



Control Number: 44821



Item Number: 3

Addendum StartPage: 0

DOCKET NO. 44821

TEXAS WINDSTREAM, LLC REQUEST §  
FOR WAIVER OF DENIAL OF §  
NUMBERING RESOURCES IN §  
MULTIPLE RATE CENTERS §

2015 JUN 10 PM 1:08  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

COMMISSION STAFF'S RECOMMENDATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this recommendation regarding the application of Texas Windstream, LLC (Windstream) for waiver of a denial of numbering resources and would show the following:

I. Background

On June 9, 2015, Windstream filed an application requesting the Commission overturn the Pooling Administrator's (PA) denial of its request for approval of one (1) thousand-block of numbers in the following rate centers: Acton, Scurry, and Winnie. The PA rejected Windstream's application based on the utilization criteria established in 47 C.F.R. § 52.15. Windstream is requesting expedited treatment of this application.

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 requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers.<sup>1</sup>

Furthermore, § 52.15 of the FCC's rules provide that "[t]he state commission...may overturn the NANPA's decision to withhold numbering resources from the carrier based on its

<sup>1</sup> In the matter of *Numbering Resources Optimization*, CC Docket No. 99-200, Third Report and Order and Second Order on Reconsideration, FCC 01-362, ¶ 64 (rel. Dec. 28, 2001) (*NRO Order*).

determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.”<sup>2</sup> Ordinarily, the FCC’s rules require that a carrier maintain no more than a six-month inventory of numbers in a rate center<sup>3</sup> and utilize at least 75% of its inventory before seeking growth numbering resources.<sup>4</sup>

## **II. Discussion**

Windstream needs additional numbering resources to satisfy a customer’s request that Windstream cannot meet using its existing inventory in the multiple rate centers. Although a state may not grant a request for vanity numbers, the FCC specifically allows a state to grant requests for contiguous numbers such as the present request.<sup>5</sup> In compliance with the FCC’s safety valve requirements, Windstream submitted a letter from the customer documenting its request for numbering resources. Windstream also provided current proof of utilization (a months-to-exhaust and utilization certification worksheet) with its application. Accordingly, Windstream 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 Windstream’s request for a waiver of the PA’s denial of numbering resources in the multiple rate centers. Staff also notes that in the event the customer’s request is withdrawn or declined, Windstream 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.

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<sup>2</sup> 47 C.F.R. § 52.15(g)(4).

<sup>3</sup> 47 C.F.R. § 52.15(g)(3)(B)(iii).

<sup>4</sup> 47 C.F.R. § 52.15(h).

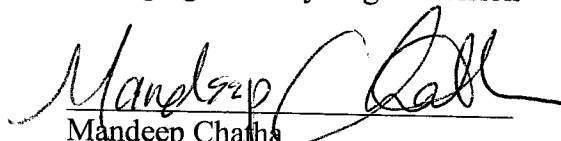
<sup>5</sup> *Id.*

**Dated: June 18, 2015**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director - Legal Division

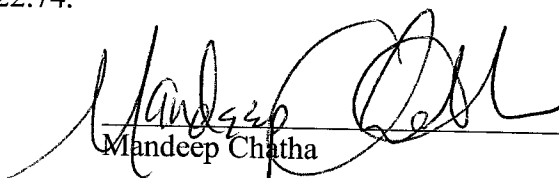
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on June 18, 2015, in accordance with 16 TAC § 22.74.



Mandeep Chatha