

PROJECT NO. 25224

RULEMAKING PROCEEDING TO	§	PUBLIC UTILITY COMMISSION
ADOPT PROCEDURES FOR	§	
RECLAMATION OF NXX CODES AND	§	OF TEXAS
THOUSANDS-BLOCKS	§	

**ORDER ADOPTING NEW §26.375,
RELATING TO RECLAMATION OF CODES AND THOUSANDS-BLOCKS AND
PETITIONS FOR EXTENSION OF CODE AND THOUSANDS-BLOCK ACTIVATION,
AS APPROVED AT THE AUGUST 23, 2002 OPEN MEETING**

The Public Utility Commission of Texas (commission) adopts new §26.375, relating to Reclamation of Codes and Thousands-Blocks and Petitions for Extension of Code and Thousands-Block Activation with changes to the proposed text as published in the May 17, 2002 *Texas Register* (27 TexReg 4302). The rule provides procedures for the reclamation of codes and thousands-blocks pursuant to authority delegated to state commissions by the Federal Communications Commission (FCC), *In the Matter of Number Resource Optimization*, CC Docket Number 99-200, Report and Order, FCC 00-104 (rel. March 31, 2000). This new section is adopted in Project Number 25224.

Prior to proposing new §26.375, the commission received comments and held a workshop at the commission's offices on February 27, 2002. The preamble to the proposed rule requested comments generally and also invited specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. However, no party filed any comments or requested a hearing in response to the proposed rule.

To clarify the rule, the commission modifies two subsections of §26.375. First, the commission amends subsection (f)(2) to clarify that a carrier may obtain more than one extension. This change makes explicit an existing practice under the interim code extension and reclamation procedures. Second, the commission amends subsection (f)(7) to specify that the commission may waive the 30 day deadline by order. This change clarifies that the commission may waive the 30 day deadline, without having to refer to the general waiver provision of Substantive Rule §26.3 relating to Severability Clause.

This new section is adopted under the Federal Communications Commission (FCC) order, *In the Matter of Number Resource Optimization*, CC Docket No. 99-200, Report and Order, FCC 00-104 (rel. March 31, 2000) and the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2002) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002.

§26.375. Reclamation of Codes and Thousands-Blocks and Petitions for Extension of Code and Thousands-Block Activation.

- (a) **Purpose.** This section establishes the procedures under which this commission may order reclamation of a code or thousands-block, and under which a code holder may petition the commission for an extension of the period of time allowed for code or thousands-block activation.
- (b) **Application.** This section applies to the following entities:
- (1) "Telecommunications provider" or "telecommunications utility" as defined in the Public Utility Regulatory Act (PURA) §51.002;
 - (2) Any other entity that has been assigned a code by the North American Numbering Plan Administration (NANPA).
- (c) **Definitions.** The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.
- (1) **Activation period** — The six month period after the published Local Exchange Routing Guide (LERG) effective date.
 - (2) **Area code or numbering plan area (NPA)** — The first three digits of a ten-digit telephone number that designates a "toll" center in the United States and Canada.

- (3) **Central office code (code) or NXX** — The second three digits of a ten-digit telephone number that identifies the local switching office.
- (4) **Code holder** — Any entity to which a code or thousands-block is assigned by the NANPA or the thousands-block pooling administrator.
- (5) **Expiration date** — The last day of the activation period.
- (6) **In service** — A code or thousands-block that has been activated and the code holder has commenced assigning individual telephone numbers to end users.
- (7) **Local Exchange Routing Guide (LERG)** — A collection of data that shows the relationship between a central office and tandem office and is used in the telephone network design process.
- (8) **Operating Company Number (OCN)** — The unique string of numbers assigned by the National Exchange Carrier Association (NECA) which identifies a telecommunications utility.
- (9) **Part 1** — The Central Office Code (NXX) Assignment Request form developed by the Industry Numbering Committee (INC) as an attachment to the Central Office Code (NXX) Assignment Guidelines.
- (10) **Part 1A** — The Thousands-Block Application form developed by the INC as an attachment to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines.
- (11) **Part 4** — The Confirmation of Code In Service form developed by the INC as an attachment to the Central Office Code (NXX) Assignment Guidelines or the

Confirmation of NXX-X Block In Service form developed by the INC as an attachment to the Thousands-Block Pooling Guidelines.

