

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)	2017-00381
AMERICAN NUMBER POOLING)	
ADMINISTRATION)	

ORDER

On September 25, 2017, Windstream 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 to provide service via new packet switches that are being deployed to support Connect America Fund Phase 2 Projects to serve customers in the Calvert City, Jenkins, and Smithland rate centers. Windstream must establish a unique location routing number (“LRN”) to identify the recipient switch or point of interconnection and must establish one

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.

LRN per Local Access Transport Area 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 Calvert City, Jenkins, and Smithland rate centers. Windstream will only retain a single thousand number block from the new NXX codes in each numbering plan area (“NPA”).

On August 31, 2017, Windstream applied to the Pooling Administrator for the required numbering resources in the Calvert City, Jenkins, and Smithland rate centers.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 centers.³ Based on the submitted information and resulting calculations, the Pooling Administrator concluded that Windstream did not meet the FCC’s MTE criteria.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

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 NANPA/Pooling Administrator denied the applications due to the failure to meet the criteria in the rate center as described below:

<u>NPA</u>	<u>Rate Center</u>	<u>Purpose</u>	<u>Resource Requested</u>	<u>MTE Blocks</u>	<u>Utilization</u>
270	Calvert City	NXX-X	1,000 Block	3352	62.4%
606	Jenkins	NXX-X	1,000 Block	7744	20%
270	Smithland	NXX-X	1,000 Block	4275	27%

guidelines. The Pooling Administrator's responsibilities are defined in FCC 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 that all other available remedies have been exhausted. The Commission finds that Windstream has demonstrated a verifiable need for the assignment of numbering resources for the purpose of providing service within the Calvert City, Jenkins, and Smithland rate centers in Kentucky. Windstream asserts that it does not have sufficient numbering resources available in the affected rate centers, and due to the Pooling Administrator's denial of its application, Windstream cannot provide service 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 center can be employed to meet the need for one thousands-block of numbers in each of the rate centers.

This Commission finds that the Pooling Administrator's determination to deny Windstream the additional numbering resources described herein should be overturned and the Pooling Administrator directed to assign Windstream new thousands-blocks (NXX-X) for the Calvert City, Jenkins, and Smithland rate centers in Kentucky. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's customers in the Calvert City, Jenkins, and Smithland rate centers. If the numbering resources requested by Windstream are

⁵ See generally 47 C.F.R. § 52.

not needed to meet the service requirements of its customers, the associated numbering resources approved in this Order should be returned to 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:

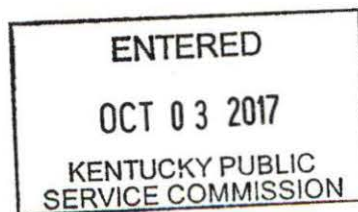
1. Windstream's petition regarding the Pooling Administrator's denial of its application for assignment of additional numbering resources is granted.

2. The decision of the Pooling Administrator denying Windstream's request for the assignment of new thousands-blocks for the Calvert City, Jenkins, and Smithland rate centers in Kentucky is hereby overturned.

3. The Pooling Administrator shall assign Windstream thousands-blocks of numbers for the Calvert City, Jenkins, and Smithland rate centers.

4. The numbering resources considered in this Order are to be assigned for the sole use of Windstream's customers. If the numbering resources requested by Windstream are no longer required to meet the service, the associated numbering resources approved in this Order shall be returned to the Pooling Administrator.

By the Commission



ATTEST:


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