

17

BAILEY CAVALIERI LLC

ATTORNEYS AT LAW

One Columbus 10 West Broad Street, Suite 2100 Columbus, Ohio 43215-3422
telephone 614.221.3155 facsimile 614.221.0479
www.baileycavalieri.com

direct dial: 614.229.3278
email: William.Adams@BaileyCavalieri.com

June 28, 2011

RECEIVED-DOCKETING DIV
2011 JUN 28 PM 3:30

PUCO

Ms. Betty McCauley
Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street, 13th Floor
Columbus, OH 43215-3793

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

Dear Ms. McCauley:

Enclosed are the originals and fifteen (15) copies each of the following for filing in the above-referenced matter on behalf of Windstream Ohio, Inc.:

1. *Motion for Review of Decision of Neustar-Pooling Administrator* (Kenton, Ohio rate center);
2. *Motion for Review of Decision of Neustar-Pooling Administrator* (Delta, Ohio rate center); and
3. *Motion for Review of Decision of Neustar-Pooling Administrator* (Granville, Ohio rate center).

Please time stamp the extra copies of each of the *Motions for Review* and return them to our courier.

Thank you for your assistance.

Very truly yours,

BAILEY CAVALIERI LLC


William A. Adams

WAA/sg

Enclosures

#677667v1
11228.03320

This is to certify that the images appearing are an accurate and complete reproduction of a file document delivered in the regular course of business.
Technician re Date Processed 6/28/2011

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 OHIO, INC.'S MOTION FOR REVIEW
OF DECISION OF NEUSTAR – POOLING ADMINISTRATOR

Pursuant to 47 CFR § 52.15(g)(3)(iv), Windstream Ohio, Inc. (“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 one Ohio 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 to Windstream.

Windstream recently submitted a request to NeuStar 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 to support a new VOIP product offering called Unified Communications. Windstream needs a one thousand number NXX block to establish the local routing number for the new switch. It does not have any one-thousand number blocks available in inventory to be moved to the new switch.

Windstream’s request for the additional numbers from NeuStar was denied because Windstream does not meet the utilization threshold necessary in order to obtain numbering

resources. The Federal Communication Commission ("FCC") requires a MTE of six months or less and Windstream is now at 521.091.

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:

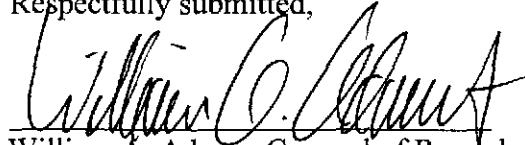
We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the 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, Numbering 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 Kenton rate center to be able to offer this new service. Copies of the thousand-block application, the MTE certification, and NeuStar's denial are attached and incorporated herein.

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,

A handwritten signature in black ink, appearing to read "William A. Adams", written over a horizontal line.

William A. Adams, Counsel of Record

BAILEY CAVALIERI LLC

10 West Broad Street, Suite 2100

Columbus, OH 43215-3422

(614) 229-3278 (telephone)

(614) 221-0479 (fax)

William.Adams@baileycavalieri.com

Attorneys for Windstream Ohio, Inc.

November 21, 2003
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
TBPAG Part 3

Tracking Number : 419-KENTON-OH-438437

Date of Application: 04/28/2011 Effective Date: _____
Date of Receipt: 04/28/2011 Date of Response: 04/28/2011

Service Provider Name: WINDSTREAM OHIO, INC.
(Telcordia TM LERG TM Routing Guide) OCN: 0665

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Diane Calhoun Phone: 925-363-7656

Signature of Pooling Administrator

Diane Calhoun Fax: 925-363-7655

Name (print)

Email: diane.calhoun@neustar.biz

NPA-NXX or NPA-
NXX-X : _____

Block Assigned: _____

Block Reserved : _____

Block Reservation

Expiration Date : _____

Block/Code Modified : _____

Block/Code

Disconnected : _____

Block Contaminated(Yes or No) : _____

If Yes, enter the number of TNs contaminated : _____

Switch Identification(Switch Entity/POI): ¹

KNTNOHXAPS0

Rate Center:

KENTON

Rate Center Sub Zone: _____

☒ Form Complete, request denied.

Explanation:

DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new code is denied. You may proceed with requesting a State Waiver from the appropriate state commission using this Part 3 denial. If you are in disagreement with the disposition of this request, please refer to the Thousands'Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

____ **Request withdrawn.**

Explanation:

____ **Assignment activity suspended by the administrator.**

Explanation:

Remarks:

¹ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI TM Location Identification code of the switching entity/POI shown on the Part 1A form (Telcordia, LERG ROUTING Guide and CLLI are trademarks of Telcordia Technologies, Inc.)

