

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DIALOG COMMUNICATIONS, INC.'S)	
PETITION REQUESTING COMMISSION)	CASE NO.
INTERVENTION IN NANPA NXX-X)	2009-00330
THOUSAND BLOCK ASSIGNMENT (NPA 270))	

O R D E R

On August 7, 2009, Dialog Telecommunications, Inc. ("Dialog") 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. § 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."

Dialog asserts that the assignment of one thousand-block of numbers is needed to meet the numbering demands of Peel & Holland Financial Group in Paducah, Kentucky, a customer of Dialog. Specifically, the thousand-block assignment request is for the nine thousand block of the 538 central office code ("NXX") in the 270 NPA² (270-538-9XXX) to meet Peel & Holland Financial Group's request for a contiguous block of

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 Numbering Plan Area ("NPA").

100 direct inward-dial (“DID”) numbers.³ Dialog does not have sufficient number resources available within its inventory in the available pool for the specified wire center in the Paducah rate center and is unable to meet Peel & Holland Financial Group’s specific need for numbering resources. Hence, on July 30, 2009, Dialog electronically submitted to the NANPA an application requesting assignment of a dedicated block of 1,000 sequential numbers in the Paducah rate center in order to address the business needs of Peel & Holland Financial Group.⁴ 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.⁵ Based on the submitted information and resulting calculations, the NANPA concluded that Dialog did not meet the FCC’s required guideline for MTE of six months or less and/or the utilization threshold requirement of 75 percent.⁶ Therefore, NANPA determined that Dialog’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

³ See Dialog’s Petition for Review.

⁴ Specifically, the block request submitted by Dialog was for its Paducah switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁵ In accordance with 47 C.F.R. § 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁶ According to the Worksheet, the MTE for the Paducah rate center was calculated to be 37.8 months with a utilization rate of 43.3 percent.

responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁷

Pursuant to 47 C.F.R. § 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 Dialog has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, Peel & Holland Financial Group, for a contiguous block of 100 DID numbers. Dialog advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Paducah rate center. The Commission further finds that Dialog has exhausted all available remedies in the Paducah rate center to the extent that no combination of existing numbering resources in the Paducah rate center can be employed to meet the customer's specific demand for a contiguous block of 100 DID numbers. According to Dialog, it does not currently possess the nine thousand block of the 538 NXX in the Paducah switch serving the Paducah rate center and is unable to meet the customer's need.

This Commission finds that the NANPA determination to deny Dialog the additional numbering resources described herein should be overturned and the NANPA directed to assign to Dialog the nine thousand block of the 538 NXX (270-538-9XXX) in the Paducah rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Dialog's customer, Peel & Holland Financial Group, in the Paducah rate center. If the service

⁷ See generally, 47 C.F.R. § 52.

requested by Peel & Holland Financial Group 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. Dialog'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 Dialog's request for assignment of a specific dedicated block of 1,000 sequential numbers in the Paducah rate center is hereby overturned.

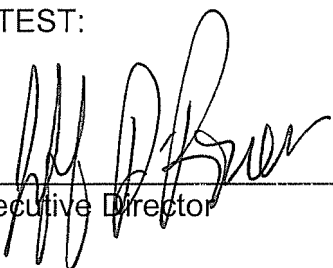
3. The NANPA shall assign Dialog the nine thousand block of the 538 NXX (270-538-9XXX) for the Paducah switch in the Paducah rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving Dialog's customer, Peel & Holland Financial Group, in the Paducah rate center. If the service requested by Peel & Holland Financial Group is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

By the Commission

ENTERED *N*
SEP - 8 2009
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Dell Purdy
Dialog Telecommunications, Inc.
756 Tyvola Road
Suite 100
Charlotte, NC 28217