

COMMONWEALTH OF KENTUCKY
BEFORE THE 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) CASE NO.
POOLING ADMINISTRATION WITH RESPECT TO) 2010-00109
NUMBERING RESOURCES IN THE 859 AREA)
CODE)

O R D E R

On March 11, 2010, 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. § 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.”

Windstream explains that the assignment of a single thousands-block of numbers is needed for a Local Routing Number (“LRN”) for a new Metaswitch to be implemented by Windstream in Lexington, Kentucky.² Specifically, Windstream is implementing a new Metaswitch in Lexington to provide new services to persons and

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 (“NANP”). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

² See Windstream’s Petition for Review.

entities not currently affiliated with Windstream. Without this block of numbers, Windstream will be without an LRN for the new Metaswitch and will be unable to port customers to the new Metaswitch. Windstream does not have sufficient number resources available within its inventory in the available pool for the specified wire center in the Lexington rate center and is unable to satisfy its needs for numbering resources. Hence, on March 2, 2010, Windstream filed a request with the NANPA for the assignment of a thousands-block of numbers in the Lexington rate center in order to address Windstream's need for an LRN for a new Metaswitch to be implemented in Lexington, Kentucky.³ The application process with the 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, the NANPA concluded that Windstream did not meet the FCC's MTE requirement of six months or less and/or the utilization threshold requirement of 75 percent.⁵ Therefore, the NANPA determined that Windstream's request for additional numbering resources should be denied.

The NANPA is not a policy-making entity. In making assignment decisions, the NANPA follows regulatory directives and industry-developed guidelines. The NANPA's

³ Specifically, the code block request submitted by Windstream was for its Lexington 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. § 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁵ According to the Worksheet, the MTE for the Lexington rate center was calculated to be 100.038 months with a utilization rate of 73.784 percent.

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. § 52.15(g)(4), this Commission may overturn the determination of the NANPA if the requesting carrier has demonstrated a verifiable need for numbering resources and the exhaustion of all other available remedies. The Commission finds that Windstream has demonstrated a verifiable need for additional numbering resources by presenting its request for a thousands-block of numbers. Windstream advises that it will be unable to provide reliable and adequate service to telecommunications users in Lexington without additional numbering resources in the Lexington rate center. Due to the NANPA's denial of numbering resources, Windstream has been unable to obtain the requested LRN for its new Metaswitch. As a result, Windstream will be unable to port numbers to the new Metaswitch and unable to provide new services using the Metaswitch. The Commission further finds that Windstream has exhausted all available remedies in the Lexington rate center to the extent that no combination of existing numbering resources in the Lexington rate center can be employed to meet its need for a thousands-block of numbers.

This Commission finds that the NANPA's determination to deny Windstream the additional numbering resources described herein should be overturned and the NANPA directed to assign to Windstream a single thousands-block of numbers in the Lexington 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 for its new Metaswitch in the Lexington rate center. If the service requested by Windstream

⁶ See generally, 47 C.F.R. § 52.

is not needed to meet its need for an LRN, the associated numbering resources approved in this Order should be returned to the NANPA and may not be utilized to serve other customers without first meeting the NANPA numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. Windstream's Petition regarding the NANPA's denial of its application for assignment of additional numbering resources in the 859 Numbering Plan Area is granted.

2. The decision of the NANPA denying Windstream's request for assignment of a single thousands-block of numbers in the Lexington rate center is hereby overturned.

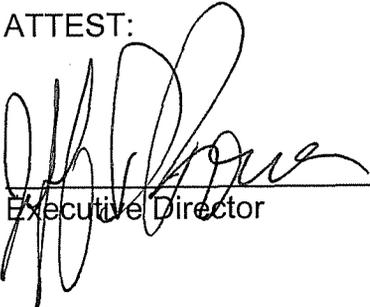
3. The NANPA shall assign Windstream a thousands-block of numbers for the Lexington rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need for an LRN to be used in implementing its new Metaswitch in the Lexington rate center. If the service requested by Windstream is not needed to meet its need for an LRN, the associated numbering resources approved in this Order shall be returned to the NANPA.

By the Commission

ENTERED *EW*
APR - 8 2010
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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