

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN MATTER OF THE PETITION OF QWEST ) ORDER GRANTING WAIVER  
CORPORATION FOR WAIVER OF )  
UTILIZATION THRESHOLD REQUIREMENT IN ) TC10-076  
MITCHELL, SOUTH DAKOTA RATE CENTER )**

On June 2, 2010, Qwest Corporation (Qwest) filed with the Public Utilities Commission (Commission) a waiver of the utilization threshold requirements outlined in FCC's Number Resource Optimization Orders, FCC 00-429 and FCC 01-362 released in CC Docket No. 99-20, to allow NeuStar, the Number Pooling Administrator, to open a new NXX and provide a block of numbers in the Mitchell Rate Center.

Pursuant to an order issued by the Federal Communication Commission (FCC), state commissions were delegated the authority to hear claims that a "safety valve" should be applied when the NANPA or Pooling Administrator denies a request for numbers. *Third Report and Order and second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, FCC 01-362, para. 61 (rel. December 28, 2001). A state commission may "consider requests from carriers with multiple switches in a given rate center to determine whether relief is warranted on a case-by-case basis." *Id.* at para. 65.

On June 3, 2010, the Commission electronically transmitted notice of the filing and the intervention deadline of June 18, 2010. No petitions to intervene were filed.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31 and 47 C.F.R. § 52.15(g)(4).

At its regularly scheduled meeting of July 6, 2010, the Commission considered this matter. The Commission voted unanimously to grant the waiver of utilization threshold requirement in the Mitchell, South Dakota rate center with the condition that Qwest return nine of the ten blocks to the number pool.

ORDERED, that the waiver of utilization threshold requirement in the Mitchell, South Dakota rate center is granted, with the condition that Qwest return nine of the ten blocks to the number pool.

Dated at Pierre, South Dakota, this 12<sup>th</sup> day of July, 2010.

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically.
By: <u><i>Amissa J. Gambrell</i></u>
Date: <u>7-12-2010</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Dustin M. Johnson*  
DUSTIN M. JOHNSON, Chairman

*Steve Kolbeck*  
STEVE KOLBECK, Commissioner

*Gary Hanson*  
GARY HANSON, Commissioner