

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application and)
Petition of Nova Telephone Company,) Case No. 09-1899-TP-UNC
Filed Pursuant to Rules 4901:1-7-04, and)
4901:1-7-05, Ohio Administrative Code.)

ENTRY

The Commission finds:

- (1) On January 27, 2012, Armstrong Communications (Armstrong) filed in this case a motion seeking to have the Commission issue an order compelling Nova Telephone Company (Nova) to immediately port numbers to Armstrong, consistent with previously issued Commission orders.
- (2) In support of its motion, Armstrong asserts that, pursuant to the Second Supplemental Finding and Order (Order) issued on February 23, 2005, in Case No. 04-438-TP-UNC (04-438),¹ Nova is already under an existing obligation to port numbers to Armstrong. The 04-438 case is one of several consolidated cases in which a number of Ohio rural local exchange telephone companies (LECs) had sought suspension of the requirement to implement number portability. In the Order, the Commission denied the requests, finding that the rural LECs had failed to prove that the implementation of number portability was technically infeasible. The Commission further noted that one benefit of portability is that it allows customers the potential to “switch their service to a competitive local exchange provider” (Order, at Finding 4). The Order expressly directed that all applicants (with certain exceptions) were required to implement number porting on or before September 1, 2005 (*Id.* at Finding 7). Even the excepted applicants were to implement number porting no

¹ See: *In the Matter of the Application of Nova Telephone Company for Suspension of Modification of Federal Communications Commission’s Requirements to Implement Wireline-Wireless Number Portability Pursuant to 47 U.S.C. 251(f)(2)*. Supplemental Finding and Order issued February 23, 2005.

later than 2007 (*Id.*). Armstrong asserts that Nova, regardless of its rural exemption, has had a clear duty to port numbers since 2005.

Armstrong claims that it has, by letter and telephone correspondence, specifically requested that Nova port numbers and that Nova has refused to do so. Armstrong claims to be aware that Nova has ported numbers to wireless providers, and therefore has the technical capability to port numbers to Nova. Armstrong asserts that Nova, in failing to port numbers at Armstrong's request, is in violation of the Order. Based on these claims, Armstrong moves to have the Commission issue an order specifically requiring Nova to port numbers with Armstrong, effective immediately on the date of such order.

- (3) Nova did not file any response to Armstrong's motion to compel. Moreover, Nova's opportunity to timely file, pursuant Rule 4901-1-12, O.A.C., a memorandum contra to Armstrong's motion to compel has now expired.
- (4) Nothing in the record calls into question the validity of Armstrong's claims that: (1) Armstrong has requested Nova to port numbers with Armstrong, but that Nova has refused to do so; and (2) that Nova has ported numbers to wireless providers and therefore has the technical capability to port numbers to Nova.
- (5) Upon review, the Commission finds that Armstrong's motion to compel Nova to begin porting numbers with Armstrong should be granted. However, we find it appropriate to afford Nova thirty days from the date of this entry to come into compliance with this obligation.

It is, therefore,

ORDERED, That, in accordance with the above findings, Armstrong's January 27, 2012 motion to compel is granted in part, such that Nova shall have thirty days from the date of this entry to bring itself into compliance with its number porting obligations under 47 U.S.C. §251(b). It is, further,

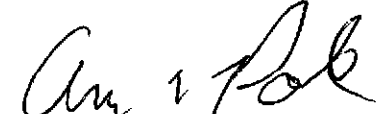
ORDERED, That copies of this entry shall be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella


Steven D. Lesser

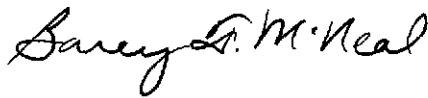

Andre T. Porter


Cheryl L. Roberto

DEF/sc

Entered in the Journal

FEB 23 2012



Barcy F. McNeal
Secretary