

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF)
 COMMUNICATIONS CORPORATION OF)
 INDIANA ("CCI") A/K/A TDS TELECOM) CAUSE NO. 44166
 FOR ALLOCATION OF A LOCAL)
 ROUTING NUMBER AND ASSOCIATED) APPROVED: APR 18 2012
 TELEPHONE NUMBERING RESOURCES)
 IN THE 765 AREA CODE)

ORDER OF THE COMMISSION

Presiding Officers:

James D. Atterholt, Chairman

Aaron A. Schmoll, Senior Administrative Law Judge

On March 15, 2012, TDS Telecom ("TDS") filed a Verified Petition ("Petition") requesting that the Indiana Utility Regulatory Commission ("Commission") direct the Pooling Administrator ("PA"), on an expedited basis to release to TDS a NPA/NXX for a Local Routing Number ("LRN") in the Roachdale, Indiana rate center. On March 27, 2012 and April 4, 2012, TDS filed Responses to the Commission's March 22, 2012 and April 3, 2012 Docket Entries, respectively, which requested additional information from TDS.

Pursuant to G.A.O. 2011-3, upon the filing of a safety valve request, if no requests for a hearing are submitted within ten (10) days of the filing of the Petition or the Commission does not otherwise determine a hearing is necessary, and if no deficiencies are found in the Petition, the Commission will issue an order on the Petition without a hearing. No requests for a hearing were made, and upon the filing of the supplemental information by TDS, the Commission finds that no hearing is necessary.

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. TDS is a communications service provider and a public utility as defined in the Indiana Code. The Commission has jurisdiction over TDS 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. TDS is a small, rural, incumbent local exchange carrier ("ILEC") and is one of nine TDS companies in Indiana. A local exchange carrier is permitted under federal administrative rules to seek numbering resources in the form of "codes" (10,000 telephone numbers) or "thousand-blocks" (1,000 telephone numbers) from the North American Numbering Plan Administrator ("NANPA"). Typically carriers seek full codes when

they need a local routing number (“LRN”). TDS made such a request for a code in the Roachdale rate center on February 13, 2012, but was denied by the NANPA because TDS did not meet a required standard known as “months-to-exhaust (“MTE”) and utilization. (47 CFR 52.15(g)(3)(B) and 47 CFR 52.15(h)).

TDS’s MTE and Utilization Worksheet submitted to NANPA to request the code indicates:

- TDS has 111 months of inventory. (Carriers are required to meet a MTE standard of no more than 6 months to exhaust before they are considered eligible for additional numbering resources.)
- TDS is using 30.138% of their inventory. (Carriers are required to use at least 75% of their inventory of numbers.)
- TDS has 5,589 telephone numbers available in this rate center.

TDS acknowledges that past company policies and network design decisions dictated that TDS obtain a new code in each rate center. However, TDS is implementing a project to consolidate and reduce the number of LRN’s to a single LRN at each gateway or Point of Interconnection (POI) per LATA. TDS states a new code is necessary because it intends to install a new “Metaswitch” in Roachdale, IN, and needs a unique LRN to identify the switch or POI in the number portability capable network. TDS also indicates they will keep only one block (1,000 telephone numbers) and the remaining 9,000 numbers will be returned to the Pooling Administrator.

3. Commission Discussion and Findings. A Safety Valve Request is a process created by the FCC and delegated to state commissions to permit telecommunications carriers to request additional numbering resources after the request has been denied by NANPA. The Safety Valve Request process is outlined in 47 CFR §52.15(g)(3)(iv):

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an Operating Company Number (“OCN”). The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA’s decision to the appropriate state regulatory commission. The state regulatory commission may affirm or overturn the NANPA’s decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

Safety valve requests are exceptions to the numbering conservation criteria, and as such, should be rare. G.A.O. 2011-3 found that each Safety Valve request is unique and should be reviewed and formally addressed by the Commission.

