

**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

REQUEST FOR EXTENSION OF WAIVER

Pursuant to sections 1.1, 1.3, and 1.41 of the Federal Communications Commission’s (“FCC’s” or “Commission’s”) rules,¹ Sprint Corporation (“Sprint”) hereby timely requests that the Commission extend the existing waiver that relaxes telephone number portability rules as Sprint continues recovery efforts in the United States Virgin Islands from damaged caused by Hurricane Maria.² Sprint requests an extension of the waiver for a period of six months.³

I. BACKGROUND AND INTRODUCTION

In September 2017, Hurricane Maria caused major damage in the Caribbean which led the Federal Emergency Management Agency (“FEMA”), Department of Homeland Security, to declare the U.S. Virgin Islands (“USVI”) a major disaster.⁴ On September 21, 2017,

¹ 47 C.F.R. §§ 1.1, 1.3, 1.41. *See also* 47 U.S.C. § 225.

² Telephone Number Portability and Numbering Resource Optimization, 32 FCC Rcd 7005, ¶ 3 (adopted September 21, 2017)(“ Waiver”).

³ The Waiver is set to expire June 20, 2018 – a six month extension would expire on December 20, 2018.

⁴ *President Donald J. Trump Approves Major Disaster Declaration for the U.S. Virgin Islands*, FEMA release HQ-17-128 (September 21, 2017), available at <https://www.fema.gov/news-release/2017/09/21/president-donald-j-trump-approves-major-disaster-declaration-us-virgin>

the Federal Communications Commission's Wireline Competition Bureau, on its own motion, issued a Waiver relaxing numbering and porting rules "[i]n an effort to assist the telecommunications industry as it restores service in the affected areas."⁵ With respect to porting specifically, the Commission encouraged "service providers to port telephone numbers geographically outside a rate center to the extent technically feasible."⁶

Since that time, Sprint has been working with numerous parties to restore services to its wireless customers in the USVI. While Sprint has made great strides in restoring its wireless infrastructure (towers, new equipment, *etc.*), Sprint remains unable to establish new trunk groups to the LEC tandem necessary to support services to an estimated 7,000 customers. Sprint and its vendor continue to work with the local exchange carrier to establish the new trunk group, but there is no date certain by which this issue will be resolved.⁷

In the meantime, however, if the Waiver is extended, Sprint can continue to provide reliable services to its customers utilizing a workaround whereby Sprint sends the traffic to a stateside switch. Sprint is able to re-home these USVI numbers using a Location Routing Number or "LRN" to a switch located Akron, Ohio. This allows calls to complete on an alternate path that is not reliant on the USVI trunk group. In order to move or re-home the USVI telephone numbers to a working, stateside switch, the numbers must be, in essence, ported across LATA boundaries. Generally, the Number Portability Administration Center ("NPAC")

⁵ *Id.* at ¶ 1.

⁶ *Id.*

⁷ Sprint is optimistic that this issue will be resolved within six months and is happy to provide the Commission with periodic updates of its progress in resolving this matter.

prevents assignment of out of LATA Location Routing Numbers (“LRN”) to a ported number. The Commission’s Waiver, however, permits such an edit to the NPAC. If the waiver were to expire on June 20, 2019, Sprint would lose the ability to utilize this alternate calling path and calls would undoubtedly drop or fail altogether.

II. EXTENSION OF THE WAIVER IS IN THE PUBLIC INTEREST

Waiver of Commission rules is permitted upon a showing of “good cause.”⁸ Specifically, the Commission may waive its rules where the particular facts would make strict compliance inconsistent with the public interest, taking into account, *inter alia*, considerations of “hardship, equity, or more effective implementation of overall policy on an individual basis.”⁹ Waiver is particularly appropriate where “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”¹⁰

In this case, the Commission already has determined that it is in the public interest to waive its rules to assist the telecommunications industry as it restores service in the areas impacted by Hurricane Maria. This same “good cause” exists today, as Sprint continues its efforts to restore service.

Hurricane Maria had a devastating impact on several Caribbean islands and these areas are still far from fully recovered. Indeed, the 2017 hurricane season was one of the most

⁸ 47 C.F.R. § 1.3.

⁹ *Numbering Resource Optimization; Petition of California Public Utilities Commission for Waiver of the Federal Communications Commission’s Contamination Threshold Rule*, Order, 18 FCC Rcd 16860, ¶ 9 (2003) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972) (“*WAIT Radio*”); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

¹⁰ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d at 1166 (referencing *WAIT Radio*).

devastating on record with an estimated \$282 billion in damages with major successive hurricanes (*e.g.*, Harvey, Irma and Maria) wreaking havoc on infrastructure in the U.S. and its territories.¹¹ As seen with other island territories, recovery is particularly difficult given island logistics as well as scarce resources and labor. Certainly the impacts to Puerto Rico and the delays in fully restoring electrical and other utility infrastructure are well-known through frequent news coverage.

While not garnering this level of media coverage, the USVI have been similarly devastated and have experienced similar delays in recovery. Sprint has found it quite difficult to obtain the necessary resources to resolve the outstanding service impairments. These resource constraints, coupled with the fact that Sprint is dependent on other parties to establish the new trunk groups necessitates an extension of the Waiver. These are, indeed, special circumstances that warrant a deviation from the porting rules. Without an extension of the Waiver, Sprint customers will undoubtedly experience call failures, call drops and inadequate service including lack of access to emergency 9-1-1 services. These hardships may be avoided, however, through equitable Commission action. In short, for the same reasons the Commission initially approved a waiver, the public interest will be served through a six month extension of that Waiver.

¹¹ See, *2017 Atlantic Hurricane Season*, available at https://en.wikipedia.org/wiki/2017_Atlantic_hurricane_season

III. CONCLUSION

For the foregoing reasons, Sprint requests that the Commission extend the waiver that permits telephone numbers to be ported outside LATA boundaries in order to ensure customers in the USVI maintain service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott R. Freiermuth", written over a horizontal line.

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