

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**Qwest Corporation
Bismarck Rate Center
Numbering Resources**

Case No. PU-08-434

Staff Memorandum

July 30, 2008

On June 30, 2008 Qwest Corporation (Qwest) submitted an application to NeuStar Pooling Administration System (NeuStar), the North Dakota number pooling administrator, for additional numbering resources consisting of a 1,000 number block out of the Bismarck, North Dakota rate center.

On June 30, 2008 NeuStar denied the request for additional numbering resources for the Bismarck switch because the company did not meet the Federal Communications Commission (FCC) criteria. The FCC requires that applicants for additional numbering resources must demonstrate that the rate center for which the numbers are requested has no more than a six-month inventory of numbers and is utilizing 75% or more of the numbers in inventory. The Bismarck rate center has 75,756 assigned numbers and 26,877 available numbers that, based on forecast usage, would exhaust in 161 months; therefore, Qwest did not qualify for additional numbers at this time.

On July 3, 2008 Qwest filed a request for review of NeuStar's denial of its application and asked that the Commission direct NeuStar to provide the block of 1,000 numbers. Under FCC rules, state commissions may grant a waiver of the FCC rules and grant requests for additional numbering resources when there is a demonstrated verifiable need.

The Commission must take into consideration the extent to which the carrier has used available numbering resource optimization strategies and the carrier's showing that deviation from the FCC's inventory and utilization requirements is warranted. The carrier must demonstrate the following: 1) that the carrier will exhaust its numbering resources in a market or rate area within three months (in lieu of the 6 months-to-exhaust requirement; and 2) that projected growth is based on the carrier's actual growth in the market of rate area, or on the carrier's actual growth in a reasonably comparable market, but only if that projected growth varies no more than 15 percent from historical growth in the relevant market; or 3) that there is a verifiable need due to the specific customer request for numbering resources in a given rate center that the carrier is unable to satisfy with its current inventory. Regarding a specific customer request, the carrier must provide the Commission with documentation of the customer request and current proof of utilization in the rate center.

In support of the request, Qwest provided a copy of the June 24, 2008 letter it received from Basin Electric Power Cooperative. Basin Electric states that it has not been able to incorporate available DID (direct inward dial) numbers in the Bismarck area into their dialing plan and requests a block of 1000 DID numbers within the range of 5000-5999 with a new prefix.

Staff Recommendation:

Staff has the following questions of Qwest: How many blocks of 1000 numbers does Qwest currently have? Can Qwest use a block of numbers it already has in its resources? If not, will Qwest be taking a block of 1000 numbers from the number pool? If not will Qwest be opening an NXX code? If an NXX code is opened, will Qwest return the remaining 9 blocks of 1000 numbers to the number pool? [Note: the 701 area code is forecast to exhaust in 2013.] Staff recommends that Qwest use a block of numbers it currently has available. In the alternative, Qwest should use a block of numbers from the pool and not open an NXX code. However, staff wishes to hear Basin Electric's comments concerning the specific need regarding the block of numbers.