

Agenda Date: May 30, 2001  
Item Number: 2C

**Docket:** UT-991627 – Telephone Number Conservation  
Company Name: Telecommunications General

Staff: David Dittmore, Telecommunications Engineer  
Betty Erdahl, Policy Research Specialist  
Glenn Blackmon, Assistant Director-Telecommunications

### **Recommendation**

Grant a temporary waiver to Qwest Corporation exempting it from participation in the area code 509 number pooling trial, subject to the conditions set forth below.

#### Background

On December 1, 2000, the WUTC ordered all telecommunications companies with prefixes in rate centers serving the Spokane metropolitan statistical area and with switches capable of local number portability to implement a thousand-number block pooling trial by July 8, 2001.

Qwest Corporation on January 19, 2001, asked the WUTC to reconsider this requirement or, in the alternative, to grant it a waiver exempting it from participation in the pooling trial. Qwest's principal argument for a waiver is that its use of number resources is already quite high (in the range of 70 percent in Spokane). It asserts that its participation would do little to improve the industry's efficiency of number use and would be very expensive. In requesting the waiver, Qwest proposed several conditions to address concerns that it use its existing supply of telephone numbers as efficiently as possible and preserve its ability to participate in the number pooling trial at some future date.

The WUTC notified Qwest by letter on February 15, 2001, that its request for reconsideration would not be acted upon. There is no procedure for reconsideration of an open meeting order, and Qwest's request was untimely.

On February 15, 2001, the WUTC issued a notice soliciting comments and reply comments on Qwest's petition. AT&T and XO Communications filed initial comments objecting to Qwest's waiver request. Qwest filed reply comments.

Staff has extensively examined the asserted reasons for a waiver and believes that the requested waiver should not be granted, even with the conditions offered by Qwest. To exempt Qwest from participation would likely undermine the effectiveness of the number pooling trial. While other service providers would be receiving numbering resources in blocks of 1,000 numbers, Qwest would be getting blocks of 10,000 numbers whenever it needed more numbers. Qwest's proposed exemption also would result in an unfair competitive advantage to Qwest, since it would avoid number pooling costs that its competitors would be required to incur.

However, Staff believes that a more limited waiver, along with significantly more stringent conditions, would be reasonable. Under this alternative waiver, Qwest would be required to meet its own need for additional numbering resources by becoming more efficient in how it uses telephone numbers already assigned to it. Even though it would not be participating in the pool, it would be prohibited from requesting full 10,000-number blocks from the numbering administrator. In addition, the waiver would be limited in duration, so that if Qwest's participation becomes necessary the WUTC could let the exemption lapse.

Staff's recommended conditions are:

1. The waiver would expire on December 31, 2002, unless Qwest requests an extension by September 30, 2002, and demonstrates that an extension is in the public interest.
2. While the waiver is effective, Qwest would be required to begin number pooling in any rate center within area code 509 where it requires additional numbering resources. If Qwest needs additional numbering resources in area code 509, Qwest would have to request a thousand-number block from the pooling administrator and would not be allowed to request a full 10,000-number telephone prefix.
3. Qwest would be required to file quarterly reports with the WUTC showing each previously uncontaminated thousands-number block that Qwest began using during that quarter.
4. Qwest would be required to comply with the conditions that it proposed in its waiver petition.

Qwest has informed Staff that it is willing to accept the waiver with these conditions.

Two of Qwest's competitors – AT&T and XO – filed written comments objecting to the original waiver request. Staff believes that its recommended waiver addresses the concerns raised in these comments. The proposed conditions would cause Qwest to bear a comparable burden of improving the efficiency with which it uses numbering resources, and the waiver would not contribute to premature exhaustion of area code 509 since Qwest would be prohibited from getting new prefixes during the time the waiver is in effect.

### **Conclusion**

Staff believes that a limited waiver, with the conditions recommended above, is reasonable and should be granted.