

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)	2012-00158
ADMINISTRATION)	

O R D E R

On April 26, 2012, Windstream Kentucky East, LLC, ("Windstream") filed a petition requesting 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."

In its petition, Windstream explains that its request was for a single thousands block of numbers for a location routing number ("LRN") to serve customers in Windstream's Berea rate center. The numbering resources requested are needed to permit Windstream to provide service through a new packet switch which is being deployed in order to support a Broadband Stimulus project. Such packet switches require a unique LRN to identify the recipient switch, and must establish an LRN per

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. Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

local access and transport area from an assigned central office code (“NXX”) for the recipient switch in the number portability capable network. Windstream explains that its request for an NXX code was necessary due to the fact that industry guidelines state that only an NXX code-holder can obtain an LRN. However, Windstream notes that it intends to retain only a single thousands number block from the new NXX code.²

Windstream claims they do not have any NXX codes that could be moved in order to establish an LRN and, thus, they are unable to satisfy the need for numbering resources from their available inventory and have exhausted all other available remedies. Hence, on April 18, 2012, Windstream filed an application with the NANPA for the assignment of an NXX in the Berea rate center in order to address Windstream’s need for a single thousands block of numbers for an LRN needed for a new packet switch being deployed to support a Broadband Stimulus project in this location.³ Windstream points out that they only seek a single block of one thousand numbers and that the remaining nine one-thousand number blocks in that particular NXX will be available to other carriers for assignment. More specifically, Windstream intends to retain the four thousand block of the assigned NXX (859-NXX-4XXX).

The application process with the NANPA requires the submission of information used for a Months-To-Exhaust (“MTE”) and Utilization Certification Worksheet

² See Windstream’s petition for review.

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

("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 did they meet the utilization threshold requirement of 75 percent.⁵ Therefore, NANPA determined that Windstream's requests 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

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 that all other available remedies have been exhausted. The Commission finds that Windstream has demonstrated a verifiable need for additional numbering resources by presenting its request for a single thousands block of numbers needed to establish a unique LRN to identify a new packet switch being deployed in the Berea rate center. Windstream advises that it will be unable to provide reliable and adequate service to telecommunications users in these rural areas without additional numbering resources in the affected rate centers. Due to the NANPA's denial of

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 Berea rate center was calculated to be 43.698 months with a utilization rate of 57.43 percent.

⁶ See generally, 47 C.F.R. § 52.

numbering resources, Windstream has been unable to obtain the requested LRN for its new switch and service in connection with this project. The Commission further finds that Windstream has exhausted all available remedies in the affected rate centers to the extent that no combination of existing numbering resources in these rate centers can be employed to meet their need for a single one-thousand number block.

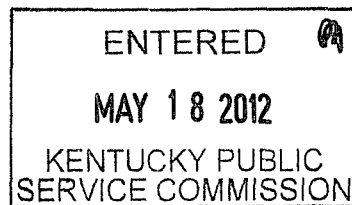
The Commission finds that the NANPA determination to deny Windstream the additional numbering resources described herein should be overturned and the NANPA be directed to assign to Windstream an available NXX code in the Berea rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need for an LRN needed for deployment of a new switch and corresponding service in connection with a Broadband Stimulus project upgrade in the noted exchange. If the numbering resources requested by Windstream are not needed to meet its service requirements, the associated numbering resources approved in this Order should be returned to the 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 is granted.
2. The decision of the NANPA denying Windstream's request for assignment of an NXX in the Berea rate center is hereby overturned.
3. The NANPA shall assign Windstream an available NXX in the Berea rate center (859-NXX).

4. The numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need for an LRN for deployment of a new packet switch in connection with a Broadband Stimulus project in the Berea rate center. Windstream shall retain only a single thousands block of numbers from the new NXX. The remaining nine thousands blocks, not utilized by Windstream for LRN purposes, shall be returned to the pool of available numbers. If the numbering resources requested by Windstream are not needed to meet its service requirements, the associated numbering resources approved in this Order shall be returned to the NANPA.

By the Commission



ATTEST.



Executive Director

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