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**PETITION OF SOUTHWESTERN
BELL TELEPHONE COMPANY D/B/A
AT&T TEXAS FOR WAIVER OF
DENIAL OF NUMBERING
RESOURCES IN THE HOUSTON
RATE CENTER**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S COMMENTS

The Staff (Staff) of the Public Utility Commission of Texas (Commission) files these comments regarding the application of Southwestern Bell Telephone Company d/b/a AT&T Texas (AT&T) for waiver of a denial of numbering resources.

I. Background

On May 20, 2014, AT&T filed an application requesting the Commission overturn the Pooling Administrator (PA) denial of its request for a one (1) thousand-block and one (1) five hundred-block of numbers on behalf of its customer, JGC America, in the 713 Numbering Plan Area of the Houston rate center. The PA rejected AT&T's application based on the utilization criteria established in 47 C.F.R. § 52.15. AT&T does not currently have the numbering resources available to satisfy this request.

In an order released on December 28, 2001, the Federal Communications Commission (FCC) created a "safety valve" to allow a carrier to obtain additional numbering resources under certain conditions. The FCC found that:

[A] carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific number request. We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center. States may not accommodate request for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers.¹

¹ *Numbering Resources Optimization*, CC Docket No. 99-200, Third Report and Order and Second Order on Reconsideration, FCC 01-362, a para. 64 (rel. Dec. 28, 2001) (*NRO Order*).

In addition, Staff notes that the FCC's Order imposed some further conditions:

Any numbering resources granted for this reason may be initially activated only to serve the requesting customer for whom the petition was made. If the customer request is withdrawn or declined, the requesting carrier must return the numbering resources to the NANPA for Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements.²

Consequently, AT&T may only use such numbering resources to meet a specific customer request, unless AT&T can otherwise meet the growth requirements of the FCC's rules.

II. Discussion

AT&T needs additional numbering resources to satisfy a customer's request that AT&T cannot meet using its existing inventory in the Houston rate center. Although a state may not grant a request for vanity numbers, the FCC specifically allows states to grant requests for contiguous numbers such as the present request.³ In compliance with the FCC's safety valve requirements, AT&T submitted a letter from the customer documenting its request for numbering resources. AT&T also provided current proof of utilization (a months-to-exhaust and utilization certification worksheet) with its application. Accordingly, AT&T has satisfied the FCC's criteria for a safety-valve waiver of the PA's denial of numbering resources.

III. Conclusion

Staff recommends approval of AT&T's request for a waiver of the PA's denial of numbering resources in the Houston rate center. Staff also notes that in the event the customer's request is withdrawn or declined, AT&T must return the numbering resources to the PA and may not retain the numbers to serve other customers without first satisfying the FCC's growth numbering resource requirements.

² *NRO Order* at para. 64.

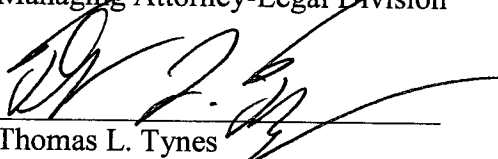
³ *Id.*

Dated: June 3, 2014

Respectfully Submitted,

Joseph P. Younger
Division Director-Legal Division

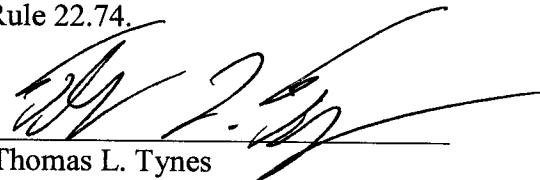
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 3, 2014, in accordance with P.U.C. Procedural Rule 22.74.



Thomas L. Tynes