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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

In the Matter of:

Windstream Kentucky East, LLC's Petition for)
Commission Review and Reversal of a Decision of the) Case No. 2014- 00 _____
North American Number Pooling Administration)

PETITION FOR REVIEW,
APPLICATION FOR GRANT OF NUMBERING RESOURCES,
AND REQUEST FOR EXPEDITED TREATMENT

Windstream Kentucky East, LLC, ("Windstream") petitions the Public Service Commission of Kentucky ("Commission") pursuant to 47 C.F.R. § 52.15(g)(4) to review and overturn a recent decision by the Pooling Administrator ("PA") to withhold certain numbering resources from Windstream required by the company to meet the needs of a particular customer in Lexington, Kentucky. In support of its Petition Windstream states:

Windstream's Application And PA's Denial

1. On January 23, 2014 Windstream filed a request with the PA for a single "thousands" block of numbers for a LRN for a new packet switch to serve customers in Windstream's Lexington rate center. A copy of the Application is attached as **EXHIBIT 1**.

2. The additional numbering resources have been requested by a large business customer that uses a DID arrangement that is nearing exhaustion. In addition, this customer is expanding and will require additional numbering resources in the near future. Attached as **EXHIBIT 2** is a copy of a letter from the customer explaining its need for the numbering resources requested by Windstream.

3. On January 23, 2014, the PA denied Windstream's request on the grounds that Windstream had not satisfied the months-to-exhaust ("MTE") criteria established in the Central Office Code Assignment Guidelines. A copy of the PA's denial is attached as **EXHIBIT 3**.

4. Windstream has demonstrated a verifiable need as Windstream will be unable to meet the needs of this growing customer.

5. Windstream cannot satisfy the need for numbering resources from its current inventory or in any other manner and has exhausted all other available remedies.

Basis For Commission Review And Action

6. Under federal numbering rules, a state commission may overturn the PA's decision based on the determination that the carrier has demonstrated a verifiable need for the numbering resources and has exhausted all other available remedies.¹

7. In its Third Report and Order in the Number Resource Optimization proceeding, the Federal Communications Commission ("FCC") found that "a carrier should be able to get additional number resources when there is verifiable need due to the carrier's inability to satisfy a specific customer request."² Thus, the Commission has the authority to overturn the PA's decision in this matter.

8. As set forth above, Windstream has demonstrated a verifiable need due to the need of a specific customer. In other cases, the Commission has granted the requested

¹ 47 C.F.R. § 52.15(g)(4)

² *Number Resource Optimization*, Third Report and Order and Second Order on Reconsideration, FCC 01-362, 17 FCC Rcd 252, ¶ 64 (2001) ("*Third Report and Order*").

numbering relief despite the PA's determination that the carrier did not meet the MTE or utilization thresholds.³

9. Granting Windstream's Petition will not adversely affect the numbering resources available for use by carriers throughout the state in providing telecommunications services to their customers. Granting Windstream's request is in the public interest and consistent with the FCC's rules and decisions.

Request For Expedited Treatment

10. Windstream respectfully requests that the Commission act upon this Petition within ten business days. Expedited treatment is required to meet the needs of the persons to be served through the switch and Windstream's internal business plans and schedule.

11. The FCC also has recognized the importance of timely action:

[W]e recognize that in many instances, the failure to address a request for additional numbering resources can impair a carrier's ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety valve as expeditiously as possible. Although we do not establish a specific time limit for states to act on these requests, we believe that, in most instances, 10 business days from receipt of a request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests.⁴

Therefore, Windstream respectfully requests that the Commission:

1. Overturn the Pooling Administrator's decision;
2. Direct the PA to grant Windstream's requests for numbering resources; and
3. Enter its Order doing so within ten business days, or as soon thereafter as is possible; and

³ See, Order, Case No. 2008-00172 (Ky. P.S.C. June 12, 2008); Order, Case No. 2006-00529 (Ky. P.S.C. January 9, 2007); Order, Case No. 2005-00516 (Ky. P.S.C. January 20, 2006); Case No. 2005-00342 (Ky. P.S.C. October 7, 2005); Order, Case No. 2005-00157 (Ky. P.S.C. April 28, 2005); Order, Case No. 2005-00021 (Ky. P.S.C. February 2, 2005); Order, Case No. 2004-00521 (Ky. P.S.C. February 2, 2005.)

⁴ *Third Report and Order* at ¶166.

4. Grant Windstream such further relief as may be appropriate.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', written over a horizontal line.

