

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)	2016-00194
AMERICAN NUMBER POOLING)	
ADMINISTRATION)	

ORDER

On June 2, 2016, Windstream Kentucky 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 a Connect America Fund Phase II project that involves the deployment of a packet switch in the Albany, Kentucky, rate center located within the 606 Numbering Plan Area (“NPA”). The packet switch requires a dedicated location routing number (“LRN”) distinct from those presently assigned to other switches in the same

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.

rate center. Additionally, pursuant to the industry guidelines administered by the Pooling Administrator, Windstream requires a new central office ("NXX") code in the rate center in order to request, as the code holder, an LRN for the packet switch. For the new NXX code, a single thousands-block of numbers will be retained and the remaining numbers returned to the Pooling Administrator for assignment.

On May 12, 2016, Windstream applied to the Pooling Administrator for the required numbering resources in the Albany 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 center.³ Based on the submitted information and resulting calculations, the Pooling Administrator 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.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

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 Pooling Administrator denied the application due to its failure to meet both criteria in the rate center as described below:

<u>NPA</u>	<u>Rate Center</u>	<u>Purpose</u>	<u>Blocks Requested</u>	<u>MTE</u>	<u>Utilization</u>
606	Albany	LRN	606-NXX-9	13,834	27%

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 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 an LRN and an associated new NXX code with a thousands-block of numbers to be utilized for the deployment of a new packet switch in connection with a Connect America Fund Phase II project for the Albany 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 numbering resources, Windstream has been unable to obtain the requested LRN for its new packet switch and cannot provide services in connection with this project 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 centers can be employed to meet the need for the LRN and thousands-block of numbers for the packet switch to be deployed 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 NANPA and/or the Pooling Administrator directed to assign to Windstream a new NXX code along with an assigned thousands-block for the LRN in the Albany rate

⁵ See generally, 47 C.F.R. § 52.

center of Kentucky. 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 and the additional thousands-block for deployment of a packet switch and corresponding services in connection with a Connect America Fund Phase II project in the Albany rate center. 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/or 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 an LRN and assignment of a new NXX code along with a thousands-block of numbers in the Albany rate center of Kentucky is hereby overturned.
3. The NANPA and/or the Pooling Administrator shall assign Windstream the NXX code and thousands-block requested in their petition for the affected rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of serving the need for an LRN and a new thousands-block for deployment of a packet switch and Windstream's corresponding services in connection with a Connect America Fund Phase II project. If the numbering resources requested by Windstream are no longer required to meet its service requirements, the associated

numbering resources approved in this Order shall be returned to the NANPA and/or the Pooling Administrator.

By the Commission

ENTERED
JUN 16 2016
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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