

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Commio, LLC
Bismarck Rate Center
Numbering Resources

Case No. PU-20-443

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **19th day of November 2020**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

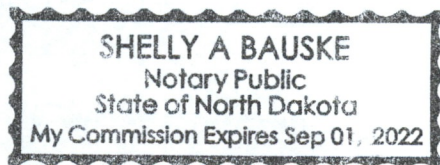
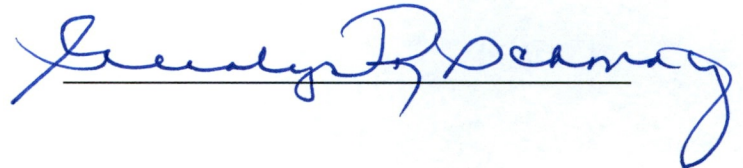
- **Order**

The envelope was addressed as follows:

Sam Shiffman
Commio, LLC
11320 Hwy 620 N, Suite A031
Austin, TX 78726
Cert. No. 7019 2280 0000 0692 7726

The addresses shown is the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **19th day of November 2020**.



SEAL



Notary Public

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

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Case No. PU-20-443

ORDER

November 18, 2020

Preliminary Statement

On November 2, 2020, Commio, LLC (Commio) submitted a request to the North American Pooling Administration System (NANPA) for additional numbering resources consisting of a block of 1,000 numbers out of the Bismarck, North Dakota rate center pool of numbers and a new 701-NXX code.

On November 2, 2020, NANPA denied the request for additional numbering resources.

On November 9, 2020, Commio filed with the North Dakota Public Service Commission (Commission) a request that the Commission direct NANPA to approve a waiver to establish a new 701-NXX in the Bismarck rate center and assign a block of one thousand numbers from it to Commio.

Discussion

Commio, LLC is a foreign corporation with principal address of 11320 N FM 620, Suite A031, Austin, Texas, 78726.

On July 16, 2020 the Federal Communications Commission (FCC) issued an order requiring a new 3-digit phone number (988) to be activated nationwide by July 16, 2022. The number is to be used as a suicide prevention hotline. The FCC's order requires that any area code utilizing the XXX-988 code must transition from 7 to 10-digit dialing across the entire area code. If an area code has no utilization of the XXX-988 code and has it permanently deactivated, the area code may retain 7-digit dialing.

It is the Commission's intention to retain 7-digit dialing, and therefore has requested that all blocks within the 701-988 code be returned, including Commio's 701-988-8 block.

Commio submitted a request to NANPA for the establishment of a new 701-NXX code in the Bismarck rate center. This request was made to provide Commio with replacement numbering resources for the numbering resources they are returning in the 701-988-8 block.

NANPA denied Commio's request for numbers because the Bismarck switch did not meet the Federal Communications Commission (FCC) months-to-exhaust requirements. 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.

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 has authority under North Dakota Century Code section 49-21-01.7 (14) to resolve numbering resource conservation issues.

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.

Based on the specific need demonstrated, the Commission finds it appropriate to grant Commio's request and issues its:

Order

The Commission orders that Commio, LLC's request for a waiver of the Months to Exhaust/Utilization Threshold requirement to establish a new 701-NXX code and obtain a block of one thousand numbers from the number pool at the Bismarck, North Dakota rate center is granted, conditioned upon Commio, LLC returning the 701-988-8000 through 701-988-8999 block to the number pool.

PUBLIC SERVICE COMMISSION

		
Julie Fedorchak Commissioner	Brian Kroshus Chairman	Randy Christmann Commissioner