

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 November 30, 2011, tw telecom of ohio llc ("TWTC" or applicant) filed a request for review of a decision of the PA to deny TWTC's request for numbering resources. In its filing, TWTC explains that, on November 22, 2011, it submitted to the PA a request for the assignment of two blocks of one thousand sequential telephone numbers in the Dayton rate center in order to satisfy a specific customer's request.

TWTC states that its customer, Wright Patterson Air Force Base ("Wright Patterson"), requested 2,000 consecutive numbers in order to expand its current telecommunications system to accommodate growth at its location in Dayton and to be compatible with its existing telecommunications system. TWTC attached a letter from Wright Patterson stating its immediate need for the requested telephone numbers at its Dayton location.

TWTC represents that it is unable with its existing inventory to meet the customer's request for 2,000 consecutive numbers. According to the attachments accompanying TWTC's motion, the PA refused to

grant TWTC's request for additional number resources in the Dayton rate center on grounds that TWTC did not meet the rate center-based months-to-exhaust criteria set forth in the Central Office Code (NXX) Guidelines established by the FCC.

- (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 to the Legal Department the authority to rule, by attorney examiner's entry, on carrier numbering requests other than those seeking reclamation of entire NXX codes or particular one thousand number blocks.
- (4) After a review of TWTC's motion, the attorney examiner believes that the applicant has, in accordance with 47 C.F.R. 52.15(g)(4), demonstrated a legitimate need for the requested two blocks of one thousand consecutive telephone numbers in the Dayton rate center in order to meet a verifiable need for number resources.

In reaching this determination, the attorney examiner recognizes TWTC's need for two blocks of one thousand consecutive telephone numbers to accommodate growth of a specific customer in the Dayton rate center. For this reason, the attorney examiner finds that the PA's decision to deny TWTC's application for additional numbering resources in the Dayton rate center should be overturned and the PA should assign to TWTC the requested blocks of telephone numbers. Should the forecasted demand for the requested blocks of telephone numbers not occur in the manner represented by the applicant, the unused blocks should be donated to the number pool in the Dayton rate center.

It is, therefore,

ORDERED, That TWTC's request to overturn the PA's decision to withhold the requested numbering resources is granted as described in Finding (4). It is, further,

ORDERED, That should the forecasted demand for the requested blocks of telephone numbers not occur in the manner represented by the applicant, the unused blocks should be donated to the number pool in the Dayton rate center, 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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/dah

Entered in the Journal

DEC 27 2011



Betty McCauley
Secretary