

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WINDSTREAM KENTUCKY WEST, LLC'S)	
PETITION OF COMMISSION REVIEW OF A)	CASE NO.
DECISION OF THE NORTH AMERICAN)	2008-00172
NUMBER POOLING ADMINISTRATION IN THE)	
502 AREA CODE)	

O R D E R

On May 13, 2008, Windstream Kentucky West, 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. Section 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 central office code (“NXX”) is needed to meet the numbering demands of North Bullitt High School, located in Bullitt County, Kentucky, a customer of Windstream. Specifically, the code assignment request is for a “growth block” in the 502 Numbering Plan Area (“NPA”) to meet the specific needs of North Bullitt High School.² Windstream does not have sufficient

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.

number resources available within its inventory in the available pool for the specified wire center in the Zoneton rate center and is unable to meet North Bullitt High School's specific need for numbering resources. Hence, on May 2, 2008, Windstream filed requests with NANPA for the assignment of a new NXX in the Zoneton rate center in order to address the business needs of North Bullitt High School.³ The application process with 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, NANPA concluded that Windstream did not meet the FCC's MTE requirement of 6 months or less or the utilization threshold requirement of 75 percent.⁵ Therefore, NANPA determined that Windstream's request for additional numbering resources should be denied.

NANPA is not a policy-making entity. In making assignment decisions, NANPA follows regulatory directives and industry-developed guidelines. NANPA's responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁶

³ Specifically, the code block request submitted by Windstream was for its Zoneton 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 Zoneton rate center was calculated to be 4.463 months with a utilization rate of 59.963 percent.

⁶ See generally, 47 C.F.R. § 52.

Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the determination of NANPA 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 the request of a specific customer, North Bullitt High School, for an additional NXX in the Zoneton rate center. Windstream advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Zoneton rate center. The Commission further finds that Windstream has exhausted all available remedies in the Zoneton rate center to the extent that no combination of existing numbering resources in the Zoneton rate center can be employed to meet the customer's demand for an additional NXX. According to Windstream, the Zoneton rate center does not have a large enough block of numbers to meet the customer's need.

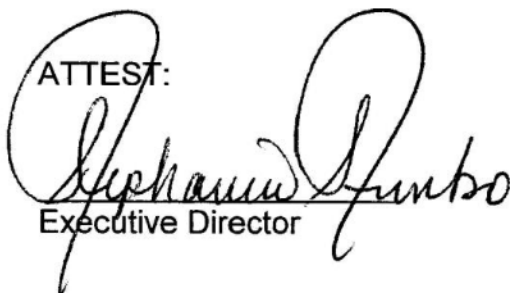
This Commission finds that NANPA's determination to deny Windstream the additional numbering resources described herein should be overturned and that NANPA should be directed to assign to Windstream an additional NXX in the Zoneton rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's customer, North Bullitt High School, in the Zoneton rate center. If the service requested by North Bullitt High School is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to 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 NANPA's denial of its application for assignment of additional numbering resources in the 502 NPA is granted.
2. The decision of NANPA denying Windstream's request for assignment of an additional central office code in the Zoneton rate center is hereby overturned.
3. NANPA shall assign Windstream an available NXX for the Zoneton rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's customer, North Bullitt High School, in the Zoneton rate center. If the service requested by North Bullitt High School is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to NANPA.

Done at Frankfort, Kentucky, this 12th day of June, 2008.

By the Commission

ATTEST:

Executive Director