

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION OF) ORDER GRANTING WAIVER
QWEST CORPORATION FOR WAIVER OF)
NEUSTAR DENIAL OF NUMBER BLOCK) TC05-054
REQUEST IN THE SIOUX FALLS RATE)
CENTER)

On March 23, 2005, Qwest Corporation (Qwest) filed a request with the Commission to waive the NeuStar Pooling Administrator's denial of Qwest's request for numbering resources in the Sioux Falls rate center. The Pooling Administrator denied Qwest's request because the company does not meet the months-to-exhaust requirement for the Sioux Falls rate center. Qwest is requesting a waiver of the months-to-exhaust threshold requirement so it could receive two blocks of one thousand numbers in the Sioux Falls rate center. Qwest stated that it needed the numbers to meet a specific customer request. On March 30, 2005, the Commission received a letter from Qwest revising its request to one block of one thousand numbers.

Pursuant to an order issued by the Federal Communications Commission (FCC), state commissions were delegated the authority to hear claims that a "safety valve" should be applied when the NANPA or Pooling Administrator denies a request for numbers. *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, FCC 01-362, para. 61 (rel. December 28, 2001). A state commission may "grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with current inventory." *Id.* at para. 64. A state commission may grant requests for customers seeking contiguous blocks of numbers. *Id.*

On March 24, 2005, the Commission electronically transmitted notice of the filing and the intervention deadline of April 1, 2005. No petitions to intervene or comments were filed.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31 and 47 C.F.R. § 52.15(g)(4).

At its ad hoc meeting of April 4, 2005, the Commission considered this matter. After further discussing the request and the FCC requirements with Qwest and Commission Staff, the Commission voted to grant the waiver. As the Commission's final decision in this matter, it is therefore

ORDERED, that the requested waiver is hereby granted.

Dated at Pierre, South Dakota, this 4th day of April, 2005.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Melaine Kolbo</u>
Date:	<u>4/4/05</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Gary Hanson
GARY HANSON, Chairman

Robert K. Sahr
ROBERT K. SAHR, Commissioner *dk*

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner *dk*