

BellSouth Telecommunications, Inc.
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December 28, 2004

Ms. Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

RECEIVED

DEC 29 2004

PUBLIC SERVICE
COMMISSION


2004-00521

Re: BellSouth Telecommunications, Inc.'s Petition
Requesting the Commission's Intervention in NANPA
NXX Code Assignments (Louisville Rate Center, Area
Code 502 – Anthem Blue Cross and Blue Shield)

Dear Ms. O'Donnell:

Enclosed are the original and ten (10) copies of BellSouth Telecommunications, Inc.'s
Petition for Review of NXX Code Denial in the Louisville Rate Center.

Very truly yours,


for Dorothy Chambers

Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BellSouth Telecommunications, Inc.'s)
Petition Requesting the Commission's Intervention) Case No. 2004-00521
In NANPA NXX Code Assignments (NPA 502))

BELLSOUTH'S PETITION FOR REVIEW OF NXX CODE DENIAL
IN THE LOUISVILLE RATE CENTER

BellSouth Telecommunications, Inc. ("BellSouth"), through its undersigned counsel, pursuant to the rules adopted by the Federal Communications Commission ("FCC") for challenging determinations of the North American Numbering Plan Administrator ("NANPA"), petitions the Kentucky Public Service Commission ("Commission") for review of NANPA's denial of BellSouth's application for use of central office numbering resources in the 502 area code.

In support of this petition BellSouth states:

1. BellSouth is a telecommunications utility regulated by the Commission. It provides, among other services, intraLATA local exchange telecommunications services in the Commonwealth of Kentucky.
2. NANPA is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan ("NANP").
See 47 C.F.R. Sec. 52.13 (a), (b).
3. On March 31, 2000, the FCC issued a Report and Order and Further Notice of Proposed Rule Making relating to numbering resource optimization ("FCC 00-

104”). The goal of FCC 00-104 was to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of telephone numbers and to avoid further exhaustion of numbers under the NANP.

4. Among other things, FCC 00-104 adopted a revised standard for assessing a carrier’s need for numbering resources by requiring carriers to report rate center based utilization data to NANPA, rather than switch-specific utilization data. The FCC further required that, to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant’s rate center will exhaust within six (6) months of the application. The FCC reaffirmed this requirement in two subsequent orders. FCC 00-429 at para. 29 (rel. Dec. 29, 2000); FCC 01-362 at para. 48-49 (rel. Dec. 28, 2001).
5. The shift to a rate center basis for determining the need for new numbering resources was intended to “more accurately reflect how numbering resources are assigned” and to allow carriers “to obtain numbering resources in response to specific customer demands.” FCC 00-104, para. 105.
6. In addition to the months-to-exhaust (“MTE”) requirement described above, the FCC’s rules also require carriers to meet a rate center utilization threshold of seventy-five percent (75%) in order to receive additional numbering resources in a given rate center. FCC 00-429 at para. 22-26; FCC 01-362, para. 50. Based on the FCC’s orders, carriers must meet both the MTE requirement and the utilization threshold requirement on a rate center basis in order to obtain additional numbering resources. Id.

7. On December 2, 2004, BellSouth submitted a Central Office Code (NXX) Assignment Request (“Part 1”) and CO Code Assignment/Months-to-Exhaust Certification Request Worksheet to NANPA for the assignment of an NXX code needed to meet the numbering demands for Anthem Blue Cross and Blue Shield in Louisville, KY. The affected BellSouth customer will be served by the Anchorage switch in the Louisville rate center. The application is attached hereto as Attachment 1.
8. BellSouth has a total of 16 switches in the Louisville rate center. The code requested was submitted for BellSouth’s Anchorage switch.
9. BellSouth completed the application in accordance with the Industry Numbering Committee’s Guidelines and filled out the necessary Months-To-Exhaust Certification Worksheets as required.
10. The code assignment request was for a growth code in the 502 NPA to meet Anthem Blue Cross and Blue Shield’s request for 3,000 consecutive Direct-Inward-Dialing (DID) numbers, due to the construction and move to a new building. BellSouth, however, did not have sufficient number resources available within its inventory in the Louisville Rate Center and was unable to meet the customer’s specific request for numbering resources. At the time of the filing of the Code request, the Louisville Rate Center had an MTE of 73.00 and a utilization of 76.47%. BellSouth submitted this code request because neither the Louisville Anchorage switch that serves the customer, nor any of its switches serving the Louisville rate center, have a block of consecutive DID numbers large enough to meet the customer’s needs. On November 18, 2004, NANPA’s Central

