

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE COMPANY)	
LLC'S PETITION FOR THE COMMISSION TO)	
REVIEW A DECISION OF THE POOLING)	CASE NO.
ADMINISTRATOR RELATIVE TO A REQUEST)	2011-00136
FOR NUMBERING RESOURCES IN THE 859)	
AREA CODE)	

O R D E R

On April 18, 2011, Cincinnati Bell Telephone Company LLC ("CBT") 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. § 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."

CBT explains that the assignment of one block of 1,000 numbers is needed to meet the numbering demand for 100 contiguous numbers for Cummins Business Services ("Cummins") in Walton, Kentucky, a customer of CBT. Specifically, the request is for 100 contiguous numbers that will be compatible with Cummins' existing dialing plan. According to Cummins, the numbers will be used to accommodate its

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.

expanding warehouse operations in Walton, Kentucky. Additionally, Cummins states that all its sites in North America access outside lines by dialing eight, which means it cannot use numbers from the eight thousand block from any central office code ("NXX") (859-NXX-8XXX).² CBT does not have sufficient number resources available within its inventory in the available pool for the specified wire center in the Walton rate center and is unable to meet Cummins' specific need for numbering resources. Hence, on April 1, 2011, CBT electronically submitted to the NANPA an application requesting assignment of one block of 1,000 numbers in the Walton rate center in order to address the business needs of Cummins.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 CBT did not meet the FCC's required guideline for MTE of six months or less, or the utilization threshold requirement of 75 percent.⁵ Therefore, NANPA determined that CBT'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 CBT's Petition for Review.

³ Specifically, the thousands blocks request submitted by CBT was for its Walton 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. § 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 Walton rate center was calculated to be 132.472 months with a utilization rate of 53.6 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. § 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. The Commission finds that CBT has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, Cummins, for 100 contiguous numbers. CBT advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Walton rate center. The Commission further finds that CBT has exhausted all available remedies in the Walton rate center to the extent that no combination of existing numbering resources in the Walton rate center can be employed to meet the customer's demand for one block of 1,000 numbers in order to obtain 100 contiguous numbers. According to CBT, its Walton switch serving the Walton rate center does not have large enough blocks of sequential numbers to meet the customer's need.

This Commission finds that the NANPA determination to deny CBT the additional numbering resources described herein should be overturned and the NANPA directed to assign to CBT an available block of 1,000 numbers in the Walton rate center. The assigned block shall be any thousands' block with the exception of the eight thousand block (859-NXX-8XXX) in order to avoid conflict with Cummins' current dialing plan.


⁶ See generally, 47 C.F.R. § 52.

The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving CBT's customer, Cummins, in the Walton rate center. If the service requested by Cummins 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.

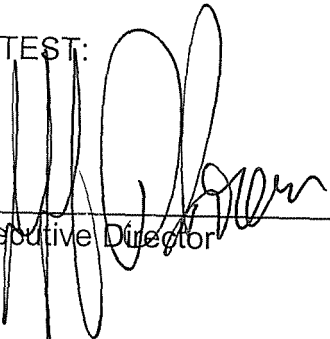
IT IS THEREFORE ORDERED that:

1. CBT's Petition regarding the NANPA's denial of its application for assignment of additional numbering resources in the 859 Numbering Plan Area is granted.
2. The decision of the NANPA denying CBT's request for assignment of one block of 1,000 sequential numbers in the Walton rate center is hereby overturned.
3. The NANPA shall assign CBT an available thousands' block with the exception of the eight thousand block (859-NXX-8XXX) in order to avoid conflict with Cummins' current dialing plan for the Walton switch in the Walton rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of serving CBT's customer, Cummins, in the Walton rate center. If the service requested by Cummins is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

By the Commission

ENTERED 
MAY 16 2011
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Patricia L Rupich
Cincinnati Bell Telephone Company
221 E Fourth Street, Room 103-1170
Cincinnati, OH 45202