BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission’s Consideration )

Of Telephone Safety Valve Requests and Other ) Case No. 10-884-TP-UNC

Number Resource Related Filings )

WINDSTREAM WESTERN RESERVE, LLC’S MOTION FOR REVIEW

OF DECISION OF NEUSTAR – POOLING ADMINISTRATOR

Pursuant to 47 CFR § 52.15(g)(3)(iv), Windstream Western Reserve, LLC ("Windstream") hereby moves the Public Utilities Commission of Ohio ("Commission") to review a decision of the Pooling Administrator ("PA" or "Neustar") denying Windstream’s request for numbering resources in the Peninsula rate center. For the reasons set forth below, Windstream respectfully requests that the Commission overturn the PA’s decision and direct it to assign the requested one-thousand-number block for the rate center to Windstream.

Windstream submitted a request to Neustar on March 16, 2018, for a one-thousand-number block in accordance with current guidelines, including the months-to-exhaust ("MTE") certification procedures established in the Central Office Code Assignment Guidelines. Windstream is deploying a new packet switch as a result of a project funded by the Federal Communications Commission’s Connect America Fund Phase 2 ("CAF2"). Windstream needs a one-thousand-number NXX block for the rate center to establish the local routing number for the new switch. It does not have any one-thousand-number blocks available in its inventory to transfer to the new switch.

Windstream’s request for the additional numbers was denied by Neustar because Windstream does not meet the utilization threshold necessary in order to obtain numbering Resources. The Federal Communications Commission ("FCC") requires an MTE of six months or less and Windstream is now at:

|  |  |
| --- | --- |
| Peninsula | 2,382 months |

The FCC’s rules set forth the instant procedure for state commission review of a denial of a numbering resource request. 47 CFR § 52.15(g)(3)(iv). The FCC’s rules allow a state commission to ". . . overturn the NANPA’s decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies." 47 CFR § 52.15(g)(4). The FCC Report and Order adopting this rule elaborates as follows:

We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center. States may not accommodate requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers.

*Third Report and Order and Second Order on Reconsideration, Number Resource Optimization*, FCC 01-362, CC Docket Nos. 96-98 and 99-200, ¶ 64 (December 28, 2001).

This Commission has the authority to overturn the PA’s decision when a carrier demonstrates that it cannot meet a customer need for a contiguous block of numbers from its current inventory. Windstream does not have the inventory for one-thousand consecutive numbers in the Peninsula rate center to be able to continue to offer reliable service to its customers. A copy of the thousand-block application, the MTE certification, and the Neustar’s denial are attached and incorporated herein as Exhibits A, B, and C, respectively.

For the reasons set forth herein, Windstream respectfully requests that the Commission overturn Neustar’s denial and direct Neustar to allocate to Windstream the requested additional one-thousand-number block.

Respectfully submitted,

*/s/ William A. Adams*

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**EXHIBIT A**

**EXHIBIT B**

**EXHIBIT C**