



State of Utah  
Department of Commerce  
Division of Public Utilities

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## Action Request Response

**To:** Utah Public Service Commission

**From:** Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Brenda Salter, Utility Technical Consultant Supervisor

Justin Christensen, Utility Analyst

**Date:** November 21, 2019

**Re:** **Docket No. 19-2558-04**, Teleport Communications America, LLC's Request for Waiver-Logan Rate Center

### Recommendation (Approve)

The Division of Public Utilities (Division) recommends that the Public Service Commission (Commission) approve Teleport Communications America, LLC's ("TCAL") request for a waiver of threshold requirements for its customer and direct Somos, the Numbering Plan Administrator (PA), to provide the requested blocks of 1,000 sequential numbers in the 435 Logan Rate Center.

### Issue

On November 12, 2019, TCAL requested a waiver of the threshold requirements based on the Federal Communications Commission ("FCC") Rules found at 47 C. F.R. § 52. 15(g)(4) and pursuant to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines ("TBPAG") and the Central Office Code (NXX) Assignment Guidelines published by the Industry Numbering Committee ("INC").

On November 13, 2019, the Commission issued an Action Request to the Division requesting the Division to review the application and make recommendations. The Commission asked the Division to report back by November 22, 2019. This memorandum represents the Division's response to the Commission's Action Request.

## **Discussion**

TCAL previously submitted a request for the numbers to the PA, which was immediately denied because TCAL does not meet the utilization requirements and the Months to Exhaust (MTE) for new numbering requests. The FCC has affirmed that in instances where a carrier has neither the inventory to satisfy a specific customer request, nor the utilization for obtaining more numbers, the State Commission may grant relief to carriers with a "verifiable need due to the carrier's inability to satisfy a specific customer request."<sup>1</sup>

This inability can be demonstrated to the State Commission by the carrier providing "documentation of the customer request and current proof of utilization in the rate center."<sup>2</sup>

The customer is requesting 1,000 telephone numbers from the 435 NPA. These telephone numbers are required to service a specific customer of TCAL. Without the waiver from the Commission, TCAL will be unable to meet the needs of its customer. The issuance of these number blocks will not significantly affect the available number pool in the 435 area codes, nor will it affect the exhaust date of the 435 area codes.

## **Conclusion**

Based on the Division's review, the Division recommends the Commission grant the waiver and direct the PA/Somos to assign the requested 1,000 sequential numbers in the 435 Logan Rate Center.

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<sup>1</sup> *In the Matter of Numbering Resource Optimization Implementation of the Local Competition Provision of the Telecommunications Act of 1996 Telephone Number Portability, 3<sup>rd</sup> Report and Order & 2<sup>nd</sup> order on Reconsideration in CC Docket No. 96-98 & in Docket No. 99-200, Fcc 01-362, 3<sup>rd</sup> Report & Order ¶61 (2001)*

<sup>2</sup> ID., at ¶64.

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