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September 22, 2015

Mark R. Overstreet
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HAND DELIVERED

Jeff R. Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

RECEIVED

SEP 23 2015

**PUBLIC SERVICE
COMMISSION**

Case No. 2015-00323

RE: Windstream NuVox, Inc.'s Petition for Commission Review

Dear Mr. Derouen:

Enclosed please find the original and ten copies of Windstream NuVox, Inc.'s petition for review and related relief with respect to the recent decision of the Pooling Administrator concerning Windstream's request for certain numbering resources.

I also am enclosing an additional copy of the petition and this letter and request that both be filed-stamped. We will pick up the file stamped copies on Wednesday, September 23, 2015.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Mark R. Overstreet

MRO

RECEIVED

SEP 23 2015

PUBLIC SERVICE COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

In the Matter of:

Windstream NuVox, Inc.'s Petition for)
Commission Review and Reversal of a Decision of the) Case No. 2015- 00 323
North American Number Pooling Administration)
)

PETITION FOR REVIEW, APPLICATION FOR GRANT OF NUMBERING RESOURCES,
AND REQUEST FOR EXPEDITED TREATMENT

Windstream NuVox, Inc., ("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 Pooling Administrator ("PA") to withhold certain numbering resources from Windstream required by the company to meet the needs of a particular customer in Louisville, Kentucky. In support of its Petition Windstream states:

Windstream's Application And PA's Denial

1. On September 8, 2015, Windstream filed a request with the PA for a single "thousands" block of numbers for a LRN for a new packet switch to serve a customer in Windstream's Louisville rate center. A copy of the Application is attached as EXHIBIT 1.

2. The additional numbering resources have been requested by a large business customer that uses a DID arrangement that is nearing exhaustion. In addition, this customer is expanding and will require additional numbering resources in the near future. Attached as EXHIBIT 2 is a copy of a letter from the customer explaining its need for the numbering resources requested by Windstream.

3. On September 8, 2015, the PA 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 the PA's denial is attached as EXHIBIT 3.

4. Windstream has demonstrated a verifiable need as Windstream will be unable to meet the needs of this growing customer.

5. Windstream cannot satisfy the need for numbering resources from its current inventory or in any other manner and has exhausted all other available remedies.

Basis For Commission Review And Action

6. Under federal numbering rules, a state commission may overturn the PA'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.¹

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."² Thus, the Commission has the authority to overturn the PA's decision in this matter.

8. As set forth above, Windstream has demonstrated a verifiable need due to the need of a specific customer. In other cases, the Commission has granted the requested

¹ 47 C.F.R. § 52.15(g)(4)

² *Number Resource Optimization*, Third Report and Order and Second Order on Reconsideration, FCC 01-362, 17 FCC Rcd 252, ¶ 64 (2001) ("*Third Report and Order*").

numbering relief despite the PA's determination that the carrier did not meet the MTE or utilization thresholds.³

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 ten 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.⁴

Therefore, Windstream respectfully requests that the Commission:

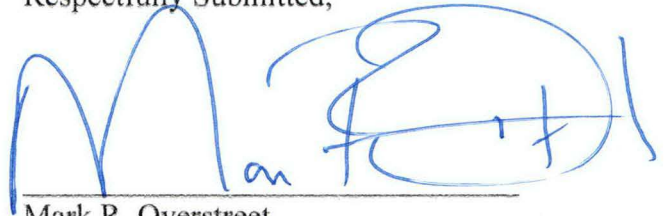
1. Overturn the Pooling Administrator's decision;
2. Direct the PA to grant Windstream's requests for numbering resources; and
3. Enter its Order doing so within ten business days, or as soon thereafter as is possible; and

³ See, Order, Case No. 2014-00032 (Ky. P.S.C. March 20, 2014); Order, Case No. 2013-00375 (Ky. P.S.C. November 6, 2013); Case No. 2013-00358 (Ky. P.S.C. November 6, 2013); Order, Case No. 2013-00200 (Ky. P.S.C. June 28, 2013); 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.)

⁴ *Third Report and Order* at ¶66.

4. Grant Windstream such further relief as may be appropriate.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Mark R. Overstreet', is written over a horizontal line. The signature is stylized and cursive.

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

COUNSEL FOR WINDSTREAM
NUVOX, INC.

EXHIBIT 1

TBPAG Attachment 1 - January 12, 2015

Thousands-Block Application Form - Part 1A

Tracking Number: **502-LOUISVILLE-
KY-872012**
**Individual Block
Request**

Type of Application: New Change Disconnect

GENERAL APPLICATION INFORMATION

1.1 Contact Information:

Block Applicant:

Company Name: **NUVOX COMMUNICATIONS**
Headquarters Address: **4001 Rodney Parham Road**
City, State, Zip: **Little Rock, AR, 72212**
Contact Name: **Roger Richter**
Contact Address: **2301 Lucien Way, Suite 200**
City, State, Zip: **Maitland, FL, 32751**
Phone: **407-835-0586** Fax: **407-778-2703** E-mail: **roger.richter@windstream.com**

Pooling Administrator: ⁱⁱ

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 ⁱⁱⁱ _____

NPA: **502** LATA: **462** OCN: ^{iv} **8660** Parent Company's OCN **G118**

Number of Thousands-Blocks Requested : **1**

Switch Identification (Switching Entity/POI) : ^v
TULSOKTX0MD

Rate Center: ^{vi} **LOUISVILLE**

1.3 Dates:

Date of Application: ^{vii} 09/08/2015 Requested Block Effective Date: ^{viii} 10/09/2015

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 : CAP OR CLEC (LEC, IXC, CMRS, Other)
- b) Primary type of service Blocks to be used for : Wireline
- c) Thousands-Block(s) (NXX-X) assignment preference (Optional) 502-434-8, 502-953-4, 502-953-5
- d) Thousands-Block(s) (NXX-X) that are undesirable for this assignment , if any anything -0, -1, or -9
- 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 ^{ix} Switching Id Part 1B

OCN: Inter-company ^x Effective Date

Change block : Yes _____ If Yes, list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated: Yes _____ or 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 _____ or No _____
- d) Has this block been protected from further assignment: Yes _____ or No _____

Disconnect block : Yes _____ If Yes, list NPA-NXX-X _____

Remarks: This is a new block for an individual customer. We don't meet the Utilization and MTE requirements.

