

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S)	
PETITION REQUESTING THE COMMISSION'S)	CASE NO.
INTERVENTION IN NANPA NXX CODE)	2004-00521
ASSIGNMENTS (NPA 502))	

O R D E R

On December 29, 2004, BellSouth Telecommunications, Inc. ("BellSouth") filed a petition requesting that 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 Anthem Blue Cross and Blue Shield, a customer of BellSouth, requested 3,000 sequential Direct Inward-Dialing ("DID") numbers in Louisville, Kentucky, due to the construction of and move to a new building.² BellSouth lacked sufficient numbering resources within the Louisville rate center to meet the customer's request. Hence, on December 2, 2004, BellSouth electronically submitted to

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

² See BellSouth's Petition.

the NANPA an application requesting assignment of a new central office code (NXX) in the Louisville rate center in order to address the business needs of Anthem Blue Cross and Blue Shield.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 MTE of 6 months or less⁵ and denied BellSouth’s request for additional numbering resources.

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 for numbering resources and it has exhausted all other available remedies. The Commission finds that BellSouth has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, Anthem Blue

³ Specifically, the code request submitted by BellSouth was for its Anchorage 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 MTE for the Louisville rate center was calculated to be just over 73 months.

Cross and Blue Shield, for 3,000 consecutive DID numbers. BellSouth advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Louisville rate center. The Commission further finds that BellSouth has exhausted all available remedies in the Louisville rate center to the extent that no combination of existing numbering resources in the Louisville rate center can be employed to meet the customer's demand for 3,000 consecutive numbers. According to BellSouth, none of its switches serving the Louisville rate center have a large enough block of consecutive numbers to meet the customer's need.

The Commission finds that the NANPA determination to deny BellSouth the additional numbering resources described herein should be overturned and that the NANPA should be directed to assign to BellSouth a new central office code in the Louisville 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, Anthem Blue Cross and Blue Shield, in the Louisville rate center. If the service requested by Anthem Blue Cross and Blue Shield 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.

⁶ See 47 C.F.R. Section 52, et seq.

IT IS THEREFORE ORDERED that:

1. BellSouth's Petition regarding the NANPA's denial of its application for assignment of additional numbering resources in the 502 Numbering Plan Area is granted.
2. The decision of the NANPA denying BellSouth's request for assignment of an additional central office code in the Louisville rate center is hereby overturned.
3. The NANPA shall assign BellSouth an available central office code (NXX) for the Anchorage switch in the Louisville rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of serving BellSouth's customer, Anthem Blue Cross and Blue Shield, in the Louisville rate center. If the service requested by Anthem Blue Cross and Blue Shield is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.
5. A copy of this Order is being forwarded to the appropriate contact at the NANPA.

Done at Frankfort, Kentucky, this 2nd day of February, 2005.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:


Executive Director