

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF WINDSTREAM KENTUCKY EAST,)	
LLC FOR REVIEW AND REVERSAL OF A)	CASE NO.
DECISION OF THE NORTH AMERICAN)	2013-00358
NUMBER POOLING ADMINISTRATION)	

ORDER

On September 27, 2013, 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”).¹ The petition was filed pursuant to 47 C.F.R. Section 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 states that its request was for a single thousands block of numbers for a location routing number (“LRN”) to serve customers in Windstream’s Catlettsburg rate center. The numbering resources requested are needed to permit Windstream to provide service through a new packet switch being deployed in this rate center. Pursuant to industry guidelines, Windstream is required to establish a unique LRN to identify the recipient switch, and must establish an LRN per local access and transport area from an assigned central office code (“NXX”) for 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.

recipient switch in the number portability capable network. Windstream explains that its request for an NXX code was necessary because industry guidelines state that only an NXX code holder can obtain an LRN. Windstream notes that it intends to retain only a single thousands block of numbers from the newly assigned NXX code.²

Windstream claims it is unable to satisfy the need for numbering resources from its currently available inventory and has exhausted all other available remedies in order to establish an LRN. Hence, on September 24, 2013, Windstream filed an application with NANPA for the assignment of an NXX in the Catlettsburg rate center in order to address Windstream's need for a thousands block of numbers.³ Windstream states that the remaining nine thousand-number blocks in the new NXX are to be made available to other carriers for assignment. More specifically, Windstream intends to retain the five thousand block of the assigned NXX (606-NXX-5XXX).

The application process with NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, NANPA concluded that Windstream did not meet the FCC's MTE requirements of six months or less, nor did Windstream meet the utilization threshold

² See Windstream's petition for review.

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

⁴ In accordance with 47 C.F.R. Section 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

requirement of 75 percent.⁵ Therefore, NANPA determined that Windstream's requests for additional numbering resources should be denied.

NANPA is not a policy-making entity. In making assignment decisions, NANPA follows regulatory directives and industry-developed guidelines. 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. Section 52.15(g)(4), this Commission may overturn NANPA's 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 request for a single thousands block of numbers needed to establish a unique LRN to identify a new packet switch being deployed in the Catlettsburg rate center. Windstream advises that it will be unable to provide reliable and adequate service to telecommunications users in these rural areas without additional numbering resources in the affected rate centers. Due to NANPA's denial of numbering resources, Windstream has been unable to obtain the requested LRN for its new switch and services in connection with the switch. 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 its need for a single thousand-number block.

⁵ According to the Worksheet, the MTE for the Catlettsburg rate center was calculated to be 1020.741 months with a utilization rate of 53.397 percent.

⁶ See generally, 47 C.F.R. Section 52.

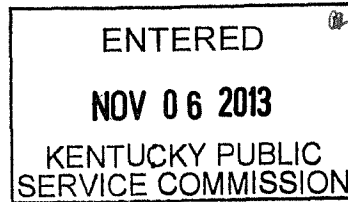
The Commission finds that NANPA's determination to deny Windstream the additional numbering resources described herein should be overturned and NANPA directed to assign to Windstream an available NXX code in the Catlettsburg rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need for an LRN required for deployment of a new switch and corresponding service in the noted exchange. 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 NANPA and may not be utilized to serve other customers without first meeting NANPA's numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. Windstream's Petition regarding NANPA's denial of its application for assignment of additional numbering resources is granted.
2. The decision of NANPA denying Windstream's request for assignment of an NXX in the Catlettsburg rate center is hereby overturned.
3. NANPA shall assign Windstream an available NXX in the Catlettsburg rate center (606-NXX).
4. The numbering resources considered in this Order are to be assigned for the sole use of meeting Windstream's need for an LRN to be used in the deployment of a new packet switch in the Catlettsburg rate center. Windstream shall retain only the five thousand block of numbers from the assigned NXX (606-NXX-5XXX). The remaining nine thousand-number blocks shall be returned to the pool of available numbers. 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 NANPA.

By the Commission



ATTEST:

A handwritten signature in black ink, appearing to read "M. R. ...", written over a horizontal line. The signature is cursive and somewhat stylized.

Executive Director

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