



STATE OF INDIANA

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INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF)
TW TELECOM OF INDIANA L.P. FOR) CAUSE NO. 44007
ALLOCATION OF A LOCAL ROUTING)
NUMBER AND ASSOCIATED TELEPHONE)
NUMBERING RESOURCES IN THE 765) APPROVED: APR 27 2011
AREA CODE)

BY THE COMMISSION:
Carolene Mays, Commissioner
Jeffery A. Earl, Administrative Law Judge

On March 10, 2011, tw telecom of Indiana l.p. ("TWTC") filed a Verified Petition ("Petition") requesting that the Indiana Utility Regulatory Commission ("Commission") direct NeuStar, Inc., the Pooling Administrator ("PA"), on an expedited basis to release to TWTC a NPA/NXX for a Local Routing Number ("LRN") in the Lafayette, Indiana rate center. On April 6, 2011, TWTC filed Responses to the Commission's April 4, 2011 Docket Entry, which requested additional information from TWTC.

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 April 8, 2011, in Hearing Room 224, 101 West Washington Street, Indianapolis, Indiana. Petitioner and the OUCC were present and participated. The testimony and exhibits of both Petitioner and the OUCC were admitted into the record. No members of the general public appeared or sought to testify at the 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. TWTC is a communications service provider and a public utility as defined in the Indiana Code. The Commission has jurisdiction over TWTC 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 Ind. Code § 8-1-2.6, 47 U.S.C. § 251(e)(1), 47 CFR § 52.15(g)(4) and the Federal Communications Commission's "safety valve" mechanism announced in *In re Numbering Resources Optimization*, CC Docket Nos. 99-200, 96-98, and 95-116, 17 FCC Rcd. 252 (Dec. 28, 2001) (the "FCC Numbering Order").

2. Summary of the Evidence. TWTC seeks the release of a NPA/NXX for a LRN in the Lafayette rate center. An LRN is a 10-digit number, in the format NPA-NXX-XXXX ("NPA/NXX"), that uniquely identifies a switch or point of interconnection ("POI") per LATA. The NPA-NXX portion of the LRN is used to route calls to numbers that have been ported. TWTC has two switches in the Indianapolis LATA: a 5E switch and a Sonus switch. While

TWTC currently has a NPA/NXX for the LRN associated with the 5E switch, it does not have an LRN in the Lafayette rate center for its Sonus switch. The LRN identifies the switch for Local Number Portability (“LNP”). Every ported telephone number (“TN”) must have an LRN assigned to it. Individual TNs are mapped to an LRN. Using the LRN, when a phone number is dialed, the local telephone exchange queries a routing database for the LRN associated with the subscriber. The LRN removes the need for the TN to identify the local exchange carrier. If a subscriber changes to another telephone service provider, the current telephone number can be retained.

While there is an LRN currently assigned to the Sonus switch in the Indianapolis LATA, it routes traffic to the Indianapolis tandem, served by AT&T. The Sonus switch does not currently have an LRN in the Lafayette rate center that routes calls to the Lafayette tandem served by Frontier. TWTC intends to provide certain products and services in the Lafayette rate center over its Sonus switch. A separate NPA/NXX is needed for this LRN because it will home off the Lafayette tandem, LFYTINXA15T, which is served by Frontier. Without an LRN assigned to TWTC’s Sonus switch in the Lafayette rate center, all Lafayette traffic on the Sonus switch would be back hauled/routed to the Indianapolis tandem served by AT&T and TWTC would incur access charges instead of having the calls treated as local calls for intercarrier compensation purposes. In addition, without an LRN for the Sonus switch traffic in the Lafayette rate center, TWTC will not be able to port any numbers into the Sonus switch from existing Lafayette rate center customers. TWTC will also be unable to offer customers served by the Sonus switch the full range of products and services that would otherwise be available with a distinct LRN for the Sonus switch.

On February 28, 2011, TWTC requested from the PA a NPA/NXX for the LRN for the Sonus switch (IPLTINSDDS2). TWTC’s request was denied. The PA, applying FCC rules and INC Guidelines, requires a block holder requesting growth resources to demonstrate that existing resources within the rate center will both exhaust within 60 months, and meet the 75% utilization level. Absent a waiver order from this Commission, the PA’s findings will stand. TWTC states that while it does not technically meet the requirements to have a new NPA/NXX assigned because its utilization threshold is 14.10% in the Lafayette rate center for the 5E switch, a new LRN is necessary for TWTC’s Sonus switch to have TNs routed to it in the Lafayette rate center. TWTC states that it has demonstrated a verifiable need for the numbering resources, which is consistent with industry standards and guidelines for routing traffic. TWTC indicates that its only other remedy is to route the Lafayette traffic to the Indianapolis tandem, incurring additional costs and expenses and wasting resources.

