

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1398

In the Matter of)	
)	
QWEST CORPORATION)	ORDER
)	
Eugene Rate Center Numbering Expansion.)	

DISPOSITION: APPLICATION FOR WAIVER APPROVED

On October 29, 2008, Qwest Corporation (Qwest) 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. Qwest is requesting that NeuStar, the Oregon number pooling administrator, assign six blocks of 1,000 numbers in the company’s EUGNOR53DS1 switch to allow the company to satisfy the request of the Eugene School District in Eugene, Oregon (City) for new numbers.

Eugene School District (district) is in the process of updating their telecommunications system. The district is installing private fiber to all of its buildings and upgrading their telephone systems to allow the use of voice over internet protocol (VoIP) technology. The district requires six new sequential blocks of 1,000 numbers. Due to the district’s internal numbering, the blocks can not begin with 0, 1, or 9. The numbers can be from any NXX, or prefix, but need to be the six number blocks 3000 through 8999, i.e., 541-NXX-3000 through 541-NXX-8999. Qwest examined its EUGNOR53DS1 switch and confirms that the company does not currently have numbers available in its inventory to satisfy the customer’s request.

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.

Qwest has made the first showing. Thus, Qwest'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 EUGNOR53DS1 switch. Staff's memo is attached as Appendix A.

ORDER

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

Made, entered, and effective NOV 07 2008.



Bryan Conway for

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: November 5, 2008

TO: File through ^{is by BA} Lee Sparling, ^{BA} Bryan Conway, and ^{LB} Lance Ball

FROM: David Sloan ^{DS}

SUBJECT: UM 1398, Qwest Corporation (Qwest): Application for waiver of Federal Communications Commission (FCC) requirements for assignment of additional numbering resources.

On October 29, 2008, Qwest 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 Docket No. UM 1398. Qwest is requesting that NeuStar, the Oregon number pooling administrator, open six blocks of 1,000 numbers in the company's EUGNOR53DS1 switch to allow the company to satisfy the request of the Eugene School District in Eugene, Oregon for new numbers.

Eugene School District (district) is in the process of updating their telecommunications system. The district is installing private fiber to all of its buildings and upgrading their telephone systems to allow the use of voice over internet protocol (VoIP) technology. All sites will have direct inward dialing (DID) numbers and voice mail. The district is requesting that Qwest provide six sequential blocks of 1,000 numbers. Due to the district's internal numbering, the blocks can not begin with 0, 1, or 9. The numbers can be from any NXX, or prefix, but need to be the number blocks 3XXX, 4XXX, 5XXX, 6XXX, 7XXX, and 8XXX. Qwest has reviewed its EUGNOR53DS1 switch and confirms that it does not currently have the numbers in its inventory to satisfy the customer's request.

To satisfy the district's requirement, Qwest is requesting six one-thousand blocks of numbers, specifically from the 541 NPA. The blocks of numbers may be from any prefix and should begin with 3, 4, 5, 6, 7, and 8. The district will be returning to Qwest 200 numbers out of the 541-334 prefix and 1,657 numbers out of the 541-687 prefix after they have completed their project. The returned numbers will be added to Qwest's number inventory for future assignment to other customers. The numbers are normally aged for 12 months, or the life of the telephone directory, and then become available for reassignment. Any Qwest excess number inventory (thousand blocks) would be identified in Qwest's annual numbering resource utilization/forecast (NRUF) report to NeuStar. Blocks exceeding Qwest's forecasted demand, based on past assignments, are donated to the Pooling Administrator's inventory for use by other service providers.

On September 23, 2008, Qwest requested from NeuStar the numbers 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. Qwest included with its application a copy of the request to NeuStar, which shows that the Eugene rate center is at a minimum of 77.7 months to exhaust and at 72.17% utilization. Since Qwest's request to NeuStar

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does not meet the FCC guidelines, the company must get a waiver from the Public Utility Commission of Oregon for the additional numbers.

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.

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

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