

Cheryl R. Winn
Attorney At Law

August 4, 2006

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

RECEIVED

AUG 04 2006

PUBLIC SERVICE
COMMISSION


Case No. 2006-00377

Re: BellSouth Telecommunications, Inc.'s Petition
Requesting the Commission's Intervention in NANPA
NXX Code Assignments (Bowling Green Rate Center, Area
Code 270 – Western Kentucky University)

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 Bowling Green Rate Center.

Very truly yours,


Cheryl R. Winn

Enclosures

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AUG 04 2006

BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

PUBLIC SERVICE
COMMISSION

Re: BellSouth Telecommunications, Inc.'s)
Petition Requesting the Commission's Intervention)
In NANPA NXX Code Assignments (NPA 270))

Case No. 2006-00377

BELLSOUTH'S PETITION FOR REVIEW OF NXX CODE DENIAL
IN THE BOWLING GREEN 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 270 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 NANPA.

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; FCC 01-362, para. 50-52. 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 July 7, 2006, 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 Western Kentucky University in Bowling Green, KY. The affected BellSouth customer will be served by the Bowling Green switch in the Bowling Green rate center. The application is attached hereto as Attachment 1.

8. BellSouth has a total of one switch in the Bowling Green rate center. The code requested was submitted for BellSouth's Bowling Green 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 270 NPA to meet Western Kentucky University's request for a Dedicated Code of 10,000 sequential numbers, due to growth and increased administrative efficiencies. Specifically, Western Kentucky University has requested NXX 958. BellSouth, however, did not have sufficient number resources available within its inventory nor the requested NXX in our available pool for this wire center in the Bowling Green 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 Bowling Green Rate Center had an MTE of 29.21 and a utilization of 64.50%. BellSouth submitted this code request because the Bowling Green switch that serves the customer does not have a block of sequential numbers large enough to meet the customer's needs. On July 14, 2006, 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 – Western Kentucky University - 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 Western Kentucky University'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 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 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

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

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”).

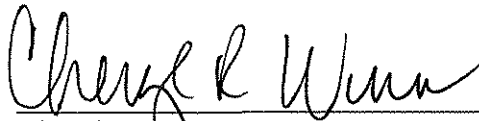
13. Prior to the FCC’s orders and the resulting change in the Central Office Code (NXX) Assignment Guidelines, the MTE procedures used by NANPA permitted a carrier to receive a code assignment, even if the MTE requirement at the switch level was not met. These waivers or exceptions were granted where 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 74 NXXs available in the 270 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. *See* Order, KPSC Case No. 2005-00516, January 20, 2006; Order, KPSC 2005-00342, October 7, 2005; Order, KPSC 2005-00157, April 28, 2005; Order, KPSC 2005-00021, February 2, 2005; and Order, KPSC 2004-00521, February 2, 2005.

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 ^{14th} day of August 2006.



Cheryl R. Winn
601 W. Chestnut Street, Room 407
Louisville, KY 40203
(502) 582-8219

COUNSEL FOR BELL SOUTH
TELECOMMUNICATIONS, INC.

- Request For Resources
- Part1/MTE
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- User Profile

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Central Office Code (NXX) Assignment Request - Part 1

December 9,2005

Tracking Number: 270-264961

Type of Application: New Change ¹ Delete

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:

Company/Entity Name: BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL

Headquarters Address: 22P69, 675 W. Peachtree Street, NE

City, State, Zip: Atlanta, GA, 30375

Contact Name: Marta A Antelo

Contact Address: Room 336, 600 NW 79th Avenue

City,State,Zip: Miami, FL, 33126

Phone: 305-260-8213 FAX:305-264-2918 E-mail:Marta.Antelo@BellSouth.com

Code Administrator:²

Name: David Morgan

Address: 46000 Center Oak Plaza,

City,State,Zip: Sterling, VA, 20166

Phone: 571-434-5381 FAX:571-434-5502

1.2 NPA:270 NXX:³ LATA:464 OCN:⁴9419 Parent Company's OCN(s)9400

Switching Identification(Switch Entity/POI) ⁵BWLKGYMADS0

Locality/City/Wire Center:BOWLNGGREN Rate Center:⁶BOWLNGGREN

Homing Tandem Operating Co:⁷BST Tandem Homing CLLI⁸:BWLKGYMA01T

1.3 Dates: Date of Application:07/07/2006 Request Effective Date:⁹10/08/07/2006

Expedite Reason: EXPEDITE LETTER TO FOLLOW VIA EMAIL.

1.4 Type of company/entity requesting the code:

- a) RBOC (LEC, IC, CMRS, Other)
- b) Types of service: Wireline (e.g., Cellular - Type 2)
- c) Code Assignment Preference (Optional) 958
- d) Codes that are undesirable, if any 666, 800, 999, 900
- e) Type of change(Mark **all** that apply)

- OCN-Intra-company¹¹ Switching Id Rate Center Tandem Homing CLLI
- OCN-Inter-company¹² Effective Date LATA Extend Reservation

1.5 Type of Request (Initial, growth, etc.) Growth

If an initial code, attach(1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pooling Indicator: ¹³ Yes No

1.6 NPA Jeopardy Criteria Apply: Yes No

1.7 Code request for new service (Explain): _____

1.8 Part 2 is attached _____ Part 2 is not attached X for BIRRDs ^{14 15}

Additional Documentation is attached X (Email) Additional Documentation is not attached _____

Comments:
-

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application: ¹⁶

Marta A Antelo
Signature of Code Applicant

Code Admisnistrator
Title

07/07/2006
Date

¹Identify type and reason for change(s) in Section 1.4(e).

²A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.

³The NXX field is required for any code request in which there is a change or the NXX is being returned.

