

ORIGINAL

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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION)
OF INDIANA BELL TELEPHONE) CAUSE NO. 44398
COMPANY, INC., D/B/A AT&T)
INDIANA FOR ASSIGNMENT OF AN) APPROVED:
NXX CODE IN THE 219 NPA)

OCT 10 2013

ORDER OF THE COMMISSION

Presiding Officers:

David E. Ziegner, Commissioner
Marya E. Jones, Administrative Law Judge

On September 23, 2013, Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana (“AT&T Indiana”) filed a Petition For Allocation And Assignment of NXX Code (“Petition”) requesting the Indiana Utility Regulatory Commission (“Commission”) direct NeuStar to release a new NXX code (10,000 consecutive numbers) to AT&T Indiana to fill the needs of a customer that exceeds AT&T Indiana’s available inventory. AT&T Indiana made its request pursuant to 47 C.F.R. § 251(e)(1), the Federal Communications Commission (“FCC”) “safety valve” mechanism announced in *Numbering Resources Optimization*, 17 FCC Red. 252 (2001) (“FCC Numbering Order”) and the Commission’s General Administrative Order (“GAO”) 2011-3, approved November 9, 2011.

Pursuant to 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 that no hearing is necessary.

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

1. Commission Jurisdiction. AT&T Indiana is a communications service provider (“CSP”) 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 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 in the FCC Numbering Order.

2. Summary of the Evidence. On July 2, 2013, AT&T Indiana’s customer, Community Foundation of Northwest Indiana (“CFNI”), requested a block of 10,000 consecutive direct inward dial (“DID”) numbers to support an expansion of its business. CFNI, a not-for profit organization, operates three hospitals in Northwest Indiana: Community Hospital in Munster Indiana; St. Catherine in East Chicago, Indiana; and St, Mary Medical Center in Hobart,

Indiana. CFNI currently employs 6,500, with a medical staff of over 1,000 and more than 10,000 using its telephony and computer systems. Over the next two years CFNI plans to greatly enlarge its services including a \$70 million dollar investment to expand the three hospitals, open three new Walk-in Medical Clinics, and add approximately 60 new physician's practices.

Currently CFNI utilizes approximately 5,200 DID numbers. The three hospitals account for the majority of this usage. CFNI will retain approximately 250 of its existing numbers such as the current main hospital telephone number and numbers for a variety of departments across locations as well as numbers critical to patient communication that are currently published and well known. In Attachment D to the Petition CFNI's proposed utilization plan includes a range of 10,000 numbers; two blocks of 5000 numbers; or three blocks of 5000, 2500 and 2500 consecutive DID numbers that will be used across the CFNI telephony enterprise. CFNI requests that 5,000 numbers terminate on the Munster, IN IP Flex Reach, and 5,000 on the Hobart IP Flex Reach. The Petition states CFNI expects to return approximately 95% of its existing DID numbers to AT&T Indiana within 12 months of implementing the new range of 10,000 numbers.

AT&T Indiana is an incumbent local exchange carrier ("ILEC"). As such, AT&T is permitted to seek numbering resources in the form of "codes" (10,000 telephone numbers) or "thousand-blocks" (1000 telephone numbers) from the North American Numbering Plan Administrator ("NANPA") under federal administrative rules. Typically carriers seek full codes when they need a local routing number ("LRN") or when the company is experiencing rapid growth in customers. AT&T made a request for a full code or 10,000 consecutive telephone numbers in the East Chicago Rate Center on August 12, 2013 for CFNI, but was denied by NANPA because AT&T did not meet certain required standards known as "months-to-exhaust" ("MTE") and utilization. Specifically, federal administrative rules governing NANPA's distribution of blocks of telephone numbers restrict assignment of resources in a given rate center to a carrier that has more than a six months inventory of telephone numbers to exhaust, or to a carrier that has not used at least 75% of its telephone number inventory, also known as the "utilization" standard. AT&T Indiana's MTE and Utilization Worksheet submitted to NANPA to request the code indicates:

- AT&T Indiana has 13 months of inventory;
- AT&T Indiana is using 55.47% of its inventory of numbers; and
- AT&T Indiana has 22,413 telephone numbers available in this rate center, however, the inventory currently held by AT&T Indiana does not contain 10,000 sequential numbers to assign to CFNI.

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 1A).
 - 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.

AT&T Indiana's Petition demonstrates that although it does not meet NANPA's MTE and utilization requirements, it also does not hold 10,000 sequential numbers to assign to CFNI to fulfill CFNI's request for 10,000 contiguous numbers in the 219 area code. As required by GAO 2011-3, AT&T Indiana provided a copy of CFNI's request for additional numbers (Attachment D), the Numbering Resources Request form (Attachment A) and the MTE and Utilization Worksheet (Attachment B) and the formal denial of the request by NANPA (Attachment C).

AT&T Indiana explained CFNI's need, and utilization plan, for the requested numbers and demonstrated that no other alternative exists for AT&T Indiana to satisfy CFNI's request. 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 AT&T Indiana a single block of 10,000 contiguous numbers in the East Chicago Rate Center for AT&T Indiana to meet the numbering needs of its customer, Community Foundation of Northwest Indiana.
2. This Order shall be effective on and after the date of its approval.

ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:

APPROVED: OCT 10 2013

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


Brenda A. Howe
Secretary to the Commission