

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

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SEP 29 2010
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 Pooling Administration) Case No. 2010- 00385
With Respect To Numbering Resources)
In The 270 Area Code (EZTWKYXAMPD))

PETITION FOR REVIEW, APPLICATION FOR GRANT OF NUMBERING RESOURCES,
AND REQUEST FOR EXPEDITED TREATMENT

Windstream Kentucky East, LLC., ("Windstream") petitions the Public Service Commission of Kentucky ("Commission") pursuant to 47 C.F.R. § 52.15(g)(4) to review and overturn a recent decision by Neustar, (functioning as both NANPA and the Pooling Administrator), denying Windstream's request for certain numbering resources. In support of its Petition Windstream states:

Windstream's Application And Neustar's Denial

1. On September 21, 2010 Windstream filed a request with Neustar for a single thousands-block of numbers to establish a new LRN for Windstream's new switching Point of Interface ("POI") at its Elizabethtown, Kentucky rate center (EZTWKYXAMPD). A copy of the Application is attached as EXHIBIT 1.

2. The additional numbering resources are required to permit Windstream to provide reliable and adequate service to telecommunications users in the Elizabethtown, Kentucky area. Specifically, because of technical difficulties with another switch Windstream requires the single thousands-block of numbers to implement the new POI for

EZTWKYXAMPD. Windstream will not be in compliance with FCC number portability requirements if it can not secure a single thousands-block to establish a LRN for the new switching POI.

3. On September 21, 2010, Neustar denied Windstream's request on the grounds that Windstream had not satisfied the months-to-exhaust ("MTE") criteria nor the utilization requirement established in the Central Office Code Assignment Guidelines. A copy of Neustar's denial is attached as EXHIBIT 2.

4. Because of Neustar's denial of the requested additional numbering resources, Windstream has been unable to obtain the requested LRN. As a result, Windstream will not be able to provide its new product offering to existing customers. The new product offering is only on the switch (LXTNKYXAPS2 in LATA 466) that the new POI represents in LATA 462 through intra-service provider porting. Such an inability constitutes a verifiable need for the denied numbering resources.

5. Windstream can not satisfy the need for numbering resources from its current inventory and has exhausted all other available remedies.

Basis For Commission Review And Action

6. Under federal numbering rules, a state commission may overturn Neustar's decision based on the determination that the carrier has demonstrated a verifiable need for the numbering resources and has exhausted all other available remedies.¹

7. In its Third Report and Order in the Number Resource Optimization proceeding, the Federal Communications Commission ("FCC") found that "a carrier should be able to get additional number resources when there is verifiable need due to the carrier's inability to satisfy

¹ 47 C.F.R. 52.15(g)(4)

a specific customer request.”² Thus, the Commission has the authority to overturn Neustar’s decision in this matter.

8. As set forth above, Windstream has demonstrated a verifiable need due to deployment of a new switch and corresponding new service. In other cases, the Commission has granted the requested numbering relief despite Neustar’s determination that the carrier did not meet the MTE and/or utilization thresholds.³

9. Granting Windstream’s Petition will not adversely affect the numbering resources available for use by carriers throughout the state in providing telecommunications services to their customers. Granting Windstream’s request is in the public interest and consistent with the FCC’s rules and decisions.

Request For Expedited Treatment

10. Windstream respectfully requests that the Commission act upon this Petition within 10 business days. Expedited treatment is required to meet the needs of the persons to be served through the switch and Windstream’s internal business plans and schedule.

11. The FCC also has recognized the importance of timely action:

[W]e recognize that in many instances, the failure to address a request for additional numbering resources can impair a carrier’s ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety valve as expeditiously as possible. Although we do not establish a specific time limit for states to act on these requests, we believe that, in most instances, 10 business days from receipt of a request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests.⁴

² Number Resource Optimization, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-2000, FCC 01-362, (rel. Dec 28, 2001) (“Third Report and Order”) at ¶ 64

³ See, Order, Case No. 2008-00172 (Ky. P.S.C. June 12, 2008); Order, Case No. 2006-00529 (Ky. P.S.C. January 9, 2007); Order, Case No. 2005-00516 (Ky. P.S.C. January 20, 2006); Case No. 2005-00342 (Ky. P.S.C. October 7, 2005); Order, Case No. 2005-00157 (Ky. P.S.C. April 28, 2005); Order, Case No. 2005-00021 (Ky. P.S.C. February 2, 2005); Order, Case No. 2004-00521 (Ky. P.S.C. February 2, 2005.)

⁴ Third Order and Report at ¶66.

Therefore, Windstream respectfully requests that the Commission:

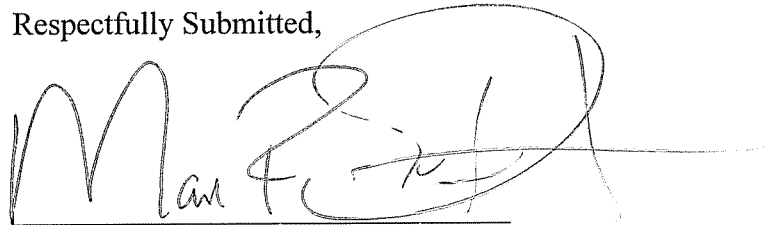
1. Overturn Neustar's decision;
2. Direct Neustar to grant Windstream's requests for numbering resources; and
3. Enter its Order doing so within ten (10) business days, or as soon thereafter as is

possible; and

4. Grant Windstream such further relief as may be appropriate.

This 29th day of September, 2010.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Mark R. Overstreet", written over a horizontal line.

Mark R. Overstreet
R. Benjamin Crittenden
STITES & HARBISON PLLC
421 West Main Street
P.O. Box 634
Frankfort, Kentucky 40602-0634
(502) 223-3477

COUNSEL FOR WINDSTREAM
KENTUCKY EAST, LLC

Central Office Code (NXX) Assignment Request
Part 1 December 9, 2005

Tracking
Number: 270-ELIZABHTN-KY-388581

Full
NXX:
LRN

Type of
Application: New Change Delete

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:

Company/Entity
Name: WINDSTREAM KY-LXGTN

Headquarters
Address: 4001 Rodney Parham Rd

City, State, Zip: Little Rock ,AR ,72212

Contact Name: Paula Hustead

Contact
Address: 10005 Monroe Rd, B1F01

City,State,Zip: Matthews, NC, 28105

Phone: 704-845-7489 FAX: E-
mail: paula.hustead@windstream.com

Code Administrator: ²

Name: David Morgan

Address: 46000 Center Oak Plaza

City,State,Zip: Sterling ,VA ,20166

Phone: 571-434-5381 FAX:571-434-5502

NXX: ³ LATA: 462
1.2 NPA: 270 OCN: ⁴ 9690 Parent
Company's OCN(s) G118

Switching Identification(Switch Entity/POI) ⁵
EZTWKYXAPMD

Locality/City/Wire Center: Rate Center: ⁶ ELIZABHTN

Homing Tandem Tandem Homing

Operating Co: ⁷
WINDSTREAM CLLI
⁸: **EZTWKYXA05T**

1.3 Dates: Date of Request Effective Date: ⁹ ¹⁰
 Application: **09/21/2010** **11/29/2010**

By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

Request Expedited Treatment? Yes _____ No **X**

1.4 a) Type of company/entity requesting the code: **Incumbent Local Exchange Carrier (ILEC)** (LEC, IC, CMRS, Other)

b) Types of service: **Wireline** (e.g., Cellular - Type 2)

c) Code Assignment Preference (Optional) _____

d) Codes that are undesirable, if any _____

e) Type of change (Mark **all** that apply)

OCN-Intra-company ¹¹ Switching Id Rate Center Tandem Homing CLLI

OCN-Inter-company ¹² Effective Date LATA Extend Reservation

1.5 Type of Request (Initial, growth, etc.) **Growth**

If an initial code, attach (1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pooling Indicator: ¹³ Yes
 No

1.6 NPA Jeopardy Criteria Apply: Yes No

1.7 Code request for new service (Explain): _____

1.8 It is the code applicant's responsibility to arrange input of Part 2 information into BIRRDS. The 45-calendar day nationwide minimum interval cut-over for BIRRDS will not begin until input into BIRRDS has been completed.

Comments:

Due to technical difficulties with another switch, Windstream must now ask for a new NXX/block for the purpose of establishing an LRN for the new switching POI of EZTWKYXAPMD.

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application: ¹⁴

Paula Husted

Signature of Code Applicant

CODE

ADMINISTRATION

Title

09/21/2010

Date

¹ Identify type and reason for change(s) in Section 1.4(e).

² A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.

