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COMMISSION  
CLERK

May 10, 2011

110149-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

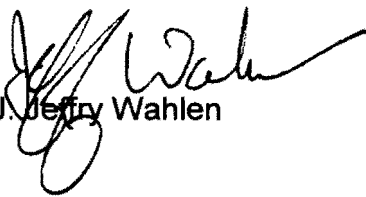
Dear Ms. Cole:

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 \_\_\_\_\_ JJW/jh
- GCL \_\_\_\_\_ cc: Bettye Willis
- RAD** 15 \_\_\_\_\_ Tom Foley
- SSC \_\_\_\_\_
- ADM \_\_\_\_\_
- OPC \_\_\_\_\_
- CLK \_\_\_\_\_

DOCUMENT NUMBER-DATE  
03252 MAY 10 =  
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 Live Oak and  
Alachua Exchanges

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Docket No. 110149-TL  
Date Filed: May 10, 2011

**PETITION FOR EXPEDITED REVIEW OF NXX 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 its Live Oak and Alachua exchanges. 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.<sup>1</sup>

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:

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<sup>1</sup> 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

03252 MAY 10 =

FPSC-COMMISSION CLERK

Bettye Willis  
Windstream Florida, Inc.  
13560 Morris Rd, Suite 2500  
Milton, GA 30004

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 Live Oak and Alachua exchanges each have one (1) central office and one (1) switching entity that utilize numbering resources. On May 2, 2011, Windstream requested additional numbering resources from Neustar for these exchanges. (See Attachments 1 and 2 which were filed under Claim of Confidentiality with the Commission Clerk's Office.) Windstream is deploying new packet switches to support a new product offering and needs Local Routing Number ("LRN") in its Live Oak exchange and one (1) thousand block group of numbers in its Alachua exchange. Windstream planned to use an existing NXX/block for the LRN; however, it did not have any NXX that could be moved (for the purpose of establishing an LRN) or a clean block that could be intra-service provider ported to the new switch.

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. Windstream's applications to Neustar for the requested numbering resources meet these current guidelines (see attached applications); however, Neustar denied the requests because Windstream did not meet the months-to-exhaust criteria or the utilization criteria established by the FCC.<sup>2</sup>

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."<sup>3</sup>

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 its application be handled in an expedited

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<sup>2</sup> CFR 47§52.15(g)(3)(iii), CFR 47§52.15 (h).

<sup>3</sup> *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*").

manner. Windstream respectfully requests the Commission waive the formal notice for this application, and issue its order directing Neustar to grants Windstream's applications, waive the formal notice for this application, and issue its order directing Neustar to assign an NXX for the purpose of establishing an LRN for a switch in the Live Oak rate center and a thousand block of numbers in the Alachua rate center. 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.

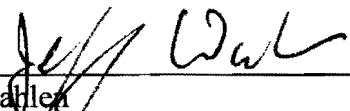
b. As a result of Neustar's denial of Windstream's request for additional numbering resources, Windstream will be unable to upgrade its telecommunications services to its customers.

WHEREFORE, Windstream requests:

1. The Commission review the decision of Neustar to deny Windstream's request for additional numbering resources for the Live Oak and Alachua exchanges, and

2. The Commission directs Neustar to provide the requested numbering resources for the Live Oak and Alachua exchanges as requested by Windstream as discussed above.

Respectfully submitted this 10<sup>th</sup> day of May, 2011.

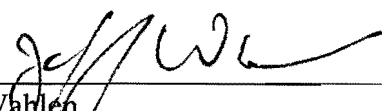
  
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P. O. Box 391  
Tallahassee, FL 32302  
850-425-5471  
850-222-7560

**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 10<sup>th</sup> day of May, 2011 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