

Missouri Valley
Communications INC.
TOTAL TELECOMMUNICATIONS

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PUBLIC SERVICE COMMISSION

August 7, 2012

North Dakota Public Service Commission
Darrell Nitschke, Executive Secretary
600 E. Boulevard, Dept. 408
Bismarck, ND 58505-0480

RE: Waiver of Months to exhaust/utilization Threshold Requirement – Williston
Rate Center

Dear Mr. Nitschke:

By this letter Missouri Valley Communications, Inc. (MVCI) is requesting a waiver of the Months to Exhaust/Utilization Threshold requirement outline in the FCC's Numbering Resource Optimization Orders, FCC 00-429 and FCC 01-362 released in CC Docket No. 99-200. This allows NeuStar, North Dakota's Pooling Administrator, to provide numbering resources to MVCI. MVCI is requesting a new NXX in the Williston rate center to meet customer requests.

MVCI understands it has not yet reached the necessary 75% usage; however, aggressive growth within the exchange, including one business customer requiring 1,000 DID lines, has pushed MVCI to request a new NXX. The three NXXs acquired in 2003 with the purchase of this area had contaminated thousands block prior to the acquisition. We will continue to assign numbers out of the current three NXXs, using the new NXX primarily for business DID number utilization.

In order to satisfy the customer request, MVCI submitted a request for the new NXX to NeuStar on August 6, 2012. The request was denied on August 9, 2012 since MVCI did not meet the utilization requirements. A copy of the denied request is included.

The FCC allows for a waiver of the rules when there is a demonstrated need such as a specific customer request for a large block of numbers. The waiver process is specifically addressed in the FCC Third Report and Order as the "safety valve" process (See FCC 01-362, paras 57-66) which went into effect on March 14, 2002. The Order delegates the authority to hear claims for a waiver to the state commissions (see paras. 61, 66).

1 **PU-12-685** Filed: 8/13/2012 Pages: 4
**Request for waiver of months to exhaust utilization
threshold requirement for Williston rate center**

Missouri Valley Communications, Inc.

Jodie Richardson

August 9, 2012
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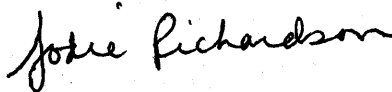
MVCI respectfully requests that the Commission approve MVCI's request for a waiver of the FCC's months to exhaust/utilization threshold requirement and direct NeuStar to provide the requested NXX in the Williston rate center for use by the business customers. The directive can be mailed to:

David Morgan
Pooling Administrator
NeuStar
21575 Ridgetop Circle
Sterling, VA 20166
Phone: (571) 434-5381
Fax: (571) 434-5502
Email: david.morgan@neustar.com

cc: Missouri Valley Communications, Inc.
ATTN: Jodie Richardson
PO Box 600
Scobey, MT 59263-0600

If you have questions, or need additional information, please contact me at 406-783-2281 or jodie.richardson@nemont.coop.

Sincerely,



Jodie Richardson
Regulatory Compliance Coordinator

Enclosure

Assignment activity suspended by the administrator.

Explanation: _____

Further Action: _____

NPA in jeopardy: Yes: _ No: _

If yes, refer to the Section 9 of the assignment guidelines

Remarks:

According to the FCC 2nd Report and Order (FCC 00-429) effective June 30, 2003, in order to receive additional numbering resources, the MTE form you submit must meet the 75% utilization level. If you are in disagreement with the disposition of this code request, please refer to the Central Office Code (NXX) Assignment Guidelines for the appeals process.

A copy of this Part 3 has been sent to the following users/email addresses.

neustar