

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WINDSTREAM KENTUCKY EAST, LLC'S)	
PETITION FOR COMMISSION REVIEW AND)	
REVERSAL OF A DECISION OF THE NORTH)	CASE NO.
AMERICAN NUMBER POOLING)	2010-00405
ADMINISTRATION WITH RESPECT TO)	
NUMBERING RESOURCES IN THE 859 AREA)	
CODE)	

O R D E R

On October 19, 2010, Windstream Kentucky East, LLC (“Windstream”) filed a petition requesting that this Commission review and overturn a determination by the North American Numbering Plan Administration (“NANPA”).¹ The petition was filed pursuant to 47 C.F.R. § 52.15(g)(4), wherein the Commission is granted the authority to “overturn the NANPA’s decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.”

Windstream explains that the assignment of ten sequential thousands-blocks, or a single central office code (“NXX”), of numbers is needed to meet the numbering demands of ACS located in Lexington, Kentucky, a customer of Windstream.² Windstream states that ACS’ specific need is for ten thousand Direct Inward Dialing

¹ The NANPA is an independent non-governmental entity selected by the Federal Communications Commission (“FCC”) and is responsible for administering and managing the North American Numbering Plan (“NANP”). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

² See Windstream’s Petition for Review.

numbers necessary to accommodate ACS' business needs. Windstream does not have sufficient numbering resources available within its inventory in the available pool for the specified wire center in the Lexington rate center and is unable to meet ACS' specific need for numbering resources. Hence, on October 13, 2010, Windstream filed a request with the NANPA for the assignment of ten sequential thousands-blocks of numbers in the Lexington rate center in order to address the business needs of ACS.³ The application process with the NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, the NANPA concluded that Windstream did not meet the FCC's MTE requirements of six months or less nor the utilization threshold requirement of 75 percent.⁵ Therefore, the NANPA determined that Windstream's request for additional numbering resources should be denied.

The NANPA is not a policy-making entity. In making assignment decisions, the NANPA follows regulatory directives and industry-developed guidelines. The NANPA's responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁶

³ Specifically, the code block request submitted by Windstream was for its Lexington switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ In accordance with 47 C.F.R. § 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁵ According to the Worksheet, the MTE for the Lexington rate center was calculated to be 51.624 months with a utilization rate of 7.21 percent.

⁶ See generally, 47 C.F.R. § 52.

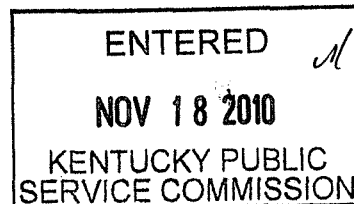
Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the NANPA determination if the requesting carrier has demonstrated a verifiable need for numbering resources and the exhaustion all other available remedies. The Commission finds that Windstream has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, ACS, for ten sequential thousands-blocks of numbers (a single NXX) in the Lexington rate center. Windstream advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Lexington rate center. The Commission further finds that Windstream has exhausted all available remedies in the Lexington rate center to the extent that no combination of existing numbering resources in the Lexington rate center can be employed to meet the customer's demand for ten sequential thousands-blocks of numbers within a single NXX. According to Windstream, the Lexington rate center does not have a large enough block of numbers to meet the customer's need.

This Commission finds that the NANPA determination to deny Windstream the additional numbering resources described herein should be overturned and the NANPA directed to assign to Windstream a single NXX in the Lexington rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's customer, ACS, in the Lexington rate center. If the service requested by ACS is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to NANPA and may not be utilized to serve other customers without first meeting the NANPA numbering resource guidelines.

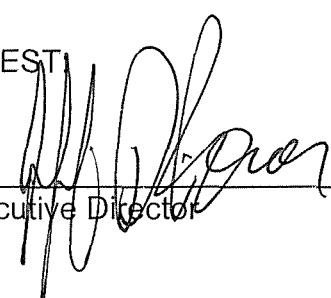
IT IS THEREFORE ORDERED that:

1. Windstream's Petition regarding the NANPA's denial of its application for assignment of additional numbering resources in the 859 Numbering Plan Area is granted.
2. The decision of the NANPA denying Windstream's request for assignment of ten sequential thousands-blocks of numbers within a single NXX in the Lexington rate center is hereby overturned.
3. The NANPA shall assign Windstream an available NXX for the Lexington switch in the Lexington rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's customer, ACS, in the Lexington rate center. If the service requested by ACS is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to NANPA.

By the Commission



ATTEST



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