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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF)
CRAIGVILLE TELEPHONE COMPANY,) CAUSE NO. 44411
INC., d/b/a ADAMSWELLS TELECOM FOR)
ASSIGNMENT OF AN NXX CODE IN THE) APPROVED:
260 NPA) NOV 13 2013

ORDER OF THE COMMISSION

Presiding Officers:
David E. Ziegner, Commissioner
Gregory R. Ellis, Administrative Law Judge

On October 28, 2013, Craigville Telephone Company Incorporated d/b/a AdamsWells Telecom ("Craigville") filed a Petition For Allocation And Assignment of NXX Code in the 260 NPA ("Petition") requesting that the Indiana Utility Regulatory Commission ("Commission") direct the Pooling Administrator ("PA"), Neustar, to release to Craigville a new NXX code for one (1) block of 1,000 consecutive numbers in the Bluffton, Indiana rate center. Craigville made its request pursuant to 47 C.F.R. § 251(e)(1), the Federal Communications Commission ("FCC") "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") 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 no hearing is necessary.

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

1. Jurisdiction. Craigville is a communications service provider ("CSP") as defined in Ind. Code § 8-1-32.5-4 and a public utility as defined in Ind. Code § 8-1-2-1. The Commission has jurisdiction over Craigville 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 October 22, 2013, Craigville's customer, Bluffton Physician Services ("BPS"), requested a block of 200 consecutive direct inward dial or DID numbers to support an expansion of its business. BPS plans to operate a call center to be located at 303 South Main Street, Bluffton, Indiana. BPS has requested the consecutive numbers

by the middle of November 2013, to accommodate the call center. So that BPS can integrate into its existing dialing plan, it has requested the telephone numbers be supplied in the format: 260 NXX but that the number blocks 3000-3999 and 9000-9999 be excluded because of use of similar number blocks by BPS' affiliated company, Bluffton Regional Medical Center. BPS plans to immediately activate the 200 numbers when made available.

Craigville's current inventory in the Bluffton rate center is two (2) blocks of 1,000 numbers. Craigville has two (2) blocks in the form 260-353-1xxx and 260-353-3xxx. Craigville has available numbers, but not 200 consecutive to satisfy BPS' request. Craigville examined aging, reserved and administrative numbers to determine that none will come available in a manner to provide 200 consecutive numbers for BPS. Craigville also does not currently have a block to swap. Craigville indicated the requested numbering resources will be used only for the purposes outlined in its Petition. If any of the numbering resources associated with the request are not utilized for the purposes set forth in the Petition, Craigville will return/donate those numbering resources back to the PA.

Craigville is a local exchange carrier with service territory that covers most of the Bluffton 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"). Craigville determined that BPS' request could not be met with the numbers currently available in the Craigville inventory. On October 21, 2013, Craigville applied to the PA for one (1) block in the Bluffton rate center to meet BPS' request using the Pooling Administration System ("PAS"). At the completion of this session, Craigville received, via the PAS, a message indicating the request would not process through the system without a state waiver. The PA's response indicated Craigville's request for an NXX code was denied because Craigville did not meet the FCC established months-to-exhaust ("MTE") and/or utilization requirements. (47 C.F.R. 52.15(g)(3)(B) and 47 C.F.R. 52.15(h)).

Craigville's MTE and Utilization Worksheet submitted to NANPA to request the code indicates:

- Craigville has 8,000 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.)
- Craigville is using 32.25% of their inventory. (Carriers are required to use at least 75% of their inventory of numbers.)
- Craigville has 1,336 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 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 (“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 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 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. 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). 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.

Craigville's Petition demonstrates that although it does not meet NANPA's MTE and utilization requirements, it also does not hold 200 sequential numbers to assign to BPS to fulfill its request for 200 consecutive numbers in the 260 area code. Pursuant to GAO 2011-3, Craigville provided a copy of: its Numbering Resources Request Form (Attachment A); the MTE and Utilization Worksheet (Attachment B); the formal denial of the request by NANPA (Attachment C); BPS' request for additional numbers (Attachment D); BPS' Utilization Plan (Attachment E); Craigville's indication of its ability and willingness to return any uncontaminated blocks or codes in exchange for the requested numbers (Attachment F); Craigville's 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, Craigville will return/donate those numbering resources back to the Numbering Administrator (Attachment G); Craigville's certification that 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 (Attachment H); and the verification of Lee VonGunten, General Manager, Craigville, that affirms the accuracy of the information in the Petition (Attachment I).

Craigville explained BPS' need, and utilization plan, for the requested numbers and demonstrated that no other alternative exists for Craigville to satisfy BPS' request. Accordingly, the Commission finds the requested relief is reasonable given the projected customer need and the public interest is served by overturning the NANPA's decision. We further find that Craigville has adequately supported its request. As a condition for our approval of Craigville's request, Craigville 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 Bluffton rate center if BPS' request is withdrawn.

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

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

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

APPROVED: **NOV 13 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