

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF ) CAUSE NO. 43865
INDIANA BELL TELEPHONE )
COMPANY, INC., FOR ASSIGNMENT )
OF NXX CODE IN THE 317 NPA ) APPROVED:

APR 21 2010

BY THE COMMISSION:
Larry S. Landis, Commissioner
David E. Veleta, Administrative Law Judge

On February 26, 2010, Indiana Bell Telephone Company, Incorporated d/b/a AT&T Indiana ("AT&T Indiana") filed a Petition for Allocation and Assignment ("Petition") of ten consecutive thousand-number blocks in the 317 Numbering Plan Area ("NPA") requesting that the Indiana Utility Regulatory Commission ("Commission") direct the Pooling Administrator ("PA") on an expedited basis to provide AT&T Indiana with ten uncontaminated thousand number blocks to satisfy the request of General Services Agency ("GSA") on behalf of the Defense Finance and Accounting Service ("DFAS"). GSA has requested 10,000 consecutive direct inward dial ("DID") numbers to be used at DFAS' facility in Indianapolis to facilitate the transition from its current Centrex service to a Private Branch Exchange ("PBX") based system.

On March 9, 2010, the Commission issued its legal notice setting the matter for a public evidentiary hearing on April 5, 2010. The Commission conducted an evidentiary hearing in this Cause on April 5, 2010, at 1:30 p.m., in the IURC Conference Center, Suite 220, Judicial Courtroom 224 of the National City Center, Indianapolis, Indiana pursuant to published legal notice.

AT&T Indiana and the Indiana Office of Utility Consumer Counselor ("OUCC") appeared by counsel at the hearing. AT&T Indiana offered into evidence as its case-in-chief, a copy of the Affidavits of its witnesses, Leila M. Tolentino and Brenda K. Pohl. The OUCC, the statutory representative of the public, expressed no objection to the relief requested. No petitions to intervene were filed in this Cause, and no members of the public appeared at the evidentiary hearing.

Based upon the applicable law and evidence, the Commission now finds as follows.

- 1. Notice and Jurisdiction. Due, legal, and timely notice of the public hearing was given and published by the Commission as required by the law. AT&T Indiana is a communications service provider and a public utility as defined in the Indiana Code. The Commission has jurisdiction over AT&T Indiana and the subject matter of this Cause in the manner and to the extent provided under state and federal telecommunications laws, including, but not limited to I.C. § 8-1-2.6, 47 U.S.C. §251(e)(1) and the Federal Communications Commission's "safety valve" mechanism announced in the Third Report and Order and Second

*Order on Reconsideration in the Matter of Numbering Resources Optimization*, CC Docket No. 96-98, and CC Docket No. 99-200, FCC 01-362 (rel. Dec. 28, 2001).

2. **Summary of the Evidence.** The GSA, on behalf of the DFAS, has requested 10,000 consecutive DID numbers to be used at DFAS' location at 8899 East 56<sup>th</sup> Street, Indianapolis, Indiana. AT&T Indiana described DFAS' current telephone number use and the anticipated growth in employees that necessitates additional numbering resources. In particular, DFAS is relocating approximately 1,000 employees to its Indianapolis location and switching from 7,900 Centrex telephone numbers to a PBX. The assigned NXX Code must not end in a 1 or 0, so as to be consistent with the Defense Switched Network (DSN) and existing Department of Defense Dial Plans on existing sites on the MultiProtocol Label Switching (MPLS).

AT&T Indiana's Petition was supported by an affidavit of Brenda Pohl who represents DFAS. Ms. Pohl indicated that the additional DFAS employees and the conversion to a new PBX necessitate the additional telephone numbering resources. AT&T Indiana indicated that it had explored all possibilities of serving DFAS with existing resources, and did not have the requisite number resources and type in its current inventory.

AT&T Indiana's Petition was also supported by an affidavit of Leila Tolentino of AT&T Indiana. Ms. Tolentino testified that AT&T Indiana does not have the requested numbers in its inventory. Consequently, AT&T Indiana timely requested numbering resources from NeuStar, but was denied because it did not meet the FCC-established Months-To-Exhaust ("MTE")<sup>1</sup> criteria.

