

WINDSTREAM COMMUNICATIONS, INC.

Mailstop B1F03-71A
4001 Rodney Parham Road
Little Rock, Arkansas 72212

Nicole Winters
Analyst

501.748.6313
fax. 501.748.5590
Email: Nicole.Winters@windstream.com

RECEIVED-FPSC

13 NOV 25 AM 9: 24

COMMISSION
CLERK



November 22, 2013

VIA OVERNIGHT MAIL

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

REDACTED

Re: Petition for Expedited Review of Growth Code Denial by the Numbering Pooling Administration for the West Palm Beach Rate Center

Dear Ms. Cole:

Pursuant to Florida Statutes Section 364.183(3) and the Florida Administrative Code Rule 25-22.006, Windstream NuVox, Inc. ("Windstream") hereby claims confidential treatment to Exhibit 1 attached to the above-referenced Petition. Exhibit 1 contains a customer request for numbering resources that Windstream considers confidential.

One highlighted copy of the confidential information is enclosed in a sealed envelope. Two redacted copies of the information are also included. If you have any questions regarding this filing, please feel free to contact me.

Sincerely,

Nicole S. Winters
Analyst

Enclosure

COM	_____
AFD	_____
APA	_____
ECO	_____
ENG	_____
GCL	_____
IDM	_____
TFL	1
CLK	mm

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Expedited Review of Growth Code Denial by the Numbering Pooling Administration for the West Palm Beach Rate Center) Docket No.: _____
) Filed: November 22, 2013
)

PETITION FOR EXPEDITED REVIEW OF CODE DENIAL

Windstream NuVox, Inc. (“Windstream”) petitions the Public Service Commission of Florida (“Commission”) pursuant to 47 C.F.R. § 52.15(g)(4), the Federal Communications Commission’s (“FCC’s”) *Numbering Optimization First Report & Order*,¹ and Commission Order No. PSC-01-1873-PCO-TL, to review and overturn a recent decision by the Pooling Administrator (“PA”) to withhold certain numbering resources from Windstream needed by the company to provide requested telephone numbers to a business customer. In support of its Petition Windstream states:

PARTIES

1. Windstream is a competitive local exchange carrier (“CLEC”) authorized to provide telecommunications services in designated service territories in the State of Florida.
2. Neustar is the corporation authorized by the FCC to perform the functions of the national PA.

JURISDICTION

3. The Commission has jurisdiction of this matter pursuant to 47 C.F.R. § 52.15(g)(4) and Industry Numbering Committees (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.

¹ *Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574, FCC No. 00-104 (2000).

BACKGROUND AND REQUEST FOR RELIEF

4. A particularly-large Windstream business customer that uses a DID arrangement has requested a single 1,000-number block of numbers to provide DIDs for their employees while maintaining consistency in numbers throughout their franchise footprint.

5. On October 21, 2013 Windstream filed a request with the PA for a single “thousands” block of numbers to address the needs of Windstream’s customer. Attached as **EXHIBIT 1**, marked as “Confidential” and filed under seal, is a copy of Windstream’s application requesting the pertinent numbering resources. Such application includes on its last page a copy of a letter from the customer explaining its need for the numbering resources requested by Windstream.

6. On October 21, 2013, the PA denied Windstream’s request on the grounds that Windstream had not satisfied the months-to-exhaust (“MTE”) criteria established in the Central Office Code Assignment Guidelines. A copy of the PA’s denial is attached as **EXHIBIT 2**.

7. Windstream can not satisfy the need for numbering resources from its current inventory or in any other manner and has exhausted all other available remedies.

8. Federal Communications Commission rules make 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.² The FCC specifically grants state commissions “flexibility to direct the NANPA or Pooling Administrator to assign additional numbering

² See 47 C.F.R. § 52.15(g)(3)(4).

resources to carriers that have demonstrated a verifiable need for additional numbering resources outside of these specifically enumerated instances.”³

9. As set forth above, Windstream has demonstrated a verifiable need due to its customer’s request. The Commission has previously received similar requests from carriers, both ILECs and CLECs in which the carriers have asked the Commission to overrule a decision of the PA. The Commission has granted these requests.

10. Granting Windstream’s Petition 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.

11. Windstream respectfully requests that the Commission act upon this Petition within ten business days. Expedited treatment is required to meet the needs of the persons to be served through the switch and Windstream’s internal business plans and schedule.

12. The FCC also 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

WHEREFORE, Windstream respectfully requests that the Commission:

1. Overturn the Pooling Administrator’s decision;

³ *Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order and Second Order on Reconsideration*, FCC 01-362, 17 FCC Rcd 252, ¶ 61 (2001)(“*Numbering Optimization Third Report & Order*”).

⁴ *Id.* at ¶ 66.

2. Direct the PA to grant Windstream's requests for numbering resources; and
3. Enter its Order doing so within ten business days, or as soon thereafter as is possible; and
4. Grant Windstream such further relief as may be appropriate.

Respectfully Submitted,



Edward B. Krachmer
Senior Regulatory Counsel for Windstream
4001 N. Rodney Parham
Little Rock, AR 72212
(501) 574-5777
edward.krachmer@windstream.com

November 22, 2013

EXHIBIT 2

November 21, 2003
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
TB PAG Part 3

Tracking Number : 561-WPALMBEACH-
FL-680720

Date of Application: 10/21/2013 Effective Date: _____
Date of Receipt: 10/21/2013 Date of Response: 10/21/2013

Service Provider Name: NUVOX COMMUNICATIONS
(Telcordia™ LERG™
Routing Guide) OCN: 8660
Parent Company OCN: G118

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Dara Flowers Phone: 925-363-8730

Signature of Pooling Administrator

Dara Flowers Fax: 925-363-7697

Name (print)

Email: dara.flowers@neustar.biz

NPA-NXX or NPA-
NXX-X : _____

Block Assigned: _____
Block Reserved : _____
Block Reservation
Expiration Date : _____
Block/Code Modified : _____
Block/Code
Disconnected : _____

Block Contaminated(Yes or No) : _____

If Yes,enter the number of TNs contaminated : _____

Switch Identification(Switch Entity/POI): ¹ _____

Rate Center: _____

Rate Center Sub Zone: _____

MIASFLRA0MD

WPALMBEACH

Form Complete, request denied.

Explanation:

DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new block is denied. You may proceed with requesting a State Waiver from the appropriate state commission using this Part 3 denial. If you are in disagreement with the disposition of this request, please refer to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

Request withdrawn.

Explanation:

Assignment activity suspended by the administrator.

Explanation:

Remarks:

¹ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI™ Location Identification code of the switching entity/POI shown on the Part 1A form (Telcordia, LERG ROUTING Guide and CLLI are trademarks of Telcordia Technologies, Inc.)