Central Office Code (NXX) Assignment Request
Part 1 December 9, 2005

Tracking
Number: **419-KENTON-OH-438437**

Full
NXX:
LRN

Type of
Application: ☒ New ☐ Change ☐ Delete

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:

Company/Entity
Name: **WINDSTREAM OHIO, INC.**

Headquarters
Address: **4001 Rodney Parham Rd**

City, State, Zip: **Little Rock ,AR ,72212**

Contact Name: **Paula Hustead**

Contact
Address: **10005 Monroe Rd, B1F01**

City,State,Zip: **Matthews, NC, 28105**

Phone: **704-845-7489** FAX: **E-**
mail: **paula.hustead@windstream.com**

Code Administrator: ²

Name: **Michael Ortega**

Address: **46000 Center Oak Plaza**

City,State,Zip: **Sterling ,VA ,20166**

Phone: **571-434-5348** FAX: **571-434-5502**

NXX: ³ LATA: **326**

1.2 NPA: **419** OCN: ⁴ **0665** Parent
Company's OCN(s) **G118**

Switching Identification(Switch Entity/POI) ⁵
KNTNOHXAPS0

Locality/City/Wire Center: Rate Center: ⁶ **KENTON**

Homing Tandem Tandem Homing
Operating Co: ⁷ **AT&T** CLLI
⁸ **:TOLDOH216GT**

1.3 Dates: Date of

Application: 04/28/2011 Request Effective Date: ⁹ ¹⁰
07/06/2011

☐ By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

Request Expedited Treatment? Yes _____ No X

1.4 a) Type of company/entity requesting the code: Incumbent Local Exchange Carrier (ILEC) (LEC, IC, CMRS, Other)

b) Types of service: Wireline (e.g., Cellular - Type 2)

c) Code Assignment Preference (Optional) _____

d) Codes that are undesirable, if any _____

e) Type of change (Mark all that apply)

☐ OCN-Intra-company ¹¹ ☐ Switching Id ☐ Rate Center ☐
Tandem Homing CLI

☐ OCN-Inter-company ¹² ☐ Effective Date ☐ LATA ☐ Extend
Reservation

1.5 Type of Request (Initial, growth, etc.) Growth

If an initial code, attach(1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pooling Indicator: ¹³ ☒ Yes
☐ No

1.6 NPA Jeopardy Criteria Apply: ☐ Yes ☐ No

1.7 Code request for new service (Explain): _____

1.8 It is the code applicant's responsibility to arrange input of Part 2

information into BIRRDs. The 45-calendar day nationwide minimum interval cut-over for BIRRDs will not begin until input into BIRRDs has been completed.

Comments:

Need an LRN for a new packet switch deployment for new service that legacy switch(es) do not offer.

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application: ¹⁴

Paula Husted

CODE

ADMINISTRATION **04/28/2011**

Signature of Code Applicant

Title

Date

¹ Identify type and reason for change(s) in Section 1.4(e).

² A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.

³ The NXX field is required for any code request in which there is a change or the NXX is being returned.

⁴ Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments may contact NECA (800-228-8597) to be assigned a Company Code (s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignment should direct questions regarding appropriate OCN usage to the TelcordiaTM Routing Administration (TRA) on 732-699-6700.

⁵ This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the eleven-character TelcordiaTM COMMON LANGUAGE CLLITM Location Identification of the applicant's switch or POI. (Telcordia and CLLI are trademarks and COMMON LANGUAGE is a registered trademarks of Telcordia Technologies, Inc.)

⁶ Rate Center name must be a tariffed Rate Center associated with toll billing.

⁷ Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.

⁸ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLITM Location Identification Code of the switching entity/POI, and is the same on Part 2, Form 1, Page 2 of 2.

⁹ Code applicants should request an effective date that is at least 66 calendar days from the submission of this form. It should be noted that interconnection arrangements and facilities need to be in place prior to activation of a code. Such arrangements are outside the scope of these guidelines.

¹⁰ Requests for code assignment shall not be made more than six months prior to the requested effective date.

¹¹ Select if you are the current Code Holder

¹² Select if you are not the current Code Holder

¹³ The Applicant will indicate "YES" if the NXX being requested will be used for thousands-block number pooling and will leave this field blank if it is not.

¹⁴ An incomplete form may result in delays in processing this request.