Mark R. Overstreet
R. Benjamin Crittenden
STITES & HARBISON PLLC
421 West Main Street
P.O. Box 634
Frankfort, Kentucky 40602-0634
Telephone: (502) 223-3477

COUNSEL FOR
WINDSTREAM KENTUCKY EAST, LLC

EXHIBIT 1

TBPAG Attachment 1 - March 19, 2007

Thousands-Block Application Form - Part 1A

Tracking Number: **859-LEXINGTON-KY-698182**
Full NXX:
Dedicated
Customer

Type of Application: New Change Disconnect
 i

GENERAL APPLICATION INFORMATION**1.1 Contact Information:**Block Applicant:

Company Name: **WINDSTREAM KENTUCKY EAST, INC. - LEXINGTON**
 Headquarters Address: **4001 RODNEY PARHAM ROAD**
 City, State, Zip: **LITTLE ROCK, AR, 72212**
 Contact Name: **MARY RICHARDS**
 Contact Address: **301 N MAIN STREET**
 City, State, Zip: **GREENVILLE, SC, 29609**
 Phone: **864-672-5329** FAX: E-mail: **MARY.RICHARDS@WINDSTREAM.COM**

Pooling Administrator: ii

Contact Name: **Genevieve Bettiga**
 Contact Address: **1800 Sutter St**
 City, State, Zip: **Concord, CA, 94520**
 Phone: **925-363-7652** FAX: **925-363-7683**
 E-mail: **genevieve.bettiga@neustar.biz**

1.2 General Information:

Check one : No LRN needed LRN needed iii

NPA: 859 LATA: 466 OCN: iv 9690 Parent Company's OCN G118

Number of Thousands-Blocks Requested : 10

Switching Identification(Switch Entity/POI) : v
LXTNKYXDDS0

City or Wire Center Name :

Rate Center: vi LEXINGTON

Rate Center Sub Zone:

1.3 Dates:

Date of Application: vii 01/23/2014 Requested Block Effective Date: viii 03/30/2014

By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

Request Expedited Treatment? (See Section 8.6) Yes _____ No X

1.4 Type of Service Provider Requesting the Thousands-Block :

- a) Type of Service Provider : Incumbent Local Exchange Carrier (ILEC) (LEC, IXC, CMRS, Other)
- b) Primary type of service Blocks to be used for : Wireline
- c) Thousands-Block(s) (NXX-X) assignment Preference (Optional) _____
- d) Thousands-Block(s) (NXX-X) that are undesirable for this assignment , if any _____
- e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping(the remainder of the blocks will be given to the pool) N/A

1.5 Type of Request:

Initial block for rate center : Yes _____ If Yes , attach evidence of authorization and proof of capability to provide service within 60 days.

Growth block for rate center : Yes X If Yes , attach months to exhaust worksheet

By selecting this checkbox, I acknowledge that I am willing to accept a block in red and explicitly understand that the underlying CO code may not yet be activated in the PSTN and loaded in the NPAC on the block effective date.

Type of change(Mark **all** that apply)

OCN:Intra-company ^{ix} Switching Id Part 1B

OCN:Inter-company ^x Effective Date

Change block : Yes _____ If Yes , list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated Yes _____ No _____
- b) If Yes how many TNs are NOT available for assignment : _____
- c) Have all new Intra SP ports been completed in the NPAC Yes _____ No _____
- d) Has this block been protected from further assignment Yes _____ No _____

Disconnect block : Yes _____ If Yes , list NPA-NXX-X _____

Remarks:

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines(ATIS-0300066) available on the ATIS web site (<http://www.atis.org/inc>) or by contacting inc@atis.org as of the date of this application.

<u>MARY RICHARDS</u>	<u>CODE</u>	<u>01/23/2014</u>
Signature of Block Applicant	<u>ADMINISTRATOR</u>	Date
	Title	

Instructions for filling out each Section of the Part 1A form:

Section 1.1 Contact information requires that Service Providers supply under "Block Applicant" the company name, company headquarters address, a contact within the company, an address where the contact person may be reached, in addition to the correct phone, fax, and e-mail address. The Pooling Administrator section also requires the Service Provider to fill in the Pooling Administrator's name, address, phone, fax and e-mail.

Section 1.2 Service Providers who need a thousands-block assignment or for an Location Routing Number (LRN) are required to fill in this section. If needed for an LRN, a CO Code Application needs to also be submitted to the PA. The Service Provider should supply the Numbering Plan Area (NPA); the Local Access Transport Area (LATA), which is a three-digit number that can be found in the Telcordia™ LERG™ Routing Guide. The Operating Company Number (OCN) assigned to the service provider and the OCN its parent company. An OCN is a four-character alphanumeric assigned by Telcordia™ Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification as well as the city or wire center name, rate center, rate center sub zone, homing tandem and CLLI™ tandem of the facilities based provider^{xi}. Explanations of these terms may be found in the footnotes.

Section 1.3 The date the Service Provider completes the application should be entered in this section, as well as the Effective Date of the requested thousands-block.

Section 1.4 Service Providers should indicate their type, e.g., local exchange carrier, competitive local exchange carrier, interexchange carrier, CMRS. They also indicate the primary type of business in which the numbering resource is to be used. Service Providers also may indicate their preference for a particular thousands-block, e.g., 321-9XXX, or indicate any thousands-blocks that may be undesirable, e.g., 321-6XXX.

Section 1.5 Service Providers indicate the type of request. Initial requests are for first applications for thousands-blocks in a rate center, growth for additional thousands-blocks in a rate center in which the applicant already has numbering resources, and provide the required evidence as ordered by the FCC.

