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 TELEPHONE NUMBERS
IN THE GEORGETOWN RATE CENTER
PSC DOCKET NO. 12-008
(FILED NOVEMBER 14, 2012)

ORDER NO. 8246

AND NOW, this 29th day of November 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 it’s “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 November 14, 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 Georgetown Rate Center (the “Application”). In the Application, Verizon requests that the Commission approve its request for an additional 1,000 telephone numbers denied by NeuStar on October 31, 2012. Verizon represents that a customer, whose name it claims is confidential, has an urgent need for 1,000 telephone numbers for a new ISDN PRI to be located in the Georgetown rate center; that there is a need to have the numbers active by December 1, 2012; and Verizon lacks the needed
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allotment of contiguous telephone numbers in its current inventory and therefore requests additional numbering resources; and

WHEREAS, Staff reviewed the 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 November 20, 2012; and

WHEREAS, as set forth in its memorandum to the Commission dated November 20, 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 November 20, 2012 (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 Georgetown
Rate Center filed on November 14, 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 1,000 numbers, consisting of a sequential block
with numbers ending in 6,000 to 6,999, 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:

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Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jeffrey J. Clark
Commissioner

/s/ Jaymes B. Lester
Commissioner

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Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary