

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WINDSTREAM NORLIGHT, INC. PETITION FOR)	
COMMISSION REVIEW AND REVERSAL OF A)	CASE NO.
DECISION OF THE NORTH AMERICAN)	2013-00200
NUMBER POOLING ADMINISTRATION)	

O R D E R

On May 21, 2013, Windstream Norlight, Inc. ("Windstream"), filed a petition requesting this Commission to 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."

In its petition, Windstream explains that its request is for four single blocks of 1,000 numbers for location routing numbers ("LRN") for new Metaswitches that will serve customers in Windstream's Glasgow, Hopkinsville, Lexington and Richmond rate centers.² Windstream claims that the numbering resources requested are needed to upgrade its current switch platform to new Metaswitches in order to provide next-generation Voice over Internet Protocol services to its customers. Windstream notes

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. Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

² A separate application for numbering resources was filed with NANPA for each of the noted rate centers. A copy of the applications can be found in Exhibit 1 of the Windstream's petition for review.

that the new Metaswitches will require unique LRNs to identify the recipient switches, and must establish an LRN per local access and transport area from an assigned central office code (“NXX”) for the recipient switch in the number-portability-capable network. Windstream explains that its request for entire NXX codes was necessary because industry guidelines allow only an NXX code holder to obtain an LRN. However, Windstream states that it intends to retain only a single thousand-number block from each of the newly assigned NXX codes.³

Windstream claims it is unable to satisfy the need for numbering resources from its available inventory and has exhausted all other available remedies. Hence, on April 5, 2013, Windstream filed applications with the NANPA for the assignment of a single NXX code each in the Glasgow, Hopkinsville, Lexington and Richmond rate centers in order to address Windstream’s need for a single thousand-block of numbers in each rate center for an LRN needed for a new packet switch being deployed in the areas.⁴ Windstream points out that it seeks only a single block of 1,000 numbers in each rate center and that the remaining nine 1,000-number blocks in that particular NXX will be made available to other carriers for assignment.

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.⁵ Based on the submitted

³ See Windstream’s petition for review.

⁴ Specifically, the code block requests submitted by Windstream were for its Louisville, Madisonville, Lexington, and Winchester switches, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁵ In accordance with 47 C.F.R. Section 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

information and resulting calculations, the NANPA concluded that Windstream did not meet the FCC's MTE requirements of six months or less, nor did it meet the utilization threshold requirement of 75 percent in any of the rate centers where numbering resources were requested.⁶ Therefore, NANPA determined that Windstream's requests 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 responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁷

Pursuant to 47 C.F.R. Section 52.15(g)(4), this Commission may overturn the NANPA 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 additional numbering resources by presenting its request for a single thousands-block of numbers needed to establish unique LRNs to identify new Metaswitches being deployed in the Glasgow, Hopkinsville, Lexington and Richmond rate centers. Windstream advises that it will be unable to port numbers to the new Metaswitches or provide new services through the new Metaswitches without the additional numbering resources requested in the affected rate centers. Due to the NANPA's denial of numbering resources, Windstream has been unable to obtain the requested LRN for its new switches and

⁶ According to the Worksheets, the MTE for the Glasgow rate center was calculated to be 159.857 months with a utilization rate of 17.95 percent. The MTE for the Hopkinsville rate center was 49.93 months with a utilization rate of 53.1 percent. The MTE for the Lexington rate center was 348.853 months with a utilization rate of 40.416 percent. The MTE for the Richmond rate center was 128.6 months with a utilization rate of 58.05 percent.

⁷ See generally, 47 C.F.R. Section 52.

service in connection with this project. The Commission further finds that Windstream has exhausted all available remedies in the affected rate centers to the extent that no combination of existing numbering resources in these rate centers can be employed to meet its need for a single 1,000-number block.

This Commission finds that the NANPA determination to deny Windstream the additional numbering resources described herein should be overturned and the NANPA be directed to assign to Windstream an available NXX code in the Glasgow, Hopkinsville, Lexington and Richmond rate centers. 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 LRNs needed for deployment of new Metaswitches and corresponding service in the areas. 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 may not be utilized to serve other customers without Windstream's first meeting the NANPA numbering resource guidelines. Additionally, Windstream should retain only the four thousands-block of each of the individual NXXs assigned, and return the remaining nine thousands-blocks to the pool for assignment.

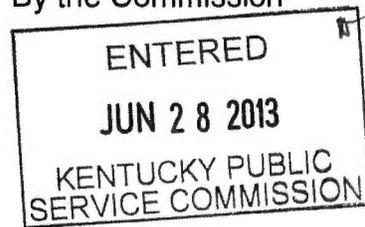
IT IS THEREFORE ORDERED that:

1. Windstream's Petition regarding the NANPA's denial of its application for assignment of additional numbering resources is granted.
2. The decision of the NANPA denying Windstream's request for assignment of an available NXX in the Glasgow, Hopkinsville, Lexington and Richmond rate centers is hereby overturned.

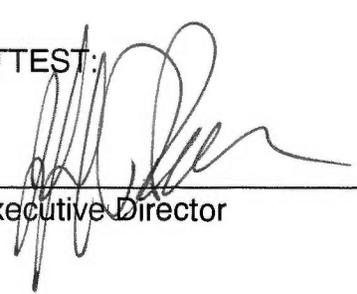
3. The NANPA shall assign Windstream an available NXX in the Glasgow (270-NXX), Hopkinsville (270-NXX), Lexington (859-NXX) and Richmond (859-NXX) rate centers.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving Windstream's need for an LRN for deployment of a new Metaswitches in the Glasgow, Hopkinsville, Lexington and Richmond rate centers. Windstream shall retain only a single thousands-block of numbers from each of the newly assigned NXXs. The remaining nine thousands-blocks not utilized by Windstream for LRN purposes shall be returned to the pool of available numbers. If the numbering resources requested by Windstream are not needed to meet its service requirements, the associated numbering resources approved in this Order shall be returned to the NANPA.

By the Commission



ATTEST:



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