⁴Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments may contact NECA (973-884-8355) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignment should direct questions regarding appropriate OCN usage to the Telcordia™ Routing Administration (TRA) on 732-699-6700.

⁵This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the eleven-character Telcordia™ COMMON LANGUAGE CLLI™ Location Identification of the applicant's switch or POI. (Telcordia and CLLI are trademarks and COMMON LANGUAGE is a registered trademarks of Telcordia Technologies, Inc.)

⁶Rate Center name must be a tariffed Rate Center associated with toll billing.

⁷Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.

⁸This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI™ Location Identification Code of the switching entity/POI, and is the same on Part 2, Form 1, Page 2 of 2.

⁹Code applicants should request an effective date that is at least 66 calendar days from the submission of this form. It should be noted that interconnection arrangements and facilities need to be in place prior to activation of a code. Such arrangements are outside the scope of these guidelines.

¹⁰Requests for code assignment should not be made more than six months prior to the requested effective date.

¹¹Select if you are the current Code Holder

¹²Select if you are not the current Code Holder

¹³The Applicant will indicate "YES" if the NXX being requested will be used for thousands-block number pooling and will leave this field blank if it is not.

¹⁴Applicant is not required to submit Part 2 of the code request form if it is doing its own Telcordia™ Business Integrate Routing and Rating Database System (BIRRDs) entries, or if the applicant has arranged for a third party to input the Part 2 forms data on its behalf.

¹⁵WARNING! It is the code applicant's responsibility to arrange input of Part 2 information into BIRRDs. The 45 calendar day nationwide minimum interval cut-over for BIRRDs will not begin until input into BIRRDs has been completed.

¹⁶An incomplete form may result in delays in processing this request.

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- Part1/MTE
- Reclamation
- Search Forms
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- CO Code Reports
- User Profile

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Effective June 11, 2001

Appendix B

CO CODE ASSIGNMENT
MONTHS TO EXHAUST CERTIFICATION WORKSHEET - TN Level¹
(Worksheet to be used for Request for Additional Codes for Growth)

Date: 07/07/2006 Company Name: BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL

Rate Center: BOWLNGGREN

NPA(s)-NXXs included in growth calculation²: 15

Signature of Authorized Representative of Code Applicant: Marta A Antelo

Title: Code Admisnistrator Telephone No.: 305-260-8213 FAX No.: 305-264-2918

A. Telephone Numbers (TNs) Available for Assignment (See Glossary³): 31305

	Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11	Month #12
B. Previous 6-month growth history ⁴	1077	1037	1053	1225	996	1042						
C. Forecast - Next months 1-12 ⁵	1072	1126	11182	1241	1303	1368	0	0	0	0	0	0

D. Average Monthly Forecast (Sum of months 1-6 Part C above divided by 6): 1018.33

E. Months to Exhaust⁶ = $\frac{\text{Telephone Numbers(TNs) Available for Assignment (A)}}{\text{Average Monthly Forecast(D)}} = 0.0$

F. Utilization Level⁷ = $\frac{\text{Telephone Numbers (TNs) Assigned}}{\text{Total Numbering Resources in Applicant's Inventory}} \times 100 = 64.5$

Explanation: _____

¹A copy of this worksheet is required to be submitted to the Code Administrator; for audit purposes, it

must be in the applicant's files.

²Report on all resources for the requested geographic area, including newly acquired codes.

³Definitions of terms may be found in the Glossary section of the Central Office Code (NXX) Assignment Guidelines.

⁴Net 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.

⁵Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁶To be assigned an additional CO Code (NXX) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, section 52.15 (g) (3) (iii)).

⁷Newly acquired numbers (see glossary) may be excluded from the utilization calculation (FCC 00-104, section 52.15 (g) (3) (ii)).

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Part 3

Administrator's Response/Confirmation Tracking Number: 270-264961

Date of Application:	<u>07/07/2006</u>	Date of RECEIPT:	<u>07/07/2006</u>
Date of Response:	<u>07/14/2006</u>	Effective Date:	_____

Company/Entity Name:	BELLSOUTH TELECOMM	Service Provider OCN:	9419
	INC DBA SOUTH CENTRAL BELL TEL		

Code Administrator Contact Information:

David Morgan	Phone:	<u>571-434-5381</u>
Signature of Code Administrator		
David Morgan	Fax:	<u>571-434-5502</u>
Name (print)		
	Email:	<u>david.morgan@neustar.com</u>

____ **NPA: 270** **Code Assigned:** ____ **Date of NXX Code Assignment:** ____

____ Switch Identification(Switch Entity/POI): _____ Rate Center:BOWLNGGREN

____ **Code Reserved:** _____ **Date of Reservation:** _____

Your code Reservation will be honored until: _____
Switch Identification (Switch Entity/POI): _____

____ **Form incomplete**

Additional information required in the following sections(s)

____ **X Form Complete, code request denied.**

Explanation: _____

____ **Assignment activity suspended by the administrator.**

Explanation: _____

Further Action: _____

____ **NPA in jeopardy:** **Yes:___ No:___**

If yes, refer to the Section 9 of the assignment guidelines

Remarks:

According to the FCC 2nd Report and Order (FCC 00-429) effective June 30, 2003, in order to receive additional numbering resources, the MTE form you submit must meet the 75% utilization level. If you are in disagreement with the disposition of this code request, please refer to the Central Office

- Request For Resources
- Part1/MTE
- Reclamation
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Code (NXX) Assignment Guidelines for the appeals process.

A copy of this Part 3 has been sent to the following users/email addresses.

rena.wilkie@bellsouth.com

BellSouth

Aida.Armesto@BellSouth.com

BellSouth Telecommunications

kenneth.hartman@bellsouth.com

BellSouth Telecommunications, Inc.