

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

IN THE MATTER OF THE APPLICATION)
OF VERIZON DELAWARE LLC FOR THE)
APPROVAL OF SAFETY VALVE RELIEF) PSC DOCKET NO. 11-390
TO OBTAIN ADDITIONAL NUMBERS IN)
THE MIDDLETOWN RATE CENTER)
(FILED SEPTEMBER 6, 2011)

ORDER NO. 8043

AND NOW, this 20rd day of September, 2011, the Delaware Public Service Commission ("Commission") determines and Orders the following:

BACKGROUND

1. In PSC Order No. 7183, the Delaware Public Service Commission (the "Commission") noted that, pursuant to 47 U.S.C. §251(e)(1), the Federal Communications Commission ("FCC") 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. The FCC has designated NeuStar, Inc. ("NeuStar") as its "North American Numbering Plan Administrator" ("NANPA") and its "National Thousands Block Numbering Pool Administrator" ("PA"). In the context of central office code, NXX numbers, the FCC looks to NeuStar, as its designated NANPA and PA.

2. 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).

3. 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).

4. Upon AT&T Corp.'s request for more expedited procedures for "safety-valve" applications submitted under 47 C.F.R. § 52.15(g) (4), the Commission adopted the following procedures:

- (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 No. 7183, at ¶ 1.

THE CURRENT APPLICATION

5. On September 6, 2011, Verizon Delaware LLC ("Verizon") filed the *Application of Verizon Delaware LLC for the Approval of Safety Valve Relief to Obtain Additional Telephone Numbers in the Middletown Rate Center* (the "Application"). In the Application, Verizon requests the Commission to approve its request for an additional 1,000 telephone numbers initially denied by NeuStar. Verizon represents that a customer, whose name it claims is confidential, has an urgent need for 1,000 telephone numbers for its business located in the Middletown rate center; that the customer will employ the additional numbers to serve an expansion of its facilities; that there is a need to have the numbers active by September 2, 2011;

and that the telephone numbers in the 4000 through 4999 range are undesirable because the customer uses that range in a nearby location. Although Verizon possesses the needed allotment of telephone numbers in its current inventory, it cannot meet this customer's specific need for contiguous telephone numbers without obtaining additional numbering resources.

6. Staff has reviewed the Application submitted by Verizon and determined that it meets the four part test established in Order No. 7183. Thus, on September 12, 2011, 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 September 12, 2011 (which is incorporated by reference herein), the Commission hereby grants the *Application of Verizon Delaware LLC for Approval of Safety Valve Relief to Obtain Additional Telephone Numbers in the Middletown Rate Center* filed on September 6, 2011.

2. That, pursuant to 47 C.F.R. §52.15(g)(4), the Commission directs NeuStar, Inc., as the North American Numbering Plan Administrator ("NANPA") or the National Thousands Block Numbering Pool Administrator ("PA"), to issue to Verizon Delaware LLC an additional 1,000 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/ Dallas Winslow _____
Commissioner

/s/ Jeffrey J. Clark _____
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary