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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 )  
North American Number Pooling Administration ) Case No. 2011- 00 151  
With Respect To Numbering Resources )  
In The 270 Area Code )

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 North American Number Pooling Administrator ("NANPA") denying Windstream's request for certain numbering resources. In support of its Petition Windstream states:

Windstream's Application And NANPA's Denial

1. On April 28, 2011 Windstream filed a request with NANPA for a single "thousands" block of numbers for a new Metaswitch to be implemented in Windstream's Lebanon Rate Center. A copy of the Application is attached as EXHIBIT 1.

2. The additional numbering resources are required to permit Windstream to provide reliable and adequate service to telecommunications users in the Lebanon, Kentucky area. Specifically, Windstream is implementing a new Metaswitch in Lebanon, Kentucky to provide new services to persons and entities not affiliated with Windstream; services not available on Windstream's other switches.

3. On April 28, 2011, NANPA 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 NANPA's denial is attached as EXHIBIT 2.

4. Because of NANPA's denial of the requested additional numbering resources, Windstream will be unable to provide new services using the Metaswitch. Such an inability constitutes a verifiable need for the denied numbering resources.

5. Windstream can not satisfy the need for numbering resources from its current inventory and has exhausted all other available remedies.

#### Basis For Commission Review And Action

6. Under federal numbering rules, a state commission may overturn NANPA'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.<sup>1</sup>

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."<sup>2</sup> Thus, the Commission has the authority to overturn NANPA's decision in this matter.

8. As set forth above, Windstream has demonstrated a verifiable need due to deployment of a new switch and corresponding new service. In other cases, the Commission has

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<sup>1</sup> 47 C.F.R. 52.15(g)(4)

<sup>2</sup> Number Resource Optimization, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-2000, FCC 01-362, (rel. Dec 28, 2001) ("Third Report and Order") at ¶ 64

granted the requested numbering relief despite NANPA's determination that the carrier did not meet the MTE or utilization thresholds.<sup>3</sup>

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 10 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.<sup>4</sup>

Therefore, Windstream respectfully requests that the Commission:

1. Overturn the North American Number Pooling Administrator's decision;
2. Direct NANPA to grant Windstream's requests for numbering resources; and

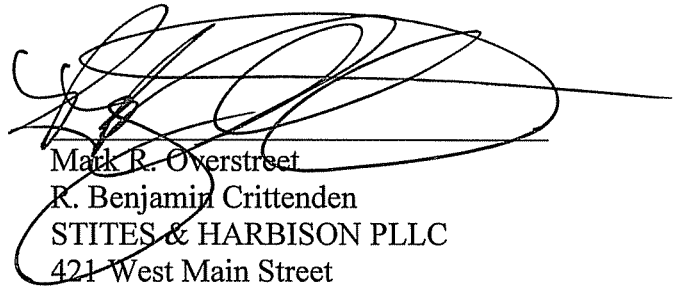
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<sup>3</sup> See, Order, Case No. 2008-00172 (Ky. P.S.C. June 12, 2008); Order, Case No. 2006-00529 (Ky. P.S.C. January 9, 2007); Order, Case No. 2005-00516 (Ky. P.S.C. January 20, 2006); Case No. 2005-00342 (Ky. P.S.C. October 7, 2005); Order, Case 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.)

<sup>4</sup> Third Order and Report at ¶166.

3. Enter its Order doing so within ten (10) business days, or as soon thereafter as is possible; and
4. Grant Windstream such further relief as may be appropriate.

Respectfully Submitted,



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

COUNSEL FOR WINDSTREAM  
KENTUCKY EAST, LLC

TAB1

TBPAG Attachment 1 - March 19, 2007

Thousands-Block Application Form - Part 1A

Tracking Number: 270-LEBANON-KY-438266  
Individual Block Request

Type of Application:  New  Change  Disconnect

**GENERAL APPLICATION INFORMATION**

**1.1 Contact Information:**

Block Applicant:

Company Name: WINDSTREAM KENTUCKY EAST, INC. - LEXINGTON  
Headquarters Address: 4001 Rodney Parham Rd  
City, State, Zip: Little Rock, AR, 72212  
Contact Name: Paula Hustead  
Contact Address: 10005 Monroe Rd, B1F01  
City, State, Zip: Matthews, NC, 28105  
Phone: 704-845-7489 FAX:            E-mail: paula.hustead@windstream.com

