

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

US LEC CORPORATION'S PETITION)	
REQUESTING THE COMMISSION'S)	CASE NO.
INTERVENTION IN NANPA NXX CODE)	2006-00050
ASSIGNMENTS (NPA 502))	

O R D E R

On February 3, 2006, US LEC Corporation ("US LEC") 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."

US LEC explains that an NXX code is needed in the Louisville rate center to support a new US LEC switch that will be delivered and co-located with the existing US LEC switch located at 9780 Ormsby Station Road.² US LEC wishes to retain one block from the NXX to support the Local Routing Number ("LRN") needs and provide a small group of numbers for customers. The remaining blocks within the NXX will be returned

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 ("NANP"). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

² See US LEC's Petition for Review.

to the pool for other local carriers to use if needed. On January 26, 2006, US LEC electronically submitted to the NANPA an application requesting assignment of a new central office code (NXX) in the Louisville rate center in order to address their customer and LRN needs.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 US LEC did not meet the FCC’s required guideline for MTE of 6 months or less and determined that US LEC’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.⁵

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 if all other available remedies have been exhausted. The Commission finds that US LEC has demonstrated a verifiable need for additional

³ Specifically, the code block request submitted by US LEC was for its new switch in the Louisville rate center, 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 See generally, 47 C.F.R. Section 52.

numbering resources. US LEC advises that it will be unable to support their LRN needs and provide telecommunications services to a small group of customers without additional numbering resources in the Louisville rate center. The Commission further finds that US LEC 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 demand for a thousands-block of an NXX code. According to US LEC, its existing switch serving the Louisville rate center does not have a large enough block of numbers to meet US LEC's needs, and a new switch is required.

This Commission finds that the NANPA determination to deny US LEC the additional numbering resources described herein should be overturned, and the NANPA directed to assign to US LEC the one thousand block (NXX-1) of an available 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 US LEC, in the Louisville rate center. If the service requested by US LEC 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. US LEC'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 US LEC's request for assignment of an additional central office code block in the Louisville rate center is hereby overturned.

3. The NANPA shall assign US LEC an available one thousand block (NXX-1) of an available central office code for the newest US LEC switch (LSVLKYPIDSA) in the Louisville rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving US LEC, in the Louisville rate center. If the service requested by US LEC is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

Done at Frankfort, Kentucky, this 24th day of February, 2006.

By the Commission

ATTEST:



Executive Director