

AUSLEY & McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

RECEIVED-FPSC

10 OCT -1 AM 10:57

COMMISSION
CLERK

October 1, 2010

100415-TL

VIA HAND DELIVERY

Ms. Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Petition for Expedited Review of Numbering Resource
Denials by the North American Numbering Plan

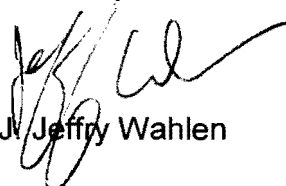
Dear Ms. Cole:

Enclosed for filing in the above-referenced docket are the original and fifteen (15) copies of Windstream Florida, Inc.'s Petition for Expedited Review of Numbering Resource Denials by the North American Numbering Plan.

Please acknowledge receipt and filing of the above by stamping the duplicate of this letter and returning the same to this writer.

Thank you for your assistance in this matter.

Sincerely,


J. Jeffrey Wahlen

COM _____
APA _____
ECR _____
GCL _____
RAD _____
SSC _____
ADM _____
OPC _____
CLK _____

JJW/jh
cc: Parties of Record

DOCUMENT NUMBER-DATE

08234 OCT-1 0

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Expedited Review of
Numbering Resource Denials by the
North American Numbering Plan
Administration for the Callahan Exchange

Docket No. 100415 -TL
Date Filed: October 1, 2010

PETITION FOR EXPEDITED REVIEW OF NXX-X CODE DENIAL

Windstream Florida, Inc. ("Windstream"), pursuant to 47 C.F.R. § 52.15(g)(iv), Federal Communications Commission ("FCC") Order FCC 00-104, and Florida Public Service Commission ("Commission") Order No. PSC-01-1973-PCO-TL, petitions the Commission to review the Pooling Administrator's ("Neustar") denial of Windstream's request for additional numbering resources in the Callahan Exchange. In support of this petition, Windstream states:

PARTIES

1. Windstream is an incumbent local exchange company lawfully doing business in the State of Florida the regulated operations of which are subject to the jurisdiction of the Commission pursuant to Chapter 364, Florida Statutes. Windstream provides service in Florida under FPSC Certificate of Public Convenience and Necessity No. 10.¹

2. Windstream's principal place of business in Florida is 206 White Avenue SE, Live Oak, Florida 32060-0343.

3. Pleadings, orders, notices and other papers filed or served on this matter should be served upon:

¹ By Order No. PSC-06-0425-PAA-TP in Docket No. 050938-TP, which became final on June 13, 2006, the Commission approved transfer of this certificate from ALLTEL Corporation to Windstream.

DOCUMENT NUMBER-DATE

08234 OCT-1 0

FPSC-COMMISSION CLERK

Bettye Willis
Windstream Florida, Inc.
4001 Rodney Parham Road
Little Rock, AR 72212
Mailstop: 1170, B1F03-53A

J. Jeffrey Wahlen
Ausley & McMullen
P. O. Box 391
Tallahassee, FL 32302

4. Neustar is an independent non-governmental entity, which is responsible for administering and managing the numbering resources in pooling areas. See 47 C.F.R. § 52.20(d).

JURISDICTION

5. The Commission has jurisdiction of this matter pursuant to the Industry Numbering Committee's (INC) Number Pooling Guidelines Sections 3.7 and 12(c). This provision provides that a carrier may challenge Neustar's decision to deny numbering resources to the appropriate regulatory authority.

BACKGROUND AND REQUEST FOR RELIEF

6. Windstream's Callahan Exchange consists of one (1) central office and one (1) switching entity that utilize numbering resources. On September 21, 2010, Windstream requested additional numbering resources from Neustar for the Callahan exchange. (See Attachment 1 which was filed under Claim of Confidentiality with the Commission Clerk's Office.) Windstream is installing a new switching POI in its Callahan office for its new VoIP offering (Unified Communications). Windstream planned to use an existing NXX/block for the Local Routing Number ("LRN"); however, there are technical difficulties in the existing switch with the only NXX/block available that is not over 10% contaminated.

7. The industry *Location Routing Number Assignment Practices* (ATIS-0300065) document states that:

- a. A unique LRN will be provisioned to identify each recipient switch or POI in the number portability capable network.

b. A service provider will establish one (1) LRN per LATA from an assigned NXX for each recipient switch or POI in the number portability capable network.

8. On September 21, 2010, Windstream submitted an application to Neustar for the requested one (1) thousand-block in the Callahan rate center in accordance with the current guidelines (see attached application). Neustar denied the request because Windstream did not meet the months-to-exhaust criteria or the utilization criteria established by the FCC.²

9. The FCC has adopted a safety valve mechanism to allow carriers that do not meet utilization criteria in a given rate center to obtain additional numbering resources. Paragraph 64 of the FCC's Third Report and Order in the Numbering Resource Optimization docket states that a carrier "should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific customer request."³

10. Paragraph 64 indicates that "States may not accommodate requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers." This mechanism should be available to Windstream in that its existing inventory does not contain one (1) thousand-block of consecutive numbers to meet this customer's specific request.

11. Neustar's decision violates the intent and requirement of the FCC and Commission in allowing carriers access to numbering resources to meet the required standards of portability in the network, and Neustar's denial of numbering resources interferes with Windstream's ability to best serve our existing and future customers.

12. Windstream has demonstrated that it cannot meet the industry LRN criteria through its existing inventory and has requested their application be handled in an expedited manner. Windstream respectfully requests the Commission waive the formal notice for this application, and issue its order directing Neustar to assign one (1) thousand-block of numbers to Windstream in the Callahan rate center.

² CFR 47§52.15(g)(3)(iii), CFR 47§52.15 (h).

³ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, Third Report and Order and Second Order on Reconsideration, FCC 01-362 (December 28, 2001) ("*NRO Order*").

This is consistent with the FCC's guidelines on an expedient process for states considering waiver requests which notes that in most instances 10 business days from receipt of a safety valve request is sufficient time to review and act upon a request (ref. paragraph 66 of the FCC's Third Report and Order and Second Order On Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200).

13. Windstream requests that the Commission use its delegated authority to reverse Neustar's decision to withhold numbering resources from Windstream and waive the Months-to-Exhaust and Utilization requirements on the following grounds:

a. Neustar's denial of numbering resources to Windstream interferes with Windstream's ability to service its customers within the State of Florida.

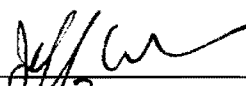
b. As a result of Neustar's denial of Windstream's request for additional numbering resources, Windstream will be unable to upgrade its telecommunications services to its customers.

WHEREFORE, Windstream requests:

1. The Commission review the decision of Neustar to deny Windstream's request for additional numbering resources for the Callahan exchange, and

2. The Commission directs Neustar to provide the requested numbering resources for the Callahan exchange as requested by Windstream as discussed above.

Respectfully submitted this 1st day of October, 2010.



J. Jeffrey Wahlen
Ausley & McMullen
P. O. Box 391
Tallahassee, FL 32302
850-425-5471
850-222-7560

CERTIFICATE OF SERVICE
DOCKET NO. _____

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by regular U.S. Mail on this 1st day of October, 2010 to the following:

Florida Public Service Commission
Staff Counsel
Division of Legal Services
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

NANPA
Tom Foley, Relief Planner
Eastern Region
820 Riverbend Blvd.
Longwood, FL 32779-2327

J. Jeffrey Wahlen

