

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 May 18, 2015, Windstream Western Reserve, Inc. (Windstream) filed a petition for review of a decision of the PA. In its filing, Windstream represents that it recently submitted a request to the PA for a one-thousand-number NXX block in the Powhatan Point, Ohio rate center. According to the attachments accompanying Windstream's petition, the PA refused to grant Windstream's request because Windstream does not meet the months-to-exhaust and/or utilization criteria established by the FCC.

Windstream explains that, as a result of the FCC's Connect America Fund Phase I, it is deploying a new packet switch. Windstream submits that it needs a one-thousand number NXX block for the Powhatan Point, Ohio rate center to establish the local routing number (LRN) for the new switch. Windstream represents that it does not have any one-thousand-number NXX block available in inventory to be moved to the new switch.

- (3) By Entry issued on 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 Windstream's petition, the attorney examiner believes that the applicant, in accordance with 47 C.F.R. 52.15(g)(4), has demonstrated a verifiable need for the requested numbering resources and that it has exhausted all other remedies.

In reaching this determination, the attorney examiner recognizes Windstream's need for a new NXX to establish a LRN for its new switch. For this reason, the attorney examiner finds that the PA's decision to deny Windstream's petition for additional numbering resources should be overturned and NANPA should assign a new NXX that meets Windstream's needs in establishing an LRN for its new switch. In the event that the forecasted demand does not occur in the manner represented, Windstream shall return to the numbering pool in the involved rate center, all applicable unused numbering resources.

It is, therefore,

ORDERED, That Windstream'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 telephone numbers not occur in the manner represented, Windstream shall return to the numbering pool all applicable unused numbering resources. It is, further,

ORDERED, That a copy of this Entry be served upon Windstream.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Daniel E. Fullin

By: Daniel E. Fullin
Attorney Examiner

JRJ/dah

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in

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

Summary: Attorney Examiner Entry that grants a request to review and overturn the Pooling Administrator's earlier decision to deny numbering resources; electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.