

**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: September 1, 2005

Released: September 1, 2005

By the Commission:

1. On Monday, August 29, 2005, Hurricane Katrina struck the Gulf Coast of the United States, causing significant damage in Louisiana, Mississippi, and Alabama. Hurricane Katrina caused massive flooding in some areas of these states, resulting in significant property damage and personal injury. It has also caused catastrophic service disruptions and outages in telephone service in these states.¹ For these reasons, we are, on our own motion, granting a temporary waiver of the Commission's numbering rules to allow carriers in those three states, and the numbering administrators that support them, to port telephone numbers geographically outside of rate centers during this period of service disruption.

2. Pursuant to the Commission's plenary jurisdiction, the Commission has adopted numbering rules and policies designed to ensure that carriers have access to numbering resources when needed to serve customers.² Among other things, the Commission's numbering rules require certain types of carriers to offer local number portability ("LNP").³ The Commission's number portability rules, however, do not extend to *location* or *service* portability.⁴ Due to the catastrophic damage to telecommunications systems caused by Hurricane Katrina in the Gulf Coast states, carriers may need to port numbers to destinations outside the affected rate centers. Section 1.3 of our rules authorizes the Commission to suspend, revoke, amend, or waive a Commission rule for good cause shown.⁵ We recognize that telecommunications service must be restored to the hurricane victims as quickly as possible

¹ President Bush issued Major Disaster Declarations for these three states on that same day. See <http://www.fema.gov/news/disasters.fema>. We recognize that President Bush also issued a Major Disaster Declaration for the state of Florida on August 28th, 2005. We do not extend the relief granted in this order to carriers operating in the state of Florida, because the telecommunications infrastructure in Florida apparently was not subject to the same level of destruction as was the infrastructure in parts of Louisiana, Mississippi, and Alabama.

² See generally 47 C.F.R. §§ 52.15 *et seq.*

³ See 47 C.F.R. §§ 52.23, 52.31.

⁴ See *Telephone Number Portability*, CC Docket No. 95-116, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8447, para. 181 (1996). See also *Telephone Number Portability*, CC Docket No. 95-116, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 23697, 23706, para. 22 (2003).

⁵ 47 C.F.R. § 1.3. This rule provides 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." *Id.*

and we find that waiver of the Commission's local number portability and number assignment rules is a reasonable and practical means for doing so. Accordingly, we find that due to this natural disaster, good cause exists for waiving these rules and that such waiver is in the public interest.

3. We therefore waive the Commission's local number portability and number assignment rules to the extent necessary to permit carriers to port customers' numbers to remote locations, on a temporary basis. This waiver applies to carriers to the extent that they provide service in the states of Louisiana, Mississippi, or Alabama, or to carriers assisting affected carriers in their efforts to continue or restore service. This waiver also applies to the numbering administrators, to the extent necessary to support carriers in the affected areas. The waiver is in effect retroactively beginning August 29, 2005 for ninety days, until November 27, 2005. If carriers are unable to resume service on a normal basis in areas affected by Hurricane Katrina after this time period has elapsed, they should request additional relief from the Wireline Competition Bureau.

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 section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, that our local number portability and number assignment rules, contained in part 52 of the Commission's rules, are waived to the extent herein described.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary