

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1219

In the Matter of)	
LEVEL 3 COMMUNICATIONS)	ORDER
Lebanon Rate Center Numbering)	
Expansion)	

DISPOSITION: APPLICATION FOR WAIVER APPROVED

On August 30, 2005, Level 3 Communications (Level 3) 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) criterion for the Lebanon rate center. Level 3 is requesting that Neustar, the Oregon number pooling administrator, open the 541-405 NXX, with Level 3 Communications as the Local Exchange Routing Guide (LERG) Assignee, and assign the 541-405 3XXX number block to Level 3's EUGNOR53MMD switch.

Level 3 erroneously returned its 541-405 NXX numbers to the North American Number Plan Administration (NANPA) in October 2004. The company later discovered that eleven of its customers have ported telephone numbers within this number series, which results in these customers experiencing out of service conditions. To correct the out of service condition for the eleven customers, NANPA must reopen the NXX. Since the NXX was returned to NANPA, the company's request for reassignment of the numbers is treated by NANPA as a new request and does not meet FCC requirements for a new NXX assignment.

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 NANPA or the pooling administrator denies a specific request for numbering resources. In order to secure state 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.¹

OR

¹ 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.

- 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.

Level 3 has demonstrated a verifiable need for additional numbering resources to maintain service for certain of its customers that currently have ported numbers within the specific numbering series it is requesting. Level 3 cannot meet the customers' needs with its current inventory. Thus, Level 3's current request meets the requirements for a waiver of the MTE criterion. Staff recommends the Commission grant a waiver of FCC requirements involving the MTE criterion.

ORDER

IT IS ORDERED that Level 3 Communications' request for waiver of the Federal Communications Commission requirements involving Months to Exhaust criterion is approved.

SEP 20 2005

Made, entered, and effective _____.



Lee Sparling

Lee Sparling
 Director
 Utility Program

A party may request rehearing or reconsideration of this order pursuant to 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 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.