³ The NXX field is required for any code request in which there is a change or the NXX is being returned.

⁴ Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments may contact NECA (800-228-8597) to be assigned a Company Code (s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignment should direct questions regarding appropriate OCN usage to the Telcordia TM Routing Administration (TRA) on

732-699-6700.

⁵ This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the eleven-character TelcordiaTM COMMON LANGUAGE CLLITM Location Identification of the applicant's switch or POI. (Telcordia and CLLI are trademarks and COMMON LANGUAGE is a registered trademarks of Telcordia Technologies, Inc.)

⁶ Rate Center name must be a tariffed Rate Center associated with toll billing.

⁷ Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.

⁸ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLITM Location Identification Code of the switching entity/POI, and is the same on Part 2, Form 1, Page 2 of 2.

⁹ Code applicants should request an effective date that is at least 66 calendar days from the submission of this form. It should be noted that interconnection arrangements and facilities need to be in place prior to activation of a code. Such arrangements are outside the scope of these guidelines.

¹⁰ Requests for code assignment shall not be made more than six months prior to the requested effective date.

¹¹ Select if you are the current Code Holder

¹² Select if you are not the current Code Holder

¹³ The Applicant will indicate "YES" if the NXX being requested will be used for thousands-block number pooling and will leave this field blank if it is not.

¹⁴ An incomplete form may result in delays in processing this request.

TBPAAG Attachment 1 - March 19, 2007

Thousands-Block Application Form - Part 1A

Tracking Number: 270-ELIZABHTN-KY-388581
Full NXX: LRN

Type of Application: New Change Disconnect

GENERAL APPLICATION INFORMATION**1.1 Contact Information:****Block Applicant:**

Company Name: WINDSTREAM KY-LXGTN

Headquarters Address: 4001 Rodney Parham Rd

City, State, Zip: Little Rock, AR, 72212

Contact Name: Paula Hustead

Contact Address: 10005 Monroe Rd, B1F01

City, State, Zip: Matthews, NC, 28105

Phone: 704-845-7489 **FAX:** ... **E-mail:** paula.hustead@windstream.com

Pooling Administrator: ii

Contact Name: Genevieve Bettiga

Contact Address: 1800 Sutter St

City, State, Zip: Concord, CA, 94520

Phone: 925-363-7652 **FAX:** 925-363-7683

E-mail: genevieve.bettiga@neustar.biz

1.2 General Information:

Check one : No LRN needed _____ LRN needed ⁱⁱⁱ X

NPA: 270 LATA: 462 OCN: ^{iv} 9690 Parent Company's OCN G118

Number of Thousands-Blocks Requested : 1

Switching Identification(Switch Entity/POI) : ^v
 EZTWKYXAPMD

City or Wire Center Name : _____ Rate Center: ^{vi} ELIZABHTN

Rate Center Sub Zone: _____

1.3 Dates:

Date of Application: ^{vii} 09/21/2010 Requested Block Effective Date: ^{viii} 11/29/2010

By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

Request Expedited Treatment? (See Section 8.6) Yes _____ No X

1.4 Type of Service Provider Requesting the Thousands-Block :

a) Type of Service Provider : Incumbent Local Exchange Carrier (ILEC) (LEC, IXC, CMRS, Other)

b) Primary type of service Blocks to be used for : Wireline

c) Thousands-Block(s) (NXX-X) assignment Preference (Optional) _____

d) Thousands-Block(s) (NXX-X) that are undesirable for this assignment , if any _____

e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping(the remainder of the blocks will be given to the pool) 270-xxx-0,

1.5 Type of Request:

Initial block for rate center : Yes _____ If Yes , attach evidence of authorization and proof of capability to provide service within 60 days.

Growth block for rate center : Yes If Yes , attach months to exhaust worksheet

By selecting this checkbox, I acknowledge that I am willing to accept a block in red and explicitly understand that the underlying CO code may not yet be activated in the PSTN and loaded in the NPAC on the block effective date.

Type of change(Mark **all** that apply)

OCN:Intra-company ^{ix} Switching Id Part 1B

OCN:Inter-company ^x Effective Date

Change block : Yes _____ If Yes , list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated Yes _____ No _____
- b) If Yes how many TNs are NOT available for assignment : _____
- c) Have all new Intra SP ports been completed in the NPAC Yes _____ No _____
- d) Has this block been protected from further assignment Yes _____ No _____

Disconnect block : Yes _____ If Yes , list NPA-NXX-X _____

Remarks: **Due to technical difficulties with another switch, Windstream must now ask for a new NXX/block for the purpose of establishing an LRN for the new switching POI of EZTWKYXAPMD.**

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines(ATIS-0300066) available on the ATIS web site (<http://www.atis.org/inc>) or by contacting inc@atis.org as of the date of this application.

