

COMMONWEALTH OF KENTUCKY

RECEIVED

BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION JUN 20 2016

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. 2016- 00 _____
)
)

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

Windstream Kentucky East, LLC, ("Windstream")¹ 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 needed by the company to continue to provide reliable and adequate service to customers. In support of its Petition Windstream states:

Windstream's Application And PA's Denial

1. On June 7, 2016, Windstream filed a request with the PA for a single "thousands" block of numbers for an LRN to serve customers in the Bardwell, rate center. A copy of the Application is attached as EXHIBIT 1.

2. The additional numbering resources are required to permit Windstream to provide service via a new packet switch that is being deployed to support a Connect America Fund Phase

1 1 Windstream is a limited liability corporation organized on October 22, 2001 under the laws of the State of Delaware. It is in good standing under the laws of the State of Delaware and authorized to transact business under the laws of the Commonwealth of Kentucky.

Windstream's address is 4001 Rodney Parham Road, Little Rock, Arkansas 72212. Windstream's e-mail address for purposes of this application is Nicole.Winters@windstream.com .

2 project in this location. According to the applicable industry *Location Routing Number (LRN) Assignment Practices document (ATIS-0300065)* Windstream must establish a unique LRN to identify the recipient switch or POI and must establish one LRN per LATA per switch from an assigned NXX for the recipient switch in the number portability capable network. Thus, Windstream must obtain an LRN for the new packet switches located in the Bardwell rate center. Also pursuant to industry guidelines, only an NXX code holder can obtain an LRN, thus necessitating Windstream's request for an NXX code, for this rate center. It should be noted, however, that Windstream would retain only a single thousand-number-block from the new NXX code.

3. On June 7, 2016, the PA denied Windstream's requests 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 2**.

4. Windstream has demonstrated a verifiable need due to its needs in connection with a Connect America Fund Phase 2 project upgrade to these rural exchanges.

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.²

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

² 47 C.F.R. § 52.15(g)(4).

additional number resources when there is verifiable need due to the carrier's inability to satisfy a specific customer request."³ 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 deployment of a new switch and corresponding new service in connection with a Connect America Fund Phase 2 project upgrade to this rural exchange. In other cases, the Commission has granted the requested numbering relief despite the PA's determination that the carrier did not meet the MTE or utilization thresholds.⁴

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 the Connect America Fund Phase 2 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

³ *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*").

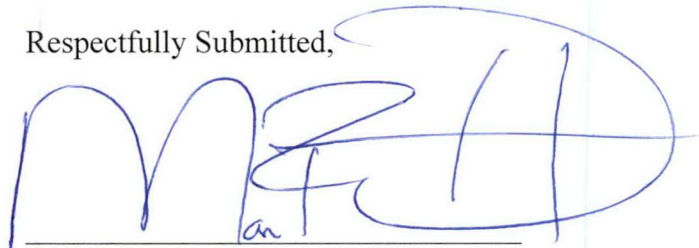
⁴ See, Order, Case No. 2016-00194 (Ky. P.S.C. June 16, 2016); Order, Case No. 2015-00323 (Ky. P.S.C. October 16, 2015); Order, Case No. 2015-00157 (Ky. P.S.C. June 4, 2015); Order, Case No. 2015-00114 (Ky. P.S.C. April 29, 2015); Order, Case No. 2015-00092 (Ky. P.S.C. April 06, 2015).

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.⁵

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

Respectfully Submitted,



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COUNSEL FOR WINDSTREAM
KENTUCKY EAST, LLC

⁵ *Third Report and Order* at ¶66.

EXHIBIT 1

1.3 Dates: Date of Application: 06/07/2016 Requested Effective Date: ^{9 10} 08/12/2016

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 Yes No Expedite Documentation must be provided if "Request Expedite" = Yes

1.4 a) Type of company/entity requesting the code: Incumbent Local Exchange Carrier (ILEC) (LEC, IC, CMRS, Other)

b) Types of service: Wireline (e.g., Cellular - Type 2)

c) Code Assignment Preference (Optional) _____

d) Codes that are undesirable, if any _____

e) Type of change (Mark all that apply)

OCN-Intra-company ¹¹ Switching Id Rate Center
Tandem Homing CLLI

OCN-Inter-company ¹² Effective Date LATA Extend
Reservation

1.5 Type of Request (Initial, growth, etc.) Growth

If an initial code, attach (1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pooling Indicator: ¹³ Yes No

1.6 NPA Jeopardy Criteria Apply: Yes No

1.7 Code request for new service (Explain): A2E/CAF2 SWITCH DEPLOYMENT PROJECT

1.8 It is the code applicant's responsibility to arrange input of Part 2

information into BIRRDS. The 45-calendar day nationwide minimum interval cut-over for BIRRDS will not begin until input into BIRRDS has been completed.

Comments:

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with Central Office Code (NXX) Assignment Guidelines posted to the ATIS web site (<http://www.atis.org/inc/incguides.asp>) as of the date of this application. ¹⁴

MARY RICHARDS	CODE ADMINISTRATOR	06/07/2016
Signature of Code Applicant	Title	Date

¹ Identify type and reason for change(s) in Section 1.4(e).

² A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.

³ The NXX field is required for any code request in which there is a change or the NXX is being returned.

⁴ 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 may contact NECA (800-228-8597) to be assigned a Company Code (s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignment should direct questions regarding appropriate OCN usage to the iconectiv Telcordia Routing Administration (TRA) on 732-699-6700.

