

Before the
Federal Communications Commission

Washington, D.C. 20554 2001 SEP 26 P 3: 06

In the Matter of)
)
Numbering Resource Optimization)
)
Allegiance Telecom of New York, Inc. and)
Allegiance Telecom of New Jersey, Inc.)
Emergency Request for Waiver to)
Accommodate Telecommunications)
Customers in Lower Manhattan)

RECEIVED
CC Docket No. 99-200
NSD File No. L-01-151

ORDER

Adopted: September 25, 2001

Released: September 25, 2001

By the Common Carrier Bureau:

I. INTRODUCTION AND BACKGROUND

1. On September 13, 2001, Allegiance Telecom of New York, Inc. (Allegiance-NY) and Allegiance Telecom of New Jersey, Inc. (Allegiance-NJ) (collectively referred to as Allegiance) requested emergency waiver of the Commission's local number portability and numbering assignment rules. Allegiance requests this waiver to allow it to use geographic portability to accommodate customers due to the national disaster that occurred on September 11, 2001.¹

2. Allegiance reports that Allegiance-NY serves customers using a switch located at 60 Hudson Street and interconnected at Verizon's 140 West Street central office. Verizon's 140 West Street central office is located in close proximity to the site of the World Trade Center, and was severely damaged in the national disaster. As a result of the damage to the 140 West Street central office, Allegiance advised that its customers served by the Verizon interconnection are out of service. Allegiance further reported that many of its business customers with offices in lower Manhattan, also served through the 140 West Street central office, are unable to conduct business at their premises due to the ongoing relief efforts and the unavailability of electricity following the disaster.

3. To accommodate its customers, Allegiance proposes to use local number portability technology to port the telephone numbers associated with the affected central office

¹ See Letter from Morton J. Posner, Counsel for Allegiance Telecom of New York, Inc. and Allegiance Telecom of New Jersey, Inc., to Dorothy Attwood, Chief, Common Carrier Bureau, FCC, dated September 13, 2001.

codes (CO codes or NXXs) to other destinations in New York City or northern New Jersey where Allegiance-NY and Allegiance-NJ have interconnection arrangements with Verizon. Allegiance states that this intra-network porting would allow its customers to temporarily resume their telephone service at a location of their choosing until the situation in lower Manhattan is more settled. In addition, to further accommodate customers' telecommunication needs during this time, Allegiance seeks to honor customers' needs for additional telephone numbers within their existing NXX although the customer's temporary location may be elsewhere in metropolitan New York City.

II. DISCUSSION

4. The Commission has plenary jurisdiction of those portions of the North American Numbering Plan that pertain to the United States.² Pursuant to that jurisdiction, the Commission has adopted numbering policies that are designed to ensure that carriers have access to numbering resources when needed to serve customers.³ Section 1.3 of our rules authorizes the Commission to suspend, revoke, amend, or waive, for good cause shown, a Commission rule.⁴ In demonstrating good cause, an applicant for a waiver "faces a high hurdle even at the starting gate."⁵ Moreover, the Commission must in its decision "explain why deviation [from its rules] better serves the public interest."⁶

5. It is important that telecommunications service is restored to customers in lower Manhattan as quickly as possible, and we find that Allegiance's proposal is a reasonable and practical means for restoring telephone service to its customers. Accordingly, we find that Allegiance has demonstrated that good cause exists for granting the relief requested and that, due to the national disaster, waiver of the LNP and applicable number assignment rules is in the public interest. We, therefore, grant Allegiance's request for emergency waiver of the local number portability and number assignment rules to the extent necessary to offer its customers served by its lower Manhattan facilities the option of porting telephone numbers to remote temporary locations. This waiver is effective from September 11, 2001 until Allegiance is able to resume service in lower Manhattan, but not longer than December 11, 2001. In the event that Allegiance requires additional time to comply with the Commission's LNP and number assignment rules, it should seek additional relief from the Bureau.

² 47 U.S.C. § 251(e).

³ See generally 47 C.F.R. §§ 52.15 et. seq.

⁴ See also *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

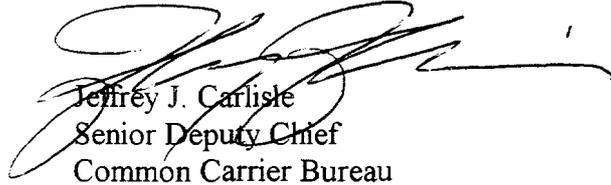
⁵ *Id.*

⁶ See *Northeast Cellular Telephone Company, L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

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 petition filed by Allegiance Telecom of New York, Inc and Allegiance Telecom of New Jersey, Inc. IS GRANTED to the extent herein described.

FEDERAL COMMUNICATIONS COMMISSION



Jeffrey J. Carlisle
Senior Deputy Chief
Common Carrier Bureau