TBPAG Attachment 1 - March 19, 2007

Thousands-Block Application Form - Part 1A

Tracking Number: 419-KENTON-
OH-438437
Full NXX: LRN

Type of Application: ☒ New ☒ Change ☐ Disconnect
i

GENERAL APPLICATION INFORMATION**1.1 Contact Information:**Block Applicant:

Company Name: WINDSTREAM OHIO, INC.

Headquarters Address: 4001 Rodney Parham Rd

City, State, Zip: Little Rock, AR, 72212

Contact Name: Paula Hustead

Contact Address: 10005 Monroe Rd, B1F01

City, State, Zip: Matthews, NC, 28105

Phone: 704-845-7489 FAX: E-mail: paula.hustead@windstream.com

Pooling Administrator: ⁱⁱ

Contact Name: Diane Calhoun

Contact Address: 1800 Sutter St

City, State, Zip: Concord, CA, 94520

Phone: 925-363-7656 FAX: 925-363-7655

E-mail: diane.calhoun@neustar.biz

1.2 General Information:

Check one : No LRN needed LRN needed ⁱⁱⁱ X

NPA: 419 LATA: 326 OCN: ^{iv} 0665 Parent Company's OCN G118

Number of Thousands-Blocks Requested : 1

Switching Identification(Switch Entity/POI) : ^v
KNTNOHXAPS0

City or Wire Center Name : _____ Rate Center: ^{vi} KENTON
Rate Center Sub Zone: _____

1.3 Dates:

Date of Application: ^{vii} 04/28/2011 Requested Block Effective Date: ^{viii} 07/06/2011

☒ By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

Request Expedited Treatment? (See Section 8.6) Yes _____ No X

1.4 Type of Service Provider Requesting the Thousands-Block :

- a) Type of Service Provider : Incumbent Local Exchange Carrier (ILEC) (LEC, IXC, CMRS, Other)
- b) Primary type of service Blocks to be used for : Wireline
- c) Thousands-Block(s) (NXX-X) assignment Preference (Optional) _____
- d) Thousands-Block(s) (NXX-X) that are undesirable for this assignment , if any _____
- e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping(the remainder of the blocks will be given to the pool) 419-xxx-0,

1.5 Type of Request:

Initial block for rate center : Yes _____ If Yes , attach evidence of authorization and proof of capability to provide service within 60 days.

Growth block for rate center : Yes X If Yes , attach months to exhaust worksheet

☒ By selecting this checkbox, I acknowledge that I am willing to accept a block in red and explicitly understand that the underlying CO code may not yet be activated in the PSTN and loaded in the NPAC on the block effective date.

Type of change(Mark all that apply)

☒ OCN:Intra-company ^{ix} ☒ Switching Id ☒ Part 1B

☒ OCN:Inter-company^x ☐ Effective Date

Change block : Yes _____ If Yes , list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated Yes _____ No _____
- b) If Yes how many TNs are NOT available for assignment : _____
- c) Have all new Intra SP ports been completed in the NPAC Yes _____ No _____
- d) Has this block been protected from further assignment Yes _____ No _____

Disconnect block : Yes _____ If Yes , list NPA-NXX-X _____

Remarks: **Need an LRN for a new packet switch deployment for new service that legacy switch(es) do not offer.**

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines(ATIS-0300066) available on the ATIS web site (<http://www.atis.org/inc>) or by contacting inc@atis.org as of the date of this application.

Paula Hustead

Signature of Block Applicant

CODE
ADMINISTRATION **04/28/2011**

Title

Date

Instructions for filling out each Section of the Part 1A form:

Section 1.1 Contact information requires that Service Providers supply under "Block Applicant" the company name, company headquarters address, a contact within the company, an address where the contact person may be reached, in addition to the correct phone, fax, and e-mail address. The Pooling Administrator section also requires the Service Provider to fill in the Pooling Administrator's name, address, phone, fax and e-mail.

Section 1.2 Service Providers who need a thousands-block assignment or for an Location Routing Number (LRN) are required to fill in this section. If needed for an LRN, a CO Code Application needs to also be submitted to the PA. The Service Provider should supply the Numbering Plan Area (NPA); the Local Access Transport Area (LATA), which is a three-digit number that can be found in the TelcordiaTM LERGTM Routing Guide. The Operating Company Number (OCN) assigned to the service provider and the OCN its parent company. An OCN is a four-character alphanumeric assigned by TelcordiaTM Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification as well as the city or wire center name, rate center, rate center sub zone, homing tandem and CLLITM tandem of the facilities based provider^{xi}. Explanations of these terms may be found in the footnotes.