⁵ This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the eleven-character iconectiv COMMON LANGUAGE CLLI™ Location Identification of the applicant's switch or POI. (Telcordia and CLLI are trademarks and COMMON LANGUAGE is a registered trademarks of Telcordia Technologies, Inc. dba iconectiv)

⁶ Rate Center name must be a tariffed Rate Center associated with toll billing.

⁷ Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.

⁸ 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, and is the same on Part 2, Form 1, Page 2 of 2.

⁹ Code applicants should request an effective date that is at least 66 calendar days from the submission of this form. It should be noted that interconnection arrangements and facilities need to be in place prior to activation of a code. Such

arrangements are outside the scope of these guidelines.

¹⁰ Requests for code assignment shall not be made more than six months prior to the requested effective date.

¹¹ Select if you are the current Code Holder

¹² Select if you are not the current Code Holder

¹³ The Applicant will indicate "YES" if the NXX being requested will be used for thousands-block number pooling and will leave this field blank if it is not.

¹⁴ An incomplete form may result in delays in processing this request.

TBPAG Attachment 1 - January 12, 2015

Thousands-Block Application Form - Part 1A

Tracking Number: 270-BARDWELL-KY-925539
Full NXX: LRN

Type of Application: New Change ⁱ Disconnect

GENERAL APPLICATION INFORMATION

1.1 Contact Information:

Block Applicant:

Company Name: WINDSTREAM KENTUCKY EAST, INC. - LONDON

Headquarters Address: 4001 RODNEY PARHAM ROAD

City, State, Zip: LITTLE ROCK, AR, 72212

Contact Name: MARY RICHARDS

Contact Address: 301 N MAIN STREET

City, State, Zip: GREENVILLE, SC, 29609

Phone: 864-672-5329 Fax: E-mail: MARY.RICHARDS@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 X

NPA: 270 LATA: 464 OCN: ^{iv} 9691 Parent Company's OCN G118

Number of Thousands-Blocks Requested : 1

Switch Identification (Switching Entity/POI) : ^v BRWLKYXAPS0

Rate Center: ^{vi} BARDWELL

1.3 Dates:

Date of Application: ^{vii} 06/07/2016 Requested Block Effective Date: ^{viii} 08/12/2016

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) 270-xxx-9, _____

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:

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.

MARY RICHARDS

CODE ADMINISTRATOR

06/07/2016

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 iconectivTM LERGTM 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: 270-BARDWELL-KY-925539

Date: Tuesday, June 7, 2016 OCN:9691

Company Name: WINDSTREAM KENTUCKY EAST, INC. - LONDON

Rate Center: BARDWELL

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)²:270-628-0,3,4,5,9

Name of Block Applicant: MARY RICHARDS

Signature: MARY RICHARDS

Title: CODE ADMINISTRATOR
No.:

Telephone No.: 864-672-5329-

FAX

E-Mail: MARY.RICHARDS@WINDSTREAM.COM

A. Available Numbers: 3880

B. Assigned Numbers: 1047

C. Total Numbering Resources: 5000

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 -	<u>3</u>	<u>0</u>	<u>-6</u>	<u>-3</u>	<u>2</u>	<u>-1</u>
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Previous 6 months⁴

F. Forecast - Next 12 months⁵ -1 -1 -1 -1 -1 -1 -1 -1 -1 -1 -1 -1

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6): -1.0

H. Months to Exhaust⁶ =
$$\frac{\text{Numbers Available for Assignment to Customers(A)}}{\text{Average Monthly Forecast(G)}}$$

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
1	3880	-3880.00

I. Utilization⁷ =
$$\frac{\text{Assigned Numbers(B)}}{\text{Total Numbering Resources(C)-Excluded Numbers(D)}} \times 100 = \underline{20.94}$$

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)

Appendix 3 - Modified August 6, 2001

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORKSHEET – TN Level 1
 (Thousands-Block Number Pooling Growth Block Request)

270 Bardwell - Ky -
 24860

Date: 051816 OCN: 9691 Company Name: WINDSTREAM COMMUNICATIONS INC

Rate Center: BARDWELL

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s): 270-628-0, 3, 4, 5, 9

Name of Block Applicant: Wanda Crenshaw Signature: _____

Title: MIRROR Administration Telephone No.: 786-629-4242 FAX No.: 706-776-3495

E-Mail: Wanda.Crenshaw@windstream.com

A. Available Numbers: 3,880

B. Assigned Numbers: 1,047

C. Total Numbering Resources: 5,000

D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation: _____

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
E. Growth History – Previous months ²	6	3	0	-6	-3	2	-1					
F. Forecast – Next 12 months ³	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1
G. Average Monthly Forecast (Sum of months #1-6 (Part F above) divided by 6):	-1											
H. Months to Exhaust ⁴	$\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}} = 3.879$											
I. Utilization ⁵	$\frac{\text{Assigned Numbers (B) – Excluded Numbers (D)}}{\text{Total Numbering Resources (C) – Excluded Numbers (D)}} * 100 = 21\%$											

Explanation:

1 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.

2 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.

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

4 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, § 52.15 (g) (3) (iii)).

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

EXHIBIT 2

January 12, 2015
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
TBPAG Part 3

Tracking Number : 270-BARDWELL-
KY-925539

Date of Application: 06/07/2016 Effective Date: _____
Date of Receipt: 06/07/2016 Date of Response: 06/07/2016

Service Provider Name: WINDSTREAM KENTUCKY EAST, INC. - LONDON

(iconectiv™ LERG™
Routing Guide) OCN: 9691
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 BRWLKXAPS0

Rate Center: BARDWELL

Form Complete, request denied.

Explanation:

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