Section 1.6 Service Providers must indicate the updated/current information in regards to contaminated TNs on the block they are returning to the pool. Blocks with over 10% contamination (101 TNs or more) shall not be returned to the pool unless they meet criteria outlined in section 9.1.2 of these Guidelines. If the block being returned is over 10% contaminated the PA shall seek a new block holder. If question c and/or d have a response of No, the request for return shall be denied. The thousands-block applicant certifies veracity of this form by signing their name, and providing their title and date.

Foot Notes :

ⁱ Identify the type of change(s) in Section 1.5.

ⁱⁱ The Pool Administrator is available to assist in completing these forms.

ⁱⁱⁱ A CO Code application will also need to be submitted to the PA.

^{iv} Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments should contact NECA (800 524-1020) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated

with a given company, companies with prior assignments should direct questions regarding appropriate OCN usage to (TRA) (732-699-6700).

^v This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character CLLITM code of the switch /POI.

^{vi} Rate Center name must be a tariffed Rate Center.

^{vii} Acknowledgment and indication of disposition of this application will be provided to applicant within seven calendar days from the date of receipt of this application. An incomplete form may result in delays in processing this request.

^{viii} Please ensure that the NPA-NXX of the LRN to be associated with this block(s) is/will be active in the network prior to the effective date of the block(s).

^{ix} Select if you are the current Block Holder.

^x Select if you are not the current Block Holder

^{xi} Telcordia, LERG Routing Guide, and CLLI are trademarks of Telcordia Technologies, Inc.

EXHIBIT 2

Baptist Health Lexington (formerly known as Central Baptist Hospital)
1740 Nicholasville Road,
Lexington, KY 40503

New DID numbers request, to fulfill the rapidly expanding service needs of our multi-building campus and future growth plans which include an enterprise phone system to outlaying Baptist Health facilities within the Lexington Kentucky area.

To whom it may concern,

Baptist Health Lexington, formerly known as Central Baptist Hospital, has a dire need to add DID numbers due to the current range of 3580 numbers being exhausted. We have deployed a new in-building wireless phone system, which continues to expand in handsets. We are currently converting our self-owned physician practices on campus to our PBX phone service as we continue to acquire additional physician practices to become self-owned, and would like to convert off-campus hospital and physician facilities to an enterprise phone system. We are nearing completion in construction of a new 700,000 sqf building, which we anticipate the need to add 2000 additional DID numbers to support. We anticipate the need to expand our existing DID number pool to 6000 numbers to satisfy the demands for new numbers within the next five years.

It is our preference to maintain a uniform prefix for all our DID numbers, to avoid confusion with prefix numbers and misdialed calls, we currently have a uniform NPA-NXX of 859-260 on our existing 3580 DID numbers. If possible we would like to include all current DID numbers within the same prefix as the new DID number range we acquire. While expanding our PSTN DID number pool to meet the rapidly expanding needs of Baptist Health Lexington, we respectfully request a complete ten thousand number exchange, 859-NXX-0000 thru 9999.

If we are granted this new 10,000 number exchange we would eventually release all except the primary listed numbers back to the agency for reassignment to other customers.

The current DID number pool is comprised of 859-260-

2100 thru 2399
2500 thru 2599
3100 thru 3399
3500 thru 3599
4000 thru 4599
5000 thru 5599
6000 thru 6979

Thank you for your consideration in this matter.

Respectfully,
Rick Becker
Corporate Telecom Manager
Baptist Health


 BAPTIST HEALTH

EXHIBIT 3

November 21, 2003
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
TBPA3 Part 3

Tracking Number : 859-LEXINGTON-KY-698182

Date of Application: 01/23/2014 Effective Date: _____
 Date of Receipt: 01/23/2014 Date of Response: 01/23/2014

Service Provider Name: WINDSTREAM KENTUCKY EAST, INC. - LEXINGTON
 (Telcordia™ LERG™ Routing Guide) OCN: 9690
 Parent Company OCN: G118

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Genevieve Bettiga Phone: 925-363-7652
 Signature of Pooling Administrator
Genevieve Bettiga Fax: 925-363-7683
 Name (print)
 Email: genevieve.bettiga@neustar.biz

NPA-NXX or NPA-NXX-X : _____

Block Assigned: _____
 Block Reserved : _____
 Block Reservation Expiration Date : _____
 Block/Code Modified : _____
 Block/Code Disconnected : _____

Block Contaminated(Yes or No) : _____
 If Yes,enter the number of TNs contaminated : _____

Switch Identification(Switch Entity/POI): ¹ LXTNKYXDDS0
 Rate Center: LEXINGTON
 Rate Center Sub Zone: _____

X Form Complete, request denied.

Explanation:

DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new code is denied. You may proceed with requesting a State Waiver from the appropriate state commission using this Part 3 denial. If you are in disagreement with the disposition of this request, please refer to the Thousands' Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

_____ **Request withdrawn.**

Explanation:

_____ **Assignment activity suspended by the administrator.**

Explanation:

Remarks:

¹ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI™ Location Identification code of the switching entity/POI shown on the Part 1A form (Telcordia, LERG ROUTING Guide and CLLI are trademarks of Telcordia Technologies, Inc.)