



2211 Ash Avenue NE • Suite 1101 • Aberdeen, South Dakota 57401

605-725-1000 • 1-888-919-8943 • Fax 605-725-1050

February 15, 2006

Patricia Van Gerpen, Executive Director
Public Utilities Commission of the State of South Dakota
500 East Capitol Avenue
Pierre, SD 57501-5070

**RE: NORTHERN VALLEY COMMUNICATIONS' REQUEST FOR A
WAIVER OF FCC NUMBER RESOURCE RULES REGARDING 75 % OR
MORE UTILIZATION & MONTHS-TO-EXHAUST THRESHOLD
REQUIREMENTS FOR ABERDEEN RATE CENTER**

Dear Ms. Van Gerpen:

By this letter, North Valley Communications, LLC (NVC) is requesting a waiver of 75% or more utilization and the months-to-exhaust threshold requirements outlined in the Federal Communications Commission's (FCC) Numbering Resource Optimization Orders, FCC 00-429 and FCC 01-362 released in CC Docket No. 99-200. Such a waiver will allow NeuStar, South Dakota's Pooling Administrator, to provide numbering resources to NVC for the reasons below.

NVC is requesting three sequential blocks in the 605 Numbering Plan Area (NPA) in the Aberdeen rate center to meet a specific customer request for numbering resources. NVC cannot provide the customer requested numbers without three blocks from the Pooling Administrator.

In order to satisfy the customer's request, NVC submitted a request for three blocks in the 605 NPA to the Pooling Administrator on February 15, 2006. See letter attached as Exhibit A. According to FCC requirements, to qualify for additional numbering resources, a carrier must submit evidence demonstrating that the rate center for which it is requesting numbers is at 75% or more utilization and is 6 months or less to exhaust. *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, FCC 01-362, December 28, 2001* (the "Order"). Since, NVC is currently at 59% utilization in the Aberdeen rate center, it does not meet the 75% or more utilization requirement nor does NVC meet the months-to-exhaust requirement in the Aberdeen rate center. The Pooling Administrator denied NVC's request unless NVC receives a state waiver. See letter attached as Exhibit B.

The FCC has established a state waiver process for the requirements to qualify for additional numbering resources when a carrier can demonstrate a need for those



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resources, such as a specific customer request for a large block of numbers. The Order refers to the waiver as a "safety valve" process. *Id.* at para. 57-66. Also, it delegates the authority to hear claims for waivers to state commissions. *Id.* at para. 61, 66. In the Order, the FCC states, "[W]e recognize that in many instances the failure to address a request for additional numbering resources can impair a carrier's ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety valve as expeditiously as possible. . . [W]e believe that in most instances 10 business days from receipt of a request . . . will be sufficient time to review and act upon safety valve requests." *Id.* at para. 66.

In accordance with the FCC's Order, NVC respectfully asks the Commission to approve NVC's request for a waiver of the FCC's 75% or more utilization and the months-to-exhaust requirement with respect to the Aberdeen rate center, within 10 business days if possible, and to direct the Pooling Administrator to provide *three* sequential blocks to NVC in the 605 NPA so that the company can meet a specific customer request. The directive from the Commission can be mailed or faxed to:

Ms. Julie Kline
Pooling Administrator
NexStar, Inc.
1800 Sutter Street, Suite 780
Concord, CA 94520
Fax: 925-363-7686

Thank you for your attention to this matter. If you have my questions, please contact me at 605-725-1000.

Sincerely,

James Groff, CEO
Northern Valley Communications, LLC

Encl.

cc: John Smith, PUC General Counsel

Pooling Administration System

 darla.pistulka@vantagepnt.com (SP)

[Sign Out](#)

Request Resources


State SOUTH DAKOTA 

NPA 605 

Rate Center ABERDEEN 

OCN 6125-NORTHERN VALLEY COMM 

Type of Application Application for Individual Blocks 

Quantity of Blocks Requested 3 

NOTE:

If you are selecting a Rate Center that is moving to a new NPA due to a split, PAS will automatically migrate the request to the new NPA once the mandatory dialing date occurs.

Pooling Administration System

 darla.pistulka@vantagepnt.com (SP)

Sign Out

Part 1A

Type of Application : New

1.1 Contact Information :

Note: If any of the contact info is incorrect, edit your user profile.

