

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WINDSTREAM KENTUCKY EAST, LLC	)	
PETITION FOR COMMISSION REVIEW AND	)	CASE NO.
REVERSAL OF A DECISION OF THE NORTH	)	2015-00092
AMERICAN NUMBER POOLING	)	
ADMINISTRATION	)	

ORDER

On March 23, 2015, Windstream Kentucky East, LLC, (“Windstream”) filed a petition requesting that this Commission review and overturn a determination by the Pooling Administrator.<sup>1</sup> 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 states that it has requested numbering resources associated with a Connect America Fund project that involves the deployment of packet switches in the Cumberland, Kentucky, (located within the 606 Numbering Plan Area (“NPA”)) and Greensburg, Kentucky, (located within the 270 NPA) rate centers. The packet switches require dedicated location routing numbers (“LRN”) distinct from those presently assigned for traditional voice switches in the same rate centers. Additionally,

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<sup>1</sup> 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.

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

On February 20, 2015, Windstream applied to the Pooling Administrator for the required numbering resources in both the Cumberland and Greensburg rate centers.<sup>2</sup> The application process with the Pooling Administrator requires the submission of information used for a Months-To-Exhaust (“MTE”) and Utilization Certification Worksheet pertaining to the affected rate centers.<sup>3</sup> 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.<sup>4</sup> 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

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<sup>2</sup> Current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

<sup>3</sup> 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.

<sup>4</sup> The NANPA denied the applications due to failure to meet both criteria in each 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	Cumberland	LRN	606-NXX-9	6932	28%
270	Greensburg	LRN	270-NXX-9	7781	47%

rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.<sup>5</sup>

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 LRNs and associated new NXX codes, each with a thousands-block of numbers to be utilized for the deployment of two new packet switches in connection with a Connect America Fund project for the Cumberland and Greensburg 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 numbering resources, Windstream has been unable to obtain the requested LRNs for its new packet switches 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 LRNs and thousands-block of numbers for the packet switches to be deployed in each 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 new NXX codes, along with an assigned thousands-block for each LRN in both the Cumberland and Greensburg rate centers of Kentucky. The Commission notes that the

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<sup>5</sup> See generally, 47 C.F.R. § 52.

numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need for LRNs and the additional thousands-blocks for deployment of packet switches and corresponding services in connection with a Connect America Fund project in the Cumberland and Greensburg rate centers. 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.

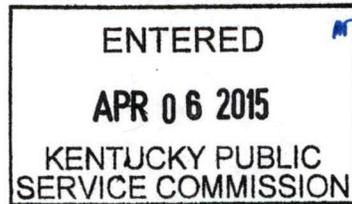
2. The decision of the Pooling Administrator denying Windstream's request for LRNs and assignment of two new NXX codes along with a thousands-block of numbers in both the Cumberland and Greensburg rate centers of Kentucky is hereby overturned.

3. The NANPA and/or the Pooling Administrator shall assign Windstream the NXX codes and thousands-blocks requested in Windstream's petition for each of the affected rate centers.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need for LRNs and new thousands-blocks for deployment of packet switches and corresponding services in connection with a

Connect America Fund 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



ATTEST:

  
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Executive Director

\*Honorable Mark R Overstreet  
Attorney at Law  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634

\*Windstream Kentucky East, LLC  
4001 Rodney Parham Road  
Little Rock, AR 72212