

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Consideration of Telephone Safety) Case No. 10-884-TP-UNC
Valve Requests and Other Number)
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 January 31, 2011, as amended on February 17, 2011, and March 2, 2011, SBC Internet Services, Inc. d/b/a AT&T Internet Services ("ATTIS") filed a Motion for Review of a Decision of the PA. In its filings, ATTIS explains that it submitted a request to the PA for the assignment of a new central office (NXX) code in order to establish a location routing number (LRN) for a new switch that it plans to deploy in the Cleveland rate center.¹

ATTIS explains that it is adding a new switch to its network in order to handle customer growth for its voice over the internet protocol (VoIP) product in the Cleveland rate center. ATTIS states that none of its existing numbers can be used as an LRN. Finally, ATTIS states that it will utilize 1,000 telephone numbers from the new NXX for the purpose of establishing an LRN. ATTIS will return the remaining blocks of numbers to the number pool in the Cleveland rate center.

¹ Even though the ATTIS's request is for a full code rather than a thousands-block, ATTIS 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.

According to the attachments accompanying ATTIS's motion, the PA refused to grant ATTIS's request due to the fact that ATTIS does not meet the month-to-exhaust or utilization criteria established by the FCC for obtaining new numbering resources in a 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 ATTIS' 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 ATTIS need for a new code that will allow it to establish an LRN for its new switch. The attorney examiner also agrees that the industry guidelines allow for the assignment of an LRN for this purpose.² For this reason, the attorney examiner finds that the PA's decision to deny ATTIS' application for additional numbering resources in the Cleveland rate center should be overturned and the PA should assign the requested NXX code to ATTIS. The attorney examiner also directs ATTIS to donate the remaining unused blocks of 1,000 telephone numbers to the number pool in the Cleveland rate center.

It is, therefore,

ORDERED, That ATTIS' request to overturn the PA's decision to withhold the requested numbering resources is granted. It is, further,

ORDERED, That the remaining blocks of telephone numbers that are not used for LRN purposes will be returned to the applicable number pool consistent with this Entry. It is, further,

² Location Routing Number (LRN) Assignment Practices, ATIS-0300065, issued December 1, 2006.

ORDERED, That a copy of this Entry be served upon the applicant.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By:


Jay S. Agranoff
Attorney Examiner

GRJ
f/dah

Entered in the Journal

MAR 03 2011


Renee J. Jenkins

Renee J. Jenkins
Secretary