

3 47 CFR 52.15(g)(2). The Commission has waived section 52.15(g)(2) in the past for good cause shown. *See, e.g.,*
Petition of Vonage Holdings Corp. for Limited Waiver of Section 52.15(g)(2)(i) of the Commission's Rules
Regarding Access to Numbering Resources; Petition of TeleCommunication Systems, Inc. and HBF Group, Inc. for
Waiver of Part 52 of the Commission's Rules, CC Docket No. 99-200, 28 FCC Rcd 5842, 5878-86, paras. 87-114
 (2013).

soon be discontinued by the facilities-based wireless service provider with which Aeris currently has an MVNO relationship.⁵ US Cellular, with which Aeris now has a service agreement, seeks to maintain service to this limited number of IoT devices for a limited time by becoming the temporary assignee of the numbers that Aeris currently uses to provide service. US Cellular would do this by using the North American Numbering Plan Administrator/Pooling Administrator's "Thousands-Block modification inter-OCN (transfer)" process⁶ to transfer to US Cellular the thousands-blocks of telephone numbers currently used to provide service.⁷ Pursuant to section 52.15(g)(2) of the Commission's rules, US Cellular is required to demonstrate that it has authorization to provide service in the geographic areas associated with those numbers. US Cellular, however, cannot comply with the service authorization requirement of section 52.15(g) because it does not hold a qualifying legal authorization, such as a wireless license, in the geographic areas. US Cellular explains that the fleet devices at issue in its request represent a small portion of the devices that Aeris is currently migrating to US Cellular from Aeris's current facilities-based provider, the remainder of which can be served without a waiver of the Commission's rules.⁸

III. DISCUSSION

4. Generally, the Commission's rules may be waived for "good cause shown."⁹ The Commission may exercise its discretion to waive a rule where (a) the particular facts make strict compliance inconsistent with the public interest, (b) special circumstances warrant a deviation from the general rule, and (c) such deviation will serve the public interest.¹⁰ We conclude that good cause exists to grant US Cellular's request.

5. Section 52.15(g)(2) was adopted to prevent service providers (wireline and wireless) from "build[ing] inventories before they are prepared to offer service" because such practices "result[] in highly inefficient distribution of numbering resources and [are] counterproductive to [the Commission's] goal of optimizing the use of numbering resources."¹¹ In this specific case, however, the policy would not be undermined by the proposed numbers transfer and operation. US Cellular's request pertains to numbers that have already been assigned, are already in service, and which US Cellular seeks to keep in service for up to 24 months.¹² Further, US Cellular has committed to return the numbering resources to

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⁴ See United States Cellular Corporation, Request for Waiver of Section 52.15(g)(2) of the FCC's Rules, 47 C.F.R. Section 52.15(g)(2), WC Docket No. 13-97 (filed Dec. 14, 2021) (Request) at 1-3.

⁵ *Id.* at 2.

⁶ See ATIS, Industry Numbering Committee, Thousands-Block and Central Office Code Administration Guidelines, ATIS 0300119(2022-01), 9.1.9 (Jan. 14, 2022), https://access.atis.org/apps/group_public/document.php?document_id=63430.

⁷ Request at 1, 3. The specific blocks of numbers subject to US Cellular's request are set forth in US Cellular's January 21, 2022 Ex Parte Letter. Letter from Peter M. Conolly, Holland & Knight LLP, Counsel for United States Cellular Corporation, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-97, at 1 (filed Jan. 21, 2019) (January 21, 2022 Ex Parte Letter).

⁸ Request at 2.

⁹ 47 CFR § 1.3; see also *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert denied*, 409 U.S. 1027 (1972).

¹⁰ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

¹¹ *Numbering Resource Optimization First Report and Order*, 15 FCC Rcd at 7614, para. 96.

¹² We also note that because the IoT devices cannot place or receive public switched telephone network calls, we need not examine any potential consequences of US Cellular controlling numbering resources associated with a geographic area in which US Cellular does not have facilities. See January 21, 2022 Ex Parte Letter at 2.

the NANPA/PA no later than 24 months after any waiver is granted, and we condition our grant on US Cellular's compliance with this commitment (and, as possible, returning individual blocks of numbers prior to such date as they are no longer in service). Accordingly, these numbering resources will continue to be used appropriately and efficiently, now and in the future, in conformance with the objectives of section 52.15(g)(2).

6. We also determine that special circumstances support US Cellular's request. US Cellular's waiver request seeks to avoid disruption of service to a wholesale customer, Aeris, for a limited duration and is confined to a limited number of already in-service devices, which represent only a small portion of Aeris's overall service migration away from its current facilities-based provider. Further, although US Cellular lacks wireless licenses in the substantial majority of the United States, the waiver is limited to two particular geographic areas.¹³

7. At the same time, there are public interest benefits in granting US Cellular's narrowly-tailored request—preventing roughly 50,000 IoT fleet devices from losing service when US Cellular stands ready to provide service continuity. The Commission has long considered preventing service disruption to customers as furthering the public interest.¹⁴ We therefore conclude that good cause has been shown for granting a temporary waiver of section 52.15(g)(2) of our rules for a period of not more than 24 months from release of this order, and subject to the conditions expressed herein.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 251(e) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 251(e), and sections 0.91(b), 0.291, 1.3, and 52.15(g)(2) of the Commission's rules, 47 CFR §§ 0.91(b), 0.291, 1.3, 52.15 (g)(2) that the Request for Waiver filed by United States Cellular Corporation on December 14, 2021 IS GRANTED subject to the limitations and conditions as provided herein.

9. IT IS FURTHER ORDERED that pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau

¹³ See United States Cellular Corporation, *Voice and Data Maps*, <https://www.uscellular.com/coverage-map/voice-and-data-maps> (U.S. Cellular Licensed Markets) (last visited Jan. 20, 2022).

¹⁴ See, e.g., *WorldCom, Inc. and its Subsidiaries and MCI, Inc.*, Memorandum Opinion and Order, 18 FCC Rcd 26484, 26504, para. 30 (2003).