

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE SAFETY-VALVE                    )  
APPLICATION OF AT&T COMMUNICATIONS            )       PSC DOCKET NO. 09-303  
OF DELAWARE, LLC TO OBTAIN ADDITIONAL        )  
NUMBERS IN THE WILMINGTON RATE CENTER        )  
(FILED JULY 13, 2009 AND AMENDED            )  
JULY 15, 2009)                                        )

**ORDER NO. 7612**

**AND NOW**, this 4<sup>TH</sup> day of August, 2009, the Commission determines and Orders the following:

**WHEREAS**, on July 13, 2009, AT&T Communications of Delaware, LLC ("AT&T") filed the *Application of AT&T Communications of Delaware, LLC for One Block of 1,000 Telephone Numbers Using the Safety Valve Process of the Federal Communications Commission* (the "Application"). By the Application, AT&T requests that the Commission grant a request for additional numbering resources initially denied by NeuStar, Inc. ("NeuStar"), which has been designated by the Federal Communications Commission as its "North American Numbering Plan Administrator" ("NANPA"), as well as its "National Thousands Block Numbering Pool Administrator" ("PA").

**WHEREAS**, AT&T requested the additional numbers for a Delaware Customer's business located within the Wilmington rate center. That customer, whose name is confidential according to AT&T, has requested that AT&T provide 750 numbers for its business in the New Castle rate center. AT&T represents that it has developed a communications plan that the customer will implement, and consequently, the customer will activate the 750 numbers as soon as they become available.

**WHEREAS**, in PSC Order No. 7183, the Commission noted that, pursuant to 47 U.S.C. § 251(e)(1), the Federal Communications Commission crafted general rules relating to the administration of telephone numbering resources, such as area codes (NPA) and central office codes (NXX). See 47 C.F.R. §§ 52.1 through 52.20. In the context of central office code, NXX numbers, the FCC looks to NeuStar, as its designated NANPA and PA. However, as described in Order No. 7183, the FCC rules grant to state utility commissions certain monitoring and enforcing powers regarding a carrier's compliance with the federal "utilization" requirements. See 47 C.F.R. § 52.15(i), (j)(5). A state commission can also act to grant "safety-valve" relief that will allow a carrier - in limited circumstances - to obtain additional NXX numbers even if the carrier might not be able to meet the "utilization" and "months-to-exhaust" ("MTE") thresholds normally required to gain additional numbering resources. See 47 C.F.R. § 52.15(g)(4).

**WHEREAS**, the Commission initially chose not to become involved in the monitoring, (and enforcement), of the utilization requirements surrounding assignments of NXX numbers. See PSC Order No. 6064 (Nov. 19, 2002). Then, after granting exceptions to Verizon Delaware Inc. on two separate occasions, the Commission decided to exercise "safety-valve" authority under FCC rules. See PSC Order Nos. 6238 (Aug. 5, 2003) and 6600 (Apr. 5, 2005).

**WHEREAS**, thereafter, upon request of AT&T Corp. for more expedited procedures for "safety-valve" applications submitted under

47 C.F.R. § 52.15(g)(4), the Commission adopted the following procedures applications:

- (a) Any carrier seeking "safety-valve" relief under 47 C.F.R. § 52.15(g)(4) shall submit an application to the Commission for the release of blocks of telephone numbers. All such applications shall set forth with specificity: (i) a compelling and permissible need for the requested additional numbering resources (with appropriate references to rules or orders of the Federal Communications Commission); (ii) a description as to why the granting of the particular application will not run the risk that numbering resources will be inefficiently used; and (iii) written evidence that the North American Numbering Plan Administrator or National Pooling Administrator has rejected the carrier's direct request for the additional number resources. An applicant shall also describe what the long-term impact to the numbering resources would be if the particular request is granted; and
- (b) The Executive Director or Deputy Director (or other Staff member designated by them) shall, within ten business days of the receipt of an application complying with the above requirements, review and investigate the numbering resource request, and submit a memorandum indicating: (i) the date the application was received; (ii) the Staff's findings as to the validity and strength of the applicant's request, specifically as to whether all of the requirements set forth in Paragraph (a) above are sufficiently satisfied; and (iii) whether the Staff advises the requested numbers be released. The Staff shall submit this memorandum to the Commission and concurrently send a copy of the same to the carrier applicant and to the North American Numbering Plan Administrator or the National Pooling Administration, as appropriate; and
- (c) The Commission, upon receipt of the Staff Memorandum, shall consider the application and the Staff's recommendation at the Commission's next regularly scheduled meeting, provided the Commission's schedule so permits. If the Commission's schedule does not so permit, the application shall be formally considered and acted upon promptly at a later regularly-scheduled Commission meeting.

See Order 7183, at ¶ 1.

**WHEREAS**, Staff reviewed the Application submitted by AT&T and determined that it met the elements referenced in Ordering Paragraph 1(a), quoted above. Thus, on July 16, 2009, within the cited ten business-day timeframe, Staff sent a Memorandum to NeuStar and the Commission, detailing its findings and recommending approval of the Application.

**NOW, THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That, for the reasons set forth in this Order and the Staff Memorandum, dated July 16, 2009 and referenced herein, the Commission hereby grants the *Application of AT&T Communications of Delaware, LLC for One Block of 1,000 Telephone Numbers Using the Safety Valve Process of the Federal Communications Commission* filed on July 13, 2009.

2. That, pursuant to 47 C.F.R. § 52.15(g)(4), the Commission directs the North American Numbering Plan Administrator ("NANPA") or the National Thousands Block Numbering Pool Administrator ("PA") to issue to AT&T Communications of Delaware, LLC an additional one-thousand block of numbers as requested. This additional NXX thousand block numbering resource granted by this Order may be initially activated only to serve the requesting customer for whom the request was made. If such customer withdraws its request for such numbers, AT&T Communications of Delaware, LLC shall return the numbering resource to the NANPA or PA and may not retain the NXX to serve other customers.

3. That the Secretary shall promptly send a copy of this Order to NeuStar, Inc., the Secretary of the Federal Communications Commission, and to AT&T Communications of Delaware, LLC.

4. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae  
Chair

/s/ Joann T. Conaway  
Commissioner

/s/ Jaymes B. Lester  
Commissioner

/s/ Dallas Winslow  
Commissioner

/s/ Jeffrey J. Clark  
Commissioner

ATTEST:

/s/ Katie Rochester  
Acting Secretary