

ORIGINAL



STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF TELEPORT) CAUSE NO. 44763
COMMUNICATIONS OF AMERICA, LLC FOR)
ASSIGNMENT OF AN NXX CODE IN THE 219 NPA) APPROVED: MAY 11 2016

ORDER OF THE COMMISSION

Presiding Officers:
Carol A. Stephan, Commission Chair
David E. Veleta, Administrative Law Judge

On March 10, 2016, Teleport Communications of American, LLC, a subsidiary of AT&T, Inc. (“AT&T”) filed a Petition requesting the Indiana Utility Regulatory Commission (“Commission”) review and overturn a decision of the North American Numbering Plan Administrator (“NANPA”) that denied AT&T’s request for a thousand-block in the Hammond rate center. On March 18, 2016, the Presiding Officers issued a Docket Entry requesting additional information from AT&T. On April 13, 2016, AT&T filed its response to the March 18, 2016 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 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 is a communications service provider (“CSP”) and a public utility as defined in the Indiana Code.¹ The Commission has jurisdiction over AT&T 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. AT&T’s customer, Regional Mental Health Center (“Customer”) is expanding use of its existing IP Flex service in four health care facilities located in Hammond, Indiana. The Customer has requested that AT&T provide 100 telephone numbers for its expanded business in the Hammond rate center. In particular and in order to integrate with their existing dial plan, the Customer is requesting 100 numbers in a block of the format: 219-

¹ CSP 1209-4, approved October 25, 2012

NXX-5XXX. Utilizing a communications plan developed by AT&T, the Customer will activate the 100 numbers within 180 days of the numbers being made available to them.

AT&T's current inventory in the Hammond rate center is 219-554-7 which does not satisfy the customer's requested format. AT&T has examined aging (7), reserved (52) and administrative (0) numbers to determine that it cannot satisfy the request from those resources. AT&T does not currently have a block to swap.

On March 1, 2016, AT&T filed a request with the Pooling Administration System ("PAS") for an additional thousand block (i.e., 1,000 consecutive telephone numbers). The PAS indicated that the request did not meet the MTE and/or utilization requirements and was denied.

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 WL 4000514 (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's Petition demonstrates that although it does not meet the PAS's utilization requirements, its current inventory does not contain numbers that meet the Customer's specific need. As required by GAO 2011-3, AT&T provided a copy of the Customer's request for additional numbers, the Numbering Resources Request form and the MTE and Utilization Worksheet and the formal denial of the request by the PAS.

AT&T explained the Customer's need, and utilization plan, for the requested numbers and demonstrated that no other alternative exists for AT&T to satisfy the Customer's request. After examination, AT&T determined that it did not have the necessary resources in the Hammond rate center or any blocks in the Indianapolis rate center that could be exchanged for a block in the pool to satisfy the Customer's request. Accordingly, the Commission finds that the public interest is served by overturning the PAS's decision.

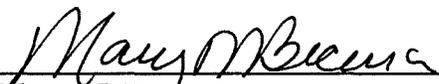
IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. Consistent with our findings, the PAS shall release to AT&T a single block of 1,000 contiguous numbers in the Hammond rate center to meet the numbering needs of its Customer.
2. This Order shall be effective on and after the date of its approval.

STEPHAN, HUSTON, AND ZIEGNER CONCUR; WEBER ABSENT:

APPROVED:

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


Mary M. Bezerra
Secretary of the Commission