

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF)
INDIANA BELL TELEPHONE COMPANY,) CAUSE NO. 44192
INC., d/b/a AT&T INDIANA FOR)
ASSIGNMENT OF AN NXX CODE IN THE) APPROVED:
317 NPA)

MAY 02 2012

ORDER OF THE COMMISSION

Presiding Officers:

James D. Atterholt, Chairman

Gregory R. Ellis, Administrative Law Judge

On April 17, 2012, Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana ("AT&T Indiana") filed a Petition For Allocation And Assignment of NXX Code in the 317 NPA ("Petition") requesting that the Indiana Utility Regulatory Commission ("Commission") direct the Pooling Administrator ("PA"), Neustar, to release to AT&T Indiana a new NXX code for 10,000 sequential numbers in the Indianapolis, Indiana rate center.

Pursuant to General Administrative Order ("GAO") 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 the Commission finds no hearing is necessary.

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

1. Jurisdiction. 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 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. Wishard Health Services ("Wishard") is currently constructing a new hospital and health care campus in Indianapolis, Indiana. Wishard has requested a new NXX code for use at the newly constructed hospital facilities. Specifically, Wishard has asked AT&T Indiana to provide it with 10,000 consecutive direct inward dial ("DID") numbers to be used at the newly constructed medical facility and to consolidate the use of numbers in other Wishard facilities in the Indianapolis area. Wishard is scheduled to begin using the numbers for the new buildings in February 2013. Wishard's new health campus and

remote sites will require 8,390 numbers all of which will be activated by mid 2015. Wishard expects to utilize an additional 1,610 numbers to sustain their anticipated growth. Wishard anticipates returning all 6,700 of their existing telephone numbers to AT&T Indiana if their request for 10,000 consecutive numbers is granted. Once the numbers are returned, AT&T Indiana will evaluate whether any blocks qualify for donation to the pool and will take appropriate action. Wishard's current numbering inventory indicates that three complete blocks of 1,000 numbers are part of the 6,700 numbers that will be returned and evaluated for donation back to the pool.

AT&T is the largest incumbent local exchange carrier ("ILEC") in Indiana. AT&T Indiana's service territory covers most of the Indianapolis area, among other portions of 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 North American Numbering Plan Administrator ("NANPA"). Typically carriers seek full codes when they need a local routing number. AT&T Indiana determined that Wishard's request could not be met with the numbers currently available in the AT&T Indiana inventory. On January 18, 2012, AT&T Indiana applied to the PA for ten blocks in the Indianapolis rate center to meet Wishard's request. On January 18, 2012, the PA denied AT&T Indiana's request for an NXX code because AT&T Indiana did not meet the FCC established months-to-exhaust ("MTE") and/or utilization requirements. (47 CFR 52.15(g)(3)(B) and 47 CFR 52.15(h)).

AT&T Indiana's MTE and Utilization Worksheet submitted to NANPA to request the code indicates:

- AT&T Indiana has 134,716 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.)
- AT&T Indiana is using 47.793% of their inventory. (Carriers are required to use at least 75% of their inventory of numbers.)
- AT&T Indiana has 807,201 telephone numbers available in this rate center.

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. GAO 2011-3 found that each Safety Valve request is unique and should be reviewed and formally addressed by the Commission.

Pursuant to GAO 2011-3, 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 GAO 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, Ind. PUC LEXIS 359 (IURC Nov. 9, 2005).

AT&T Indiana has demonstrated a need to satisfy a specific customer request by providing a customer request letter from Wishard. Pursuant to GAO 2011-3, AT&T Indiana provided the Numbering Resource Request Form; current proof of utilization in the rate center through its MTE Utilization Worksheet; the Documentation of Numbering Request Denial by the Numbering Resources Administrator; Wishard Health Service's Number Utilization Plan; indication of its ability and willingness to return any uncontaminated blocks or codes in exchange for the requested numbers; Certification that the requested numbering resources will be used only for the purposes outlined in the petition and that if any of the numbering resources associated with the request are not utilized for the purposes set forth in the petition, AT&T Indiana will return/donate those numbering resources back to the Numbering Administrator; Certification that the numbering resources will be used within 18 months of the Commission's Order and AT&T Indiana will return/donate any uncontaminated thousand-blocks or unused NXX codes back to the Numbering Administrator; and Verifications of Mike Humes and Leila Tolentino that affirm the accuracy of the information in the Petition.

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.

This Commission has considered the following additional criteria when evaluating such “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?

First, the requested relief is reasonable given the projected customer need. AT&T Indiana’s current inventory does not contain the 10,000 sequential numbers requested by Wishard and the invocation of the FCC’s safety valve procedures provides the only way to meet Wishard’s needs.

Second, AT&T Indiana has examined all alternatives available to satisfy Wishard’s request for 10,000 sequential numbers. AT&T Indiana has checked whether it held the necessary blocks of numbers in the Indianapolis rate center to satisfy the customer’s request. AT&T Indiana does not have 10,000 consecutive numbers available to satisfy Wishard’s request at this time. AT&T Indiana also 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. AT&T Indiana does not currently have any blocks that are eligible for donations for 317 NPA.

Third, AT&T Indiana has demonstrated good-faith participation in the program to conserve numbering resources. AT&T Indiana’s Petition indicates that in 2011 it donated one pristine and eleven contaminated blocks of numbers back to the pool. These efforts have contributed to significant revision of forecasted exhaust dates in Indiana area codes.

Accordingly, the Commission finds and concludes that the public interest is served by the PA releasing a code or 10,000 consecutive numbers in the Indianapolis rate center for AT&T Indiana to meet the needs of its customer, Wishard Health Services. We further find that AT&T Indiana has adequately supported its request.

As a condition for our approval of AT&T Indiana’s request, AT&T Indiana must return the numbering resources to the NANPA and may not retain the numbering resources to serve other customers without first meeting federal utilization and MTE standards in the Indianapolis rate center if Wishard’s request is withdrawn or another carrier provides Wishard’s communications services for the expansion. In addition, AT&T Indiana will donate any uncontaminated thousand blocks to NANPA when Wishard returns all 6,700 of their existing telephone numbers to AT&T Indiana, unless AT&T Indiana meets federal utilization and MTE standards in the Indianapolis rate center at the time the numbers are returned.

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

1. Consistent with our findings, the Pooling Administrator shall release ten blocks of 1,000 numbers in the Indianapolis rate center for AT&T Indiana to meet the numbering needs of its customer, Wishard Health Services.

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

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

APPROVED:

MAY 02 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**