To be eligible for growth resources from the pool, the FCC's rules require that carriers meet a two-pronged test. Carriers must maintain no more than a six-month inventory based on forecasts. In addition, the FCC requires that carriers utilize existing inventory at a minimum 75%.<sup>2</sup> The record shows that AT&T Indiana does not meet the FCC-established criteria in the 317 NPA.

Ms. Tolentino also outlined AT&T Indiana's previous donations of 26 thousand-blocks of telephone numbers in 2009, as a demonstration of participation in efforts to conserve numbering resources.

3. **Findings and Conclusions.** This Commission has previously described the factors to consider when evaluating a request made pursuant to the "safety valve" procedures enunciated by the FCC in its *Third Report and Order and Second Order on Reconsideration in the Matter of Numbering Resources Optimization*, CC Docket No. 96-98, and CC Docket No. 99-200, FCC 01-362, released December 28, 2001.<sup>3</sup>

The efforts to conserve numbering resources are industry-wide and nationally practiced. While the cited statute and FCC Order allow the Commission some flexibility in requiring the

---

<sup>1</sup> See 47 C.F.R. §52.15(g)(3)(B)(iii).

<sup>2</sup> See 47 C.F.R. §52.15(h)

<sup>3</sup> See e.g., *In the Matter of the Petition of Indiana Bell Telephone Company, Inc., for Assignment of 1,000 Block NXX Codes in the 317 NPA*, Cause No. 42917, Ind. PUC LEXIS 359 (November 9, 2005).

release of thousand number blocks, the exercise of that flexibility will not be casually exercised. This Commission has considered additional criteria when evaluating safety valve requests:

- (1) Is the requested relief reasonable considering the projected need?
- (2) Has the Petitioner thoroughly examined all alternatives available to satisfy the projected need?
- (3) Has the petitioner demonstrated a good-faith effort to participate in the program to conserve numbering resources?<sup>4</sup>

These criteria are addressed below.

First, the requested relief is reasonable given the projected need. As demonstrated by the evidence in the record of this Cause, DFAS is transitioning from a Centrex-based system to a new PBX and is bringing on approximately 1,000 new employees to its Indianapolis location.

Second, AT&T Indiana appropriately examined the alternatives available to satisfy the customer's request, as it checked whether it held any blocks in the Indianapolis rate center that could be exchanged for previously donated AT&T blocks in Indianapolis as permitted by industry guidelines. However, AT&T Indiana did not have ten consecutive blocks in the Indianapolis rate center as requested by DFAS.

Third, AT&T has demonstrated good-faith participation in the program to conserve numbering resources. As documented in the Affidavit of Leila Tolentino, in 2009 AT&T donated 4 pristine and 22 contaminated blocks back to the pool. These efforts have acted to ameliorate forecast exhaust dates for Indiana area codes. Finally, because AT&T Indiana has continued its good faith participation in the number conservation program, it will be in a position to evaluate any numbering resources returned to it by DFAS to determine if any blocks of numbers can be returned through the pooling process.

GSA has indicated that a delay in obtaining the requested numbering resources could negatively impact DFAS' war-fighting mission. The Commission therefore finds and concludes that the public interest is served by the PA releasing ten consecutive thousand blocks on an expedited basis in the Indianapolis rate center for AT&T Indiana to meet the needs of its customer, DFAS.

**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION THAT:**

1. Consistent with our findings, the Pooling Administrator shall release ten thousand blocks in the Indianapolis rate center for AT&T Indiana to meet the numbering needs of its customer, Defense Finance and Accounting Service.

2. AT&T shall only use the assigned 10 thousand-blocks to provide service to Defense Finance and Accounting Service. If AT&T does not begin to provide service to Defense

---

<sup>4</sup> *Id.*

Finance and Accounting Service utilizing the assigned thousand-blocks within six (6) months of the issuance of this order, AT&T shall promptly return the assigned 10 thousand-blocks to NeuStar.

3. This Order shall be effective on and after the date of its approval.

**LANDIS, MAYS AND ZIEGNER CONCUR; HARDY AND ATTERHOLT ABSENT:**

**APPROVED: APR 21 2010**

**I hereby certify that the above is a true  
and correct copy of the Order as approved.**



**Brenda A. Howe  
Secretary to the Commission**