

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

US LEC D/B/A PAETEC COMMUNICATIONS)	
INC. PETITION FOR COMMISSION REVIEW)	
AND REVERSAL OF A DECISION OF THE)	CASE NO.
NORTH AMERICAN NUMBER POOLING)	2011-00016
ADMINISTRATION WITH RESPECT TO)	
NUMBERING RESOURCES IN THE 270 AREA)	
CODE)	

O R D E R

On January 10, 2011, US LEC d/b/a PAETEC Communications Inc., (“US LEC”) filed a letter requesting this Commission review and overturn a determination by the North American Numbering Plan Administration (“NANPA”).¹ For the purposes of this case, the letter was treated as a petition 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 the assignment of a single thousands block of numbers is needed for a Local Routing Number (“LRN”) to support an existing US LEC switch

¹ The NANPA is an independent non-governmental entity selected by the Federal Communications Commission 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.

(LSVNKYPIDSA) at 9780 Ormsby Station Road in Louisville, KY.² Specifically, US LEC intends to retain an available one thousand block within the Elizabethtown rate center (270-NXX-1XXX) in order to serve end-users. Without the requested numbering resources for LRN purposes in the existing switch, US LEC will be unable to connect to another provider's Tandem switch in order to provide specific services that are not available in its 5E switch at this time.

US LEC does not have sufficient number resources available within its inventory in the available pool for the specified wire center in the Elizabethtown rate center and is unable to satisfy its needs for numbering resources. Hence, on December 11, 2010, US LEC filed a request with the NANPA for the assignment of one thousands block of numbers in the Elizabethtown rate center in order to address US LEC's need for an LRN to support its existing switch in Louisville, KY. 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.³ Based on the submitted information and resulting calculations, the NANPA concluded that US LEC did not meet the Federal Communications Commission's ("FCC") MTE requirements of six months or less and/or the utilization threshold

² See US LEC's filing dated January 10, 2011.

³ 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.

requirement of 75 percent.⁴ Therefore, NANPA 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 NANPA determination 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 US LEC has demonstrated a verifiable need for additional numbering resources by presenting its request for a one thousands block of numbers needed for LRN purposes. US LEC advises that it will be unable to provide reliable and adequate service to telecommunications users without additional numbering resources in the Elizabethtown rate center. Due to the NANPA's denial of numbering resources, US LEC has been unable to obtain the requested LRN to support its LSVNKYPIDSA switch in Louisville, KY. As a result, US LEC will be unable to connect to another provider's Tandem switch (EZTWKYXA05T) in order to provide specific services not currently available in US LEC's 5E switch. The Commission further finds that US LEC has exhausted all available remedies in the Elizabethtown rate center to the extent that

⁴ According to the Worksheet, the MTE for the Elizabethtown rate center was calculated to be 63.243 months with a utilization rate of 62.15 percent.

⁵ See generally, 47 C.F.R. Section 52.

no combination of existing numbering resources in the Elizabethtown rate center can be employed to meet their need for one thousands block of numbers.

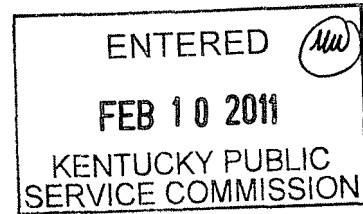
This Commission finds that the NANPA determination to deny US LEC the *additional numbering resources described herein should be overturned* and the NANPA be directed to assign to US LEC an available one thousand block of an NXX (270-NXX-1XXX) in the Elizabethtown rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving US LEC's need for an LRN in the Elizabethtown rate center to support its Louisville switch. If the numbering resources requested by US LEC are not needed to meet its service requirements, 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 270 Numbering Plan Area is granted.
2. The decision of the NANPA denying US LEC's request for assignment of a single thousands block of numbers in the Elizabethtown rate center is hereby overturned.
3. The NANPA shall assign US LEC the one thousand block of an available NXX (270-NXX-1XXX) for the Elizabethtown rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of serving US LEC's need for an LRN to be used in support of its existing

switch, LSVNKYPIDSA. If the numbering resources requested by US LEC are not needed to meet its service requirements, the associated numbering resources approved in this Order shall be returned to the NANPA.

By the Commission



ATTEST:

Executive Director

Ed Griffin
Regulatory Manager
US LEC of Tennessee, LLC dba PAETEC
Morrocroft III
6801 Morrison Blvd.
Charlotte, NC 28211