

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S  
CONSIDERATION OF TELEPHONE SAFETY  
VALVE REQUESTS AND OTHER NUMBER  
RESOURCE RELATED FILINGS.

CASE No. 10-884-TP-UNC

## ENTRY

Entered in the Journal on July 6, 2016

{¶ 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 24, 2016, Windstream Ohio, Inc. (Windstream) filed a petition for review of a decision of the PA. In its filing, Windstream represents that on June 3, 2016, it submitted a request to the PA for a one-thousand-number block in each of the Covington and Neapolis rate centers. 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.

{¶ 3} Windstream explains that, as a result of a project funded through the FCC's Connect America Fund Phase 2, it is deploying a new packet switch in each of the involved rate centers. Windstream submits that it needs a one-thousand number NXX block for each rate center to establish the local routing number (LRN) for each involved new switch. Windstream represents that it does not have in inventory, in either rate center, the one-thousand-number block needed to deploy the involved new switches.

{¶ 4} 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.

{¶ 5} 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, in each involved rate center, for a new NXX to establish a LRN for each of its two new switches. For this reason, the attorney examiner finds that the PA's decision to deny Windstream's petition for additional numbering resources in the Covington and Neapolis rate centers should be overturned and NANPA should assign a new NXX that meets Windstream's needs in establishing, in each involved rate center, an LRN for its two new switches. 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.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That Windstream's request to overturn the PA's decision to withhold the requested numbering resources is granted as described in Paragraph (5). It is, further,

{¶ 8} ORDERED, That should the forecasted demand for the requested telephone numbers 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, further,

{¶ 9} 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

**This foregoing document was electronically filed with the Public Utilities**

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

Summary: Attorney Examiner Entry ordering Windstream's request to overturn the PA's decision to withhold the requested numbering resources is granted as described in Paragraph (5); and that should the forecasted demand for the requested telephone numbers not occur in the manner represented, Windstream shall return to the numbering pool in the involved rate center, all applicable unused numbering resources. Entry electronically filed by Debra Hight on behalf of Daniel E. Fullin, Attorney Examiner.