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AUSLEY & McMULLEN

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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

COMMISSION
CLERK

October 25, 2011

110297-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 NXX Code Denial

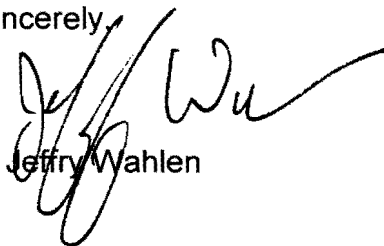
Dear Ms. Cole:

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 NXX Code Denial.

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	_____	JJW/jh
APA	_____	cc: Bettye Willis
ECR	_____	Tom Foley
GCL	_____	
RAD	14	
SRC	_____	
ADM	_____	
OPC	_____	
CLK	_____	

DOCUMENT NUMBER-DATE

07860 OCT 25 =

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of the Application of Windstream)
Florida, Inc. for Review and Reversal of the)
Decision and Reversal of the Decision of)
Neustar, Inc as the Pooling Administrator to)
Withhold Numbering Resources.)
_____)

DOCKET NO. 110297-TL
Filed: October 25, 2011

PETITION FOR EXPEDITED REVIEW OF NXX CODE DENIAL

Windstream Florida, Inc. ("Windstream") files this Petition for Expedited Review of NXX Code Denial, and respectfully requests the Florida Public Service Commission ("Commission") to issue an expedited order reversing the recent decision of Neustar, Inc. ("Neustar") acting as the Pooling Administrator ("PA") to withhold certain numbering resources from Windstream needed by the company to continue to provide reliable and adequate service to customers. In support of its Petition, Windstream states as follows:

1. Windstream is an incumbent local exchange carrier ("ILEC") authorized to provide telecommunications service in designated service territories in the State of Florida.
2. Neustar is the corporation authorized by the Federal Communications Commission ("FCC") to perform the functions of the national PA.
3. All correspondence, pleadings, orders, decisions and communications regarding this docket should be sent to:

Bettye Willis
Vice President – State Government Affairs
Windstream Florida, Inc.
13560 Morris Road, STE 2500
Milton, GA 30004-8997

J. Jeffry Wahlen
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

4. This Application is prompted by the need to serve customers in Windstream's Brooker, Callahan, Florahome, Fort White, Hilliard, Interlachen, Lake Butler, McIntosh, Melrose, Citra, Crescent City, High Springs and Branford exchanges via new packet switches that are being deployed to support Broadband Stimulus projects in those locations. Windstream is installing new Class 5 type packet

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switches, each with their own point code and trunking/circuits, in all these rate centers, except Callahan. In Callahan, Windstream is installing a Genband C15 switch – which is a separate switch from the MetaSwitch for which Windstream requested and was approved for an LRN under FL PSC order PSC-10-0616-PAAA-TL, Docket No. 100415-TL.

5. Windstream does not have inventory that can be utilized for the purpose of establishing LRNs for these switches. According to the applicable industry *Location Routing Number (LRN) Assignment Practices document (ATIS-0300065)* Windstream must establish a unique LRN to identify each recipient switch or POI and must establish one LRN per LATA from an assigned NXX for each recipient switch in the number portability capable network. Thus, Windstream must obtain separate LRNs for each of these new packet switches. Also pursuant to industry guidelines, only an NXX code holder can obtain an LRN, thus necessitating Windstream's request for separate NXX codes, one each for each rate center. (It should be noted, however, that Windstream would retain only single thousand-number-blocks from each of these new NXX codes.) Additionally, a single thousand-number block was requested for the Branford rate center which, as noted above, is also included in this Broadband Stimulus upgrade.

6. Given the needs described above, on October 13, 2011, Windstream submitted applications for LRNs, NXX Codes and thousand number blocks to Neustar acting as the PA. (Copies of Windstream's applications are attached hereto and incorporated by reference herein.)

7. Neustar subsequently denied Windstream's requests on the grounds that they failed to meet the FCC's utilization requirement. (Copies of both Neustar's denial and Windstream's Months to Exhaust Reports containing current utilization of numbering resources are attached hereto as Exhibits A through M and incorporated by reference herein.) As a result of Neustar's denial, Windstream has been unable to obtain the requested LRNs and thousand number block which are required for this broadband stimulus project.

8. Under existing procedures, Neustar, as the PA, is required to accept or reject an application for numbering resources based solely on FCC criteria. However, 47 C.F.R. § 52.15 makes

clear that a carrier may challenge a numbering resource denial by the PA before the appropriate state regulatory commission and that the state commission has jurisdiction to affirm or overturn the PA's decision to withhold numbering resources. In establishing this safety valve mechanism, the FCC recognized that conditions that could give rise to a need for additional numbering resources "might include situations where a carrier has multiple switches within a rate center but it is unable to readily share numbering resources among those switches."¹

9. Windstream seeks the Commission's reversal of Neustar's decision and requests the Commission to direct NeuStar to assign twelve LRNs and twelve NXXs (one each for its new packet switches in the Brooker, Callahan, Florahome, Fort White, Hilliard, Interlachen, Lake Butler, McIntosh, Melrose, Citra, Crescent City, and High Springs rate centers)² and a one thousand block of numbers for the Branford rate center. The FCC permits such direction in order to meet specific customer demands and specifically grants state commissions "flexibility to direct the NANPA or pooling Administrator to assign additional numbering resources to carriers that have demonstrated a verifiable need for additional numbering resources outside of these specifically enumerated instances."³ Windstream has demonstrated a verifiable need due to its needs in connection with a Broadband Stimulus project upgrade to these rural exchanges. Windstream cannot satisfy this request from its current inventory or in any other manner.

10. Windstream respectfully requests that the Commission act upon this Application within ten (10) business days. The FCC 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

¹ *Third Report and Order and Second Order on Reconsideration* in CC Docket No. 96-98 and CC Docket No. 99-200, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and the Telephone Number Portability, FCC 01-362, (rel. December 28, 2001), ¶¶58, 61 and 65.

² Again, Windstream would retain only single thousand-number-blocks from each of these new NXX codes, but requires the codes because it requires the LRNs for the new switches and only a code holder in the rate center can obtain an LRN.

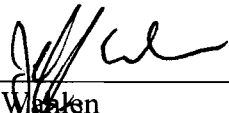
³ FCC 01-362 at ¶61.

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

11. Granting Windstream's Application 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.

WHEREFORE, Windstream respectfully requests that the Commission overturn and reverse Neustar's previous determination as the PA; direct Neustar to grant Windstream's application regarding its request to obtain an LRN; act within ten (10) business days as suggested by the FCC or as soon thereafter as is possible; instruct Neustar acting as PA to release the numbering resources as specified herein; and grant all other proper relief to which Windstream may be entitled.

Respectfully submitted this 25th day of October, 2011.



J. Jeffrey Wahlen
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
Phone: 850.425.5471
Fax: 850.222.7560
Email: jwahlen@ausley.com

ATTORNEYS FOR
WINDSTREAM FLORIDA, INC.


⁴ *Id.* at ¶66.

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 25th day of October, 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