

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 April 13, 2009, AT&T Ohio filed a Motion for Review of a Decision of the PA. In its filing, AT&T Ohio explains that on April 7, 2009, it submitted a request to the PA for the assignment of a new central office (NXX) code in order to satisfy a specific customer's request.¹

AT&T Ohio explains that Premier Health Partners/Good Samaritan Hospital (PHP/GSH) is currently experiencing growth and expansion, including the opening of a new Heart and Vascular Hospital and the new Huber Heights Medical Center. PHP/GSH decided, therefore, that it would like to combine all of its existing telephone numbers with new telephone numbers in a common NXX code in the Dayton rate center. Specifically, PHP/GSH requested that 9,000 sequential numbers in the new NXX code,

¹ Even though AT&T Ohio's request is for a full NXX code, rather than individual thousands-blocks, AT&T Ohio submitted its application for numbering resources to the PA rather than the code administrator due to the fact that the location of the desired NXX is in an exchange that is subject to mandatory number pooling. AT&T Ohio requested an entire new NXX code due to its belief that there was no existing NXX code that could satisfy its request.

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where the third digit of the NXX code is a "1", "2", "3", or "4," be initially assigned for PHP/GSH's use. According to AT&T Ohio, PHP/GSH will implement seven sequential blocks of numbers within six to nine months and plans to implement additional numbering resources by the end-of-the-year 2012. Therefore, AT&T Ohio is requesting a total of 9,000 sequential telephone numbers be assigned. AT&T Ohio claims that it is unable to meet the customer's request with its existing inventory. In order to satisfy this request, AT&T Ohio seeks the assignment of an entire NXX code.

AT&T attached a letter from PHP/GSH verifying its need for numbers. The letter outlined PHP/GSH's expansion plans and plans for utilizing the requested blocks of telephone numbers. Furthermore, according to AT&T Ohio, PHP/GSH plans on returning 1,433 telephone numbers currently in use to AT&T Ohio once the transition and expansion projects are complete.

According to the attachments accompanying AT&T Ohio's motion, the PA refused to grant AT&T Ohio's request due to the fact that AT&T Ohio's utilization in the Dayton rate center is at 60 percent, which is less than the FCC's threshold of 75 percent utilization. In addition, AT&T Ohio is at 123 months, rather than the required 6 months-to-exhaust in the Dayton rate center.

- (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 AT&T Ohio's motion, the attorney examiner believes that the applicant has demonstrated a legitimate need for 9 sequential thousands-blocks of telephone numbers, 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 AT&T Ohio's need for 9 sequential thousands-blocks that will allow PHP/GSH to accommodate growth at its new locations and to consolidate existing telephone numbers under one NXX code. However, the attorney examiner will not grant AT&T Ohio's request for an entire NXX code. The attorney examiner notes that,

while AT&T Ohio has requested an entire NXX code, a review of the PA's thousands-block inventory reflects that there is now at least one NXX code (937-734) with 9 sequential thousands-blocks available to satisfy AT&T Ohio's request. Therefore, the attorney examiner finds that the PA's decision to deny AT&T Ohio's application for additional numbering resources in the Dayton rate center should be overturned and the PA should assign the 9 desired blocks in the (937) 734 NXX code to AT&T Ohio.

- (5) The attorney examiner directs AT&T Ohio to evaluate if any currently utilized telephone numbers returned to it by PHP/GSH can be donated to the number pool in the Dayton rate center, where appropriate.
- (6) In the event that the need for the requested blocks of telephone numbers does not occur in the manner represented by the applicant, the unused thousands-blocks should be donated to the number pool in the Dayton rate center.

It is, therefore,

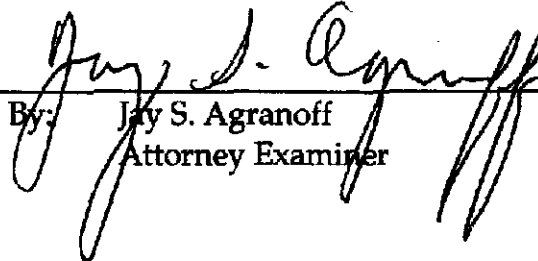
ORDERED, That AT&T Ohio's request to overturn the PA's decision to withhold the requested numbering resources is granted in accordance with Finding (4). It is, further,

ORDERED, That should the forecasted demand for thousands-blocks not occur in the manner represented, any unused thousands-blocks will be returned to the applicable number pool consistent with this Entry. It is, further,

ORDERED, That any currently utilized telephone numbers returned to AT&T Ohio by PHP/GSH should be donated to the (937) number pool, where appropriate, consistent with this Entry. It is, further,

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

MAY 13 2009


Renee J. Jenkins

Renee J. Jenkins
Secretary