Paula Hustead

Signature of Block Applicant

CODE **ADMINISTRATION** **09/21/2010**

Title **Date**

Instructions for filling out each Section of the Part 1A form:

Section 1.1 Contact information requires that Service Providers supply under "Block Applicant" the company name, company headquarters address, a contact within the company, an address where the contact person may be reached, in addition to the correct phone, fax, and e-mail address. The Pooling Administrator section also requires the Service Provider to fill in

the Pooling Administrator's name, address, phone, fax and e-mail.

Section 1.2 Service Providers who need a thousands-block assignment or for an Location Routing Number (LRN) are required to fill in this section. If needed for an LRN, a CO Code Application needs to also be submitted to the PA. The Service Provider should supply the Numbering Plan Area (NPA); the Local Access Transport Area (LATA), which is a three-digit number that can be found in the Telcordia™ LERG™ Routing Guide. The Operating Company Number (OCN) assigned to the service provider and the OCN its parent company.

An OCN is a four-character alphanumeric assigned by Telcordia™ Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification as well as the city or wire center name, rate center, rate center sub zone, homing tandem and CLLI™ tandem of the facilities based provider^{xi}. Explanations of these terms may be found in the footnotes.

Section 1.3 The date the Service Provider completes the application should be entered in this section, as well as the Effective Date of the requested thousands-block.

Section 1.4 Service Providers should indicate their type, e.g., local exchange carrier, competitive local exchange carrier, interexchange carrier, CMRS. They also indicate the primary type of business in which the numbering resource is to be used. Service Providers also may indicate their preference for a particular thousands-block, e.g., 321-9XXX, or indicate any thousands-blocks that may be undesirable, e.g., 321-6XXX.

Section 1.5 Service Providers indicate the type of request. Initial requests are for first applications for thousands-blocks in a rate center, growth for additional thousands-blocks in a rate center in which the applicant already has numbering resources, and provide the required evidence as ordered by the FCC.

Section 1.6 Service Providers must indicate the updated/current information in regards to contaminated TNs on the block they are returning to the pool. Blocks with over 10% contamination (101 TNs or more) shall not be returned to the pool unless they meet criteria outlined in section 9.1.2 of these Guidelines. If the block being returned is over 10% contaminated the PA shall seek a new block holder. If question c and/or d have a response of No, the request for return shall be denied. The thousands-block applicant certifies veracity of this form by signing their name, and providing their title and date.

Foot Notes :

ⁱ Identify the type of change(s) in Section 1.5.

ⁱⁱ The Pool Administrator is available to assist in completing these forms.

ⁱⁱⁱ A CO Code application will also need to be submitted to the PA.

^{iv} Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments should contact NECA (800 524-1020) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignments should direct questions regarding appropriate OCN usage to (TRA) (732-699-6700).

^v This is an eleven-character descriptor of the switch provided by the owning entity for the

purpose of routing calls. This is the 11 character CLLI™ code of the switch /POI.

^{vi} Rate Center name must be a tariffed Rate Center.

^{vii} Acknowledgment and indication of disposition of this application will be provided to applicant within seven calendar days from the date of receipt of this application. An incomplete form may result in delays in processing this request.

^{viii} Please ensure that the NPA-NXX of the LRN to be associated with this block(s) is/will be active in the network prior to the effective date of the block(s).

^{ix} Select if you are the current Block Holder.

^x Select if you are not the current Block Holder

^{xi} Telcordia, LERG Routing Guide, and CLLI are trademarks of Telcordia Technologies, Inc.