Pursuant to the G.A.O., the requesting Communications Service Provider (“CSP”) must file a Petition with the Commission pursuant to federal rules described above. The following information should be included in the filing:

1. The Petition shall contain all pertinent information on the need for additional numbering resources that prompted the filing of the Petition.
2. The CSP shall provide all pertinent information on number utilization for the rate center in which the thousand block(s) is being requested.
3. As additional support, the CSP shall respond to the following Commission evaluation criteria:
 - a. Is the requested relief reasonable considering the projected need?
 - b. Has the CSP thoroughly examined all alternatives available to satisfy the projected need?
 - c. Has the CSP demonstrated a good-faith effort to participate in the program to conserve numbering resources?
4. The Petition shall state the requested relief.
5. The Petition shall include the following Attachments:
 - a. Numbering Resources Request Form (Part 1 and/or Part 1A).
 - b. Months-to-Exhaust (“MTE”) and Utilization Worksheet.
 - c. Documentation of Numbering Request Denial by Numbering Resources Administrator (e.g., Pooling Administrator).
 - d. Documentation demonstrating the verifiable need for additional numbering resources (e.g. Customer Request Letter).
 - e. A customer’s utilization plan for the numbers requested (i.e., number of phone lines, number of offices, hospital beds, expansion plans), if a customer will receive numbers as a result of the safety valve process.
 - f. A statement describing the CSP’s ability and willingness to return any uncontaminated blocks or codes in exchange for the requested numbers.
 - g. A statement certifying that the requested numbering resources will be used only for the purposes outlined in the petition. If any of the numbering resources (e.g., thousand-blocks) associated with the request are not utilized for the purposes set forth in the petition, the CSP will return/donate those numbering resources (e.g., thousand-blocks) back to the Numbering Administrator (e.g., Pooling Administrator).

- h. A statement certifying that the numbering resources will be used within 18 months of the Commission's Order, and the CSP will return/donate any uncontaminated (less than ten percent utilized) thousand-blocks or unused NXX codes back to the Numbering Administrator (e.g. Pooling Administrator).
- i. A statement signed under penalty of perjury that affirms the accuracy of the information in the Petition.

The G.A.O. is consistent with how the Commission has historically 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, nor should be, casually exercised.

We find that TDS has adequately supported its request and the request is 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. LRNs are to be used for routing and not for rating/billing calls. Calls are rated and billed to an end-user based on the dialed digits and not on the LRN. There is, however an Automated Message Accounting feature that records the LRN that a call is routed to in order to determine the appropriate provider serving that number for access billing purposes.

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 CLI 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 safety valve process should not be viewed as an excuse for the inefficient use of existing numbering resources. The following points should be considered prior to requesting a new NPA-NXX for the purpose of establishing an LRN:

1. The requesting service provider uses an existing code already homed to the tandem where the LRN is needed for the POI.
2. Once the NXX Code is assigned, the Code Holder must return any blocks not justified for retention in its inventory.

3. When there are multiple tandems owned by different service providers (“SPs”) in a single LATA, the requesting SP may obtain a new NXX in order to establish an LRN for each subtending POI.

TDS’s request for a separate LRN for its proposed Metaswitch in the Roachdale rate center is consistent with the above referenced LRN Assignment Standards. We believe that through its supplemental filings, TDS has demonstrated that it is not technologically feasible to use existing code or block assigned to TDS for purposes of the new switch. Under these circumstances, an LRN for this switch is appropriate and consistent with network routing requirements and industry guidelines.

TDS has demonstrated a good-faith effort to participate in the program to conserve numbering resources. TDS has indicated that it will ensure that numbering resources are not wasted by returning 9,000 numbers from the requested code to the PA and that it has examined the existing numbering resources allocated to it in the Roachdale rate center, and that it plans to appropriately return unused resources. In addition, TDS is implementing a project to consolidate LRNs. Accordingly, we find that there is a need for reversal of the PA’s denial of numbering resources that is consistent with the public interest.

As a condition for our approval of TDS’s request, within 30 days from the date of this Order, TDS shall file its plan and associated timeline for its projected consolidation of LRNs in LATA 336, including its proposal to return any blocks or codes to the NANPA that become unused or uncontaminated as a result of the project.

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

1. Consistent with our findings, the Pooling Administrator shall release to TDS a NPA/NXX for a Local Routing Number in the Roachdale, Indiana rate center.

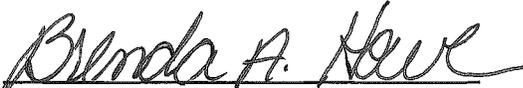
2. Within 30 days from the date of this Order, TDS shall file its plan and associated timeline for its projected consolidation of LRNs in LATA 336, including its proposal to return any blocks or codes to the NANPA that become unused or uncontaminated as a result of the project.

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

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

APPROVED: APR 18 2012

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


Brenda A. Howe
Secretary to the Commission