

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

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In the Matter of)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Numbering Resources Optimization)	CC Docket No. <u>99-200</u>

ORDER

Adopted: October 1, 2007

Released: October 1, 2007

By the Acting Chief, Wireline Competition Bureau:

1. On June 24, 2007, the Federal Emergency Management Agency (FEMA), Department of Homeland Security, declared certain areas in the State of California fire management assistance areas due to severe wildfires.¹ In an effort to assist the telecommunications industry as it restores service in the affected areas of California, we grant, on our own motion, a temporary waiver of the Commission's rule for aging telephone numbers for residential customers in those areas declared as fire management assistance areas.² Section 52.15(f)(ii) of the Commission's numbering rules allows carriers to age numbers previously assigned to residential customers for no more than 90 days before making them available for assignment to another customer.³ Waiver of this rule will allow carriers in the affected areas to disconnect temporarily customers' telephone service, upon request, to avoid billing issues, and then reinstate the same number when the service is reconnected for customers in those areas.

2. We recognize that customers who have been displaced by the wildfires in California may desire to discontinue their service temporarily and to reinstate it at a later time. Due to the catastrophic nature of the damage to telecommunications systems in California, we expect that in many cases these customers may seek to reinstate their service after the 90-day period has lapsed. Section 1.3 of our rules authorizes the Commission to suspend, revoke, amend, or waive a Commission rule for good cause shown.⁴ Accordingly, we find that, in order to promote the maintenance and rebuilding of communities in wildfire-ravaged areas and to facilitate continued access to telecommunications services for wildfire victims, it is in the public interest to waive section 52.15(f)(ii) of the Commission's rules to allow

¹ See Federal Emergency Management Agency, California Creek Fire: Fire Management Assistance Declaration, June 29, 2007 (visited Sept. 21, 2007) <http://home.fema.gov/news/event.fema?published=1&id=8285>.

² Aging numbers are disconnected numbers that are not available for assignment to another end user or customer for a specified period of time. Numbers previously assigned to residential customers may be aged for no more than 90 days. See 47 C.F.R. § 52.15(f)(ii).

³ See *id.* This Order applies to all telecommunications carriers, including both wireline and wireless carriers.

⁴ 47 C.F.R. § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown.").

carriers to hold numbers for more than 90 days before they are available for reassignment. This waiver applies to carriers to the extent that they provide service in areas of California declared as fire management assistance areas.

3. We also recognize that customers in the affected rate centers may need to port numbers to destinations outside those rate centers. Therefore, we also grant, on our own motion, a waiver of Commission rules to allow for the porting of telephone numbers geographically outside a rate center during this period of service disruption. This waiver applies to carriers to the extent they provide service in areas of California declared as fire management assistance areas, 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. We find that waiver of the Commission's local number portability rules in this instance is a reasonable and practical means for assisting in wildfire recovery and, accordingly, it is in the public interest to grant it.

4. Based on the discussion above, we therefore waive temporarily the Commission's rules for aging residential numbers and geographic number porting to the extent necessary to permit carriers to restore service in the affected areas of California during this period of service disruption.⁵ The waiver is in effect immediately for nine months, until July 1, 2008. If carriers are unable to resume service on a normal basis after this time period has lapsed, they should request additional relief from the Wireline Competition Bureau.

5. It is our expectation that carriers in the affected areas will make available interim solutions to accommodate their residential customers affected by this disaster. For its currently affected customers, AT&T has waived its call forwarding and message center and voicemail service charges for a period of 30 days.⁶ We believe that extending the waiver of these charges beyond 30 days will further protect residential customers' ability to receive calls, consistent with the public interest considerations that justify our waiver of the number aging rule. Therefore, we strongly encourage AT&T, along with other carriers in the affected areas, to waive these charges for affected customers to the extent lawfully permitted until the customers' service is restored. For those customers in the affected areas whose numbers were placed in aging status following the disaster, we find it appropriate for AT&T, along with other carriers in the affected areas, to port their numbers at the customers' request.⁷ For those customers

⁵ A similar waiver was granted earlier this year for carriers in areas of Kansas damaged by severe storms. *See Telephone Number Portability; Numbering Resource Optimization Order*, CC Docket No. 95-116; CC Docket 99-200, Order, 22 FCC Rcd 11670 (WCB 2007). In 2005, carriers in states affected by Hurricane Katrina were also granted waivers of our number assignment and local number portability rules. *See Telephone Number Portability; Numbering Resource Optimization Order*, CC Docket No. 95-116; CC Docket 99-200, Order, 20 FCC Rcd 15077 (2005); *Numbering Resource Optimization Order*, CC Docket No. 99-200, Order, 20 FCC Rcd 15093 (2005).

⁶ Letter from Brian Benison, Director, Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 95-116, 99-200 (filed Sept. 26, 2007), attaching letter from Rhonda J. Johnson, Vice President Regulatory Affairs, AT&T California, to John M. Leutza, Director, Telecommunications Division, California Public Utilities Commission (dated Jn. 29, 2007). In other contexts, parties have asserted that similar interim measures are potentially useful for aiding customers in disaster situations. *See, e.g., Petition of Evslin Consulting and pulver.com for Rulemaking to Preserve Post-Disaster Communications*, RM-11327, Public Notice, 21 FCC Rcd 3639 (2006) (suggesting that carriers could aid customers by activating a voicemail service or by providing expedited local number porting.)

⁷ Note that we find this appropriate only to the extent that carriers already have implemented local number portability in the relevant area.

in the affected areas whose numbers are in aging status at the time of the port request, we require AT&T to port their numbers at the customers' request during the term of the waiver granted herein.

6. 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),(e), and sections 0.291 and 1.3 of the Commission's rules, 47 C.F.R. §§ 0.291, 1.3, that 47 C.F.R. § 52.15(f)(ii) and our local number portability and number assignment rules contained in part 52 of the Commission rules, are waived to the extent herein described.

FEDERAL COMMUNICATIONS COMMISSION



Dana R. Shaffer
Acting Chief
Wireline Competition Bureau