

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Investigation into)
 Telephone Numbering and Number) Case No. 97-884-TP-COI
 Assignment Procedures.)

ENTRY

The attorney examiner finds:

- (1) On December 28, 2001, the Federal Communications Commission (FCC) released its Third Report and Order and Second Order on Reconsideration in CC Docket 99-200, *Numbering Resource Optimization*. At paragraph 61 of this Order, the FCC delegated authority to the states to hear claims that a safety valve mechanism should be applied when the North American Numbering Plan Administrator (NANPA) or the Pooling Administrator (PA) denies a specific request for numbering resources. Furthermore, the FCC clarified that the safety valve mechanism could be employed in those instances where a carrier is unable to meet a specific customer need or other verifiable need for additional resources.
- (2) On August 27, 2007, Sprint Communications Company, L.P. (Sprint) filed a Motion for Review of a decision of the PA. In its filing, Sprint explains that it recently submitted a request to the PA for the assignment of a block of one thousand telephone numbers in the Groveport rate center in order to serve its wholesale customer, Time Warner Cable, which is entering the identified Ohio market as a voice over the Internet protocol (VoIP) provider.

According to Sprint, its request for additional numbering resources in the aforementioned rate center was rejected by the PA because Sprint did not meet the 75 percent utilization of assigned numbers criteria in the rate center as required by the FCC.

Sprint states that in determining that it cannot meet Time Warner Cable's telephone numbering needs, it has taken into account Sprint's own forecasted number utilization needs, as well as those of Time Warner Cable, and another VoIP provider that Sprint supports in that rate center. Additionally, Sprint emphasizes that Time Warner Cable's forecast for numbers in the Groveport rate center has increased significantly since Time Warner Cable has

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undertaken a more aggressive marketing and promotional campaign to promote its VoIP service in the rate center. Sprint posits that if the current growth trends continue, it will be unable to satisfy Time Warner Cable's forecasted demand from its existing numbering resources in the Groveport rate center, while also factoring in Sprint's own number utilization needs.

- (3) Pursuant to the Commission's Entry of November 7, 2002, in this case, the Commission, on its own motion, delegated the authority to rule on carrier numbering requests, other than an order to reclaim a code or thousands-block, to the Legal Department pursuant to an attorney examiner's entry.
- (4) After a review of Sprint's motion, the attorney examiner believes that the applicant has demonstrated a legitimate need for a block of one thousand telephone numbers in the Groveport rate center in order to meet a verifiable need for number resources in accordance with 47 C.F.R. §52.15(g)(4).

In reaching this determination, the attorney examiner recognizes Sprint's need for telephone numbers in order to accommodate Time Warner Cable's anticipated growth in the aforementioned rate center, as well as the Sprint's need for telephone numbers in the applicable exchanges. For this reason, the attorney examiner finds that the PA's decision to deny Sprint's application for additional numbering resources in the Groveport rate center should be overturned and the PA should assign to Sprint the requested block of telephone numbers. Should the need for this thousands-block not occur in the manner represented by the applicant, the unused thousand-block should be donated to the number pools in the applicable rate center.

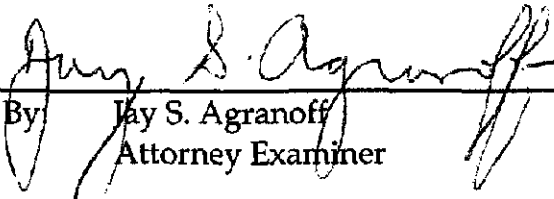
It is, therefore,


ORDERED, That Sprint's request to overturn the PA's decision to withhold the requested block of telephone numbers is granted. It is, further,

ORDERED, That should the forecasted demand for the requested block of telephone numbers not occur in the manner represented, the block should be returned to the applicable pool consistent with this entry. It is, further,

ORDERED, That a copy of this entry be served upon the applicant and all interested entities of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


By Jay S. Agranoff
Attorney Examiner


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Entered in the Journal

SEP 27 2007



Renee J. Jenkins
Secretary