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 as of the date of this application.

<u>Roger Richter</u>	<u>Code Administrator</u>	<u>09/08/2015</u>
Signature of Block Applicant	Title	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 iconectiv™ LERG™ 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 iconectiv Telecom 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™ tandem of the facilities based provider ^{xi}. 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.

Footnotes:

ⁱ Identify the type of change(s) in Section 1.5.

- ii The Pool Administrator is available to assist in completing these forms.
- iii A CO Code application will also need to be submitted to the PA.
- iv 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).
- v 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™ code of the switch /POI.
- vi Rate Center name must be a tariffed Rate Center.
- vii 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.
- viii Please ensure that the NPA-NXX of the LRN to be associated with this block(s) is/will be active in the PSTN prior to the effective date of the block(s).
- ix Select if you are the current Block Holder.
- x Select if you are not the current Block Holder
- xi LERG Routing Guide, and CLLI are trademarks of Telcordia Technologies, Inc. dba iconectiv

Appendix 3

January 12, 2015

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level¹

(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: **502-LOUISVILLE-KY-872012**

Date: **Tuesday, September 8, 2015** OCN:**8660** Company Name:**NUVOX COMMUNICATIONS**

Rate Center: **LOUISVILLE**

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)²:**Codes 502-400, 502-736 Blocks 502-238-1, 502-238-2, 502-238-7, 502-238-8, 502-238-9, 502-271-2, 502-271-4, 502-271-5, 502-272-2, 502-272-3, 502-292-4, 502-292-5, 502-292-6, 502-301-7, 502-301-8, 502-379-6, 502-379-8, 502-413-0, 502-471-5, 502-498-1, 502-498-2, 502-618-5, 502-618-8, 502-632-5, 502-638-4, 502-638-5, 502-657-0, 502-657-1, 502-657-2, 502-657-3, 502-657-4, 502-657-5, 502-657-6, 502-657-7, 502-708-3, 502-708-4, 502-813-2, 502-813-3, 502-813-4, 502-813-5, 502-813-6, 502-813-7, 502-813-8, 502-855-3, 502-855-4, 502-855-5, 502-855-6, 502-855-7, 502-855-8, 502-882-4, 502-882-5, 502-882-6, 502-882-7, 502-882-8, 502-882-9**

Name of Block Applicant:**Roger Richter**

Signature: **Roger Richter**

Title:**Code Administrator**
407-778-2703

Telephone No.: **407-835-0586-**

FAX No.:

E-Mail: **roger.richter@windstream.com**

A. Available Numbers:**2217**

B. Assigned Numbers: **49743**

C. Total Numbering Resources:**75000**

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ³:**0**

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

Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month
#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	

E. Growth History - Previous 6 months⁴

978 -1039 -118 -236 -163 -166

F. Forecast - Next 12 months⁵

1000 -124 -120 -100 -100 -100 -100 -100 -100 -100 -100 -100

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6):76.0

H. Months to Exhaust⁶

Numbers Available for Assignment to Customers(A)

=
Average Monthly Forecast(G)

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
1	2217	29.171

I. Utilization⁷

Assigned Numbers(B) X 100 = **66.324**

=
Total Numbering Resources(C)-Excluded Numbers(D)

Explanation: _____

¹A 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.

²Report on all resources for the requested geographic area, including newly acquired blocks/codes.

³Quantity 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).

⁴Net 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.

⁵Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁶To 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)).

⁷Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

EXHIBIT 2



BAPTIST HEALTH

8.26.2015

To Whom It May Concern, Baptist Health is in need of a consecutive range of 1000 DID's in order to ensure that we provide the correct numbering plan to a new entity we are bringing up. Baptist Health Medical Group (BHMGM) requires 1000 consecutive DID's to ensure number continuity. This block of 1000 numbers is a new request and will not allow Baptists Health Medical Group to relinquish any existing TN's back to the carrier

Regards,

Jeff Stamon

UC Projects and Engineering Manager

502-595-8833

Jeff.stamon@bhsi.com

EXHIBIT 3

January 12, 2015
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
TBPA Part 3

Tracking Number : 502-LOUISVILLE-
KY-872012

Date of Application: 09/08/2015 Effective Date: _____

Date of Receipt: 09/08/2015 Date of Response: 09/08/2015

Service Provider Name: NUVOX COMMUNICATIONS

(iconectiv™ LERG™ Routing Guide) 8660

OCN: _____

Parent Company OCN: G118

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): ¹

TULSOKTX0MD

Rate Center:

LOUISVILLE

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:

Remarks:

¹ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI TM Location Identification code of the switching entity/POI shown on the Part 1A form (LERG ROUTING Guide and CLLI are trademarks of Telcordia Technologies, Inc. dba iconectiv)