

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)	2009-00433
ASSIGNMENTS (LOUISVILLE RATE CENTER,)	
AREA CODE 502))	

O R D E R

On November 2, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky") 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 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 two dedicated blocks of 1,000 sequential numbers are needed to meet the numbering demands of Bellarmine University ("Bellarmine") in Louisville, Kentucky, a customer of AT&T Kentucky. Specifically, the code assignment request is for the seven- and eight-thousand blocks of

¹ 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 NANPA and Pooling Administrator.

the 272 central office code ("NXX") (502-272-7XXX and 502-272-8XXX).² AT&T Kentucky does not have sufficient number resources available within its inventory in the available pool for the specified wire center in the Louisville rate center and is unable to meet Bellarmine's specific need for numbering resources. Hence, on October 28, 2009, AT&T Kentucky electronically submitted to NANPA an application requesting assignment of two dedicated blocks of 1,000 sequential numbers in the Louisville rate center in order to address the business needs of Bellarmine.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 AT&T Kentucky did not meet the FCC's required guideline for MTE of six months or less 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.

NANPA is not a policy-making entity. In making assignment decisions, NANPA follows regulatory directives and industry-developed guidelines. NANPA's

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

³ Specifically, the thousands blocks request submitted by AT&T Kentucky was for its Bardstown Road 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. § 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 Louisville rate center was calculated to be 73.227 months with a utilization rate of 62.875 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. § 52.15(g)(4), this Commission may overturn the determination of NANPA if the requesting carrier has demonstrated a verifiable need for numbering resources and the exhaustion of all other available remedies. The Commission finds that AT&T Kentucky has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, Bellarmine, for two dedicated blocks of 1,000 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 Louisville rate center. The Commission further finds that AT&T Kentucky 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 two dedicated blocks of 1,000 sequential numbers. According to AT&T Kentucky, its Bardstown Road switch serving the Louisville rate center does not have large enough blocks of sequential numbers to meet the customer's need.

This Commission finds that NANPA determination to deny AT&T Kentucky the additional numbering resources described herein should be overturned and NANPA directed to assign to AT&T Kentucky the seven- and eight-thousand blocks of the 272 NXX 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 AT&T Kentucky's customer, Bellarmine, in the Louisville rate center. If the service requested by

⁶ See generally, 47 C.F.R. § 52.

Bellarmino 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 numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. AT&T Kentucky'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 AT&T Kentucky's request for assignment of two dedicated blocks of 1,000 sequential numbers in the Louisville rate center is hereby overturned.

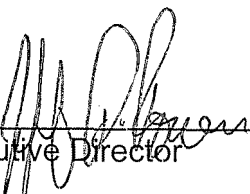
3. NANPA shall assign AT&T Kentucky the seven- and eight-thousand blocks of the 272 NXX (502-272-7XXX and 502-272-8XXX) for the Bardstown Road switch in the Louisville rate center.

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

By the Commission

ENTERED
NOV 25 2009 *M*
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Honorable Mary K Keyer
General Counsel/Kentucky
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