In response to the Presiding Officers’ April 4, 2011 docket entry questions, TWTC stated that it will assign telephone numbers from the requested Code for the Sonus switch to new customers from the Lafayette rate center. TWTC also indicated that all of its products and services, including converged voice and data services, will be provided over the Sonus switch. Finally, in response to the Presiding Officers’ question regarding TWTC’s efforts to minimize waste of numbering resources, TWTC stated that for the NXX requested for the LRN, there are 10 blocks of 1,000 (for a total of 10,000 TN). TWTC is keeping one block of 1,000 TNs for the Sonus, which will include the LRN. TWTC is giving back the other 9 blocks of 1,000 TNs each.

TWTC is not giving back any TNs out of the existing resources associated with the 5E switch because those blocks are more than 10% contaminated.

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 in the FCC Numbering Order. *Ind. Bell Tel. Co.*, Cause No. 42917, 2005 Ind. PUC LEXIS 359 (IURC Nov. 9, 2005). 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 evaluating safety valve requests, the exercise of that flexibility will not be casually exercised. This Commission considers the following additional criteria when evaluating other 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? *Id.*, at *5.

Additionally, the Commission has the authority to grant the specific relief requested by TWTC and to overturn the PA's denial of the NPA-NXX for a LRN for the Sonus switch in the Lafayette rate center. As provided in 47 CFR 52.15(g)(4):

The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.

We find that TWTC's request is reasonable and consistent with the ATIS LNR Assignment Practices Industry Guidelines. Those Guidelines provide the following LRN assignment criteria that should be considered when a service provider selects and assigns an LRN:

1. A unique LRN will be provisioned to identify each recipient switch or POI in the number portability capable network.
2. A service provider will establish one (1) LRN per LATA from an assigned NXX for each recipient switch or POI in the number portability capable network. Additional LRNs may be used for internal purposes. Further, additional LRNs are not required to identify US wireline rate centers. A unique LRN may be assigned to every LNP equipped switch or POI (and potentially to each CLLI listed in the Telcordia® LERG™ Routing Guide).

Requesting an additional NXX to establish an LRN in certain instances may be justified but precautions need to be taken to ensure number resource optimization. The following points should be considered prior to requesting a new NPA-NXX for the purpose of establishing an LRN:

3. The requesting service provider uses an existing code already homed to the tandem where the LRN is needed for the POI.

4. Once the NXX Code is assigned, the Code Holder must return any blocks not justified for retention in its inventory.

5. When there are multiple tandems owned by different SPs in a single LATA, the requesting SP may obtain a new NXX in order to establish an LRN for each subtending POI.

TWTC's request for a separate LRN for each switch (Sonus and 5E) in the Lafayette rate center is consistent with the above referenced LRN Assignment Standards. Indianapolis and Lafayette are in the same LATA, although served in different rate centers with different tandems served by different ILECs (AT&T and Frontier). When there are multiple tandems (Indianapolis and Lafayette) owned by different service providers (Frontier and AT&T) in a single LATA (the Indianapolis LATA), the requesting service provider (TWTC) may obtain a new NXX in order to establish an LRN for each subtending POI under the Industry Guidelines and LRN Assignment Procedures, which were included with the Petition. Under these circumstances, an LRN for each switch is appropriate and consistent with network routing requirements and industry guidelines.

TWTC has presented evidence demonstrating that a verifiable need exists to warrant granting the requested relief here. LNP and routing of calls to TWTC's Sonus switch without changing the jurisdictional treatment of calls will not work without an LRN assigned to the switch. The assignment of an LRN to each switch is consistent with Industry Guidelines and Standards. While TWTC does not currently have a customer waiting on numbering resources, TWTC is actively selling services in the Lafayette rate center that it would provision over the Sonus switch, which will require the assignment of an LRN to the Sonus switch. Although TWTC does not technically meet the requirements to have a new NPA/NXX assigned because its utilization threshold is 14.10% in the Lafayette rate center for the 5E switch, a new LRN is necessary for TWTC's Sonus switch to have TNs routed to it in the Lafayette rate center.

TWTC has also demonstrated that it has thoroughly examined all alternatives available to satisfy the projected need. TWTC's only other available remedy is to route the Lafayette traffic to the Indianapolis tandem, incurring additional costs and expenses and wasting resources.

Finally, TWTC has demonstrated a good-faith effort to participate in the program to conserve numbering resources. Based on TWTC's responses to the Presiding Officers' April 4, 2011 docket entry questions, we are satisfied that TWTC will ensure that number resources are not wasted; that it has examined the existing numbering resources allocated to it in the Lafayette rate center; and that it plans to appropriately return unused resources.

For all the foregoing reasons, we find that there is a need for reversal of the PA's denial of numbering resources that is consistent with the public interest. We note that expedited relief is appropriate since there was no objection from the OUCC; no parties intervened; and until LRN relief is granted, TWTC is unable to offer its full range of services in the Lafayette market.

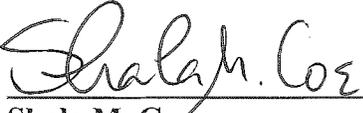
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Consistent with our findings, the Pooling Administrator shall release to TWTC a NPA/NXX for a Local Routing Number in the Lafayette, Indiana rate center.
2. This Order shall be effective on and after the date of its approval.

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: APR 27 2011

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



Shala M. Coe
Acting Secretary to the Commission