

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**AT&T Communications of the Midwest, Inc.
Bismarck Rate Center
Numbering Resources**

Case No. PU-09-686

Staff Memorandum

October 27, 2009

On October 14, 2009 AT&T Communications of the Midwest, Inc. (AT&T) 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.

AT&T is requesting the number block to meet the needs of Investment Centers of America; an affiliate of Jackson National Life Insurance Company. Investment Centers of America is requesting 40 number not in a 2, 3, or 9 block. AT&T's inventory in Bismarck consists only of numbers in two 701-XXX-9 blocks.

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 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.

On October 19, 2009 AT&T 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 review, AT&T has provided a copy of the request of Jackson National Life Insurance Company to show there is a verifiable need due to a specific customer request.

AT&T states that the customer will implement within 180 days of the numbers being made available. AT&T also states that the customer requires less than 100 numbers and that AT&T is willing to donate the remainder of the new block of 1000 numbers back to the pool.

Staff Recommendation:

Staff recommends approval of the request, especially if 900 plus numbers can be returned to the pool as AT&T states, or another 1000 number block that can be returned to the pool.

PJF