

toll free subscriber with special circumstances requiring that a toll free number be designated for that particular subscriber far in advance of its actual usage may request that DSMI place such a number in unavailable status.

(2) Seasonal numbers shall be placed in unavailable status. The Responsible Organization for a toll free subscriber who does not have a year round need for a toll free number shall follow the procedures outlined in §52.103(f)(1) of these rules if it wants DSMI to place a particular toll free number in unavailable status.

§52.105 Warehousing.

(a) As used in this section, warehousing is the practice whereby Responsible Organizations, either directly or indirectly through an affiliate, reserve toll free numbers from the Service Management System database without having an actual toll free subscriber for whom those numbers are being reserved.

(b) Responsible Organizations shall not warehouse toll free numbers. There shall be a rebuttable presumption that a Responsible Organization is warehousing toll free numbers if:

(1) The Responsible Organization does not have an identified toll free subscriber agreeing to be billed for service associated with each toll free number reserved from the Service Management System database; or

(2) The Responsible Organization does not have an identified toll free subscriber agreeing to be billed for service associated with a toll free number before switching that toll free number from reserved or assigned to working status.

(c) Responsible Organizations shall not maintain a toll free number in reserved status if there is not a prospective toll free subscriber requesting that toll free number.

(d) A Responsible Organization's act of reserving a number from the Service Management System database shall serve as that Responsible Organization's certification that there is an identified toll free subscriber agreeing to be billed for service associated with the toll free number.

(e) *Tariff Provision.* The following provision shall be included in the Service Management System tariff and in the local exchange carriers' toll free database access tariffs:

[T]he Federal Communications Commission ("FCC") has concluded that warehousing, which the FCC defines as Responsible Organizations, either directly or indirectly through an affiliate, reserving toll free numbers from the SMS database without having an identified toll free subscriber from whom those numbers are being reserved, is an unreasonable practice under §201(b) of the Communications Act and is inconsistent with the Commission's obligation under §251(e) of the Communications Act to ensure that numbers are made available on an equitable basis; and if a Responsible Organization does not have an identified toll free subscriber agreeing to be billed for service associated with each toll free number reserved from the database, or if a Responsible Organization does not have an identified, billed toll free subscriber before switching a number from reserved or assigned to working status, then there is a rebuttable presumption that the Responsible Organization is warehousing numbers. Responsible Organizations that warehouse numbers will be subject to penalties.

§52.107 Hoarding.

(a) As used in this section, hoarding is the acquisition by a toll free subscriber from a Responsible Organization of more toll free numbers than the toll free subscriber intends to use for the provision of toll free service. The definition of hoarding also includes number brokering, which is the selling of a toll free number by a private entity for a fee.

(1) Toll free subscribers shall not hoard toll free numbers.

(2) No person or entity shall acquire a toll free number for the purpose of selling the toll free number to another entity or to a person for a fee.

(3) Routing multiple toll free numbers to a single toll free subscriber will create a rebuttable presumption that the toll free subscriber is hoarding or brokering toll free numbers.

(b) *Tariff Provision.* The following provision shall be included in the Service Management System tariff and in the local exchange carriers' toll free database access tariffs:

[T]he Federal Communications Commission ("FCC") has concluded that hoarding,

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defined as the acquisition of more toll free numbers than one intends to use for the provision of toll free service, as well as the sale of a toll free number by a private entity for a fee, is contrary to the public interest in the conservation of the scarce toll free number resource and contrary to the FCC's responsibility to promote the orderly use and allocation of toll free numbers.

§ 52.109 Permanent cap on number reservations.

(a) A Responsible Organization may have in reserve status, at any one time, either 2000 toll free numbers or 7.5 percent of that Responsible Organization's numbers in working status, whichever is greater.

(b) A Responsible Organization shall never reserve more than 3 percent of the quantity of toll free numbers in spare status as of the previous Sunday at 12:01 a.m. Eastern Time.

(c) The Wireline Competition Bureau shall modify the quantity of numbers a Responsible Organization may have in reserve status or the percentage of numbers in the spare pool that a Responsible Organization may reserve when exigent circumstances make such action necessary. The Wireline Competition Bureau shall establish, modify, and monitor toll free number conservation plans when exigent circumstances necessitate such action.

[62 FR 20127, Apr. 25, 1997, as amended at 67 FR 13226, Mar. 21, 2002]

§ 52.111 Toll free number assignment.

Toll free numbers shall be made available on a first-come, first-served basis unless otherwise directed by the Commission.

[63 FR 16441, Apr. 3, 1998]

APPENDIX TO PART 52—DEPLOYMENT SCHEDULE FOR LONG-TERM DATA-BASE METHODS FOR LOCAL NUMBER PORTABILITY

Implementation must be completed by the carriers in the relevant MSAs during the periods specified below:

Phase I—10/1/97-3/31/98

Chicago, IL	3
Philadelphia, PA	4
Atlanta, GA	8
New York, NY	2
Los Angeles, CA	1
Houston, TX	7

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Minneapolis, MN	12
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Phase II—1/1/98-5/15/98

Detroit, MI	6
Cleveland, OH	20
Washington, DC	5
Baltimore, MD	18
Miami, FL	24
Fort Lauderdale, FL	39
Orlando, FL	40
Cincinnati, OH	30
Tampa, FL	23
Boston, MA	9
Riverside, CA	10
San Diego, CA	14
Dallas, TX	11
St. Louis, MO	16
Phoenix, AZ	17
Seattle, WA	22

Phase III—4/1/98-6/30/98

Indianapolis, IN	34
Milwaukee, WI	35
Columbus, OH	38
Pittsburgh, PA	19
Newark, NJ	25
Norfolk, VA	32
New Orleans, LA	41
Charlotte, NC	43
Greensboro, NC	48
Nashville, TN	51
Las Vegas, NV	50
Nassau, NY	13
Buffalo, NY	44
Orange Co, CA	15
Oakland, CA	21
San Francisco, CA	29
Rochester, NY	49
Kansas City, KS	28
Fort Worth, TX	33
Hartford, CT	46
Denver, CO	26
Portland, OR	27

Phase IV—7/1/98-9/30/98

Grand Rapids, MI	56
Dayton, OH	61
Akron, OH	73
Gary, IN	80
Bergen, NJ	42
Middlesex, NJ	52
Monmouth, NJ	54
Richmond, VA	63
Memphis, TN	53
Louisville, KY	57
Jacksonville, FL	58
Raleigh, NC	59
West Palm Beach, FL	62
Greenville, SC	66
Honolulu, HI	65
Providence, RI	47