

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.,)	
D/B/A AT&T KENTUCKY'S PETITION)	
REQUESTING THE COMMISSION'S)	CASE NO.
INTERVENTION IN NANPA NXX CODE)	2009-00178
ASSIGNMENTS (NPA 270))	

O R D E R

On May 4, 2009, BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky ("AT&T Kentucky") filed a petition requesting that the 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."

AT&T Kentucky explains that the assignment of one central office code ("NXX") is needed to meet the numbering demands of Fort Campbell in Oak Grove, Kentucky, a customer of AT&T Kentucky. Specifically, the code assignment request is for a growth code in the 270 NPA to meet Fort Campbell's request for a dedicated block of 10,000

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.

sequential numbers.² AT&T Kentucky asserts that it does not have sufficient number resources available within its inventory in the available pool for the specified wire center in the Oak Grove rate center and is unable to meet Fort Campbell's specific need for numbering resources. Hence, on April 27, 2009, AT&T Kentucky electronically submitted to the NANPA an application requesting assignment of a dedicated block of 10,000 sequential numbers in the Oak Grove rate center in order to address the business needs of Fort Campbell.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 AT&T Kentucky did not meet the FCC's required guideline for MTE of six months or less and/or the utilization threshold requirement of 75 percent.⁵ Therefore, NANPA determined that AT&T Kentucky'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

² See AT&T Kentucky's Petition for Review at 3.

³ Specifically, the NXX request submitted by AT&T Kentucky was for its Oak Grove 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 Oak Grove rate center was calculated to be 3.85 months with a utilization rate of 69.51 percent.

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), the 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 AT&T Kentucky has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, Fort Campbell, for a dedicated block of 10,000 sequential numbers. AT&T Kentucky advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Oak Grove rate center. The Commission further finds that AT&T Kentucky has exhausted all available remedies in the Oak Grove rate center to the extent that no combination of existing numbering resources in the Oak Grove rate center can be employed to meet the customer's demand for a dedicated block of 10,000 sequential numbers. According to AT&T Kentucky, its Oak Grove switch serving the Oak Grove rate center does not have a large enough block of sequential numbers to meet the customer's need.

The Commission finds that the NANPA determination to deny AT&T Kentucky the additional numbering resources described herein should be overturned and the NANPA directed to assign to AT&T Kentucky a new NXX in the Oak Grove rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's customer, Fort Campbell, in the Oak Grove rate center. If the service requested by Fort Campbell is withdrawn,

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

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. AT&T Kentucky's Petition regarding 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 AT&T Kentucky's request for assignment of a dedicated block of 10,000 sequential numbers in the Oak Grove rate center is hereby overturned.

3. The NANPA shall assign AT&T Kentucky an available NXX for the Oak Grove switch in the Oak Grove rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's customer, Fort Campbell, in the Oak Grove rate center. If the service requested by Fort Campbell is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

By the Commission

ENTERED
JUN - 3 2009 *M*
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2009-000178

Honorable Mary K Keyer
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