Office Code Administration denied BellSouth's code request on the grounds that BellSouth had not met the rate center based months-to-exhaust criterion now set forth in the Central Office (NXX) Guidelines. NANPA denied BellSouth's code requests despite the fact that BellSouth does not have adequate numbering resources needed to satisfy its customer's demands in the above referenced switch. NANPA's response (Part 3) is on the last screen of Attachment 1.

11. BellSouth's inability to provide this important customer - Anthem Blue Cross and Blue Shield - with the requested numbers within the same NXX prevents BellSouth from providing the quality of service this customer desires, needs, and expects. If BellSouth is not assigned the code needed to meet the customer's request, BellSouth will be unable to provide the telecommunications services requested by the customer.¹ NANPA's refusal to grant numbering resources sufficient to meet Anthem Blue Cross and Blue Shield's needs is inconsistent with the FCC's position that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for a want of numbering resources." FCC 00-429 at para.61.
12. Both the FCC's rules and the Central Office Code (NXX) Guidelines provide that state regulatory authorities have the power and authority to review NANPA's decision to deny a request for numbering resources. See FCC 01-362, Appendix A, Final Rules, para. 52.15(g)(4)("The carrier may challenge the NANPA's

¹ BellSouth employs a number administration technique called "sequential numbering" in order to preserve the largest blocks of consecutive numbers for as long as possible. The lack of consecutive numbers in the switches referred to above is the consequence of a high level of utilization, not any failure on BellSouth's part to conserve blocks of consecutive numbers.

decision to the appropriate state regulatory commission.”) FCC 01-362 at para. 61-66; Central Office Code (NXX) Guidelines para. 13.0 (“Appeals may include but are not limited to one or more of the following options: . . . C. The CO Code Administrator(s) and code holders/applicants may pursue the disagreement with the appropriate governmental/regulatory body”).

13. Prior to the FCC’s orders and the resulting change in the Central Office Code (NXX) Assignment Guidelines, the MTE procedures used by NANPA permitted a carrier to receive a code assignment, even if the MTE requirement at the switch level was not met. These waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider’s inventory did not have a block of sequential numbers large enough to meet the customer’s specific request. Under today’s procedures, NANPA looks at the MTE for the entire rate center without any exceptions. The FCC has determined, however, that States may grant relief “if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory.” FCC 01-362, para. 64. In addition, the FCC has ruled that, “States . . . may grant requests for customers seeking contiguous blocks of numbers.” Id.
14. BellSouth requests that the Commission reverse NANPA’s decision to withhold numbering resources from BellSouth. BellSouth’s request for numbering resources would not materially impact exhaustion of the remaining 72 NXXs available in the 502 area code.
15. This Commission, as well as the Commissions in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee have all

previously addressed similar situations and ordered NANPA to provide BellSouth with the numbering resources, even though BellSouth was unable to satisfy the required months-to-exhaust criteria.

WHEREFORE, BellSouth requests that the Commission:

1. Reverse the decision of NANPA to deny BellSouth's requests for additional numbering resources,
2. Direct NANPA to provide the requested central office code for the switch identified herein, and
3. Grant the requested relief as soon as practicable.

Respectfully submitted this 28th day of December, 2004.



for _____
DOROTHY J. CHAMBERS
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P. O. Box 32410
Louisville, KY 40232
(502) 582-8219

COUNSEL FOR BELLSOUTH
TELECOMMUNICATIONS, INC.

