

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 TO)
OBTAIN ADDITIONAL NUMBERS IN THE) PSC DOCKET NO. 12-006
MIDDLETOWN RATE CENTER)
(FILED AUGUST 7, 2012; AMENDED)
SEPTEMBER 18, 2012))

ORDER NO. 8208

AND NOW, this 9th day of October 2012, the Delaware Public Service Commission ("Commission") determines and Orders the following:

WHEREAS, in PSC Order No. 7183, 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 NXX numbers, the FCC looks to NeuStar as its designated NANPA and PA; and

WHEREAS, 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(g)(3)(iv), (g)(4), and (h)(i)(2). 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); and

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); and

WHEREAS, 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) Within ten business days of the receipt of an application complying with the above requirements, the Executive Director or Deputy Director (or other Staff member designated by them) shall review and investigate the numbering resource request and submit a memorandum indicating: (i) the date the application was received; (ii) 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 Staff advises the requested numbers be released. 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) Upon receipt of the Staff Memorandum, the Commission shall consider the application and 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; and

WHEREAS, on August 7, 2012, 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"), and on September 18, 2012, Verizon filed an amended application (the "Amended Application"). In the Amended Application, Verizon requests that the Commission approve its request for an additional 5,000 telephone numbers denied by NeuStar on August 31, 2012. Verizon represents that a customer, whose name it claims is confidential, has an urgent need for 5,000 telephone

numbers for a business to be 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 November 5, 2012; and Verizon lacks the needed allotment of telephone numbers in its current inventory. Furthermore, Verizon cannot meet this customer's specific need for contiguous telephone numbers without obtaining additional numbering resources; and

WHEREAS, Staff reviewed the Amended Application submitted by Verizon within the cited ten-business day timeframe and requested additional information from Verizon to determine whether it met the four-part test established in Order No. 7183. Verizon provided such additional information by telephone conference on September 27, 2012; and

WHEREAS, as set forth in its memorandum to the Commission dated October 2, 2012, Staff believes the Commission should grant Verizon the requested relief because of the following reasons: (i) Verizon has provided a compelling, permissible, and verified need for the requested additional numbering resources because it has a specific customer request for a contiguous block of numbers and does not have current inventory to satisfy this customer's requirements. According to the Third Report and Order and Second Order on Recon. in CC Dkt. No. 96-98 and CC Dkt. No. 99-200, at ¶¶ 61-64, 17 FCC Rcd. 252 (2001) (the "Third Order"), a state commission may grant a carrier's safety valve request when the carrier receives a specific customer request for numbering

resources that exceeds the carrier's available inventory. Furthermore, if the Commission fails to grant Verizon's requested relief, this could impair Verizon's ability to stay in or expand its business (see ¶ 66 at Third Order); (ii) Verizon will use the additional numbering resources for only this specific customer for whom the application was made and agrees to return the numbering resources to NeuStar if the customer request is withdrawn or declined. Verizon further agrees that it will not retain the numbering resources to serve other customers without first meeting the FCC's growth numbering resource requirements per ¶64 of the Third Order; and (iii) Verizon has submitted written evidence that NeuStar rejected Verizon's direct request for the additional number resources. Finally, Verizon has stated the long-term impact to the numbering resources will be minimal and will not result in an inefficient use of numbering resources because the numbers requested will be used specifically for this customer's need and request;

**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 2, 2012 (which is incorporated by reference herein), the Commission hereby grants the Amended *Application of Verizon Delaware LLC for Approval of Safety Valve Relief to Obtain Additional Telephone Numbers in the Middletown Rate Center* filed on August 7, 2012, and amended on September 18, 2012.

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") and the National Thousands Block Numbering Pool Administrator ("PA"), to issue to Verizon Delaware LLC an additional 5,000 numbers, consisting of sequential blocks without an NXX of "8", 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/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 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:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jeffrey J. Clark
Commissioner

/s/ Jaymes B. Lester
Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary