup> TN Tracker uses data generated from CNUM to create reports, utilization, and forecasts for telephone numbers.

utilization and forecast data. The data was lost due to computer error, thereby making it impossible to meet the August 1 deadline. BellSouth must now download, compile, and input all of the lost data again.

Although BellSouth's previous petition asked the Commission to allow it to file a partial report on August 1 and the remaining information no later than August 3, BellSouth now requests that the Commission allow it to submit a complete NRUF report as soon as possible and, in any event, no later than August 31, 2002. Given the amount of time it will take to retrieve the lost data for the four states and correct the errors in the data for the remaining five states, BellSouth believes that the more practical approach is to submit the entire NRUF at one time. Accordingly, BellSouth respectfully requests that the Commission grant a waiver of the reporting deadline so that it may submit the NRUF report in its entirety as soon as possible, and in any event, no later than August 31, 2002.

## **II. AN EXTENSION OF THE FILING DEADLINE WILL SERVE THE PUBLIC INTEREST.**

BellSouth's request for an extension of the August 1 reporting deadline will serve the public interest. An extension is warranted because it will allow BellSouth time to submit accurate data. In addition, this brief delay in filing will not adversely affect any third party. In granting similar waiver requests, the Commission has previously concluded that "accurate data is necessary for properly monitoring the use and allocation of numbering resources, to assist state commissions with area code relief proceedings, and to assist the North American Numbering Plan Administrator (NANPA) in projecting numbering resource exhaust and carrying out its

other duties.”<sup>13</sup> Clearly, the public interest would be better served by allowing BellSouth additional time to submit accurate data.

### III. CONCLUSION

BellSouth is firmly committed to the goal of efficient number usage and has been working diligently to implement the Commission’s new rules. Nonetheless, as demonstrated above, due to unforeseen circumstances, BellSouth cannot meet the August 1, 2002 reporting deadline. Although BellSouth had every intention of submitting partial data to the NANPA in accordance with the August 1 reporting deadline, it was not able to meet that deadline due to computer error. Accordingly, BellSouth respectfully submits this amended petition asking the Commission to grant a waiver of the reporting deadline so that it may submit a complete NRUF report containing data for all nine states in its region as soon as possible, and in any event, no later than August 31, 2002.

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<sup>13</sup> See, e.g., *Petition of XO Communications, Inc. for Temporary Waiver of Deadline in 47 C.F.R. §52.12(f)(6), et al.*, NSD File No. L-01-32, *et al.*, *Order*, 16 FCC Rcd 4680, 4681, ¶ 4 (2001) (waivers granted where unanticipated software problems and system modifications delayed compilation of numbering data).

Respectfully submitted,

**BELLSOUTH TELECOMMUNICATIONS, INC.**

Its Attorney

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Date: August 2, 2002

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 2<sup>nd</sup> day of August 2002 served the following parties to this action, with a copy of the foregoing **BELLSOUTH TELECOMMUNICATIONS, INC.'s AMENDED EMERGENCY PETITION FOR WAIVER AND EXTENSION OF TIME** by electronic filing to the parties listed below.

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/s/ Juanita H. Lee  
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