

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Request of)	DOCKET UT-120269
)	
XO COMMUNICATIONS)	ORDER 01
SERVICES, LLC,)	
)	
For Assignment of Telephone)	ORDER ASSIGNING NUMBERING
Numbering Resources)	RESOURCES
.....)	

BACKGROUND

- 1 XO Communications Services, LLC, (XO or Company) made a request on February 29, 2012, that the Washington Utilities and Transportation Commission (Commission) overturn the Number Pooling Administrator’s decision to withhold numbering resources and direct the Number Pooling Administrator to provide one block of 1,000 numbers in the 509 Numbering Plan Area (NPA), Spokane rate center. The request is being made to meet the requirements for a customer’s need for 1,000 sequential numbers that fall within its internal business dialing plan. These numbers will be used to expand its facility in the Spokane rate center. The customer is a non-profit business using the numbers for growth and a new location.

- 2 Telephone companies commonly hold and manage a reasonable inventory of telephone numbers in the areas where they provide service. When more numbers are needed by a company it may request them from the Number Pooling Administrator. The Number Pooling Administrator withholds telephone numbers if the company’s inventory is sufficient for the next six months and there is a shortage of numbers in the affected area code.

- 3 The Number Pooling Administrator’s Web site reports an inventory of 29 blocks of 1,000 numbers in the Spokane rate center, and the North American Numbering Plan Administrator’s (NANPA’s) Web site reports that the 509 NPA is forecasted to exhaust in the 4th quarter of 2022. The Federal Communications Commission, in its Third Report and Order, FCC 01-362, CC Docket 96-98 and 99-200, has delegated authority to the Commission to direct NANPA to release blocks of numbers for extenuating circumstances that do not meet NANPA’s existing criteria. XO provided the Commission with a detailed inventory of number resources and proof of utilization in the rate center. XO will adhere to the requirement of reviewing number resources and comply with the requirements of the NANPA and the Pooling Administrator regarding the return of unused numbers.

4 The Federal Communications Commission (FCC) issued an order establishing a “safety valve” allowing companies that do not meet the utilization threshold in a given rate center to obtain additional numbering resources apart from the general waiver process.¹ Specifically, the FCC granted to state Commissions the authority to direct the Number Pooling Administrator to release a block of numbers to a company to satisfy a specific customer request that cannot be met with the company’s current inventory provided the company documents the customer request and submits current proof of utilization.

FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including telecommunications companies. RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.36.
- 6 (2) XO is a telecommunications company and a public service company subject to Commission jurisdiction.
- 7 (3) The Telecommunications Act of 1996 (the Act) allows the FCC to establish rules to implement the Act and delegate authority to state Commissions.
- 8 (4) The FCC has created a “safety valve” mechanism within the framework of number resource management and delegated to the Commission authority to grant requests by companies that receive a specific customer request for numbering resources that exceeds their available inventory. The FCC has also given states some flexibility to direct the Number Pooling Administrator to assign additional numbering resources to companies that have demonstrated a verifiable need for additional numbering resources.
- 9 (5) The Commission has jurisdiction over this matter pursuant to RCW 80.36.610, which authorizes the Commission to take actions necessary to implement the Act.
- 10 (6) Normally, additional numbering resources are granted only when existing

¹ *In the Matter of Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration, CC Docket 99-200, FCC No. 01-362, ¶¶ 57-66 (Rel. December 28, 2001).

resources are forecasted to exhaust within six months.²

- 11 (7) The Number Pooling Administrator's Web site reports an inventory of 29 blocks of 1,000 numbers in the Spokane rate center, and the NANPA's Web site reports that the 509 NPA is forecasted to exhaust in the 4th quarter of 2022.
- 12 (8) The request is being made to meet the requirements for a customer's need for 1,000 sequential numbers that fall within its internal business dialing plan. These numbers will be used to expand its facility in the Spokane rate center. The customer is a non-profit business using the numbers for growth and a new location.
- 13 (9) This matter came before the Commission at its regularly scheduled meeting on March 29, 2012.
- 14 (10) The Commission has reviewed XO Communications Services, LLC's request and concludes that the Company has demonstrated a legitimate need for sequential numbers to meet a customer requirement. Accordingly, the Commission will order the Number Pooling Administrator to release one block of 1,000 numbers in the Spokane rate center to XO Communications Services, LLC.

ORDER

THE COMMISSION ORDERS:

- 15 (1) The Number Pooling Administrator to release one block of 1,000 numbers, specifically in the 509 NPA, Spokane rate center to XO Communications Services, LLC.
- 16 (2) The Commission retains jurisdiction over this matter to take such future actions as may be appropriate.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

² 47 CFR 52.15(g)(3)(iii).

DATED at Olympia, Washington, and effective March 29, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least 14 days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).