



Control Number: 49675



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PETITION OF TELEPORT §
COMMUNICATIONS AMERICA, LLC §
FOR WAIVER OF DENIAL OF §
NUMBERING RESOURCES IN THE §
ARLINGTON RATE CENTER §

PUBLIC UTILITY COMMISSION
OF TEXAS

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COMMISSION STAFF’S RECOMMENDATION

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files these comments in response to Order No. 1 regarding the application of Teleport Communications America, LLC d/b/a AT&T Texas (AT&T) for waiver of a denial of numbering resources. Staff recommends that AT&T’s request be approved. Accordingly, Staff shows the following:

I. BACKGROUND

On June 25, 2019, AT&T filed an application requesting that the Commission overturn the Pooling Administrator’s (PA) denial of its request for a one (1) thousand-block of numbers on behalf of its customer, Lockheed Martin Enterprise Business Services, in the 682 Numbering Plan Area (NPA) in the Arlington rate center. The PA rejected AT&T’s application based on the utilization criteria established in 47 Code of Federal Regulations § 52.15 (CFR).

On June 28, 2019, the Administrative Law Judge (ALJ) issued Order No. 1, which established July 10, 2019, as Staff’s deadline to file a response or comments on AT&T’s petition. Therefore, this pleading is timely filed.

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

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, 47 CFR § 52.15 provides 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. RECOMMENDATION

AT&T needs additional numbering resources to satisfy a customer’s request that AT&T cannot meet using its existing inventory in the Arlington 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. Staff recommends that

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*).

² *NRO Order* at ¶ 64.

³ 47 Code of Federal Regulations § 52.15(g)(4) (C.F.R.).

⁴ 47 C.F.R. § 52.15(g)(3)(B)(iii).

⁵ 47 C.F.R. § 52.15(h).

⁶ *Id.*

AT&T's request for a waiver of the PA's denial of numbering resources in the Arlington rate center be approved.

III. CONCLUSION

For the reasons stated above, Staff recommends approval of AT&T's request for a waiver of the PA's denial of numbering resources in the Arlington rate center. Staff also notes that, in the event that 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: July 8, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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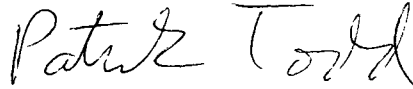


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 8, 2019,
in accordance with 16 TAC § 22.74.

A handwritten signature in cursive script that reads "Patrick Todd". The signature is written in black ink and is positioned above a horizontal line.

Patrick D. Todd