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level¹
(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: 270-ELIZABHTN-KY-388581

Date: 09/21/2010

OCN:9690

Company Name:WINDSTREAM KY-
LXGTN

Rate Center: ELIZABHTN

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s):270-234-0, 1, 2, 5, 8, 9; 270-360; 270-706-0, 1, 5, 6, 7, 8, 9; 270-735-0, 1, 4, 7, 8, 9; 270-737; 270-739; 270-763-0, 1, 4, 5, 6, 8, 9; 270-765; 270-766-0, 1, 2, 3, 4, 5, 6; 270-769

Name of Block Applicant:Paula Hustead

Signature: Paula Hustead

Title:CODE ADMINISTRATION
No.:

Telephone No.: 704-845-7489

FAX

E-mail: paula.hustead@windstream.com

A. Available Numbers:25973

B. Assigned Numbers: 57027

C. Total Numbering Resources:83000

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ²:0

List
Excluded
Code(s) or
Block(s):

Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month
#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	

E. Growth History - Previous 6 months³ 70 43 89 59 19 56

F. Forecast - Next 12 months⁴ 56 59 62 65 68 71 75 79 83 87 91 96

G. Average Monthly Forecast (Sum of months 1-6 (Part F above) divided by 6):63.5

H. Months to Exhaust⁵ = $\frac{\text{Numbers Available for Assignment to Customers(A)}}{\text{Average Monthly Forecast(G)}}$

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
1	25973	409.024

I. Utilization⁶ = $\frac{\text{Assigned Numbers(B) - Excluded Numbers(D)}}{\text{Total Numbering Resources(C)-Excluded Numbers(D)}} \times 100 =$ 68.707

Explanation: _____

¹ A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.

² Quantity of numbers activated in the past 90 days is based on blocks and/or codes received from the administrator and shall be reported in increments of 1,000 or 10,000 TNs (e. g.: 2 blocks received=2,000 and 1 code received =10,000).

³ Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

⁴Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁵To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, section 52.15 (g) (3) (iii)).

⁶Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

NEW CLIENT CONFLICT CHECK
(AutoText: *New Client)

When copying into the Daily Bulletin/Conflict Check be sure to copy the paragraph marks before and after the table. (You can also use Ctrl + A to select everything before copying)

Definitions:

“Client-Related Parties” should include the following information: If a corporate client, include any parent, subsidiary and affiliated entities, officers, and directors. If an individual client, include name of spouse as well as any business entities in which the client holds a controlling interest.

“Adverse Parties”: The “other side” in litigation or a business transaction, or someone whose interests are adverse to our client.

“Other Parties”: Any person or entity not included as “adverse” or “client-related” parties.

Note: Understanding the relationships among parties is often essential in identifying potential conflicts. Wherever possible, include descriptive qualifiers such as plaintiff, defendant, co-defendant, buyer, seller, borrower, lender, guarantor, lessor, etc., for each person or entity listed.

CLIENT NAME(S):

Sandoz Inc.

CLIENT-RELATED PARTIES:

ADVERSE PARTIES:

Jack Conway, Kentucky Attorney General (Do Not Run)

OTHER PARTIES:

DESCRIPTION:

Assist with appeal of jury verdict in AWP litigation

RESPOND TO:

Mark R. Overstreet

EXT. #: 1219

November 21, 2003
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
TBPA Part 3

Tracking Number : 270-ELIZABHTN-
KY-388581

Date of Application: 09/21/2010 Effective Date: _____
Date of Receipt: 09/21/2010 Date of Response: 09/21/2010

Service Provider Name: WINDSTREAM KY-LXGTN
(Telcordia™ LERG™
Routing Guide) OCN: 9690

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Genevieve Bettiga Phone: 925-363-7652

Signature of Pooling Administrator

Genevieve Bettiga Fax: 925-363-7683

Name (print)

Email: genevieve.bettiga@neustar.biz

NPA-NXX or NPA-
NXX-X : _____

Block Assigned: _____
Block Reserved : _____
Block Reservation
Expiration Date : _____
Block/Code Modified : _____
Block/Code
Disconnected : _____

Block Contaminated(Yes or No) : _____

If Yes,enter the number of TNs contaminated : _____

Switch Identification(Switch Entity/POI): ¹ _____

EZTWKYXAPMD

Rate Center: _____

ELIZABHTN

Rate Center Sub Zone: _____

Form Complete, request denied.

Explanation:

DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new code is denied. You may proceed with requesting a State Waiver from the appropriate state commission using this Part 3 denial. If you are in disagreement with the disposition of this request, please refer to the Thousands'Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

Request withdrawn.

Explanation:

Assignment activity suspended by the administrator.

Explanation:

Remarks:

¹ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI™ Location Identification code of the switching entity/POI shown on the Part 1A form (Telcordia, LERG ROUTING Guide and CLLI are trademarks of Telcordia Technologies, Inc.)