Block Applicant :

Company Name **NORTHERN VALLEY COMM**
Headquarters Address: **1801 North Main**
City: **Mitchell**
State: **SD**
Zip: **57301**

Contact Name **Ms Darla R Pistulka**
Contact Address **1801 North Main**
City **Mitchell**
Zip **57301**

State **SD**Telephone **(605) 995-1762**Fax **(605) 995-1778**E-mail **darla.pistulka@vantagepnt.com**

Pooling Administrator :

Contact Name **Mrs Julie Kline**
Contact Address **1800 Sutter St. Ste. 780**
City **Concord**
Zip **94520**

State **CA**Telephone **(925) 363-7653**Fax **(925) 363-7686**E-mail **julie.kline@neustar.biz**

1.2 General Information

LRN Needed **No**NPA **605**LATA * **640**OCN **6125-NORTHERN VALLEY COMM**Parent Company OCN * **1664**Number of Thousands-Blocks Requested **3**Switch Identification (Switching Identity/POI) * **ABRDSD01RL0**City or Wire Center Name **ABERDEEN**Rate Center **ABERDEEN**

Rate Center Sub Zone

1.3 Dates

Date of Application **Wednesday, February 15, 2006**Requested Block Effective Date **18 Mar 2006**

Exhibit A

Request Expedited Treatment ☒ Yes ☐ No

1.4 Type of Service Provider Requesting the Thousands-Block

a) Type of Service Provider * CAP OR CLEC

b) Primary type of service Blocks to be used for * Wireline

<p>c) Thousands-Block(s) (NPA-NXX-X) assignment preference Click here to see the available blocks in the pool.</p> <p>NOTE: The blocks available list shows blocks that are available at the time a request is submitted. These same blocks may not be available at the time the request is processed. Therefore, it is recommended that you provide additional block preferences in the event those blocks are not available.</p>		>>>	<p>605-622-6 605-622-8 605-622-9</p> <p style="text-align: right;">Delete</p>
<p>d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any</p>		>>>	<p>605-622-0 605-622-1</p> <p style="text-align: right;">Delete</p>

e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool)

N/A

1.5 Type of Request

Initial block for rate center ☐ Yes

Growth block for rate center ☒ Yes

Change block N/A

Disconnect block N/A

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines INC 99-0127-023

Continue

Cancel

Pooling Administration System

 darla.pistulka@vantagepnt.com (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level

Date **Wednesday, February 15, 2006**OCN **6125**Company Name **NORTHERN VALLEY COMM**Rate Center **ABERDEEN**List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-
X(s)

605-725

Name of Block Applicant **Ms Darla R Pistulka**Title **Telecom Consultant**Telephone Number **(605) 995-1762**Fax Number **(605) 995-1778**E-Mail **darla.pistulka@vantagepnt.com**A. Available Numbers * **4120**B. Assigned Numbers * **5880**C. Total Numbering Resources * **10000**D. Quantity of numbers activated in the past 90 days
and excluded from the Utilization calculation * **0**

List excluded Code(s) or Block(s)

E. Growth History - Previous 6 months² *

Month 1	0	Month 2	66
Month 3	14	Month 4	57
Month 5	36	Month 6	-40

F. Forecast - Next 12 months³ *

Month 1	2500	Month 2	100
Month 3	100	Month 4	0

Exhibit A

Month 5	0	Month 6	0
Month 7	0	Month 8	0
Month 9	0	Month 10	0
Month 11	0	Month 12	0

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) **450.000**

H. Months to Exhaust ⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested	A. Available Numbers	H. Months to Exhaust
1	4120	9.156
2	5120	11.378
3	6120	13.600

I. Utilization⁵(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100 **58.800**

Explanation

Customer request for sequential # resources.
Will apply for state waiver for request approval.

1. A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
2. Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.
3. Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
4. To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(iii)).
5. Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

Show Calculations

Continue

Cancel

Pooling Administration System

 darla.pistulka@vantagepnt.com (SP)

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Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Your utilization calculates to **58.800 percent**. The FCC requires a utilization of **75.000 percent**.

Select One Option and Submit

- ☐ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☒ State Waiver Option