Section 1.3 The date the Service Provider completes the application should be entered in this section, as well as the Effective Date of the requested thousands-block.

Section 1.4 Service Providers should indicate their type, e.g., local exchange carrier, competitive local exchange carrier, interexchange carrier, CMRS. They also indicate the primary type of business in which the numbering resource is to be used. Service Providers also may indicate their preference for a particular thousands-block, e.g., 321-9XXX, or indicate any thousands-blocks that may be undesirable, e.g., 321-6XXX.

Section 1.5 Service Providers indicate the type of request. Initial requests are for first applications for thousands-blocks in a rate center, growth for additional thousands-blocks in a rate center in which the applicant already has numbering resources, and provide the required evidence as ordered by the FCC.

Section 1.6 Service Providers must indicate the updated/current information in regards to contaminated TNs on the block they are returning to the pool. Blocks with over 10% contamination (101 TNs or more) shall not be returned to the pool unless they meet criteria outlined in section 9.1.2 of these Guidelines. If the block being returned is over 10% contaminated the PA shall seek a new block holder. If question c and/or d have a response of No, the request for return shall be denied. The thousands-block applicant certifies veracity of this form by signing their name, and providing their title and date.

Foot Notes :

ⁱ Identify the type of change(s) in Section 1.5.

ⁱⁱ The Pool Administrator is available to assist in completing these forms.

ⁱⁱⁱ A CO Code application will also need to be submitted to the PA.

^{iv} Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments should contact NECA (800 524-1020) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignments should direct questions regarding appropriate OCN usage to (TRA) (732-699-6700).

^v This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character CLLITM code of the switch /POI.

^{vi} Rate Center name must be a tariffed Rate Center.

^{vii} Acknowledgment and indication of disposition of this application will be provided to applicant within seven calendar days from the date of receipt of this application. An incomplete form may result in delays in processing this request.

^{viii} Please ensure that the NPA-NXX of the LRN to be associated with this block(s) is/will be active in the network prior to the effective date of the block(s).

^{ix} Select if you are the current Block Holder.

^x Select if you are not the current Block Holder

^{xi} Telcordia, LERG Routing Guide, and CLLI are trademarks of Telcordia Technologies, Inc.

Appendix 3

May 16, 2008

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level¹
(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: **419-KENTON-OH-438437**Date: **04/28/2011**OCN: **0665**Company Name: **WINDSTREAM OHIO, INC.**Rate Center: **KENTON**List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s): **419-673-0, 1, 2, 3, 4, 8, 9; 419-674-0, 1, 2, 3, 4, 5, 6, 7; 419-675**Name of Block Applicant: **Paula Hustead**Signature: **Paula Hustead**Title: **CODE ADMINISTRATION**
No.:Telephone No.: **704-845-7489**

FAX

E-mail: **paula.hustead@windstream.com**A. Available Numbers: **14330**B. Assigned Numbers: **10670**C. Total Numbering Resources: **25000**D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ²: **0**List
Excluded
Code(s) or
Block(s):

Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month
#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	

E. Growth History -	<u>24</u>	<u>42</u>	<u>16</u>	<u>34</u>	<u>24</u>	<u>12</u>
---------------------	------------------	------------------	------------------	------------------	------------------	------------------

Previous 6
months³

F. Forecast

- Next 12 months⁴ 25 26 27 28 29 30 32 34 36 38 40 42

G. Average Monthly Forecast (Sum of months 1-6 (Part F above) divided by 6): 27.5

H. Months
to Exhaust⁵

=
$$\frac{\text{Numbers Available for Assignment to Customers(A)}}{\text{Average Monthly Forecast(G)}}$$

Average Monthly Forecast(G)

Block Requested

1

Available Numbers

14330

Months To Exhaust

521.091

I.

Utilization⁶ =
$$\frac{\text{Assigned Numbers(B) - Excluded Numbers (D)}}{\text{Total Numbering Resources(C)-Excluded Numbers(D)}} \times 100 =$$

42.68

Total Numbering Resources(C)-Excluded
Numbers(D)

Explanation: _____

¹A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.

²Quantity of numbers activated in the past 90 days is based on blocks and/or codes received from the administrator and shall be reported in increments of 1,000 or 10,000 TNs (e. g.: 2 blocks received=2,000 and 1 code received =10,000).

³Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

⁴Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁵To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, section 52.15 (g) (3) (iii)).

⁶Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

