

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

IN THE MATTER OF THE APPLICATION OF)	
WINDSTREAM MISSOURI, INC. FOR)	
REVIEW AND REVERSAL OF THE DECISION)	CASE NO. IO-2012-0125
OF NEUSTAR, INC. AS THE POOLING)	
ADMINISTRATOR TO WITHHOLD)	
NUMBERING RESOURCES)	

AMENDED APPLICATION AND MOTION FOR EXPEDITED TREATMENT

COMES NOW Windstream Missouri, Inc. ("Windstream") and respectfully amends its request that the Commission issue an Order that reviews and reverses the decision of the North American Numbering Plan Thousands-Block Pooling Administrator, Neustar, Inc. ("NANPA") to withhold certain numbering resources from Windstream.

In support of this Amended Application, Windstream states as follows:

1. On October 21, 2011 Windstream filed its Application and Motion for Expedited Treatment ("Application") in this Case. Said Application is hereby incorporated by reference except to the extent modified by herein.
2. As noted in the Application, Windstream request for relief is prompted by the need to serve customers in its Bolivar, Doniphan, Myrtle, Morrisville and Oxly exchanges via new packet switches that are being deployed to support a broadband Stimulus project in those locations. Windstream is installing new Class 5 type packet switches, each with their own point code and trunking/circuits, in the Bolivar and Doniphan Missouri rate centers. Windstream's Morrisville and Oxly rate centers are also included in this Broadband Stimulus project, as they are remotes served under the Bolivar and Doniphan switches, respectively. While the Myrtle rate center is a host switch today, it will not have its own soft switch. Instead, Broadband Stimulus customers in the Myrtle rate center will be connected to the Doniphan soft switch (and then to the Sikeston tandem) over newly-constructed fiber transport, whereas legacy Myrtle customers are connected to the Branson tandem today. Thus, the LRN and related NXX Code are required for Myrtle in order to avoid differences in rating of calls to/from customers in the Myrtle rate center between legacy and Broadband Stimulus customers. As explained in the Application, Windstream does not have any NXX codes for the Bolivar, Doniphan or Myrtle rate centers that could be moved for

the purpose of establishing LRNs for the new switches, nor does it have clean one thousand number blocks that could be intra-service provider ported to the new 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 three new packet switches. Also pursuant to industry guidelines, only an NXX code holder can obtain an LRN, thus necessitating Windstream's request for three separate NXX codes, one each for the Bolivar, Doniphan and Myrtle rate centers. (It should be noted, however, that Windstream would retain only single thousand-number-blocks from each of these new NXX codes.) In the Application additional single thousand-number blocks were requested each for Morrisville (a remote under the Bolivar switch) and Oxly (a remote under the Doniphan switch), which areas are, as noted above, also included in this Broadband Stimulus upgrade.

3. As also described in the Application, Windstream submitted Applications for the LRNs, NXX codes and thousand number blocks required for this Broadband Stimulus Project to Neustar, acting as the NANPA. Neustar subsequently denied Windstream's request on the grounds that it failed to meet the months-to-exhaust criteria and/or the utilization criteria established by the FCC. As a result of Neustar's denial, Windstream has been unable to obtain the LRNs, NXX codes and thousand number blocks it requested and which are required for deployment of this Broadband Stimulus Project.

4. As also explained in the Application, under existing procedures, Neustar, as the NANPA, is required to accept or reject an application for numbering resources based solely on FCC criteria, which require that an applicant establish that its existing numbers inventory within the rate center will exhaust within six months of the application and sets a rate center utilization threshold of seventy-five percent.¹ However, as the Commission is aware, the FCC has adopted a safety valve mechanism to allow carriers that do not meet the months-to-exhaust and utilization criteria in a given rate center to obtain additional

¹ *Second Report and Order, Order on Reconsideration* in CC Docket No. 96-98 and CC Docket No. 99-200 and *Second Further Notice of Proposed Rulemaking* in CC Docket No. 99-200, In the Matter of Numbering Resource Optimization, Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the

numbering resources. In establishing the safety valve, 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.”² The FCC makes clear that through the safety valve mechanism a carrier may challenge a numbering resource denial by the NANPA before the appropriate state regulatory commission and that the state commission has jurisdiction to affirm or overturn the NANPA’s decision to withhold numbering resources.

5. After discussions with Staff, Windstream has agreed to perform additional investigation regarding the feasibility of avoiding the need for requesting the additional one thousand number block for the Morrisville rate center through potential use of an existing, low-utilization thousand number block already assigned to Windstream. Thus, Windstream amends its Application to remove the portion of the safety valve request regarding the one-thousand number block for the Morrisville rate center. In all other respects, Windstream renews its request for the safety valve relief as stated in the Application and seeks the Commission’s reversal of Neustar’s decision, acting as NANPA, to that extent. Thus, Windstream requests the Commission to direct Neustar to assign three LRNs and three NXXs (one each for its new packet switches in the Bolivar, Doniphan and Myrtle rate centers)³ and a one thousand block of numbers for the associated remote serving the Oxly 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.”⁴

Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717, FCC 00-419 (rel. December 29, 2000), at ¶ 29.

² *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.

³ 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.

⁴ FCC 01-362 at ¶ 61.

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.

6. Windstream respectfully requests that the Commission act upon this Amended Application expeditiously. 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 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.⁵

The Application as amended demonstrates a verifiable need for the numbering resources requested herein. Windstream has exhausted all other available remedies designed to conserve numbering resources as related to this request.

7. Granting Windstream's Application, as amended, 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 NANPA to the extent outlined in this Amended Application; direct Neustar to grant Windstream's applications regarding its request for the numbering resources as described herein; act within ten (10) business days as suggested by the FCC or as soon thereafter as is possible; instruct Neustar acting as NANPA to release the numbering resources as specified in this Amended Application; and grant all other proper relief to which Windstream may be entitled.

⁵ *Id.* at ¶66.

Respectfully submitted,

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VERIFICATION

STATE OF NORTH CAROLINA)
COUNTY OF Mecklenburg) SS

I, PAULA HUSTEAD, of lawful age, being first duly sworn upon my oath, state that I am the Code Administrator, and that I am authorized to make this verification on behalf of Windstream Missouri, Inc.; and that the facts set forth in the foregoing pleading are true to the best of my knowledge, information and belief.

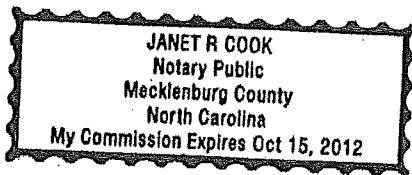
Paul Huxford
(Name)

Subscribed and sworn to before me this 3 day of NOVEMBER, 2011.

Janet R. Cook
Notary Public

My Commission expires:

10-15-2012



CERTIFICATE OF SERVICE

Copies of this document and all attachments thereto were served on the following by e-mail on November 4th, 2011.



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