

**Federal Communications Commission**

**DA 01-497**

2001 MAR -2 P 3: 04

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

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Petition of XO Communications, Inc. for Temporary Waiver of Deadline in 47 C.F.R. § 52.15(f)(6)	)	NSD File No. L-01-32
	)	
Petition of Focal Communications Corporation for Temporary Waiver of Deadline in 47 C.F.R. § 52.15(f)(6)	)	NSD File No. L-01-33
	)	
BellSouth Telecommunications, Inc. Emergency Petition for Partial Waiver/Extension of Time	)	NSD File No. L-01-34
	)	

**ORDER**

**Adopted: February 22, 2001**

**Released: February 23, 2001**

By the Deputy Chief, Common Carrier Bureau:

**I. INTRODUCTION AND BACKGROUND**

1. On March 31, 2000, the Commission released a Report and Order and Further Notice of Proposed Rulemaking on Numbering Resource Optimization.<sup>1</sup> This order established certain administrative and technical measures to allow us to monitor more closely use of numbering resources within the North American Numbering Plan (NANP) and promote more efficient use of numbering resources.<sup>2</sup> Among other things, we required carriers to report semiannually on their actual and forecasted number usage.<sup>3</sup> Carriers are required to report on or before February 1 for the six-month period immediately preceding December 31 and on or before August 1 for the six-month period immediately preceding June 30. By order released July 31, 2000, the Commission extended the initial filing date from August 1, 2000 to September 15, 2000.<sup>4</sup>

<sup>1</sup> *Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000) (*NRO Order*).

<sup>2</sup> Pursuant to 47 U.S.C. section 251(e)(2), the Commission has plenary jurisdiction over the NANP as it pertains to the United States.

<sup>3</sup> 47 C.F.R. § 52.15(f)(6).

<sup>4</sup> *Numbering Resource Optimization*, CC Docket No. 99-200, Order (released July 31, 2000).

2. XO Communications (XO), Focal Communications Corporation (Focal), and BellSouth Telecommunications, Inc. (BellSouth) (collectively Petitioners) have separately requested a temporary waiver of February 1, 2001 deadline to file their numbering utilization and forecast data for the period ending December 31, 2000.<sup>5</sup> We grant petitioners' requests, and extend the filing deadline to March 1, 2001.

## II. DISCUSSION

3. Petitioners assert that they are unable to comply with the February 1, 2001 numbering resource utilization and forecast reporting deadline, and request an extension until March 1, 2001 to submit the information.<sup>6</sup> According to XO, it is unable to meet the deadline because its data became corrupted during the process of updating its numbering administration database.<sup>7</sup> Focal reports that it is unable to comply with the February 1, 2001 deadline for similar reasons. It states that it modified its software to be able to retrieve the required data, but the modified software did not capture all of the required data.<sup>8</sup> BellSouth states that it discovered extensive errors to its utilization data the day before the filing deadline.<sup>9</sup>

4. Section 1.3 of our rules authorizes the Commission to suspend, revoke, amend, or waive, for good cause shown, a Commission rule. Although petitioners should have resolved any software and systems problems sufficiently in advance of the filing deadline, we believe that each petitioner made a good faith attempt to submit the data in a timely manner. Petitioners indicate that "but for" the system failures they would have met the deadline. We find that petitioners have shown good cause for a waiver of our rules in this instance, and that these unanticipated and special circumstances warrant a temporary waiver of the filing deadline. Further, we believe that strict compliance by the petitioners with the February 1 deadline would not be in the public interest. Rather, the public interest would be better served if we allow petitioners to correct their respective problems and submit accurate data. Accurate data is necessary for properly monitoring the use and allocation of numbering resources, to assist state commissions with area code relief proceedings, and to assist the North American Numbering Plan Administrator (NANPA) in projecting numbering resource exhaust and carrying out its other duties.

5. Petitioners may therefore file their numbering resource utilization and forecast data for the six-month period ending December 31, 2000 no later than March 1, 2001. In accordance with our rules, the NANPA shall withhold numbering resources from any petitioner that fails to comply with the reporting requirements by that date.<sup>10</sup> Carriers that fail to comply with our reporting requirements may be subject to enforcement action as well.

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<sup>5</sup> Petition of XO Communications, Inc. for Temporary Waiver of Deadline in 47 C.F.R. § 52.15(f)(6) (filed January 29, 2001); Petition of Focal Communications Corporation for Temporary Waiver of Deadline in 47 C.F.R. § 52.15(f)(6) (filed February 2, 2001); BellSouth Telecommunications, Inc. Emergency Petition for Partial Waiver/Extension of Time. (filed February 1, 2001).

<sup>6</sup> *Id.*

<sup>7</sup> XO Petition at 2.

<sup>8</sup> Focal Petition at 2.

<sup>9</sup> BellSouth Petition at 3.

<sup>10</sup> 47 C.F.R. § 52.15(g)(3)(iv).

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**III. ORDERING CLAUSE**

6. Accordingly, IT IS ORDERED, pursuant to 4(i), 10, and 251(e) of the Communications act of 1934, as amended, 47 U.S.C. §§ 154(i), 160, 251(e), and section 1.3 of the Commissions regulations, 47 C.F.R. §1.3, that the petitions filed by XO Communications, Inc., Focal Communications Corporation, and BellSouth Telecommunications, Inc. ARE GRANTED to the extent herein described.

FEDERAL COMMUNICATIONS COMMISSION

Yog R. Varma  
Deputy Chief, Common Carrier Bureau