

**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 THE)
FCC'S UTILIZATION THRESHOLD) TC06-102
REQUIREMENTS)

On July 27, 2006, Qwest Corporation (Qwest) filed a request with the Commission to waive the NeuStar Pooling Administrator's utilization threshold requirements in the Flandreau rate center to meet a specific customer's need in the community. Qwest submitted a request for a thousands block to The Pooling Administrator on July 20, 2006. In order for the request to be approved, Qwest will require a waiver of the current usage threshold for new numbering requests.

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 August 3, 2006, the Commission electronically transmitted notice of the filing and the intervention deadline of August 11, 2006. 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 regularly scheduled meeting of August 23, 2006, 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 with the condition that if this specific customer withdraws its request for the two number block that Qwest return those numbering resources to NeuStar. As the Commission's final decision in this matter, it is therefore

ORDERED, that the requested waiver is hereby granted, subject to the condition set forth above.

Dated at Pierre, South Dakota, this 11th day of September, 2006.

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 Kalbs</u>
Date: <u>9/13/06</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Robert K. Sahr
ROBERT K. SAHR, Chairman

Dustin M. Johnson
DUSTIN M. JOHNSON, Commissioner

Gary Hanson
GARY HANSON, Commissioner