

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

EAST KENTUCKY NETWORK, LLC D/B/A)	
APPALACHIAN WIRELESS PETITION FOR)	CASE NO.
COMMISSION REVIEW AND REVERSAL OF A)	2018-00234
DECISION OF THE NORTH AMERICAN)	
NUMBER POOLING ADMINISTRATION)	

ORDER

On July 5, 2018, East Kentucky Network, LLC d/b/a Appalachian Wireless (Appalachian Wireless) filed a petition requesting that the Commission review and overturn a determination by the Pooling Administrator.¹ The petition was filed pursuant to 47 C.F.R. § 52.15(g)(4), which grants the Commission the authority to “overturn the NANPA’s [and the Pooling Administrator’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, Appalachian Wireless explains that it requested numbering resources in the Allen rate center for provisioning of prepaid wireless telecommunications services. Appalachian Wireless argues that it has nearly exhausted the existing thousands-blocks that are utilized for prepaid wireless customers and needs a new block separate from its available pool of other numbers because calls to and from prepaid

¹ The North American Numbering Plan Administrator (NANPA) and the Pooling Administrator are independent non-governmental entities selected by the Federal Communications Commission (FCC) and are individually responsible for administering and managing the North American Numbering Plan and national thousands-block number pools, respectively. Neustar, Inc. is currently contracted by the FCC as both the NANPA and the Pooling Administrator.

customers are routed in Appalachian Wireless's switch in a manner that is different from the routing of other accounts. Appalachian Wireless explains that calls associated with prepaid services must be routed to a system that verifies the prepaid customer has remaining minutes.

The application process with the Pooling Administrator requires the submission of information used for a Months-To-Exhaust (MTE) and Utilization Certification Worksheet (Worksheet) about the affected rate centers.² On June 21, 2018, Appalachian Wireless applied to the Pooling Administrator for the required numbering resources in the Allen rate center.³ Based on the submitted information and resulting calculations, the Pooling Administrator concluded that Appalachian Wireless did not meet the FCC's MTE and utilization criteria.⁴ Therefore, the Pooling Administrator determined that Appalachian Wireless's requests for additional numbering resources should be denied.

The Pooling Administrator is not a policy-making entity. In making assignment decisions, the Pooling Administrator follows regulatory directives and industry-developed guidelines. The Pooling Administrator's responsibilities are defined in FCC rules and in

² 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.

³ Current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ The NANPA/Pooling Administrator denied the application due to the failure to meet the criteria in the rate center as described below:

<u>NPA</u>	<u>Rate Center</u>	<u>Purpose</u>	<u>Resource Requested</u>	<u>MTE Blocks</u>	<u>Utilization</u>
270	Allen	NXX-X	1,000 Block	54.682	81.955%

comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁵

Pursuant to 47 C.F.R. § 52.15(g)(4), the Commission may overturn the Pooling Administrator's 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 Appalachian Wireless has demonstrated a verifiable need for the assignment of numbering resources for the purpose of providing service within the Allen rate center in Kentucky. Due to the Pooling Administrator's denial of Appalachian Wireless's application, Appalachian Wireless asserts that it does not have sufficient numbering resources available in the affected rate center, and cannot provide service without the requested resources. Furthermore, the Commission finds that Appalachian Wireless has exhausted all available remedies to the extent that no combination of existing numbering resources in the associated rate center can be employed to meet the need for a single thousand-number block in the rate center.

Therefore, the Commission finds that the Pooling Administrator's determination to deny Appalachian Wireless the additional numbering resources described herein should be overturned and the Pooling Administrator be directed to assign Appalachian Wireless a new thousand-number block (NXX-X) for the Allen rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Appalachian Wireless's customers in the Allen rate center. If the numbering resources requested by Appalachian Wireless are not needed to meet the service requirements of its customers, then the associated numbering resources approved in this

⁵ See generally, 47 C.F.R. § 52.

Order should be returned to the Pooling Administrator and may not be utilized for other service arrangements without first complying with the industry's numbering resource guidelines.

IT IS THEREFORE ORDERED that:

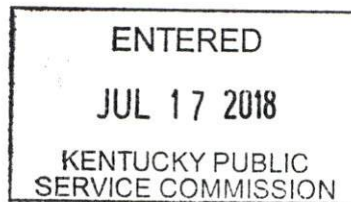
1. Appalachian Wireless's petition regarding the Pooling Administrator's denial of its application for assignment of additional numbering resources is granted.

2. The decision of the Pooling Administrator denying Appalachian Wireless's request for the assignment of a new thousand-number block for the Allen rate center in Kentucky is overturned.

3. The Pooling Administrator shall assign Appalachian Wireless a single thousand-number block for the Allen rate center.

4. The numbering resources referenced in this Order are to be assigned for the sole use of Appalachian Wireless's customers. If the numbering resources requested by Appalachian Wireless are no longer required to meet the service, the associated numbering resources approved in this Order shall be returned to the Pooling Administrator.

By the Commission



ATTEST:


Executive Director

Case No. 2018-00234

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