

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's)
Consideration of Telephone Safety Valve) Case No. 10-884-TP-UNC
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 June 28, 2011, as clarified on August 11, 2011, Windstream Ohio, Inc. (Windstream) filed a Motion for Review of a Decision of the PA. In its filings, Windstream explains that it submitted a request to the PA for the assignment of two new NXX codes in order to establish a location routing number (LRN) for two new packet switches that it plans to deploy in the Kenton and Delta rate centers,¹ respectively. In addition, it also requested a one thousand number block to serve its new remote packet switch in the Granville, Ohio rate center.

Windstream explains that it is adding two new switches to its network in order to handle customer growth for its voice over the internet protocol (VoIP) product in the Kenton and Delta rate centers. However, in the Granville Exchange, Windstream

¹ Even though the Windstream's request is for two full codes rather than a one thousand number block in Kenton and Delta, Windstream 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

does not require a NXX for a new LRN but does require a new one thousand number block to support its new remote packet switch. Finally, Windstream states that it will utilize a one thousand number block in each of the new NXXs and return the remaining blocks to the number pool in the Kenton and Delta rate centers. Windstream states that none of its existing inventory can be used as an LRN or a one thousand number block in those rate centers.

According to the attachments accompanying Windstream's motion, the PA refused to grant Windstream's requests due to the fact that Windstream does not meet the month-to-exhaust or utilization criteria established by the FCC for obtaining new numbering resources in the applicable rate centers.

- (3) Pursuant to the Commission's Entry of November 7, 2002, in Case No. 97-884-TP-COI, 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 Windstream's motion, the attorney examiner believes that the applicant has demonstrated a legitimate need for an entire NXX code in both the Kenton and Delta rate centers and a one thousand number block in the Granville 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 Windstream's need for a new code in both the Kenton and Delta rate centers that will allow it to establish an LRN for its new switches and for a new one thousand number block to support its new remote packet switch in the Granville rate center. The attorney examiner also agrees that the industry guidelines allow for the assignment of an LRN for this purpose.² Furthermore, the LRNs and new one thousand number block will allow Windstream to provide new VoIP products to its customers in Ohio. For these reason, the attorney examiner finds that the PA's decision to deny Windstream's application for additional numbering resources in the Kenton, Delta, and Granville rate centers should be

² *Location Routing Number (LRN) Assignment Practices*, ATIS-0300065, issued July 19, 2010.

overturned and the PA should assign to Windstream the requested NXX codes and a one thousand number block. The attorney examiner also directs Windstream to donate the remaining unused one thousand number blocks to the number pools in the Kenton and Delta rate centers.

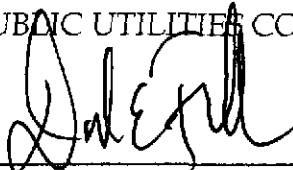
It is, therefore,

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

ORDERED, That the remaining one thousand number blocks that are not used for LRN purposes will be returned to the applicable number pools 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

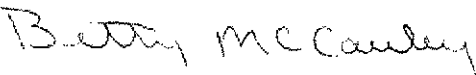


By: Daniel E. Fullin
Attorney Examiner


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AUG 29 2011



Betty McCauley
Secretary