

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SALEM TELEPHONE COMPANY PETITION	)	
FOR COMMISSION REVIEW OF REVERSAL	)	CASE NO.
OF A DECISION OF THE NORTH AMERICAN	)	2012-00465
NUMBER POOLING ADMINISTRATOR	)	

ORDER

On October 12, 2012, Salem Telephone Company ("STC") filed a petition requesting this Commission review and overturn a determination by the North American Numbering Plan Administration ("NANPA").<sup>1</sup> 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."

In its petition, STC explains that its request was for a single 1,000-number block of numbers for a location routing number ("LRN") for a new Metaswitch to serve customers in STC's Salem rate center. A unique LRN is needed in order to identify the new switch in the number portability capable network. According to STC, the Metaswitch will provide customers with new and advanced services and handle internal long distance traffic which the current switch cannot provide or perform. In order to

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<sup>1</sup> 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.

identify the recipient switch, STC must establish a unique LRN. While its request is for assignment of an entire central office code (“NXX”), STC notes that it intends to retain only the one 1,000-number block (270-NXX-1000 through 270-NXX-1999) from the new NXX code.<sup>2</sup>

STC indicates that in order for the Metaswitch to be functional, it must host 1,000 numbers. However, STC claims that it cannot satisfy the need for numbering resources from its available inventory and has exhausted all other available remedies. Hence, on September 18, 2012, STC filed an application with NANPA for the assignment of an NXX in the Salem rate center.<sup>3</sup> STC points out that it seeks only a single 1,000-number block, and that the remaining nine 1,000-number blocks in that NXX will be available to other carriers for assignment. STC intends to retain the 1,000-number block of the assigned NXX (270-NXX-1XXX).

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.<sup>4</sup> Based on the submitted information and resulting calculations, NANPA concluded that STC did not meet the FCC’s MTE requirements of six months or less, nor did it meet the utilization threshold requirement

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<sup>2</sup> See STC’s petition for review.

<sup>3</sup> Specifically, the code block request submitted by STC was for its Salem switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

<sup>4</sup> 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.

of 75 percent.<sup>5</sup> Therefore, NANPA determined that STC's requests for additional numbering resources should be denied.

NANPA is not a policy-making entity. In making assignment decisions, it 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.<sup>6</sup>

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 has shown that all other available remedies have been exhausted. The Commission finds that STC has demonstrated a verifiable need for additional numbering resources by presenting its request for a single 1,000-number block of numbers needed to establish a unique LRN to identify a new Metaswitch being deployed in the Salem rate center. STC advises that it will be unable to provide reliable and adequate service to telecommunications users in this area without additional numbering resources in the affected rate center. Due to NANPA's denial of numbering resources, STC has been unable to obtain the requested LRN for its new Metaswitch and cannot port numbers to or provide new services using the Metaswitch. The Commission further finds that STC has exhausted all available remedies in the affected rate center to the extent that no combination of existing numbering resources in this rate center can be employed to meet its need for a single 1,000-number block.

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<sup>5</sup> According to the Worksheet, the MTE for the Salem rate center was calculated to be 85.24 months with a utilization rate of 28.967 percent.

<sup>6</sup> See generally, 47 C.F.R. Section 52.

This Commission finds that the NANPA determination to deny STC the additional numbering resources described herein should be overturned and NANPA directed to assign to STC an available NXX code in the Salem rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving STC's need for an LRN needed for deployment of a new Metaswitch. The Commission also notes that STC intends to utilize only one 1,000-number block from the assigned NXX, and the remaining nine 1,000-number blocks will be placed back into the pool of available numbers. If the numbering resources requested by STC are not needed to meet its service requirements, 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. STC's Petition regarding NANPA's denial of its application for assignment of additional numbering resources is granted.
2. The decision of NANPA denying STC's request for assignment of an NXX in the Salem rate center is hereby overturned.
3. NANPA shall assign STC an available NXX in the Salem rate center (270-NXX).
4. The numbering resources considered in this Order are to be assigned for the sole use of serving STC's need for an LRN for deployment of a new Metaswitch in the Salem rate center. STC shall retain only a single 1,000-number block of numbers from the new NXX. The remaining nine 1,000-number blocks, not utilized by STC for LRN purposes, shall be returned to the pool of available numbers. If the numbering

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

By the Commission

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KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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