

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Numbering Resource Optimization)	CC Docket No. 99-200

ORDER

Adopted: July 19, 2019

Released: July 19, 2019

By the Chief, Wireline Competition Bureau:

1. On July 12, 2019, the Federal Emergency Management Agency (FEMA), Department of Homeland Security, announced that the President had signed an emergency declaration for select parishes in Louisiana due to then Tropical Depression Barry.¹ The storm hit the Gulf Coast and southern United States, with life-threatening flash flooding, significant river flooding, elevated rainfall, gale-force winds and isolated tornados.² Now down-graded to a post-tropical cyclone,³ it has caused significant damage in the areas within its path, and resulted in property damage and personal injury, as well as telephone service outages in all areas in its path. To assist telephone subscribers in those areas, we grant, on our own motion, a temporary waiver of the Commission’s telephone number “aging” rule. Specifically, we waive section 52.15(f)(ii), which states that service providers may only age telephone numbers that have been disconnected for up to 90 days before assigning them to other customers.⁴

¹ See FEMA, President Donald J. Trump Approves Emergency Declaration for the State of Louisiana (July 12, 2019), <https://www.fema.gov/news-release/2019/07/12/president-donald-j-trump-approves-emergency-declaration-state-louisiana> (last visited Jul. 15, 2019) (“Specifically, FEMA is authorized to provide emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program, at 75 percent federal funding in Acadia, Ascension, Assumption, Avoyelles, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge and West Feliciana parishes.”).

² NOAA, National Hurricane Center, Tropical Depression Barry Public Advisory, <https://www.nhc.noaa.gov/text/refresh/MIATCPAT2+shtml/121448.shtml> (last visited Jul. 15, 2019); NOAA, National Hurricane Center, Tropical Depression Barry Forecast Discussion, <https://www.nhc.noaa.gov/text/refresh/MIATCDAT2+shtml/121448.shtml> (last visited Jul. 15, 2019).

³ NOAA, National Hurricane Center, Post-Tropical Cyclone Barry Public Advisory, <https://www.nhc.noaa.gov/text/refresh/MIAWPCAT2+shtml/170854.shtml> (last visited Jul. 17, 2019).

⁴ 47 C.F.R. § 52.15(f)(ii) (“Aging numbers are disconnected numbers that are not available for assignment to another end user or customer for a specified period of time. Numbers previously assigned to residential customers may be aged for no more than 90 days.”).

2. There is good cause for this waiver, as required by Section 1.3 of our rules.⁵ Assisting residential subscribers who are dealing with the effects of a hurricane or major storm is in the public interest and thus warrants a temporary waiver of section 52.15(f)(ii) of the Commission's rules. Waiver of section 52.15(f)(ii) will allow service providers in the affected areas, upon customers' request, to disconnect temporarily customers' telephone service to avoid billing issues, and then reinstate the customers' same numbers when service is reconnected. This waiver applies to all companies that provide service in areas of Louisiana affected by Post-Tropical Cyclone Barry. This waiver is in effect immediately and for a nine-month period, expiring on April 14, 2020. This waiver of the aging rule will also apply to residential customers in other areas for which the President declares states of emergency due to Post-Tropical Cyclone Barry. These waivers will expire 270 days from the date the President declares a state of emergency for the area affected.

3. Also, because of substantial damage to telecommunications systems we expect to be caused by Post-Tropical Cyclone Barry to areas within its path, we recognize that customers in the affected areas may wish to port numbers to locations outside their rate centers. To facilitate their customers' continued access to telecommunications service following the tropical depression, we encourage service providers to port telephone numbers geographically outside a rate center to the extent it is technically feasible. We also encourage all service providers in the areas affected by Post-Tropical Cyclone Barry to waive call forwarding, message center, and voicemail service charges for affected customers, to the extent lawfully permitted, until the customers' service is restored.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 251(b)(2), and 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 251(b)(2) and 251(e), and sections 0.291 and 1.3 of the Commission's rules, 47 CFR §§ 0.291, 1.3, that section 52.15(f)(ii), 47 C.F.R. § 52.15(f)(ii), is waived to the extent herein described herein.

FEDERAL COMMUNICATIONS COMMISSION

Kris A Monteith
Chief
Wireline Competition Bureau

⁵ 47 CFR § 1.3 (providing that “[a]ny provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown”).