

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

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

APPLICATION AND MOTION FOR EXPEDITED TREATMENT

COMES NOW Windstream NuVox Missouri, Inc. ("Windstream-NuVox") and respectfully requests 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-NuVox.

The requested numbering resources are necessary to meet the expanding telecommunications needs of Cox Health Systems ("Cox Health") in Springfield, Missouri. More specifically, the numbering resources requested by this Application consist of five (5) one-thousand number blocks from which consecutive numbers can be drawn in the Springfield rate center. Windstream-NuVox further requests that if such resources are not available when the Commission issues its order, the Commission should direct NANPA to provide such specific resources as are available to meet Cox Health's numbering resource needs.

In support of this Application, Windstream-NuVox states as follows:

1. Windstream-NuVox is a Delaware corporation duly authorized to conduct business in Missouri, as evidenced by the Certificate of Good Standing filed on October 29, 2010 in Case No. TE-2011-0118, and incorporated by reference pursuant to Commission Rule 4 CSR 240-2.060(1)(G). Windstream-NuVox's principal office is located at 4001 Rodney Parham Road, Little Rock, Arkansas 72212. Windstream-NuVox is a local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases is defined in Section 386.020, RSMo 2000.

2. All correspondence, pleadings, orders, decisions and communications regarding this docket should be sent to:

Edward Cadieux
Director – Regulatory Counsel
Windstream NuVox Missouri, Inc.
12400 Olive Blvd, Suite 430
Saint Louis, MO 63141

3 This Application is prompted by significant growth of Cox Health's operations at its Cox South medical campus and at other locations in Springfield. (Cox Health is a regional not for profit health care organization that serves the communities of the southwest portion of Missouri, with more than sixty (60) locations within a 12,500 square mile area.) As a result, Cox Health is in need of additional numbering resources. A November 7, 2011 letter from Mr. Dan Brewer, IT Director – Communications, for Cox Health, details the numbering resources needed by Cox Health and the circumstances that are driving that need. *See*, Exhibit A, attached hereto. As the letter describes, Cox Health is building two new facilities on its Cox South medical campus. Additionally, a new Home Parental and Home Support facility and a new College School of Nursing are also being constructed, and sufficient numbering resources are critical to the successful delivery of health care services at these locations. Cox Health's new and renovated facilities will immediately require approximately 1500 numbers, and its experience is that it requires approximately 50-60 numbers each month in order to accommodate regular growth. Given its new and renovated facilities, regular growth patterns and the continued growth generally within the health care industry, Mr. Brewer believes Cox Health needs an additional 5,000 consecutive numbers in order to support this growth in a manner consistent with its coordinated dialing plan for the present and future growth.

4. Given the need described above, on November 7, 2011, Windstream-NuVox submitted a Thousands Block Application Form, Part 1A, for the numbering resources assignment necessary to meet Cox Health's needs. A copy of the Application is attached hereto as Exhibit B. Windstream-NuVox completed the Application in accordance with the Industry Numbering Committee's Thousands-Block Pooling Assignment Guidelines and filled out the required Months to Exhaust and Utilization Certification Worksheet, a copy of which is attached hereto as Exhibit C.

5. NANPA subsequently denied Windstream-NuVox's request on the grounds that it failed to meet the months-to-exhaust criteria and/or the utilization criteria established by the FCC. (A Copy of NANPA's denial is attached hereto and incorporated by reference herein as Exhibit D) As a result of NANPA's denial, Windstream-NuVox has been unable to obtain the numbering resources it requested and which are required to meet the needs of Cox Health.

6. 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 numbering resources. In establishing the safety valve, the FCC recognized that conditions that could give rise to a need for additional numbering resources. "We also clarify that states may grant requests by carriers that receive a specific customer request for numbering resources that exceeds their available inventory."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.

7. Windstream-NuVox seeks the Commission's reversal of NeuStar's decision, acting as NANPA, and requests the Commission to direct NeuStar to assign to Windstream-NuVox five (5) one-thousand number blocks in the Springfield rate center for use by Cox Health. The FCC permits such direction in

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 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), ¶ 61.

order to meet specific customer demands.³ Windstream-NuVox has demonstrated a verifiable need due to the needs of its customer, Cox Health, as described herein. Windstream-NuVox cannot satisfy this request from its current inventory or in any other manner.

8. Windstream-NuVox 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 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

9. This Application complies with the Commission's applicable rule, 4 CSR 240-37.040. Windstream-NuVox has attached hereto its "Months to Exhaust Worksheets" indicating the utilization of the covered rate center encompassing both the preceding six months and projected monthly utilization for the next twelve months. 4 CSR 240-37.040(1)(A)1. *See*, Exhibit C attached hereto and incorporated by reference. Windstream-NuVox has also attached hereto its most recently-filed FCC Form U1 of Form 502 covering this rate center. 4 CSR 240-37.040(1)(A)2. *See*, Exhibit E(HC), also attached hereto and incorporated by reference. Additionally, Windstream-NuVox has attached copies of its originally-filed requests to NANPA and NANPA's denial of those requests. 4 CSR 240-37.040(1)(A)3. *See*, Exhibits B and D, respectively. These materials and the instant Application demonstrate a verifiable need for the numbering resources requested herein. Windstream-NuVox has exhausted all other available remedies designed to conserve numbering resources as related to this request.

10. Granting Windstream-NuVox'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-NuVox's request is in the public interest and consistent with the FCC's rules and decisions.

³ *Id.*

⁴ *Id.* at ¶66.

11. Windstream-NuVox has no final unsatisfied judgments or decisions against it from any state or federal agency or court which involve Missouri retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application, nor does Windstream-NuVox have any pending action against it in Missouri, brought by end-user customers, which involves retail customer service or rates.

12. Windstream-NuVox does not have any annual report or assessment fees that are overdue in Missouri.

WHEREFORE, Windstream-NuVox respectfully requests that the Commission overturn and reverse NeuStar's previous determination as the NANPA; direct NeuStar to grant Windstream-NuVox's application regarding its request for the numbering resources included in that application and 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 herein; and grant all other proper relief to which Windstream-NuVox may be entitled.

Respectfully submitted,

Windstream NuVox Missouri, Inc.

By: Edward J. Cadieux
Edward J. Cadieux MBN 29468
Director – Regulatory Counsel
Windstream 12400 Olive Blvd, Suite 430
Saint Louis, MO 63141
Telephone: (636) 537-5743
Facsimile: (330) 486-3690
E-mail: Edward.Cadieux@windstream.com

Attorney for Windstream-NuVox Missouri, Inc.

VERIFICATION

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)SS

I, Michelle Bowyer of lawful age, being first duly sworn upon my oath, state that I hold the position of Notary Public, and that I am authorized to make this verification on behalf of Windstream NuVox Missouri, Inc.; and that the facts set forth in the foregoing pleading are true to the best of my knowledge, information and belief.

Michelle Bowyer
(Name)

Subscribed and sworn to before me this 14th day of November, 2011.

Michelle Bowyer
Notary Public


My Commission expires:

October 30, 2018



CERTIFICATE OF SERVICE

Copies of this document and all attachments thereto were served on the following by e-mail on November 14th, 2011.


Edward Cadieux

General Counsel
Kevin Thompson
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
gencounsel@psc.mo.gov
kevin.thompson@psc.mo.gov

Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102
[opcservice @ded.mo.gov](mailto:opcservice@ded.mo.gov)