- (12) **Reclamation list** — The monthly list the commission receives of codes considered delinquent by the NANPA because Part 4s have not been filed within the required time period.
 - (13) **Thousands-block** — One of ten sequential blocks of 1,000 numbers from a code.
 - (14) **Thousands-block number pooling** — A process by which the 10,000 numbers in a code are separated into ten sequential blocks of 1,000 numbers each and allocated separately within a rate center.
 - (15) **Thousands-block reclamation list** — The monthly list the commission receives of thousands-blocks considered delinquent by the thousands-block pooling administrator because Part 4s have not been filed within the required time period.
- (d) **Reclamation.** The commission may instruct the NANPA to reclaim any code or thousands-block that has been:
- (1) Assigned but is no longer in use by the assignee;
 - (2) Assigned to a service that is no longer offered;
 - (3) Assigned but not in service by the required six-month period; or
 - (4) Assigned, but not used in conformance with industry established guidelines.
- (e) **Reclamation list and thousands-block reclamation list.**

- (1) Each month the NANPA and the thousands-block pooling administrator will provide commission staff a list of codes and a list of thousands-blocks with delinquent Part 4s. Within ten days of receiving the monthly lists, commission staff will notify code holders of codes or thousands-blocks that have been added to the lists.
 - (2) Within ten days of receiving the notification the code holder shall respond, in writing, to staff by doing one or a combination of the following:
 - (A) Filing a Part 4 for the code or thousands-block;
 - (B) Providing a Part 1 for the code or thousands-block; or
 - (C) Filing a Petition for Extension of the activation period under subsection (f) of this section.
 - (3) On or before the last business day of the month, commission staff shall respond to the NANPA and the thousands-block pooling administrator by forwarding copies of all applicable Part 4s and Part 1s received by staff, and reporting any applicable Petitions for Extension filed during that month.
- (f) **Petition for extension.** These requirements apply whether the code holder is assigned a code or thousands-block.
- (1) Before the expiration of the activation period, or after the code holder is notified of the delinquency under subsection (e) of this section, the code holder may file a Petition for Extension that shall include:
 - (A) The name of the code holder and OCN;

- (B) Contact information, including name, address, phone number, fax number, and e-mail address;
 - (C) List of the relevant code(s) or thousands-blocks(s) and identification of each as "growth" or "initial;"
 - (D) Expiration date of each code or thousands-block;
 - (E) Purpose for which the code or thousands-block was originally certified and assigned;
 - (F) Detailed explanation of the need for the extension and an appropriate timeline;
 - (G) Requested extension date; and
 - (H) Supporting documentation and any other relevant information.
- (2) An extension request shall be for no more than 90 days from the code or thousands-block expiration date. Multiple extensions may be granted.
- (3) Within five business days of the filing of the petition, staff shall notify the code holder if the petition is insufficient because it does not contain all of the items listed under paragraph (1) of this subsection.
- (4) Within seven business days of the filing of the petition, any party may file a pleading in favor of or against the petition.
- (5) Within 15 business days of the filing of the petition, or within seven business days of receiving requested supplemental information, staff will file a recommendation on the petition.

- (6) After receiving staff's recommendation, the commission will issue an administrative notice of approval or denial of the petition.
 - (7) Staff, the petitioning party, or any party filing for or against the petition may appeal the notice to the commission within seven business days. The commission will rule on any notice added to an open meeting agenda within 30 days of the date the appeal is filed, unless the commission orders otherwise.
 - (8) Reclamation shall be stayed pending the outcome of a Petition for Extension and any associated appeal.
- (g) **Code holder reporting responsibilities.**
- (1) A code holder shall report to the commission the name and OCN of the new code holder whenever it requests that the NANPA or the thousands-block pooling administrator transfer a code or thousands-block from one code holder to another.
 - (2) Code holders shall keep all contact information current with the NANPA.

This agency hereby certifies that the rule, as adopted, has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority. It is therefore ordered by the Public Utility Commission of Texas that §26.375, relating to Reclamation of Codes and Thousands-Blocks and Petitions for Extension of Code and Thousands-Block Activation is hereby adopted with changes to the text as proposed.

ISSUED IN AUSTIN, TEXAS ON THE _____ DAY OF _____ 2002.

PUBLIC UTILITY COMMISSION OF TEXAS

Rebecca Klein, Chairman

Brett A. Perlman, Commissioner