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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION )  
OF CINCINNATI BELL ANY ) CAUSE NO. 44238  
DISTANCE INC. FOR ASSIGNMENT )  
OF A SINGLE THOUSAND-BLOCK IN ) APPROVED: SEP 05 2012  
THE 317 NPA )

ORDER OF THE COMMISSION

**Presiding Officers:**  
**Larry S. Landis, Commissioner**  
**Loraine L. Seyfried, Chief Administrative Law Judge**

On August 21, 2012, Cincinnati Bell Any Distance Inc. ("CBI") filed a Petition requesting the Indiana Utility Regulatory Commission ("Commission") review and overturn a decision of the North American Numbering Plan Administrator ("NANPA") on an expedited basis and direct NANPA to release a single block of 1,000 contiguous numbers in the Indianapolis rate center for CBI to meet the needs of a customer. On August 30, 2012, CBI responded to the Presiding Officers' August 27, 2012 Docket Entry.

Pursuant to the Commission's General Administrative Order 2011-3 ("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 upon the filing of the supplemental information by CBI, the Commission finds that no hearing is necessary.

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

**1. Commission Jurisdiction.** CBI is a communications service provider ("CSP") and a public utility as defined in the Indiana Code. The Commission has jurisdiction over CBI 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 ch. 8-1-2.6, 47 U.S.C. § 251(e)(1), 47 C.F.R. § 52.15(g)(4) and the "safety valve" mechanism announced by the Federal Communications Commission ("FCC") in *Numbering Resources Optimization*, 17 FCC Rcd. 252 (2001) ("FCC Numbering Order").

**2. Summary of the Evidence.** On August 20, 2012, CBI's customer, Finish Line, requested a block of 1,000 consecutive direct inward dial ("DID") numbers to support an expansion of its customer call center. Finish Line currently utilizes approximately 1,000 numbers at its Indianapolis headquarters and has no spare numbers available for the expansion. Finish Line requires 1,000 contiguous numbers that will be compatible with the 4-digit dialing plan it utilizes in its private branch exchange ("PBX"). Finish Line intends to activate 400 of the new numbers immediately to support 400 new positions at its call center and another 200 of the new numbers within the next six months. The remaining new numbers are expected to be used in the next 12 to 18 months.

CBI is a competitive local exchange carrier (“CLEC”) with a single thousand block in the Indianapolis rate center. Because CBI has only 653 numbers available in the 317 area code, they are unable to satisfy Finish Line’s request. On August 15, 2012, CBI filed a request with NANPA for an additional thousand block (i.e., 1,000 consecutive telephone numbers) to meet Finish Line’s request. CBI’s Months to Exhaust (“MTE”) and Utilization Worksheet submitted to NANPA indicates:

- CBI has 3.073 months of inventory (carriers are required to meet a MTE standard of no more than 6 months to be eligible for additional numbering resources);
- CBI is using 34.7% of its inventory of numbers (carriers are required to use at least 75% of their inventory of numbers to be eligible for additional numbering resources); and
- CBI has 653 numbers available in the Indianapolis Rate Center.

NANPA denied CBI’s request because it did not satisfy the FCC’s requirement that CBI be currently utilizing at least 75% of its numbers in the Indianapolis 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 C.F.R. § 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]. 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 CSP must file a petition with the Commission pursuant to federal rules described above. The following information is to 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 IA).
  - b. 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 the factors historically considered by the Commission 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 FCC's rules and the FCC Numbering Order allow the Commission some flexibility in evaluating Safety Valve Requests, the exercise of that flexibility will not, nor should be, casually exercised.

CBI's Petition demonstrates that although it does not meet NANPA's utilization requirements, it also does not hold enough numbers to fulfill Finish Line's request for 1,000 contiguous numbers in the 317 area code. As required by GAO 2011-3, CBI provided a copy of Finish Line's request for additional numbers (Attachment A), the Numbering Resources Request form and the MTE and Utilization Worksheet (Attachment B) and the formal denial of the request by NANPA (Attachment C).

CBI explained Finish Line's need, and utilization plan, for the requested numbers and demonstrated that no other alternative exists for CBI to satisfy Finish Line's request. Additionally, CBI has certified that it is unable to return any uncontaminated blocks of numbers in exchange for the requested block and that the requested block will be used within 18 months of the Commission's Order solely for the purposes outlined in the Petition. CBI has also certified that if after 18 months the block remains uncontaminated, it will return the block to NANPA. Accordingly, the Commission finds that the public interest is served by overturning NANPA's decision.

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

1. Consistent with our findings, NANPA shall release to CBI a single block of 1,000 contiguous numbers in the Indianapolis rate center for CBI to meet the numbering needs of its customer, Finish Line.
2. This Order shall be effective on and after the date of its approval.

**ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:**

**APPROVED:      SEP 05 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**