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DOCKET NO. 46097

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

**PUBLIC UTILITY COMMISSION
OF TEXAS**
2016 JUL 29 PM 1:04
PUBLIC UTILITY COMMISSION
FILING CLERK

STAFF'S COMMENTS

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and 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 June 23, 2016, AT&T filed an application requesting the Commission overturn the Pooling Administrator's (PA) denial of its request for two (2) thousand-block of numbers on behalf of its customer, Baylor Scott & White Health, in the 214/469/972 NPA of the Irving rate center. The PA rejected AT&T's application based on the utilization criteria established in 47 C.F.R. § 52.15.

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 customer 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.¹

¹ 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*).

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 application was made. If the customer request is withdrawn or declined, the requesting carrier must return the number resources to the NANPA or Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements.²

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 determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."³ Ordinarily, the FCC's rules require that a carrier maintain no more than a six-month inventory of numbers in a rate center⁴ and utilize at least 75% of its inventory before seeking growth numbering resources.⁵

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 Irving rate center. 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.⁶ 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.

² *NRO Order* at para. 64.

³ 47 C.F.R. § 52.15(g)(4) .

⁴ 47 C.F.R. § 52.15(g)(3)(B)(iii).

⁵ 47 C.F.R. § 52.15(h).

⁶ *Id.*

III. Conclusion

Staff recommends approval of AT&T's request for a waiver of the PA's denial of numbering resources in the Irving 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.


Dated: June 29, 2016

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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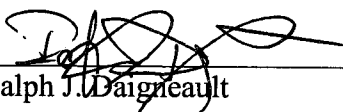


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 29, 2016, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault