

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF TIME WARNER CABLE)	
INFORMATION SERVICES (KY) PETITION)	CASE NO.
REQUESTING THE COMMISSIONS)	2014-00375
INTERVENTION IN NANPA NXX CODE)	
ASSIGNMENTS FOR FAUBUSH, KENTUCKY)	
(606-426))	

ORDER

On October 24, 2014, Time Warner Cable Information Services (KY), LLC d/b/a Time Warner Cable ("Time Warner") filed a petition requesting this Commission review and overturn a determination by the Pooling Administrator.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 [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."

Time Warner explains that it is currently the code holder for the 606-426 code in the Faubush, Kentucky rate center and was originally assigned a thousands-block within the 606-426 code upon entry into the voice service market. Time Warner

¹ 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.

returned the thousands-block to the Pooling Administrator earlier this year due to a lack of Time Warner subscribers requiring new numbering resources from the thousands-block.² All of Time Warner's customers in the Faubush rate center were initially served via number-porting arrangements that permit customers to retain their existing telephone number when switching local service providers. Time Warner now requires the assignment of a single 1,000 number block to meet requests for service when porting of existing telephone numbers is either unavailable or not desired by the customer. Time Warner attempted to obtain a thousands-block within the 606-426 code, but the Pooling Administrator rejected the request indicating that the entire code was now in reclamation status.³ The Pooling Administrator further explained that no blocks were available for assignment from the requested code's pool of numbers, and that a central office code application for replenishment of the numbering resources was required to be submitted through the Pooling Administration System. According to Time Warner, a representative of the Pooling Administrator advised that this Commission would need to grant permission for the assignment of a thousands-block from the 606-426 code due the reclamation status.

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

² The NANPA/Pooling Administrator is generally required to ensure that assigned numbering resources (codes/blocks) are placed in service by Service Providers within 6 months of assignment or be returned to the pool of available numbers for reassignment. *See In the Matter of Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rule Making*, CC Docket No. 99-200 (adopted Mar. 13, 2000).

³ Reclamation refers to the process by which Service Providers are required to return numbering resources to the NANPA/Pooling Administrator (47 C.F.R § 52.15(i)(1)).

rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁴

Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the determination of the Pooling Administrator 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 Time Warner has demonstrated a verifiable need for numbering resources in that it will be unable to serve new customers in the Faubush rate center without the assignment of a thousands-block from the 606-426 code to provide service when number porting is unavailable or not desired by a prospective customer. The Commission further finds that Time Warner has exhausted all available remedies in the Faubush rate center to the extent that it has no numbering resources available in the Faubush rate center that can be employed to meet a customer's request for service and its attempt to obtain numbering resources were denied by the Pooling Administrator. Although a specific customer request has not been presented to justify Time Warner's request for a thousands-block in the 606-426 code, the Commission finds that it would be unreasonable to require Time Warner to effectively reestablish a new code through the submission of an application with the NANPA for the Faubush rate center while it is the code holder for the existing 606-426 code. Enforcing such a requirement would be inefficient and may result in the unnecessary depletion of numbering resources.

This Commission finds that the Pooling Administrator's determination to deny Time Warner the additional numbering resources described herein should be

⁴ See generally, 47 C.F.R. § 52.

overturned and the Pooling Administrator directed to assign to Time Warner an available 1,000 number block in the Faubush rate center for the 606-426 code.

The Commission notes that the numbering resources considered in this Order should to be assigned for the sole purpose of serving Time Warner's customers in the Faubush rate center, and Time Warner should comply with the Pooling Administrator's numbering resource guidelines associated with this or any future number assignments.

IT IS THEREFORE ORDERED that:

1. Time Warner's petition regarding the Pooling Administrator's denial of its application for assignment of additional numbering resources in the 606-426 code is granted.

2. The decision of the Pooling Administrator denying Time Warner's request for assignment of a single 1,000 number block in the Faubush rate center for the 606-426 code is hereby overturned.

3. The Pooling Administrator shall assign Time Warner an available thousands-block from the 606-426 code in the Faubush rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving Time Warner's customers, and Time Warner shall comply with the Pooling Administrator's numbering resource guidelines associated with this or any future number assignments.

By the Commission

ENTERED
DEC 19 2014
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Honorable Douglas F Brent
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828