

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 27, 2012, Sprint Communications Company L.P. (Sprint Communications) filed a Motion for Review of a Decision of the PA. In its filing, Sprint Communications represents that on June 20, 2012, it submitted a request to the PA for the assignment of a new NXX code in the Portsmouth rate center, in order to satisfy a specific customer's request.

According to the attachments accompanying Sprint Communications' motion, the PA denied Sprint Communications' request because Sprint Communications does not meet the months-to-exhaust and/or utilization criteria established by the FCC.

Sprint Communications explains that its wholesale customer, Time Warner Cable, requested assignment of all 10,000 consecutive telephone numbers in a new NXX code in order to accommodate a specific customer's request for PRI service.

The customer is in the process of expanding its facility and expects significant growth in the next five years.

Based on the parameters of its customer's requirements, Sprint Communications represents that it is unable to meet its customer's request for 10,000 consecutive telephone numbers in the Portsmouth Exchange with its existing inventory.

- (3) By entry issued November 7, 2002, in Case No. 97-884-TP-COI, the Commission, on its own motion, delegated to its legal department the authority to rule, by 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 Sprint Communications' motion, the attorney examiner believes that the applicant has demonstrated both a legitimate need for an entire NXX, 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 Sprint Communications' need to supply 10,000 contiguous telephone numbers to its customer Time Warner Cable, whose own pending customer will, in turn, utilize the entire NPA-NXX in its purchase of PRI from Time Warner. For this reason, the attorney examiner finds that the PA's decision to deny Sprint Communications' application for additional numbering resources in the Portsmouth rate center should be overturned and Sprint Communications should be assigned a new NXX code that meets its needs. In the event that the forecasted demand does not occur in the manner represented, any unused telephone numbers in the NXX code are to be donated to the numbering pool in the Portsmouth rate center.

It is, therefore,

ORDERED, That Sprint Communications' 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 numbering resources not occur in the manner represented, Sprint Communications Company L.P. shall, consistent with this entry, return to the numbering pool of the Portsmouth rate center, the applicable unused numbering resources. It is, further,

ORDERED, That a copy of this entry be served upon Sprint Communications.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/sc

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in

Case No(s). 10-0884-TP-UNC

Summary: Attorney Examiner Entry ordered, that Sprint Communications Company L.P.'s request to overturn the PA's decision to withhold the requested numbering resources be granted as described in Finding (4); that, should the forecasted demand for the requested numbering resources not occur in the manner represented, Sprint Communications Company L.P. shall, consistent with this entry, return to the numbering pool of the Portsmouth rate center, the applicable unused numbering resources consistent with this entry. - electronically filed by Ms. Sandra M. Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio