

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

XSPEDIUS MANAGEMENT COMPANY	)	
SWITCHED SERVICES, LLC'S PETITION	)	CASE NO.
REQUESTING THE COMMISSION'S	)	2005-00054
INTERVENTION IN NANPA NXX CODE	)	
ASSIGNMENTS (NPA 502)	)	

O R D E R

On January 31, 2005, Xspedius Management Company Switched Services, LLC ("Xspedius") filed a petition requesting this Commission review and overturn a determination by the North American Numbering Plan Administration ("NANPA").<sup>1</sup> 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."

Xspedius explains that j2 Global Communications, Inc., a customer of Xspedius, requested a full NXX in Louisville, Kentucky.<sup>2</sup> Xspedius does not currently own a block of 10,000 consecutive numbers within the Louisville rate center that can be utilized by this customer for its internal use. Hence, on January 8, 2005, Xspedius electronically

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<sup>1</sup> 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 ("NANP"). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

<sup>2</sup> Xspedius's Petition for Review at page 3.

submitted to 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 j2 Global Communications, Inc.<sup>3</sup> 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.<sup>4</sup> Based on the submitted information and resulting calculations, the NANPA concluded that Xspedius did not meet the FCC’s required guideline for MTE of 6 months or less and determined that Xspedius’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.<sup>5</sup>

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 that all other available remedies have been exhausted. The Commission finds that Xspedius has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, j2 Global

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<sup>3</sup> Specifically, the code block request submitted by Xspedius was for its Louisville switch but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

<sup>4</sup> 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.

<sup>5</sup> See generally, 47 C.F.R. Section 52.

Communications, Inc., for 10,000 consecutive numbers. Xspedius 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 Xspedius 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 10,000 consecutive numbers. According to Xspedius, none of its switches serving the Louisville 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 Xspedius the additional numbering resources described herein should be overturned and the NANPA directed to assign to Xspedius a new central office code block 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 Xspedius's customer, j2 Global Communications, Inc., in the Louisville rate center. If the service requested by j2 Global Communications, Inc. 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. Xspedius'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 Xspedius's request for assignment of an additional central office code block in the Louisville rate center is hereby overturned.

3. The NANPA shall assign Xspedius an entire available central office code (NXX) block for the Louisville switch in the Louisville rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving Xspedius's customer, j2 Global Communications, Inc., in the Louisville rate center. If the service requested by j2 Global Communications, Inc. is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

Done at Frankfort, Kentucky, this 13<sup>th</sup> day of April, 2005.

By the Commission

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

ATTEST:



Executive Director