

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)	2017-00043
AMERICAN NUMBER POOLING)	
ADMINISTRATION)	

ORDER

On January 19, 2017, Windstream East, LLC (“Windstream”) filed a petition requesting that this Commission review and overturn a determination by the Pooling Administrator.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 [and the Pooling Administrator’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 requested numbering resources associated with telecommunications services requested by a specific customer, the University of Kentucky, in the Lexington rate center located within the 859 Numbering Plan Area (“NPA”) in Kentucky. The UK has requested 10,000 consecutive numbers to be used in support of a University of Kentucky Healthcare technology project.

¹ The North American Numbering Plan Administrator (“NANPA”) and the Pooling Administrator are independent non-governmental entities selected by the Federal Communications Commission (“FCC”) and are individually responsible for administering and managing the North American Numbering Plan and national thousands-block number pools, respectively. Neustar, Inc. is currently contracted by the FCC as both the NANPA and the Pooling Administrator.

On January 17, 2017, Windstream applied to the Pooling Administrator for the required numbering resources in the Lexington rate center.² The application process with the Pooling Administrator requires the submission of information used for a Months-To-Exhaust (“MTE”) and Utilization Certification Worksheet (“Worksheet”) pertaining to the affected rate centers.³ Based on the submitted information and resulting calculations, the Pooling Administrator concluded that Windstream did not meet the FCC’s the months-to-exhaust criteria.⁴ Therefore, the Pooling Administrator determined that Windstream’s requests for additional numbering resources should be denied.

The Pooling Administrator is not a policy-making entity. In making assignment decisions, the Pooling Administrator follows regulatory directives and industry-developed guidelines. The Pooling Administrator’s responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁵

Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the Pooling Administrator’s determination if the requesting carrier has demonstrated a verifiable need for numbering resources and that all other available remedies have been

² Current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

³ 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.

⁴ The NANPA/Pooling Administrator denied the applications due to the failure to meet the criteria in the rate center as described below:

<u>NPA</u>	<u>Rate Center</u>	<u>Purpose</u>	<u>Resource Requested</u>	<u>MTE Blocks 1–4</u>	<u>Utilization</u>
859	Lexington	(10) NXX- X	10,000 consecutive	-466	64%

⁵ See generally 47 C.F.R. § 52.

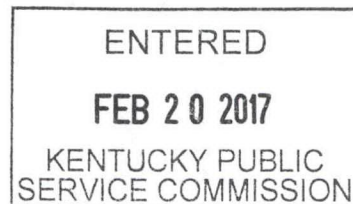
exhausted. The Commission finds that Windstream has demonstrated a verifiable need for the assignment of numbering resources by presenting a request from a specific telecommunications customer, the University of Kentucky, for ten thousands-blocks of 10,000 consecutive numbers to be utilized for the purpose of providing service within the Lexington rate center in Kentucky. Windstream asserts that it does not have sufficient numbering resources available in the affected rate center, and due to the Pooling Administrator's denial of its application, Windstream cannot provide service without the requested resources. The Commission further finds that Windstream has exhausted all available remedies to the extent that no combination of existing numbering resources in the associated rate center can be employed to meet the need for ten thousands-blocks of 10,000 consecutive numbers in the rate center.

This Commission finds that the Pooling Administrator's determination to deny Windstream the additional numbering resources described herein should be overturned and the Pooling Administrator directed to assign Windstream ten new thousands-blocks (NXX-X) for the Lexington rate center in Kentucky. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's customer, the University of Kentucky, in the Lexington rate center. If the numbering resources requested by Windstream are not needed to meet the service requirements of its customer, the associated numbering resources approved in this Order should be returned to the Pooling Administrator and may not be utilized for other service arrangements without first meeting the industry numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. Windstream's petition regarding the Pooling Administrator's denial of its application for assignment of additional numbering resources is granted.
2. The decision of the Pooling Administrator denying Windstream's request for the assignment of ten new thousands-blocks for the Lexington rate center in Kentucky is hereby overturned.
3. The Pooling Administrator shall assign Windstream ten thousands-blocks of 10,000 consecutive numbers for the Lexington rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of Windstream's customer, the University of Kentucky. If the numbering resources requested by Windstream are no longer required to meet the service, the associated numbering resources approved in this Order shall be returned to the Pooling Administrator.

By the Commission



ATTEST:


Executive Director

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

*Windstream Kentucky East, LLC
4001 N Rodney Parham Road
Little Rock, AR 72212