

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BELLSOUTH)	
TELECOMMUNICATIONS, INC., D/B/A AT&T)	CASE NO.
KENTUCKY, REQUESTING THE COMMISSION'S)	2007-00167
INTERVENTION IN NANPA NXX CODE)	
ASSIGNMENTS (NPA 502))	

O R D E R

On April 23, 2007, BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky ("AT&T Kentucky") filed a petition requesting this Commission review and overturn a determination by the North American Numbering Plan Administration ("NANPA").¹ 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."

AT&T Kentucky explains that the assignment of an NXX code is needed to meet the numbering demands of the Commonwealth of Kentucky in Frankfort, Kentucky, a customer of AT&T Kentucky. Specifically, the code assignment request is for a growth code in the 502 NPA to meet the Commonwealth of Kentucky's request for a dedicated

¹ The 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 ("NANP"). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

code of 10,000 sequential numbers.² AT&T Kentucky does not have sufficient number resources existing within its inventory in the available pool for the specified wire center in the Frankfort Rate Center. It is unable to meet the Commonwealth of Kentucky's specific need for numbering resources. Hence, on March 30, 2007, AT&T Kentucky electronically submitted to the NANPA an application requesting assignment of a new central office code (NXX) in the Frankfort rate center in order to address the business needs of the Commonwealth of Kentucky.³ The application process with the NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, the NANPA concluded that AT&T Kentucky did not meet the FCC's required guideline for MTE of 6 months or less⁵ and determined that AT&T Kentucky's request for additional numbering resources should be denied.

The NANPA is not a policy-making entity. In making assignment decisions, the NANPA follows regulatory directives and industry-developed guidelines. The NANPA's

² See AT&T Kentucky's Petition for Review.

³ Specifically, the code block request submitted by AT&T Kentucky was for its Frankfort switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ 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.

⁵ According to the Worksheet, the MTE for the Frankfort rate center was calculated to be 34.34 months with a utilization rate of 47.50 percent.

responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁶

Pursuant to 47 C.F.R. Section 52.15(g)(4), this Commission may overturn the determination of the NANPA if the requesting carrier has demonstrated a verifiable need for numbering resources and that all other available remedies have been exhausted. Having considered all relevant arguments and evidence, the Commission finds that AT&T Kentucky has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, the Commonwealth of Kentucky, for a dedicated code of 10,000 sequential numbers. AT&T Kentucky advises that it will be unable to provide the telecommunications services requested by the customer without additional numbering resources in the Frankfort rate center. The Commission further finds that AT&T Kentucky has exhausted all available remedies in the Frankfort rate center to the extent that no combination of existing numbering resources in the Frankfort rate center can be employed to meet the customer's demand for a dedicated code of 10,000 sequential numbers. According to AT&T Kentucky, its Frankfort switch serving the Frankfort rate center does not have a large enough block of sequential numbers to meet the customer's need.

This Commission finds that the NANPA determination to deny AT&T Kentucky the additional numbering resources described herein should be overturned and the NANPA directed to assign to AT&T Kentucky a new central office code in the Frankfort rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky's customer, the

⁶ See generally, 47 C.F.R. Section 52.

Commonwealth of Kentucky, in the Frankfort rate center. If the service requested by the Commonwealth of Kentucky is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to the NANPA and may not be utilized to serve other customers without first meeting the NANPA numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. AT&T Kentucky's Petition regarding the NANPA's denial of its application for assignment of additional numbering resources in the 502 Numbering Plan Area is granted.

2. The decision of the NANPA denying AT&T Kentucky's request for assignment of an additional central office code block in the Frankfort rate center is hereby overturned.

3. The NANPA shall assign AT&T Kentucky an available central office code (NXX) for the Frankfort switch in the Frankfort rate center.

4. The numbering resources considered in this Order are to be assigned for the sole purpose of serving AT&T Kentucky's customer, the Commonwealth of Kentucky, in the Frankfort rate center. If the service requested by the Commonwealth of Kentucky is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

Done at Frankfort, Kentucky, this 21st day of May, 2007.

By the Commission

ATTEST:

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Executive Director

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