

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             | ) | 2010-00385 |
| ADMINISTRATION WITH RESPECT TO      | ) |            |
| NUMBERING RESOURCES IN THE 270 AREA | ) |            |
| CODE (EZTWKYXAMPD)                  | ) |            |

O R D E R

On September 29, 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”).<sup>1</sup> 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 a single thousands-block of numbers is needed to establish a new Local Routing Number (“LRN”) for a new switching Point of Interface (“POI”) at its Elizabethtown, Kentucky rate center.<sup>2</sup> Specifically, due to technical difficulties with another switch, Windstream requires the single thousands-

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<sup>1</sup> 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.

<sup>2</sup> See Windstream’s Petition for Review.

block of numbers to implement the new POI. The additional numbering resources will allow Windstream to provide reliable and adequate service to users in the Elizabethtown area. Additionally, Windstream alleges that it will not be compliant with the FCC number portability requirements if it is unable to secure this block of numbers to establish an LRN for the new switching POI.

Windstream does not have sufficient numbering resources available within its inventory in the available pool for the specified wire center in the Elizabethtown rate center and is unable to satisfy its needs for numbering resources. Hence, on September 21, 2010, Windstream filed a request with the NANPA for the assignment of one thousands-block of numbers in the Elizabethtown rate center in order to address Windstream's need for a new LRN for a new switching POI at the Elizabethtown rate center.<sup>3</sup> 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.<sup>4</sup> 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 and/or the utilization threshold requirement of 75 percent.<sup>5</sup> Therefore, the NANPA determined that Windstream's request for additional numbering resources should be denied.

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

<sup>4</sup> 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.

<sup>5</sup> According to the Worksheet, the MTE for the Elizabethtown rate center was calculated to be 409.024 months with a utilization rate of 68.707 percent.

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.<sup>6</sup>

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 of all other available remedies. The Commission finds that Windstream has demonstrated a verifiable need for additional numbering resources by presenting its request for one thousands-block of numbers and the associated LRN for the new switching POI at the Elizabethtown rate center. Windstream advises that it will be unable to provide reliable and adequate service to telecommunications users in Elizabethtown without additional numbering resources in the Elizabethtown rate center. Due to the NANPA's denial of numbering resources, Windstream has been unable to obtain the requested LRN for its new switching POI at the Elizabethtown rate center. The Commission further finds that Windstream has exhausted all available remedies in the Elizabethtown rate center to the extent that no combination of existing numbering resources in the Elizabethtown rate center can be employed to meet its need for one thousands-block of numbers.

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 thousands-block of numbers in the Elizabethtown rate center. The Commission notes that the numbering resources

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<sup>6</sup> See generally, 47 C.F.R. § 52.

considered in this Order are to be assigned for the sole use of serving Windstream's need for an LRN for its new switching POI at the Elizabethtown rate center. 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 in the 270 Numbering Plan Area is granted.

2. The decision of the NANPA denying Windstream's request for assignment of a single thousands-block of numbers in the Elizabethtown rate center is hereby overturned.

3. The NANPA shall assign Windstream one thousands-block of numbers for the Elizabethtown rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need for an LRN to be used in implementing its new switching POI at the Elizabethtown rate center. 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

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KENTUCKY PUBLIC  
SERVICE COMMISSION

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