

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:

QWEST CORPORATION

DOCKET NO. WRU-07-24-272

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**ORDER GRANTING WAIVER AND REQUEST FOR CONFIDENTIALITY**

(Issued August 23, 2007)

On August 15, 2007, Qwest Corporation (Qwest) filed with the Utilities Board (Board) a request for a waiver of the number utilization threshold requirements for the Ames, Iowa, rate center. Qwest states it received a request from a corporate customer for 600 consecutive direct inward dialing (DID) numbers in the Ames rate center with a prefix beginning with the number "5." Qwest states that it does not have the sequential numbers to fulfill the customer's request without a new block of 1,000 numbers.

On August 7, 2007, Qwest submitted a request for a new 1,000 block to NeuStar, Inc., the National Pooling Plan Administrator (Pooling Administrator). When applying for a block of 1,000 numbers, the Federal Communications Commission (FCC) requires that a carrier must show that it has a minimum utilization rate of 75 percent or less than a six-month inventory of numbers in the relevant rate center. 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 overturn the Pooling Administrator's decision to withhold numbering resources from a carrier based on the 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).) In addition, the FCC states 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. (FCC 01-362, ¶ 64.) The FCC is careful to point out, however, that states may not accommodate requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers. (Id.) Therefore, a statement by the carrier regarding the types of numbers being requested and the purpose of the request is necessary.

The information filed by Qwest in support of its request satisfies the requirements specified in the FCC's orders delegating waiver authority to the Board. Qwest has provided documentation of its customer's request for the 600 numbers as well as appropriate statements regarding number utilization in the Ames rate center. The Board will grant the waiver requested.

Also on August 15, 2007, Qwest filed a request for confidential treatment of supporting information submitted with its waiver request. 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.

The Board finds that the request and affidavit support a finding that the cost 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(3) provides confidential treatment for trade secrets, which are recognized and protected as such by law. The material submitted by Qwest includes cost support material and supporting data. The supporting affidavit by Max A. Phillips, Qwest President—Iowa, states that the information is unpublished data not known outside of Qwest and is in fact restricted to certain Qwest employees.

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 the 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 August 15, 2007.

**IT IS THEREFORE ORDERED:**

1. The request for waiver of the FCC's utilization threshold requirements filed by Qwest Corporation on August 15, 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, Pooling Administrator.

3. The request for confidentiality filed by Qwest Corporation on August 15, 2007, is granted pursuant to Iowa Code §§ 22.7(3) and 22.7(6).

4. 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 23<sup>rd</sup> day of August, 2007.