

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Consideration of Telephone Safety)
Valve Requests and Other Number) Case No. 10-884-TP-UNC
Resource Related Filings.)

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 November 10, 2010, as amended on November 22, 2010, AT&T Ohio filed a Motion for Review of a Decision of the PA. In its filing, AT&T Ohio explains that, on November 1, 2010, it submitted a request to the PA for the assignment of a new central office (NXX) code in the Cleveland rate center in order to satisfy a specific customer's request.¹

AT&T Ohio explains that its customer, the Cleveland Clinic, is currently experiencing significant growth and expansion at its numerous facilities throughout northeastern Ohio. First, according to AT&T Ohio, a number of new buildings are under construction at the Cleveland Clinic's main campus which will require the assignment of almost 4,000 new telephone numbers. In addition, expansion of the Cleveland Clinic's Independence, Ohio location and several locations near its main campus will require the assignment of over 5,000 telephone numbers. Finally, AT&T Ohio

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.

states that the remaining requested telephone numbers are expected to be utilized by the Cleveland Clinic in order to develop and maintain a comprehensive and cohesive dialing plan for all of the customer's nine hospitals and to accommodate further growth and expansion. Specifically, the Cleveland Clinic requests that the new NXX code be compatible with its existing 5-digit dialing plan and other dialing criteria and, therefore, desires that the NPA-NXX "216" "442" code be assigned to it. AT&T Ohio claims that it is unable to meet the customer's request with its existing inventory.

AT&T Ohio attached a letter from the Cleveland Clinic verifying its need for the requested telephone numbers. The letter outlines the Cleveland Clinic's expansion plans and intention to utilize an entire central office code of numbers. All 10,000 telephone numbers will be assigned to and paid for by the Cleveland Clinic. Finally, AT&T Ohio notes that approximately 1,600 telephone numbers will be returned to it by the Cleveland Clinic at the completion of the move of its existing data center as part of this project.

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 Cleveland rate center is at 54.8 percent, which is less than the FCC's threshold of 75 percent utilization. In addition, AT&T Ohio's months-to-exhaust in the Cleveland rate center is over 500 months, rather than the required 6 months.

- (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 an entire NXX code, 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 a new central office code that will allow the Cleveland Clinic to accommodate growth and a new comprehensive telecommunications system. For this reason, the attorney examiner finds that the PA's decision to deny AT&T Ohio's application for additional numbering resources in the

Cleveland Exchange should be overturned and the PA should assign to AT&T Ohio the requested NXX code of 216-442. In the event that the forecasted demand does not occur in the manner represented, any unused thousands blocks within the NXX code are to be donated to the numbering pool in the Cleveland Exchange. Furthermore, any telephone numbers made available by the implementation of the Cleveland Clinic's new telecommunications system should be returned to AT&T Ohio and AT&T Ohio should evaluate the thousands-block(s) for donation to the applicable numbering pool.

It is, therefore,

ORDERED, That AT&T Ohio's request to overturn the PA's decision to withhold the requested numbering resources is granted. It is, further,

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

ORDERED, That the Cleveland Clinic return to AT&T Ohio's inventory any numbers reclaimed as a result of implementation of the new NXX code and AT&T Ohio should evaluate whether any blocks qualify for donation to the applicable numbering pool. 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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/dah

Entered in the Journal NOV 29 2010

Renee J. Jenkins

Renee J. Jenkins
Secretary