

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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

Case No. PU-09-686

AFFIDAVIT OF SERVICE ELECTRONIC MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Janet Marquart deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **6th** day of **November, 2009**, she deposited in the mail 42 electronic mail messages, each with an attached electronic copy of:

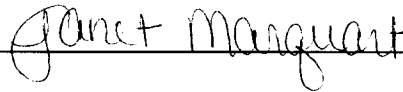
Order

The envelopes and electronic mails respectively were addressed as follows:

See attached list.

Each post office address shown is the respective addressee's last reasonably ascertainable post office address and each email address is the respective addressee's last reasonably ascertainable electronic mailing address.

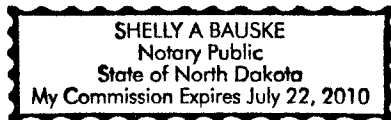
Subscribed and sworn to before me
this **6th** day of **November, 2009**.





Notary Public

SEAL



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Jilene Zerr

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**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

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

Case No. PU-09-686

ORDER

October 28, 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 indicated that it has no numbers available for the customer's specific request in the Bismarck rate center. 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 will donate the remainder of the new block of 1000 numbers back to the pool.

Based on the specific need demonstrated, we find it appropriate to grant AT&T's request.

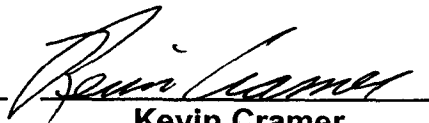
ORDER

1. The Commission orders that NeuStar Pooling Administration System provide AT&T Communications of the Midwest, Inc. the requested block of one thousand numbers from the number pool for the Bismarck, North Dakota rate center as soon as possible.
2. The Commission orders that AT&T Communications of the Midwest, Inc. donate the unused remainder of this block of 1,000 numbers back to the industry pool.

PUBLIC SERVICE COMMISSION



Tony Clark
Commissioner



Kevin Cramer
Chairman



Brian P. Kalk
Commissioner