

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1419

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

DISPOSITION: APPLICATION FOR WAIVER APPROVED

On January 22, 2009, 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 Beaverton rate center. Integra is requesting that NeuStar, the Oregon number pooling administrator, open a new prefix (10,000 numbers) in the 503 NPA and assign one block of 1,000 numbers in the company's BVTNOR18DS1 switch to allow the company to satisfy the request of a confidential customer in Beaverton, Oregon.

Specifically, Integra is requesting that NeuStar open the 567 prefix in the 503 NPA and assign the 3XXX block of 1,000 numbers to its BVTNOR18DS1 switch to allow the company to satisfy a request from the confidential customer for the specific telephone number 503-567-3669.

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

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.

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 Beaverton rate center, and the BVTNOR18DS1 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 FEB 20 2009.



A handwritten signature in black ink, appearing to read "Lee Sparling", is written over a horizontal line.

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: February 9, 2009

TO: File through Lee Sparling and Bryan Conway

FROM: David Sloan *DS*

SUBJECT: UM 1419, Integra Telecom of Oregon, Inc. (Integra): Application for waiver of Federal Communications Commission (FCC) requirements for assignment of additional numbering resources.

On January 22, 2009, Integra filed an application requesting a waiver of the FCC requirements involving the Months to Exhaust (MTE) criterion for the Beaverton rate center. The filing has been docketed as UM 1419. Integra is requesting that NeuStar, the Oregon number pooling administrator, open a new NPA NXX, or prefix, (10,000 numbers) and assign Integra one block of 1,000 numbers in its BVTNOR18DS1 switch to allow the company to satisfy the request of a confidential customer in Beaverton, Oregon. Integra confirms that it does not currently have the number in its inventory to satisfy the customer's request.

Integra is requesting that NeuStar open the 567 prefix in the 503 NPA (503-567-XXXX) and assign the 3XXX block to the company's BVTNOR18DS1 switch to allow it to satisfy the request of a confidential customer. The customer is requesting the specific telephone number 503-567-3669. In January 2009, believing that it had access to the requested number, the confidential customer built an entire marketing campaign around the 503-567-3669 telephone number. When the customer discovered the carrier did not have the number available, the customer called NeuStar and was informed that the requested number is not currently assigned. The customer was informed that he could likely get the number, but his carrier would need to apply to NeuStar to have the 567 prefix opened and the carrier would likely need a Safety Valve waiver from the appropriate state commission.

All number blocks in the newly opened 503-567 prefix, except the 3XXX block, will be available for assignment to all applicable carriers. All numbers in the requested 3XXX number block except the number assigned to the confidential customer will be added to Integra's number inventory for future assignment to other Integra customers. Any Integra excess number inventory (thousand blocks) would be identified in a subsequent numbering resource utilization/forecast (NRUF) report to NeuStar. Blocks in Integra's number inventory that exceed Integra's forecasted demand are donated to the Pooling Administrator's inventory for use by other service providers.

On January 14, 2009, Integra requested from NeuStar the number block required 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.

UM 1419, Integra Telecom
February 9, 2009
Page 2

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 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.

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.

Integra, UM 1419