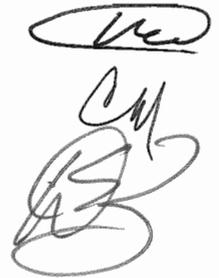


ORIGINAL



STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF) CAUSE NO. 43908
VERIZON NORTH INC. FOR THE ASSIGNMENT)
OF 1000 BLOCK CODES IN THE 260 NPA) APPROVED:

AUG 04 2010

BY THE COMMISSION:

Carolene Mays, Commissioner
David E. Veleta, Administrative Law Judge

On June 4, 2010, Verizon North Inc. (“Verizon” or “Petitioner”) filed an Emergency Petition for Allocation and Assignment of one uncontaminated consecutive thousand number block code in the Hamilton rate center to satisfy the request of its customer, Triton Metal Products (“Triton” or “Customer”) based in Hamilton, Indiana, for 100 new consecutive Direct Inward Dial (“DID”) station numbers to meet growth plans.¹

Pursuant to notice duly published as required by law, proof of which was incorporated into the record by reference and placed in the official files of the Commission, a public hearing was held in this Cause at 1:30 p.m. on July 6, 2010, in Room 224, PNC Center, 101 West Washington Street, Indianapolis, Indiana.

Verizon and the Office of Utility Consumer Counselor (“OUCC”) appeared by counsel at the hearing. Verizon offered into evidence as its case-in-chief a copy of its Petition, together with a verification page executed on its behalf by Matthew T. Kelley. There was no further testimony offered and no questions issued from the bench. OUCC, the statutory representative of Indiana utility customers and the general 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:

1. Notice and Jurisdiction. Due, legal and timely notice of the public hearing was given and published by the Commission as required by law. Verizon is a “public utility” within the meaning of the Public Service Commission Act, as amended. The Commission has jurisdiction over Verizon 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, Indiana Code § 8-1-2.6, Indiana Code § 8-1-2-113(a), 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. December 28, 2001).

¹ Because the consecutive numbers can only be order in 1,000 number blocks, Verizon is requesting 1,000 number block codes.

2. Summary of the Evidence. In April 2010, Triton, a metal products manufacturing business serving the automotive, heavy truck, agriculture, aerospace and medical industries, submitted a letter to Verizon explaining its immediate telecommunications needs.² Triton is relocating and expanding its business that will include direct dial to phone extensions for employees located at the Hamilton location. Since this is a business relocating jobs from Ohio, it will not result in the return of any telephone numbers from Triton to Verizon.

Verizon's Hamilton exchange currently includes NPA-NXX: 260-488 and thousands blocks, 2XXX, 3XXX and 4XXX. A new 1,000 block is required in order to accommodate Triton's request.

Upon receipt of Triton's request, Verizon immediately reviewed it and began its analysis to determine whether any uncontaminated number block codes were available from Verizon's central office in Hamilton. Unfortunately, no uncontaminated hundreds block codes were available.

On May 18, 2010, Verizon submitted a Central Office Code Assignment Request Form Part 1 to the Pooling Administrator ("PA") for the assignment of 1,000 consecutive new numbers necessary to meet Triton's request.³ Verizon completed the application in accordance with the Thousands Block Number (NPA-NXX) Pooling Administration Guidelines and completed the necessary Months to Exhaust Certification.⁴ On May 24, 2010, the PA, via the Pooling Administration System ("PAS"), denied the request on the grounds that Verizon had not met the rate center based months-to-exhaust criteria set forth in the Thousands Block Number (NPA-NXX) Pooling Administration Guidelines, notwithstanding the fact that Verizon did not have the numbering resources needed to satisfy Triton's demand.⁵

3. Findings and Conclusions. This Commission has previously touched on the factors it will consider in evaluating a request for relief invoking our emergency authority under Indiana Code § 8-1-2-113(a) and the so-called "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, 2001.⁶

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 release of thousand-number blocks, the exercise of that flexibility will not be casually exercised. We will consider these requests in light of the following:

- Did the Petitioner react in a timely manner when it became aware of the apparent need for an additional 1,000 number block?

² A copy of this letter was attached to Verizon's Petition as Exhibit A.

³ A copy of this application was attached to Verizon's Petition as Exhibit B.

⁴ A copy of this application was attached to Verizon's Petition as Exhibit C.

⁵ The PA's decision was attached to Verizon's Petition as Exhibit D.

⁶ See, e.g., this Commission's March 5, 2003 Order in Cause No. 42371, *In the Matter of the Petition of Indiana Bell Telephone Company, Inc. for the Assignment of 1,000 Block NXX Codes in the 317 NPA*;

- Is the requested relief reasonable considering the projected need?
- Has the Petitioner thoroughly examined all alternatives available to satisfy the projected need?
- Has the Petitioner demonstrated a good-faith effort to participate in the program to conserve numbering resources?

In this matter, the evidence shows that Verizon has satisfied the guidelines that we have considered in similar cases. First, it acted in a timely manner when it became aware of Triton's needs. Moreover, the relief is required to meet Triton's plans and is the only viable option that Verizon has to meet its customer's needs. In addition, although Verizon is unable to donate back any number blocks in this cause, Verizon has previously demonstrated, as noted in cause No. 42383, 42723, 42781, and 43104, a good faith effort to donate back all clean number blocks and blocks with less than 10% contamination. In fact, the thousand-block numbers Verizon is requesting in this cause was previously donated by Verizon.

The Commission finds and concludes that the public interest is served by the PA releasing the numbering resources described herein necessary for Verizon to meet the needs of its customer, Triton.

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

1. Consistent with our findings, the PA shall release the numbering resources described herein for Verizon to meet the number needs of its customer, Triton.

2. Verizon shall file within 90 days of this Order an affidavit confirming the activation of numbering resources described herein and the assignment of 100 DID numbers for the purpose of providing service to Triton. If Verizon has not activated within 90-days these numbering resources for the purpose of providing service to Triton and assigned the 100 DID to Triton, Verizon shall either return the thousand-block to the PA, or provide the Commission explanation as to why the thousand-block should not be returned to the PA.

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

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

APPROVED: AUG 04 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