

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 January 6, 2012, Cincinnati Bell Telephone Company LLC ("CBT") filed a Motion for Review of a Decision of the PA. In its filings, CBT explains that it submitted a request to the PA for the assignment of a new NXX code in order to establish a location routing number (LRN) for a new soft switch that it plans to deploy for use in the Cincinnati rate center.¹

CBT explains that it is adding a new switch to its network to supplement and eventually replace an existing soft switch that is nearing capacity. CBT states that because the two switches will be deployed simultaneously for at least 15 months, it requires a unique LRN for the new switch. Finally, CBT states that it will utilize 1,000 telephone numbers from the new NXX for the purpose of establishing an LRN. CBT will return the remaining blocks to the number pool in the Cincinnati rate center.

¹ Even though CBT's request is for a full code rather than a thousands-block, CBT 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 CBT's motion, the PA refused to grant CBT's request due to the fact that CBT does not meet the months-to-exhaust and utilization criteria established by the FCC as outlined in the Central Office Code Assignment Guidelines.

- (3) By entry issued on November 7, 2002, in this case, the Commission, on its own motion, delegated to its 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 of particular one thousand number blocks.
- (4) After a review of CBT's motion, the attorney examiner believes that the applicant has demonstrated both 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), and that it has exhausted all other available remedies.

In reaching this determination, the attorney examiner recognizes CBT's 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 CBT's application for additional numbering resources in the Cincinnati rate center should be overturned and the PA should assign to CBT the requested NXX code. The attorney examiner also directs CBT to donate the remaining unused thousands-blocks to the number pool in the Cincinnati rate center.

It is, therefore,

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

ORDERED, That the remaining thousands-blocks 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 July 19, 2010.

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



By: Daniel E. Fullin
Attorney Examiner

GRJ
/dah

Entered in the Journal

JAN 24 2012



Betty McCauley
Secretary