Pooling Administrator: <sup>ii</sup>

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 <sup>iii</sup>

NPA: 270 LATA: 462 OCN: <sup>iv</sup>  
9690 Parent Company's OCN G118

Number of Thousands-Blocks Requested : 1

Switching Identification(Switch Entity/POI) : <sup>v</sup>  
LBNNKYXAPS0

City or Wire Center Name : \_\_\_\_\_ Rate Center: <sup>vi</sup> LEBANON  
Rate Center Sub Zone: \_\_\_\_\_

### 1.3 Dates:

Date of Application: <sup>vii</sup> 04/28/2011 Requested Block Effective Date: <sup>viii</sup>  
07/06/2011

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) \_\_\_\_\_

### 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 <sup>ix</sup>  Switching Id  Part 1B

OCN:Inter-company<sup>x</sup>  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: 1k block need for new product offering on new packet switch

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](mailto:inc@atis.org) as of the date of this application.

Paula Hustead

Signature of Block Applicant

CODE

ADMINISTRATION

Title

04/28/2011

Date

**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<sup>TM</sup> LERG<sup>TM</sup> 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<sup>TM</sup> 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<sup>TM</sup> tandem of the facilities based provider<sup>xi</sup>. 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 :**

<sup>i</sup> Identify the type of change(s) in Section 1.5.

<sup>ii</sup> The Pool Administrator is available to assist in completing these forms.

<sup>iii</sup> A CO Code application will also need to be submitted to the PA.

<sup>iv</sup> 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).

<sup>v</sup> 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 CLLI<sup>TM</sup> code of the switch /POI.

<sup>vi</sup> Rate Center name must be a tariffed Rate Center.

<sup>vii</sup> 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.

<sup>viii</sup> 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).

<sup>ix</sup> Select if you are the current Block Holder.

<sup>x</sup> Select if you are not the current Block Holder

<sup>xi</sup> Telcordia, LERG Routing Guide, and CLLI are trademarks of Telcordia Technologies, Inc.

Appendix 3

May 16, 2008

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level<sup>1</sup>  
(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: 270-LEBANON-KY-438266

Date: 04/28/2011

OCN: 9690

Company Name: WINDSTREAM KENTUCKY EAST, INC. - LEXINGTON

Rate Center: LEBANON

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s): 270-692-0, 1, 2, 3, 4, 5, 6, 9; 270-699-2, 3, 4, 7, 8, 9

Name of Block Applicant: Paula Husted

Signature: Paula Husted

Title: CODE ADMINISTRATION  
No.:

Telephone No.: 704-845-7489

FAX

E-mail: paula.husted@windstream.com

A. Available Numbers: 2588

B. Assigned Numbers: 11412

C. Total Numbering Resources: 14000

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation <sup>2</sup>: 0

List  
Excluded  
Code(s) or  
Block(s):

Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11	Month #12
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E. Growth History -	<u>42</u>	<u>7</u>	<u>3</u>	<u>5</u>	<u>40</u>	<u>19</u>					
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Previous 6 months<sup>3</sup>

F. Forecast - Next 12 months<sup>4</sup>

	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>	<u>23</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>29</u>	<u>30</u>	<u>31</u>	<u>33</u>
--	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------

G. Average Monthly Forecast (Sum of months 1-6 (Part F above) divided by 6): 21.667

H. Months to Exhaust<sup>5</sup> =  $\frac{\text{Numbers Available for Assignment to Customers(A)}}{\text{Average Monthly Forecast(G)}}$

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
1	2588	119.444

I. Utilization<sup>6</sup> =  $\frac{\text{Assigned Numbers(B)} - \text{Excluded Numbers (D)}}{\text{Total Numbering Resources(C)} - \text{Excluded Numbers(D)}} \times 100 = 81.514$

Explanation: \_\_\_\_\_

<sup>1</sup>A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.

<sup>2</sup>Quantity of numbers activated in the past 90 days is based on blocks and/or codes received from the administrator and shall be reported in increments of 1,000 or 10,000 TNs (e. g.: 2 blocks received=2,000 and 1 code received =10,000).

<sup>3</sup>Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

<sup>4</sup>Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

<sup>5</sup>To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, section 52.15 (g) (3) (iii)).

<sup>6</sup>Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))



TAB 2

November 21, 2003  
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation  
TBPAG Part 3

Tracking Number : 270-LEBANON-KY-438266

Date of Application: 04/28/2011 Effective Date: \_\_\_\_\_  
Date of Receipt: 04/28/2011 Date of Response: 04/28/2011

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

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): <sup>1</sup> LBNNKYXAPS0

Rate Center: LEBANON

Rate Center Sub Zone: \_\_\_\_\_

**Form Complete, request denied.**

Explanation:

**DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new block 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:

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Remarks:

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<sup>1</sup> 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.)