

ORIGINAL

Commissioner	Yes	No	Not Participating
Huston	√		
Freeman	√		
Krevda	√		
Veleta	√		
Ziegner	√		

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION
GENERAL ADMINISTRATIVE ORDER
2023-01

WHEREAS, the Federal Communications Commission (“FCC”) has authority over the distribution of area codes and number pooling in the United States; and the FCC has established a “safety valve” mechanism to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources; and

WHEREAS, the FCC has delegated authority to state commissions under FCC’s rules, specifically 47 C.F.R. §52.15(g), as amended by its Third Report and Order and Second Order On Reconsideration In CC Docket No. 96-98 and CC Docket No. 99-200, *In the Matter of Number Resource Optimization: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 17 FCC Rcd 252, 280-282, ¶¶ 61-66 (released Dec. 28, 2001); and

WHEREAS, the Indiana Utility Regulatory Commission (“IURC” or “Commission”) is a state commission that has acted under this delegation of authority from the FCC; and IC § 8-1-2.6-13(c)(11) provides that the Commission may continue to act regarding universally applicable dialing codes; and

WHEREAS, on May 13, 2011, the Governor signed into law Senate Enrolled Act 480, which added IC 8-1-2.6-17 and allowed the Commission to delegate authority to its staff to grant requests for numbering resources submitted through the safety valve process established by the FCC (“Safety Valve Requests”), with an effective date of July 1, 2011; and

WHEREAS, while it retains approval authority, the Commission found that it was appropriate to adopt streamlined procedures for Safety Valve Requests; and

WHEREAS, the Commission adopted streamlined procedures in GAO 2011-3, *IURC Procedures for Handling Safety Valve Requests*; and

WHEREAS, the Commission has determined that those streamlined procedures should be updated, including providing for the electronic filing of documents;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the IURC Process for Handling Safety Valve Requests, which is attached to this General Administrative Order as Appendix A, is adopted by this Commission and that GAO 2011-3 is hereby superseded.

HUSTON, FREEMAN, KREVDA, VELETA, AND ZIEGNER CONCUR:
APPROVED: FEB 08 2023

I hereby certify that the above is a true and correct copy of the Order as approved.

Dana Kosco, Secretary of the Commission

APPENDIX A

IURC Process for Handling Safety Valve Requests

I. Safety Valve Requests

A Safety Valve Request is a process created by the FCC and delegated to state commissions to permit telecommunications carriers to request additional numbering resources after the request has been denied by the North American Numbering Plan Administrator (NANPA). The Safety Valve Request process is outlined in 47 CFR § 52.15(g)(5):

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an Operating Company Number (OCN). The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state regulatory commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.

The following policy describes the process of the Indiana Utility Regulatory Commission ("Commission" or "IURC") for handling requests for numbering resources. These Safety Valve Requests are exceptions to the numbering conservation criteria, and, as such, should be rare. Furthermore, each Safety Valve Request is unique and should be reviewed by Staff and approved formally by the Commission.

II. Filing Process

The requesting Communications Service Provider ("CSP") files a Petition with the Commission pursuant to federal rules described above.

1. The CSP must use an attorney licensed in the State of Indiana to represent it before the Commission.
2. The Petition shall be titled as an Emergency Petition and shall contain all pertinent information on the need for additional numbering resources that prompted the filing of the Petition.
3. The CSP shall provide all pertinent information on number utilization for the rate center in which the thousand block(s) is being requested.

4. As additional support, the CSP shall respond to the following Commission evaluation criteria:
 - a. Is the requested relief reasonable considering the projected need?
 - b. Has the CSP thoroughly examined all alternatives available to satisfy the projected need?
 - c. Has the CSP demonstrated a good-faith effort to participate in the program to conserve numbering resources?
5. The Petition shall state the requested relief.
6. The Petition shall include the following Attachments:
 - a. Numbering Resources Request Form (Part 1 and/or Part 1A).
 - b. Months-to-Exhaust (“MTE”) and Utilization Worksheet.
 - c. Documentation of Numbering Request Denial by Numbering Resources Administrator (e.g. Pooling Administrator).
 - d. Documentation demonstrating the verifiable need for additional numbering resources (e.g. Customer Request Letter).
 - e. A customer’s utilization plan for the numbers requested (i.e. number of phone lines, number of offices, hospital beds, expansion plans), if a customer will receive numbers as a result of the safety valve process.
 - f. A statement describing the CSP’s ability and willingness to return any uncontaminated blocks or codes in exchange for the requested numbers.
 - g. A statement certifying that the requested numbering resources will be used only for the purposes outlined in the petition. If any of the numbering resources (e.g. thousand-blocks) associated with the request are not utilized for the purposes set forth in the petition, the CSP will return/donate those numbering resources (e.g. thousand-blocks) back to the Numbering Administrator (e.g. Pooling Administrator).
 - h. A statement certifying that the numbering resources will be used within 18 months of the Commission’s Order, and the CSP will return/donate any uncontaminated (less than ten percent utilized) thousand-blocks or unused NXX codes back to the Numbering Administrator (e.g. Pooling Administrator).
 - i. A statement signed under penalty of perjury that affirms the accuracy of the information in the Petition.
7. The Petition and all supporting documentation shall be filed electronically with Commission through the Commission’s online portal, using the petition type “Numbering.”
8. A copy of the Petition shall be provided to the Indiana Office of Utility Consumer Counselor (“OUCC”).
9. In addition to filing the Petition in the electronic filing system, it shall be emailed to IURCCcommunications@urc.in.gov prior to or simultaneous with the petition.

III. Review and Approval of Petition

1. A docket entry may be issued requesting additional information if the Petition does not meet the above requirements.
2. The CSP, OUCC, or any other interested person may request a hearing.
3. If no requests for a hearing are submitted within ten (10) business days of the filing of the Petition and the Commission does not otherwise determine a hearing is necessary, and if no deficiencies are found in the Petition, the Commission may issue an order on the Petition without a hearing.