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Address: https://www.nationalpooling.com/pas/frames-index.jsp



peppy.wilson@bridge.bellsouth.com (SP) Sign Out

Part 1A

Type of Application : New

1.1 Contact Information :

Note: If any of the contact info is incorrect, edit your user profile

Block Applicant :

Company Name BELLSOUTH TELECOM INC DBA SOUTH CENTRAL BELL TEL
 Headquarters Address: 3535 COLONADE PKWY
 City BIRMINGHAM
 State AL
 Zip: 35243

Contact Name Ms PEGGY A WILSON
 Contact Address: 3535 COLONADE PKWY
 City BIRMINGHAM
 State AL
 Zip 35243
 Telephone (205) 968-8600
 E-mail ann.wilson@bellsouth.com
 Fax (205) 977-3013

Pooling Administrator :


Contact Name Ms Genevieve Pauline
 Contact Address: 1800 Sutter St. Ste. 730
 City Concord
 State CA
 Zip 94520
 Telephone (925) 363-7652
 E-mail genevieve.pauline@neustar.biz

Done Internet

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1.2 General Information

LRN Needed Ho
 NPA 502
 OCN 9419-BELL SOUTH SO CNTRL
 Parent Company OCN * 9419
 Number of Thousands-Blocks Requested 1
 Switch Identification (Switching Identity/POI) * Isvikyands0
 Rate Center LOUISVILLE
 City or Wire Center Name
 Rate Center Sub Zone

1.3 Dates

Date of Application Thursday, December 2, 2004
 Requested Block Effective Date 2 Jan 2005
 Request Expedited Treatment Yes No

1.4 Type of Service Provider Requesting the Thousands-Block

a) Type of Service Provider * Incumbent Local Exchange Carrier (ILEC)
 b) Primary type of service blocks to be used for * Wireline
 c) Thousands-Block(s) (NPA-NXX-XX) assignment preference >>>

Done Internet

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- Request For Resources
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 - Modify
 - Disconnect
 - Block Transfer
- Confirm Block(s) In Service (Part 4)
- Search Forms
- Submit Forecast
 - Create/Modify Forecast
- User Profile
- Donate Blocks
- Reports

d) Thousands-Block(s) (NPA NXX X) that are undesirable for this assignment, if any	<div style="border: 1px solid black; width: 100%; height: 100%; position: relative;"> <div style="position: absolute; top: 5px; right: 5px;">Delete</div> <div style="position: absolute; bottom: 5px; right: 5px;">Delete</div> </div>
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e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) N A

1.5 Type of Request

Initial block for rate center Yes
 Growth block for rate center Yes
 Change block N A
 Disconnect block N A

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines INC 99-0127-023

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peggy.wilson@bridge.bellsouth.com (SP) Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level

Date Thursday, December 2, 2004
 OCN 9119
 Company Name BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL
 Rate Center LOUISVILLE

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)


Name of Block Applicant Ms PEGGY A WILSON
 Title FACILITIES SPECIALIST
 Telephone Number (205) 968-3690
 Fax Number (205) 977-3013
 E-Mail peggy.wilson@bellsouth.com

A Available Numbers * 163230

B Assigned Numbers * 052370

C Total Numbering Resources * 1104688

D Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation * 0



- Request For Resources
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List excluded Code(s) or Block(s)

E Growth History - Previous 6 months²

Month 1	3914	Month 2	1460
Month 3	6474	Month 4	2662
Month 5	-2862	Month 6	1571

F Forecast - Next 12 months³

Month 1	2233	Month 2	5623
Month 3	2233	Month 4	2233
Month 5	2233	Month 6	2233
Month 7	2233	Month 8	2233
Month 9	2233	Month 10	2233
Month 11	2233	Month 12	2233

O Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) 2798.000

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G Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) 2798.000

H Months to Exhaust⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested	A. Available Numbers	H. Months to Exhaust
1	163230	58.338
2	164230	58.695
3	165230	59.053
4	166230	59.410

I Utilization⁶ (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) *
100 77.159

Explanation

- 1 A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
- 2 Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month
- 3 Forecast of TNs needed in each following month, starting with the most recent month as Month #1
- 4 To be assigned an additional thousands-block (NOXX) for growth, "Months to Exhaust" must be less than or equal to 6 months (FCC 00-104, § 52.15 (g)(3)(ii))
- 5 Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(i))

Show Calculations | Continue | Cancel

Done

Start

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Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

You have requested more blocks than you will exhaust in six months.

Select One Option and Submit

- Return to the Months To Exhaust Form
- Discard all the information provided for the request and start with a fresh Part 1A
- State Waiver Option

Submit | Cancel

Done

Internet