

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WINDSTREAM KENTUCKY EAST, LLC'S)	
PETITION FOR COMMISSION REVIEW AND)	CASE NO.
REVERSAL OF A DECISION OF THE NORTH)	2012-00211
AMERICAN NUMBER POOLING)	
ADMINISTRATION)	

O R D E R

On May 30, 2012, Windstream Kentucky East, LLC, ("Windstream") filed a petition requesting 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."

In its petition, Windstream explains that its request was for a single thousands-block of numbers for a location routing number ("LRN") for a new Metaswitch to serve customers in Windstream's Caneyville rate center. The numbering resources requested are needed to permit Windstream to provide service through a new Metaswitch which is being deployed in the area. In order to identify the recipient switch, Windstream must establish a unique LRN, and must also establish an LRN per local access and transport

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.

area from an assigned central office code (“NXX”) for the recipient switch in the number portability capable network. Windstream explains in its petition that its request for an NXX code was necessary due to the fact that industry guidelines state that only an NXX code holder can obtain an LRN. However, Windstream notes that it intends to retain only a single thousands-block of numbers from the new NXX code.²

Windstream claims they do not have any NXX codes that could be moved in order to establish an LRN and, thus, is unable to satisfy the need for numbering resources from its available inventory and has exhausted all other available remedies. Hence, on April 27, 2012, Windstream filed an application with NANPA for the assignment of an NXX in the Caneyville rate center in order to address Windstream’s need for a single thousands-block of numbers for an LRN needed for a new Metaswitch being deployed to serve customers in this location.³ Windstream points out that they only seek a single block of one-thousand numbers and that the remaining nine thousands-blocks in that particular NXX will be available to other carriers for assignment. More specifically, Windstream intends to retain the five thousands-blocks of the assigned NXX (859-NXX-5XXX).

The application process with NANPA requires the submission of information used for a Months-To-Exhaust (“MTE”) and Utilization Certification Worksheet (“Worksheet”)

² See Windstream’s Petition for Review.

³ The code block request submitted by Windstream was for its Caneyville switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

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 requirements of six months or less, nor did they meet the utilization threshold requirement of 75 percent.⁵ Therefore, NANPA determined that Windstream's requests 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

Pursuant to 47 C.F.R. Section 52.15(g)(4), this Commission may overturn NANPA's 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 a unique LRN to identify a new Metaswitch being deployed in the Caneyville rate center. Windstream advises that it will be unable to provide reliable and adequate service to telecommunications users in this area without additional numbering resources in the affected rate center. Due to NANPA's denial of numbering resources, Windstream has been unable to obtain the requested LRN for its new Metaswitch and

⁴ 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.

⁵ According to the Worksheet, the MTE for the Caneyville rate center was calculated to be 274 months with a utilization rate of 33.711 percent.

⁶ See generally, 47 C.F.R. Section 52.

cannot port numbers to or provide new services using the Metaswitch. The Commission further finds that Windstream has exhausted all available remedies in the affected rate center to the extent that no combination of existing numbering resources in this rate center can be employed to meet their need for a single one-thousand number block.

This Commission finds that NANPA's determination to deny Windstream the additional numbering resources described herein should be overturned and NANPA directed to assign to Windstream an available NXX code in the Caneyville 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 needed for deployment of a new Metaswitch. The Commission also notes that Windstream intends to utilize only one thousands-block from the assigned NXX and the remaining nine thousands-blocks will be donated back into 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 should be returned to NANPA and may not be utilized to serve other customers without first meeting NANPA's numbering resource guidelines.

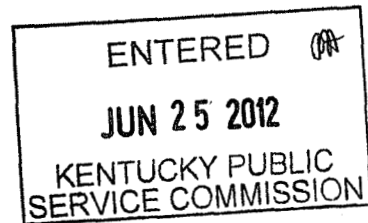
IT IS THEREFORE ORDERED that:

1. Windstream's Petition regarding NANPA's denial of its application for assignment of additional numbering resources is granted.
2. The decision of NANPA to deny Windstream's request for assignment of an NXX in the Caneyville rate center is hereby overturned.

3. NANPA shall assign Windstream an available NXX in the Caneyville rate center (270-NXX).

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 Metaswitch in the Caneyville rate center. Windstream shall retain only a single thousands-block of numbers from the new NXX. 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:


Executive Director

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