

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WINDSTREAM KENTUCKY EAST, LLC'S)	
PETITION FOR COMMISSION REVIEW AND)	CASE NO.
REVERSAL OF A DECISION OF THE NORTH)	2011-00434
AMERICAN NUMBER POOLING)	
ADMINISTRATION)	

O R D E R

On November 2, 2011, 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 it has commenced work on its United States Department of Agriculture Rural Utilities Service Broadband Initiatives Program projects. These projects involve the deployment, by Windstream, of packet switches that will be compatible with the new broadband infrastructure. Such packet switches require their own location routing numbers ("LRN"), distinct from those assigned to Windstream's time division multiplexing switches. Additionally, in order to utilize the

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.

new broadband loop carrier (“BLC”) equipment being deployed downstream of the packet switches, an additional one-thousand block of numbers must be assigned to the exchange in which the new services will be provided.²

Windstream claims they do not have any central office (“NXX”) codes that could be moved in order to establish an LRN, nor do they possess clean one-thousand blocks of numbers that could be intra-service providers ported to the new switches. Additionally, Windstream claims they do not have clean one-thousand number blocks that could be assigned to the exchanges to be served by the BLCs. Hence, on October 20, 2011, Windstream filed twenty-four separate applications with the NANPA relating to the project outlined in Windstream’s petition.³ Twenty-two of those applications were for one-thousand number blocks to be utilized for LRN purposes, and two of the applications were for one-thousand number blocks to be assigned to the exchanges served by the BLCs. In the case of the blocks requested for LRN purposes, Windstream points out that they narrowly-tailored those requests so as to only seek a single block of one-thousand numbers in order for the remaining nine one-thousand number blocks in that particular NXX to be available to other carriers for assignment. The Appendix to this Order contains a table listing each of the codes requested by Windstream, including the specific blocks that they have requested.

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 requests submitted by Windstream can be seen in the Appendix. 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 and/or 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 requests for twenty-four one-thousand number blocks to be utilized in connection with the deployment of a new switch and corresponding new service in connection with a Broadband Stimulus project upgrade to the rural exchanges listed in the Appendix. Windstream advises that it will be unable to provide reliable and adequate service to telecommunications users in these rural areas without additional

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 Actual numbers with respect to the MTE and utilization calculations can be found in the Appendix. The NANPA denied the applications due to failure to meet one of the criteria in some cases, or neither of the criteria in other cases.

⁶ See generally, 47 C.F.R. § 52.

numbering resources in the affected rate centers. Due to the NANPA's denial of numbering resources, Windstream has been unable to obtain the requested LRNs for its new switches and services 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 one-thousand number blocks.

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 one-thousand block of an available NXX in the rate centers listed in the Appendix. 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 LRNs and new thousand-number blocks for deployment of new switches and corresponding services in connection with a Broadband Stimulus project upgrade in the noted rural exchanges. 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.

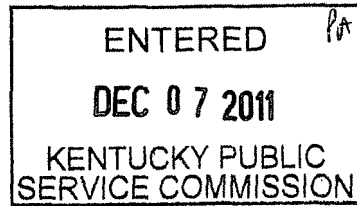
IT IS THEREFORE ORDERED that:

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 twenty-four separate one-thousand number blocks in the rate centers listed in the Appendix is hereby overturned.

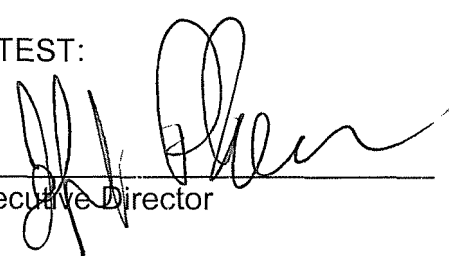
3. The NANPA shall assign Windstream the specific blocks requested in their petition and listed in the Appendix for each of the affected rate centers.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need for LRNs and new thousand-number blocks for deployment of new switches and corresponding services in connection with a Broadband Stimulus project upgrade in the rural exchanges noted in its petition. 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

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2011-00434 **DEC 07 2011**

Windstream Block Requests and Worksheet Calculations

Rate Center	Switch	MTE (mos.)	Utilization (%)	NPA	Thousands Block Requested	Reason for Request
Ashland	ASLDKYXAPSO	205.81	77.106	606	NXX-4xxx	LRN*
Burnside	BRSDKYXAPSO	295.188	49.79	606	NXX-4xxx	LRN
Campbellsville	CMVLKYXAPSO	465.135	71.269	270	NXX-4xxx	LRN
Clarkson	CKSNKYXAPSO	392.373	44.56	270	NXX-4xxx	LRN
Everts	EVRSKYXAPSO	787882	29.77	606	NXX-4xxx	LRN
Flemingsburg	FMBGKYXAPSO	2008.93	26.1	606	NXX-4xxx	LRN
Garrison	GRSNKYXAPSO	4007.845	11.95	606	NXX-4xxx	LRN
Glasgow	GLSGKYXAPSO	492.808	68.44	270	NXX-4xxx	LRN
Greenup	GNUPKYXAPSO	490.737	50.55	606	NXX-4xxx	LRN
Hazard	HZRDKYXAPSO	234.17	69.465	606	NXX-4xxx	LRN
Hondgenville	HGVLKYXAPSO	215.067	44.222	270	NXX-4xxx	LRN
Irvine	IRVNKYXAPSO	465.247	40.255	606	NXX-4xxx	LRN
Lancaster	LNCSKYXAPSO	499.1	47.47	859	NXX-4xxx	LRN
Liberty	LBRTKYXAPSO	143.824	71.9	606	NXX-4xxx	LRN
London	LONDKYXAPS	35.832	70.378	606	NXX-4xxx	LRN
Meads	MEDSKYXAPSO	663.155	66.49	606	NXX-4xxx	LRN
Nicholasville	NCVLKYXAPSO	140.39	72.39	859	NXX-4xxx	LRN
Owingsville	OWVLKYXAPS	1005.122	29.15	606	NXX-4xxx	LRN
Tollesboro	TLBOKYXAPS	3451.153	7.66	606	NXX-4xxx	LRN
Vanceburg	VNBGKYXAPS	313.389	41.02	606	NXX-4xxx	LRN
Versailles	VRSLKYXAPSO	382.123	54.817	859	NXX-4xxx	LRN
Washington	WASHKYXAPSO	1561.6	21.28	606	NXX-4xxx	LRN
Johnsonville	JHVLKYXARPO	986.156	26.567	606	No NXX-0 or NXX-	BLC** deployment
Mount Vernon	MTVRKYAIRPO	205.214	68.49	606	No NXX-0 or NXX-	BLC deployment

* Local Routing Number ("LRN")

** Broadband Loop Carrier ("BLC")

Honorable R. Benjamin Crittenden
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634