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--==-- MEMORANDUM ==--

**TO:** PUBLIC SERVICE COMMISSION OF UTAH

**FROM:** DIVISION OF PUBLIC UTILITIES  
Philip J. Powlick, Division Director  
William Duncan, Telecommunications & Water Section Manager  
Shauna Benvegna-Springer, Utility Analyst

**DATE:** March 25, 2009

**SUBJECT:** REQUEST FOR A WAIVER In the Matter of the Request by Qwest Corporation for A Waiver of the Threshold Requirements to Allow the Number Pooling Administrator to Provide Ten (10) Thousand Blocks for a Qwest Customer in the Salt Lake Rate Center

**RE:** DOCKET No. 09-49-13

**RECOMMENDATION: APPROVE**

The Division recommends that the Commission approve Qwest's request for a waiver of threshold requirements and direct NANPA, the Numbering Plan Administrator, to provide the requested ten (10) one-thousand blocks to Qwest Corporation in the Salt Lake rate center (385-646 NXX), with the customer returning 1,500 numbers from 801-646 NXX to the pool.

**BACKGROUND:**

On March 12, 2009, Qwest Corporation requested a waiver of the Federal Numbering Assignment Rule 47 CFR 52.15 (h) that requires applicants for growth numbering resources to meet a 75 percent utilization threshold and to be at or less than six months to exhaust (MTE) in the rate center where the growth numbering resource is requested. In this particular instance, Qwest Corporation's utilization in the Salt Lake rate center is 67 percent, and the MTE in the

rate center is 174 months. Therefore, Qwest Corporation's does not qualify to obtain new numbers from the pooling administrator. 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> In addition, Qwest Corporation's customer will return 1,500 numbers to the existing 801 NPA pool after the new numbers are working.

**REQUEST:**

Qwest Corporation has provided documentation indicating that its customer is requesting ten (10) one-thousand blocks of numbers in the Salt Lake rate center, which it cannot provide based on its current inventory. The customer currently has 1,500 of the 801-646 block. This will allow the customer to switch all of its existing numbers to the 385-646 NXX and satisfy the current and future growth with the current dialing plan. Therefore, it is recommended Qwest Corporation receive the 385-646 NXX block in the Salt Lake rate center from the number pool, which meets the needs of Qwest Corporation's customer.

**ANALYSIS:**

Based on the Pooling Administration system's available block report, as of March 25, 2009 there are not blocks in the number pool that meet Qwest Corporation's request. The issuance of this number block will not significantly affect the available number pool in the 385 NPA, nor will it affect the exhaust date of the 385 NPA, since this represents the first request for number resources of the 385 NPA. In addition, 1,500 numbers from the 801-646 NXX will be returned to replenish the pool for future use.

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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.