

Federal Communications Commission  
Washington, D.C. 20554

NSD File No. L-99-102

March 12, 2001

By U.S. Mail and Facsimile

Ms. Sharon J. Devine  
Ms. Kathryn Marie Krause  
QWEST Corporation  
Suite 700  
1020 19<sup>th</sup> Street, N.W.  
Washington, DC 20036

Re: QWEST Corporation Request For Clarification Or Declaration Regarding the  
Washington Utilities and Transportation Commission's Delegated Authority  
Associated With Number Pooling Trials in the State of Washington

Dear Ms. Devine and Ms. Krause:

This letter addresses QWEST Corporation's (QWEST) request for clarification of the scope of Washington Utilities and Transportation Commission's (Washington Commission) delegated authority to conduct thousands-block number pooling trials in the State of Washington.<sup>1</sup> QWEST specifically requests that the Federal Communications Commission (FCC) address whether the Washington Commission has the authority to implement a number pooling trial in the 509 numbering plan area (NPA or area code) in Spokane. As discussed below, we clarify that the Washington Commission has authority to implement pooling trials within the state in the 206, 360, 425 and 253 NPAs. It may implement a pooling trial in the 509 NPA also, but only after demonstrating that the established criteria are met in that NPA as well.

On April 27, 2000, the Washington Commission sought additional delegated authority to implement, among other things, thousands-block number pooling in the State of Washington.<sup>2</sup> Although the Washington Commission demonstrated in its petition that

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<sup>1</sup> QWEST Corporation Request For Clarification Or Declaration Regarding the Washington Utilities and Transportation Commission's Delegated Authority Associated With Number Pooling Trials in the State of Washington, filed January 22, 2001 (QWEST Clarification Request).

<sup>2</sup> Washington Utilities and Transportation Commission's Amended Petition for Additional Delegated Authority to Implement Number Conservation Measures, filed April 27, 2001.

the NPAs in western Washington (206, 360, 425, and 253) met the criteria to implement a pooling trial,<sup>3</sup> it did not demonstrate that the 509 NPA in the Spokane region met the established criteria. On July 20, 2000, the FCC's Common Carrier Bureau (Bureau) granted the petition, authorizing the Washington Commission "the authority to implement thousands-block number pooling trials in the state subject to the conditions and safeguards set forth above."<sup>4</sup>

Asserting its authority pursuant to the *State Delegation Order*, the Washington Commission has scheduled implementation of a pooling trial in the 509 NPA.<sup>5</sup> QWEST contends that the Bureau delegated authority to the Washington Commission to implement pooling trials only with respect to western Washington.<sup>6</sup> QWEST further contends that the Washington Commission has not met the requisite criteria to establish pooling in eastern Washington, and has exceeded its authority by ordering a pooling trial in the 509 NPA.<sup>7</sup> The Washington Commission asserts that the *State Delegation Order* granted it authority to conduct pooling trials anywhere in Washington.<sup>8</sup>

We hereby clarify that the authority delegated to the Washington Commission extends only to those NPAs for which it has demonstrated that the conditions and safeguards set forth in the *State Delegation Order* are met. In this instance, the Washington Commission demonstrated that area codes located in the Seattle and Portland/Vancouver MSAs (*i.e.*, western Washington) met the requisite criteria. It did not, however, make such a showing with regard to the 509 NPA in the Spokane MSA. In all instances in which the FCC or the Bureau has delegated interim pooling authority, it

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<sup>3</sup> See *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7652 (2000). In this Order, the FCC directed state commissions seeking delegated authority for thousands-block number pooling to demonstrate that: 1) an NPA in its state is in jeopardy; 2) the NPA in question has a remaining life span of at least a year; and 3) that the NPA is in one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable. The FCC recognized that there may be "special circumstances" in which pooling would be beneficial in NPAs that do not meet all of the above criteria, and stated that pooling could be authorized in such NPAs upon a satisfactory showing to the Commission of special circumstances. *Id.*

<sup>4</sup> *In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act . . . Washington Utilities and Transportation Commission's Amended Petition for Additional Delegated Authority to Implement Number Conservation Measures*, Order (rel. July 20, 2000) (*State Delegation Order*).

<sup>5</sup> In the Matter Of The Investigation Into the Issue Of Numbering Resources, Docket No. UT-991627, Order Requiring a Number Pooling Trial In Area Code 509, Washington Utilities and Transportation Commission, November 30, 2000.

<sup>6</sup> See QWEST Clarification Request at 2.

<sup>7</sup> *Id.* at 11-12.

<sup>8</sup> Response Of The Washington Utilities and Transportation Commission To QWEST Corporation Request For Clarification Or Declaration Regarding the Washington Utilities and Transportation Commission's Delegated Authority Associated With Number Pooling Trials in the State of Washington, filed March 2, 2001.

has been on a case by case basis, and upon a showing that the requisite criteria have been met. The Washington Commission did not demonstrate in any of its pleadings that the requisite criteria for delegated authority to implement a thousands-block number pooling trial in the 509 NPA have been satisfied. The Washington Commission would need to petition the FCC, or supplement its previous petition, and make the requisite showing before such authority for the 509 NPA could be granted.

Sincerely,

Yog R. Varma  
Deputy Chief, Common Carrier Bureau

cc: Marilyn Showalter, Chairwoman, Washington Utilities and Transportation  
Commission  
Richard Hempstead, Commissioner, Washington Utilities and Transportation  
Commission  
Shannon E. Smith, Washington State Assistant Attorney General, Utilities and  
Transportation Division