

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  QWEST CORPORATION	DOCKET NO. WRU-07-14-272
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**ORDER GRANTING WAIVER AND REQUEST FOR CONFIDENTIAL TREATMENT**

(Issued May 31, 2007)

On May 22, 2007, Qwest Corporation (Qwest) filed with the Utilities Board (Board) a request for a waiver of the telephone number utilization threshold requirements for Qwest's Waverly, Iowa, rate center. The requirements relating to optimization of telephone numbering resources are outlined in various orders of the Federal Communications Commission (FCC).

Qwest states it received a request from a corporate customer for 2,000 telephone numbers from thousands-blocks beginning with the numbers "2" and "7." Qwest states it does not have the number blocks in the Waverly rate center to fulfill the customer's request. Further, Qwest states that on May 15, 2007, it submitted a request for numbering resources to Neustar, Inc., the National Pooling Administrator (Pooling Administrator).

FCC rules require Qwest to meet two criteria in order to obtain additional numbering resources. First, it must demonstrate that its current telephone numbers in the Waverly rate center would exhaust in less than six months. Second, it must

demonstrate that its telephone numbers in the Waverly rate center are being used at over 75 percent. The Pooling Administrator denied Qwest's request because Qwest was unable to meet either of these FCC requirements.

The FCC has given states the authority to waive the requirements and overturn the Pooling Administrator's decision to withhold numbering resources from a carrier based on a state's determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all available remedies. See 47 C.F.R. § 52.15(g)(4). The FCC explains that carriers may demonstrate the need for additional numbering resources by providing the state with documentation of a customer request and current proof of utilization in the rate center.<sup>1</sup>

Although the FCC has not established a specific time limit for states to act on "safety valve" numbering requests, it recommends that states act within ten days if the carrier has provided sufficient detail. If a state does not reach a decision within a reasonable time, a carrier may submit a numbering request to the FCC for resolution.

The Board has reviewed the documentation provided by Qwest in support of its request and finds that it satisfies the requirements specified in FCC orders delegating waiver authority to the Board. Qwest has provided documentation of its customer's request for the numbers as well as appropriate statements regarding number utilization in the Waverly rate center. The Board will grant the waiver.

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<sup>1</sup> *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, released December 28, 2001, ¶ 64.

Also on May 22, 2007, Qwest filed a request for confidential treatment of supporting information submitted with its waiver request. The documents for which confidential treatment is requested were identified by Qwest as Attachments A and B and include information underlying the request for the new numbers and a customer letter containing confidential customer information. Qwest supports its request for confidentiality with an affidavit by a corporate officer stating that the information constitutes confidential trade secrets under Iowa Code § 550.2(4) and also constitutes a report to a government agency within the meaning of Iowa Code § 22.7(6). The materials were sealed in a separate envelope and marked confidential. Qwest cites Iowa Code §§ 22.7(3) and 22.7(6) as authority for confidential treatment of the information.

Iowa Code § 22.7(3) provides confidential treatment for trade secrets, which are recognized and protected as such by law. The supporting affidavit by Max A. Phillips, Qwest President—Iowa, states that the information is unpublished data not known outside of Qwest, is restricted to certain Qwest employees, and is kept in locked files.

The Board finds that Qwest's request and affidavit support a finding that the information constitutes a trade secret under Iowa Code § 550.2(4) as it derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means, by a person able to obtain economic value from its disclosure, and it is the subject of reasonable efforts to

maintain its secrecy. The Board finds that this information, if released, would provide an advantage to Qwest's competitors.

Iowa Code § 22.7(6) provides confidential treatment for public records that are reports to government agencies and which, if released, would give advantage to competitors and serve no public purpose. The Board finds the submitted information constitutes a report to a government agency and that release of the information would serve no public purpose. Therefore, the Board will hold the information confidential under the provisions of Iowa Code §§ 22.7(3) and 22.7(6) as requested by Qwest on May 22, 2007.

**IT IS THEREFORE ORDERED:**

1. The request for waiver of the FCC's utilization threshold requirements filed by Qwest Corporation on May 22, 2007, is granted as discussed in the body of this order.
2. The Executive Secretary of the Utilities Board shall mail a copy of this order to NeuStar, Inc., 1800 Sutter Street, Suite 780, Concord, CA 94520, to the attention of Ms. Diane Mueller, Iowa Number Pooling Administrator.
3. The request for confidentiality filed by Qwest Corporation on May 22, 2007, is granted pursuant to Iowa Code §§ 22.7(3) and 22.7(6). The information

shall be held confidential by the Board subject to the provisions of 199 IAC  
1.9(8)"b"(3).

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Curtis W. Stamp

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Krista K. Tanner

Dated at Des Moines, Iowa, this 31<sup>st</sup> day of May, 2007.