

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1383

In the Matter of)	
)	
INTEGRA TELECOM OF OREGON,)	ORDER
INC.)	
)	
Eugene Rate Center Numbering Expansion.)	

DISPOSITION: APPLICATION FOR WAIVER APPROVED

On June 13, 2008, Integra Telecom of Oregon, Inc. (Integra) 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 Eugene rate center. Integra is requesting that NeuStar, the Oregon number pooling administrator, open the 541-357 NXX (10,000 numbers) and assign a specific block of 1,000 numbers in Integra’s EUGNOR53HG3 switch to allow the company to satisfy the request of its confidential customer in Eugene, Oregon.

The confidential customer is requesting the specific number 541-357-1455 due to a misprint in an expensive yellow pages advertisement. The customer was advised by NeuStar that the requested number is currently unassigned, and that the customer would need to ask its service provider to request a safety valve waiver from the state Commission in order for NeuStar to open the 541-357 NXX that contains the requested number. Integra is requesting the specific number block 541-357-1XXX, which contains the requested number.

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. 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

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.

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.

Integra has made the first showing. Thus, Integra'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 for the Eugene rate center, and the EUGNOR53HG3 switch. Staff's memo is attached as Appendix A.

ORDER

IT IS ORDERED that Integra Telecom of Oregon, Inc.'s request for waiver of the Federal Communications Commission requirements involving Months to Exhaust criterion is approved.

Made, entered, and effective JUN 19 2008 .



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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.

PUBLIC UTILITY COMMISSION OF OREGON
INTEROFFICE CORRESPONDENCE

DATE: June 18, 2008

TO: File through Lee Sparling, Dave Booth, and Lance Ball *LB*

FROM: David Sloan *DS*

SUBJECT: UM 1383, Integra Telecom of Oregon Inc (Integra): Application for waiver of Federal Communications Commission (FCC) requirements for assignment of additional numbering resources.

On June 13, 2008, Integra filed an application requesting a waiver of the FCC requirements involving the Months to Exhaust (MTE) criterion for the Eugene rate center. The filing has been docketed as UM 1383. Integra is requesting that NeuStar, the Oregon number pooling administrator, open the 541-357 NXX (10,000 numbers) and assign a block of 1,000 numbers in Integra's EUGNOR53HG3 switch to allow the company to satisfy the request of its confidential customer in Eugene, Oregon. Integra does not currently have the number in its inventory to satisfy the customer's request.

The confidential customer is requesting the specific number 541-357-1455 due to a misprint in an expensive yellow pages advertisement. The customer was advised by NeuStar that the requested number is currently unassigned, and that the customer would need to ask its service provider to request a safety valve waiver from the state Commission in order for NeuStar to open the block of numbers that contains the requested number.

Integra is specifically requesting the number block 541-357-1XXX, which contains the requested number. At the company's request, staff has asked that NeuStar reserve the number block containing the requested number pending Commission approval of the waiver request. The remainder of the numbers in the requested block, not assigned to Integra's confidential customer, will be added to Integra's number inventory for future assignment to other customers. Any Integra excess number inventory (thousand blocks) would be identified in the company's annual numbering resource utilization/forecast (NRUF) reporting to NeuStar. Blocks exceeding Integra's forecasted demand based on past assignments are donated to the Pooling Administrator's inventory for use by other service providers.

On May 1, 2008, Integra requested from NeuStar the number to satisfy its customer. The request was immediately denied as not meeting the FCC's MTE requirements for assignment of additional numbers. According to FCC guidelines, to qualify for additional numbering resources, carriers must demonstrate that the rate center for which the numbers are requested is six months or less to exhaust, and is at 75% or more utilization. Integra included with its application a copy of the request to NeuStar, which states: "You do not meet the MTE and/or utilization requirements, therefore this request for a new code is denied. You may proceed with requesting a State Waiver from the appropriate state commission using this Part 3 denial." Since Integra's request to NeuStar does not meet the FCC guidelines, the company must get a waiver from the Oregon Public Utility Commission for the additional numbers.

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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 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.

Integra’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 Integra’s request for waiver of the FCC requirements involving MTE criterion. A proposed order has been prepared for Lee Sparling’s signature.

Qwest, UM 1383