

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF MCIMETRO ACCESS	)	
TRANSMISSION SERVICES CORP FOR	)	CASE NO.
WAIVER OF DENIAL OF NUMBERING	)	2019-00030
RESOURCES AND REQUEST FOR	)	
EXPEDITED TREATMENT	)	

ORDER

On January 17, 2019, MCImetro Access Transmission Services Corp. (MCImetro) filed a petition requesting that this Commission review and overturn a determination by the Pooling Administrator.<sup>1</sup> MCImetro requested expedited treatment of the petition, which was filed pursuant to 47 C.F.R. § 52.15(g)(4), wherein the Commission is granted 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, MCImetro explains that it has requested numbering resources to provide service to the Federal Bureau of Investigation (FBI) office in Pikeville, Kentucky. The FBI has requested a contiguous range of 20 direct inward dial (DID) numbers in the numbering plan area NXX, with an NXX not ending in 0 or 9. MCImetro’s existing

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<sup>1</sup> 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.

inventory of numbers in the Pikeville, Kentucky rate center is not compatible with the customer request. In addition, the customer has requested an in-service date of January 25, 2019.

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.<sup>2</sup> On December 28, 2018, MCImetro applied to the Pooling Administrator for the required numbering resources in the Pikeville rate center.<sup>3</sup> Based on the submitted information and resulting calculations, the Pooling Administrator concluded that MCImetro did not meet the FCC's MTE or utilization criteria.<sup>4</sup> Therefore, the Pooling Administrator determined that MCImetro'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 comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.<sup>5</sup>

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<sup>2</sup> In accordance with 47 C.F.R. § 52.15(g)(4), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

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

<sup>4</sup> 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</u>	<u>Utilization</u>
606	Pikeville	NXX-X	1,000 Block	201.78	54.65%

<sup>5</sup> See generally, 47 C.F.R. § 52.

Pursuant to 47 C.F.R. § 52.15(g)(5), this 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 MCImetro has demonstrated a verifiable need for the assignment of numbering resources for the purpose of providing service within the Pikeville rate center in Kentucky. Due to the Pooling Administrator's denial of MCImetro's application, MCImetro 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 MCImetro 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 MCImetro the additional numbering resources described herein should be overturned and the Pooling Administrator be directed to assign MCImetro a new thousand-number block (NXX-X) for the Pikeville rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving MCImetro's customers in the Pikeville rate center. If the numbering resources requested by MCImetro are not needed to meet the service requirements of its customers, the associated numbering resources approved in this 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. MCImetro'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 MCImetro's request for the assignment of a new thousand-number block for the Pikeville rate center in Kentucky is hereby overturned.
3. The Pooling Administrator shall assign MCImetro a single thousand-number block for the Pikeville rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of MCImetro's customers. If the numbering resources requested by MCImetro are no longer required to meet the service, the associated numbering resources approved in this Order shall be returned to the Pooling Administrator.
5. This case is closed and removed from the Commission's docket.

By the Commission

ENTERED  
JAN 25 2019  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

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