

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) 2006-00529
ASSIGNMENTS (NPA 502))

O R D E R

On December 1, 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 the University of Louisville, 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 needed in order to provide E911 services to desktops of three of the university's campuses.² BellSouth does not currently have sufficient number resources available within its inventory in the

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.

Louisville rate center and is unable to meet the customer's specific request for numbering resources. Hence, on November 22, 2006, BellSouth submitted to NANPA an application requesting assignment of a Central Office Code ("NXX") for the Louisville Rate Center in order to address the business numbering demands for the University of Louisville.³ The application process with 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, NANPA concluded that BellSouth did not meet the FCC's required MTE criterion⁵ and determined that BellSouth's request for additional numbering resources should be denied.

NANPA is not a policy-making entity. In making assignment decisions, the NANPA follows regulatory directives and industry-developed guidelines. 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 NANPA if the requesting carrier has demonstrated a verifiable need for

³ Specifically, the NXX request submitted by BellSouth was for its Third Street 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 Louisville Rate Center had an MTE of 88.24 months and a utilization of 70.7 percent at the time of the filing of the Code request.

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

numbering resources and that 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, the University of Louisville, for 10,000 sequential numbers in the 502 NPA. 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 an entire NXX code. According to BellSouth, none of its switches serving the Louisville Rate Center have a block of sequential numbers sufficient to meet the customer's need.

This Commission finds that NANPA's determination to deny BellSouth the additional numbering resources described herein should be overturned and NANPA directed to assign to BellSouth an NXX in the Third Street switch 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, the University of Louisville, in the Louisville Rate Center. If the service requested by the University of Louisville is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to NANPA and may not be utilized to serve other customers without first meeting NANPA's numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. BellSouth's Petition regarding NANPA's denial of its application for assignment of additional numbering resources in the 502 Numbering Plan Area is granted.

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

3. NANPA shall assign BellSouth an NXX for the Third Street 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, the University of Louisville, in the Louisville Rate Center. If the service requested by the University of Louisville is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to NANPA.

Done at Frankfort, Kentucky, this 9th day of January, 2007.

By the Commission

ATTEST:


for _____
Executive Director

Case No. 2006-00529