COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S PETITION REQUESTING THE COMMISSION'S INTERVENTION IN NANPA NXX CODE ASSIGNMENTS (NPA 270)	))))	CASE NO. 2006-00377

O R D E R

On August 4, 2006, BellSouth Telecommunications, Inc. ("BellSouth") filed a petition requesting this Commission review and overturn a determination by the North American Numbering Plan Administration ("NANPA").[1] The petition was filed pursuant to 47 C.F.R. Section 52.15(g)(4) wherein the Commission is granted the authority to "overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."

BellSouth explains that Western Kentucky University ("WKU"), a customer of BellSouth, requested a dedicated code of 10,000 sequential numbers to meet numbering demands brought on by growth and increased administrative efficiencies. More specifically, WKU has requested the 958 NXX located in Bowling Green, Kentucky.[2] BellSouth does not currently have sufficient number resources available

[1] The NANPA is an independent non-governmental entity selected by the Federal Communications Commission ("FCC") and is responsible for administering and managing the North American Numbering Plan. Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

[2] See BellSouth's Petition for Review.

within its inventory nor the requested NXX in its available pool for this wire center in the Bowling Green Rate Center. Hence, on July 7, 2006, BellSouth submitted to the NANPA an application requesting assignment of the 958 NXX for the Bowling Green Rate Center in order to address the business needs of WKU.[3] The application process with the NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.[4] Based on the submitted information and resulting calculations, the NANPA concluded that BellSouth did not meet the FCC's required guideline for rate center utilization[5] and determined that BellSouth's request for additional numbering resources should be denied.

The NANPA is not a policy-making entity. In making assignment decisions, the NANPA follows regulatory directives and industry-developed guidelines. The NANPA's responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.[6]

Pursuant to 47 C.F.R. Section 52.15(g)(4), this Commission may overturn the determination of the NANPA if the requesting carrier has demonstrated a verifiable need

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[3] Specifically, the NXX request submitted by BellSouth was for its Bowling Green switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

[4] In accordance with 47 C.F.R. Section 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

[5] According to the Worksheet, the Bowling Green Rate Center had an MTE of 29.21 months and a utilization of 64.50 at the time of the filing of the Code request.

[6] See generally, 47 C.F.R. Section 52.

for numbering resources and all other available remedies have been exhausted. The Commission finds that BellSouth has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, WKU, for 10,000 sequential numbers, more specifically the 958 NXX, in the 270 NPA. BellSouth advises it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Bowling Green Rate Center. The Commission further finds BellSouth has exhausted all available remedies in the Bowling Green Rate Center to the extent that no combination of existing numbering resources in the Bowling Green Rate Center can be employed to meet the customer's demand for an entire NXX code. According to BellSouth, none of its switches serving the Bowling Green Rate Center have a large enough block of sequential numbers to meet the customer's need.

This Commission finds that the NANPA determination to deny BellSouth the additional numbering resources described herein should be overturned, and the NANPA directed to assign to BellSouth the 958 NXX in the Bowling Green switch in the Bowling Green Rate Center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving BellSouth's customer, WKU, in the Bowling Green Rate Center. If the service requested by WKU is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to the NANPA and may not be utilized to serve other customers without first meeting the NANPA numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. BellSouth's Petition requesting that the Commission review and overturn the NANPA's denial of its application for assignment of additional numbering resources in the 270 Numbering Plan Area is granted.

2. The decision of the NANPA denying BellSouth's request for assignment of an additional NXX in the Bowling Green Rate Center is hereby overturned.

3. The NANPA shall assign BellSouth the 958 NXX for the Bowling Green switch in the Bowling Green Rate Center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving BellSouth's customer, WKU, in the Bowling Green Rate Center. If the service requested by WKU is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

Done at Frankfort, Kentucky, this 7th day of September, 2006.

By the Commission

ATTEST:

Executive Director