

ORDER NO. 17 228

ENTERED JUN 28 2017

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

DOCKET NUMBER UM 1852

In the Matter of

MCImetro Transmission Services Corp.  
(MCI),

Portland Rate Center Numbering Expansion.

ORDER

**DISPOSITION: APPLICATION FOR WAIVER APPROVED**

On June 26, 2017, MCI filed an application with the Public Utility Commission of Oregon (Commission) requesting a waiver of the Federal Communications Commission (FCC) requirements involving the Months to Exhaust (MTE) and Rate Center Utilization (RCU) criteria for the Portland rate center. MCI is requesting that NeuStar, the Oregon number pooling administrator, assign two blocks of 1,000 numbers each out of the 971 NPA Portland Rate Center to allow the company to satisfy a request of a confidential customer (Customer) for new numbers.

The Customer has requested that MCI provide 2,600 contiguous numbers for its business in the Portland rate center. MCI has developed a communications plan that the Customer will implement and subsequently activate those 2,600 numbers as soon as they are made available to them. The Customer has requested numbers in the format NPA-NXX-2XXX through NPA-NXX-8XXX. MCI has reviewed its switch and confirms that it does not currently have the numbers in its inventory to satisfy the Customer's request. To satisfy the Customer's request, MCI has asked that two blocks of 1,000 numbers each be opened from the 971 NPA Portland Rate Center.

On December 28, 2001, the FCC released Order No. 01-362 (FCC Order). The FCC delegated authority to state commissions to hear claims that a safety valve mechanism should be applied when the North American Numbering Plan Administrator (NANPA) or pooling administrator denies a specific request for numbering resources. See 47 CFR 52.15(g)(4)(iv). The Commission is the state commission with authority to regulate telecommunications services within the State of Oregon. ORS 759.036. In order to secure Commission authority for a safety valve mechanism, a carrier must make:

1. A showing that the carrier has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory.<sup>1</sup>

OR

2. A showing that even though the safety valve mechanism should be narrowly applied to meet specific customer requests or to meet a carrier's immediate numbering needs, the Commission should still consider the request from a carrier with multiple switches in a given rate center and determine whether relief is warranted on a case-by-case basis.

MCI has made the first showing. Thus, MCI's current request meets the requirements for a waiver of the MTE and RCU criteria. Staff recommends the Commission grant a waiver of FCC requirements involving the MTE and RCU criteria for the Portland rate center. Staff's memo is attached as Appendix A.

### ORDER

IT IS ORDERED that MCI's request for waiver of the Federal Communications Commission requirements involving Months to Exhaust and Rate Center Utilization criteria to allow NeuStar, the Oregon number pooling administrator, to assign two blocks of 1,000 numbers each out of the existing 971 NPA Portland Rate Center is approved.

Made, entered, and effective JUN 28 2017.




*Jason Eisdorfer*  
**Jason Eisdorfer**  
Director  
Utility Program

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

<sup>1</sup> A carrier may demonstrate such a need by providing the Commission with documentation of the customer request and current proof of utilization in the rate center.

**PUBLIC UTILITY COMMISSION OF OREGON  
INTEROFFICE CORRESPONDENCE**

**DATE:** June 26, 2017

**TO:** File through Bryan Conway  and Bruce Hellebuyck 

**FROM:** Stephen Hayes 

**SUBJECT: UM 1852, MCImetro Transmission Services Corp. d/b/a MCImetro (MCI):  
Application for waiver of Federal Communications Commission (FCC) requirements for  
assignment of additional numbering resources.**

On June 26, 2017, MCI filed an application requesting a waiver of the FCC requirements involving the Months to Exhaust (MTE) and Rate Center Utilization (RCU) criteria for the Portland rate center. The filing has been docketed as Docket No. UM 1852. MCI is requesting that NeuStar, the Oregon number pooling administrator, assign two (2) blocks of 1,000 numbers each in the PTLDORWNSO switch to allow the company to satisfy a request of a confidential customer (Customer) for new numbers.

The Customer has requested that MCI provide 2600 contiguous numbers for its business in the Portland rate center. MCI has developed a communications plan that the Customer will implement and subsequently activate those 2,600 numbers as soon as they are made available to them. The Customer has requested numbers in the format NPA-NXX-2XXX through NPA-NXX-8XXX. MCI has reviewed its switch and confirms that it does not currently have the numbers in its inventory to satisfy the Customer's request.

To satisfy the Customer's request, MCI is requesting two blocks of 1,000 numbers each in the Portland rate center. Any extra numbers not needed immediately to meet the single-customer's request will be added to MCI's number inventory for future assignment to other customers. Any MCI excess number inventory (thousand blocks) would be identified in MCI's annual numbering resource utilization/forecast (NRUF) report to NeuStar. Blocks exceeding MCI's forecasted demand, based on past assignments, are donated to the Pooling Administrator's inventory for use by other service providers.

NeuStar denied MCI's request for numbering resources because MCI does not qualify for additional numbers, based on the MTE and RCU criteria. Consistent with 47 CFR 52.15(g), (h), the rate center for which the numbers are requested must be at six months or less to exhaustion and at 75 percent or more utilization.

In FCC 01-362, dated December 28, 2001, the FCC adopted a safety valve mechanism to allow individual state commissions, under special circumstances, to hear claims of carriers when the North American Numbering Plan Administrator (NANPA) or Pooling Administrator denies a specific request for numbering resources. In the order, the FCC adopted one specific safety valve for "carriers that receive a specific customer request for numbering resources that exceeds their [the carrier's] available inventory;" a second safety valve was approved for "carriers

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experiencing rapid growth in a given rate area;" and thirdly, the FCC, in its order, gives states "some flexibility to direct the NANPA or Pooling Administrator to assign additional numbering resources to carriers that have demonstrated a verifiable need for additional numbering resources" that don't meet the criteria for the two safety valves. See FCC 01-362, paragraphs 61 through 66.

MCI's application meets the requirements of the FCC's first safety valve, "carriers that receive a specific customer request for numbering resources that exceeds their [the carrier's] available inventory." Consequently, the commission should approve MCI's request for waiver of the FCC requirements involving MTE and RCU criteria. A proposed order has been prepared for signature.

UM 1852 06.26.2017.memo