

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

IN THE MATTER OF THE REVISION OF)
THE COMMISSION'S CONSIDERATION OF)
TREATMENT OF SAFETY VALVE) PSC DOCKET NO. 10-346
APPLICATION FOR TELEPHONE NUMBERING)
RESOURCES UNDER 47 C.F.R. §)
52.15(G) (4) (FILED October 20, 2010))

ORDER NO. 7874

AND NOW, this 7th day of December, 2010, the Commission determines and Orders the following:

WHEREAS, on October 20, 2010, Verizon Delaware LLC ("Verizon") filed the *Application of Verizon Delaware LLC to Obtain Additional Numbers in the Wilmington Rate Center* (the "Application"). By the Application, Verizon requests that the Commission grant a request for an additional 3000 numbers 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, Verizon represents that its customer, whose name is confidential according to Verizon, has an urgent need for 3,000 telephone numbers for its business located in the Wilmington rate center and that the customer will employ approximately 1,000 full-time employees in the short-term, with future expansion possible. The customer indicates there is a need to have the numbers active by November 1, 2010, and that the numbers must be contiguous and not include '0', '1', or '9' as the seventh digit of the number in order

to successfully implement the customer's "direct inward dialing plan." Verizon also states that while it possesses the needed allotment of numbers in its current inventory, it is unable to meet this customer's specific needs that the numbers must be contiguous without obtaining additional numbering resources.

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 AT&T Corp. on two separate occasions, the Commission decided to exercise "safety-valve"

authority under the FCC rules. See PSC Order Nos. 6238 (Aug. 5, 2003) and 6600 (Apr. 5, 2005).

WHEREAS, 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.

6. Staff has reviewed the Application submitted by Verizon and determined that it meets the four part test set forth above in paragraph 5(a). Thus, on October 26, 2010, 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 October 26, 2010 and referenced herein, the Commission hereby grants the *Application of Verizon Delaware LLC to Obtain Additional Numbers in the Wilmington Rate Center* filed on October 20, 2010.

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 Verizon Delaware LLC three additional one-thousand block of numbers as Verizon Delaware LLC 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, Verizon 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 Verizon 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/ Jeffrey J. Clark
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary