

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 July 15, 2015, Windstream Ohio, Inc. (Windstream) filed a petition for review of a decision of the PA. In its July 15, 2015 filing before this Commission, Windstream represented that it had recently submitted a request to the PA for a one-thousand-number block in the Newark, Ohio rate center in order to satisfy a specific customer's request. In fact, however, Windstream's July 7, 2015 request to the PA had been not for a one thousand-number block (as was inadvertently incorrectly stated in Windstream's July 15, 2015 petition before this Commission), but rather, was for a whole NXX code, consisting of ten thousand numbers. The PA had denied that request for a whole NXX code on July 7, 2015, because Windstream did not meet the months-to-exhaust and/or utilization criteria established by the FCC.
- (3) On August 5, 2015, the attorney examiner issued an Entry that granted Windstream's petition for a review and overturning of "the PA's decision to withhold the requested numbering resources." The August 5, 2015 Entry, however, incorrectly

described the requested numbering resources in the same way as Windstream had done, namely, as a one-thousand-number block in the Newark, Ohio rate center.

- (4) After the attorney examiner's August 5, 2015 Entry was issued, the PA reversed its July 7, 2015 decision and granted Windstream's request for assignment of a whole NXX code in the Newark Ohio rate center. The purpose of this Entry is to correctly identify which are the requested numbering resources at stake in this matter, so as to reconcile the PA's more recent decision with the attorney examiner's August 5, 2015 language indicating that the PA should overturn its earlier decision "to withhold the requested numbering resources."
- (5) On December 17, 2015, Windstream filed a letter with this Commission for purposes of clarifying that its July 15, 2015 petition for review of the PA's decision of July 7, 2015, had inadvertently indicated that a one-thousand block had been requested when, actually, a whole NXX code was intended and received.
- (6) The attorney examiner finds that, despite Windstream's unintentional inaccurate description of the requested numbering resources as a single one-thousand numbers block, nevertheless, Windstream's July 15, 2015 petition does set forth a cogent and persuasive rationale for Windstream's intended request -- for a whole NXX code. Specifically, the July 15, 2015 petition indicates that the basis for the intended request stems from the need of "an enterprise customer that uses a DID arrangement and has exhausted its current block of numbers. For consistency, the customer has requested the same NXX block in the new 740 area code."
- (7) 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.
- (8) Upon review of Windstream's July 15, 2015 petition, as amended by its letter dated December 17, 2015, the attorney examiner believes that Windstream, in accordance with 47

C.F.R. 52.15(g)(4), has demonstrated a verifiable need for the whole NXX code in the Newark rate center that it actually sought in its original July 7, 2015 request made to the PA.

- (9) The attorney examiner finds that sufficient good cause has been shown for overturning the PA's original decision to deny Windstream's July 7, 2015 application for additional numbering resources in the Newark, Ohio rate center and for assigning Windstream the whole NXX code in the Newark rate center that it actually sought in its original July 7, 2015 request made to the PA. In fact, it is the understanding of this attorney examiner that this result has already come to pass.

It is, therefore,

ORDERED, That a correction is hereby made of record to the description of the numbering resources at issue, both in Windstream's July 15, 2015 filing in this case, and in the attorney examiner's August 5, 2015 Entry. Specifically, the intention and purpose of the correction being made is to identify the numbering resources involved as consisting of the whole NXX code (in the Newark, Ohio rate center) that Windstream originally sought in its July 7, 2015 request made to the PA. It is, further,

ORDERED, That the relief granted by the attorney examiner's August 5, 2015 Entry is modified, here, to such extent as may be necessary to have it fully apply with regard to the numbering resources involved, as described using the correction made through this Entry. 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 makes a correction of record for purposes of identifying the numbering resources involved in Windstream's July 15, 2015 pleading in this case, and in the attorney examiner entry issued on August 5, 2015 - electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.