

Decision 10-10-028 October 28, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application by Pacific Bell Telephone Company (U1001C) d/b/a AT&T California for Arbitration of an Interconnection Agreement with SureWest Telephone (U1015C) d/b/a SureWest Broadband and SureWest TeleVideo (U6324C) d/b/a SureWest Broadband Pursuant to Section 252(b) of the Telecommunications Act of 1996.

Application 09-12-022
(Filed December 18, 2009)

DECISION AFFIRMING FINAL ARBITRATOR'S REPORT

We affirm the Final Arbitrator's Report determining that the proposed Interconnection Agreement between SureWest Telephone Company and Pacific Bell Telephone Company shall be amended by deleting from Section 1.3 thereof the prohibition against assigning telephone numbers to end users with services addresses outside the rate center to which the NXX is assigned. This proceeding is closed.

Background

Pacific Bell Telephone Company d/b/a AT&T California (AT&T California) filed an application for arbitration of its proposed interconnection agreement (ICA) with SureWest Telephone d/b/a SureWest Broadband (SureWest) pursuant to Section 252(b) of the Telecommunications Act of 1996 on December 18, 2009. SureWest filed its response on January 15, 2010 and a revised statement of unresolved issues on January 22, 2010. A prehearing conference

was held on March 25, 2010 at which the arbitrator determined that there were no disputed factual issues and set the time for filing briefs on a single legal issue: whether Section 1.3 of AT&T California's proposed ICA¹ should be included or excluded from the text of the finally-adopted ICA. On April 9, 2010 the parties filed concurrent opening briefs. Also on April 9, 2010, SureWest filed a motion asking the Commission to take official notice of SBC California² Advice Letter 27449, dated October 7, 2005. On April 16, 2010, the parties filed concurrent reply briefs.

A Draft Arbitrator's Report was filed on June 17, 2010. Comments were received on June 28, 2010. A Final Arbitrator's Report was filed on September 17, 2010.

Arbitrator's Determination

The arbitrator determined that subject to the number resource guideline, (1) AT&T California may not require SureWest to assign telephone numbers only to those end users with a service address to which the NXX is assigned and (2) Section 1.3 of the proposed ICA should be modified by striking the second clause thereof in its entirety.

We affirm the arbitrator's determination.

¹ 1.3 Parties shall port telephone numbers only to those end users with a service address in the rate center to which the NXX of that ported number is assigned, and assign telephone numbers only to those end users with a service address in the rate center to which the NXX is assigned, subject to exceptions (e.g., Foreign Exchange Service) as noted in the number resource guidelines.

² AT&T California was previously known by the "d/b/a" SBC California.

Public Review and Comment

The period for public review and comment on this decision is waived pursuant to Rule 14.(c)(5) of the Commission's Rules of Practice and Procedure.

Findings of Fact

1. The Final Arbitrator's Report determined that prohibiting a Competitive Local Exchange Carrier (CLEC) from assigning telephone numbers to end users with residence addresses outside the NXX of the rate center to which the number is assigned violates long-standing Commission policy and should not be permitted.

2. The Final Arbitrator's Report determined that prohibiting a CLEC from porting a telephone number from an end user with a residence address outside the NXX of the rate center to which the number is assigned is an appropriate and necessary restriction in an ICA.

Conclusions of Law

1. Section 1.3 of the ICA should be amended by striking the second clause of thereof so that the Section reads in its entirety as follows:

Parties shall port telephone numbers only to those end users with a service address in the rate center to which the NXX of that ported number is assigned.

2. The Final Arbitrator's Report should be affirmed.
3. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. The determinations of the Final Arbitrator's Report are affirmed.
2. This order is effective today.

3. Application 09-12-022 is closed.

Dated October 28, 2010, at San Francisco, California.

MICHAEL R. PEEVEY
President

JOHN A. BOHN
TIMOTHY ALAN SIMON
NANCY E. RYAN
Commissioners

Commissioner Dian M. Grueneich, being
necessarily absent, did not participate.