

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BRANDENBURG TELECOM LLC PETITION	)	
REQUESTING THE COMMISSION'S	)	CASE NO.
INTERVENTION IN NANPA NXX CODE	)	2016-00258
ASSIGNMENTS (NPA 270)	)	
	)	

ORDER

On July 22, 2016,<sup>1</sup> Brandenburg Telecom, LLC (“Brandenburg Telecom”) filed a petition requesting that this Commission review and overturn a determination by the Pooling Administrator.<sup>2</sup> 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.”

In its petition, Brandenburg Telecom explains that it has requested numbering resources associated with telecommunications services requested by a specific customer, Hardin Memorial Hospital, in the Elizabethtown rate center located within the 270 Numbering Plan Area (“NPA”) in Kentucky. Hardin Memorial Hospital has requested a new central office code (NXX) in the 270 NPA consisting of ten blocks of

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<sup>1</sup> Brandenburg Telecom originally submitted its petition on July 15, 2016, but it was not filed by an attorney. The petition was accepted for filing on July 22, 2016, when this error was corrected.

<sup>2</sup> 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.

1,000 numbers for 10,000 consecutive direct-inward-dial numbers that are necessary to accommodate recently acquired medical offices in the surrounding area and will allow the offices to communicate using four-digit dialing within its telecommunications network.

On June 30, 2016, Brandenburg Telecom applied to the Pooling Administrator for the required numbering resources in the Elizabethtown rate center.<sup>3</sup> The application process with the Pooling Administrator requires the submission of information used for a Months-To-Exhaust (“MTE”) and Utilization Certification Worksheet (“Worksheet”) pertaining to the affected rate centers.<sup>4</sup> Based on the submitted information and resulting calculations, the Pooling Administrator concluded that Brandenburg Telecom did not meet the FCC’s MTE requirements of six months or less and/or the utilization threshold requirement of 75 percent. Therefore, the Pooling Administrator determined that Brandenburg Telecom’s requests for additional numbering resources should be denied.

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 rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.<sup>5</sup>

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<sup>3</sup> Current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

<sup>4</sup> 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.

<sup>5</sup> See generally, 47 C.F.R. § 52.

Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the Pooling Administrator's determination if the requesting carrier has demonstrated a verifiable need for numbering resources and all other available remedies have been exhausted. The Commission finds that Brandenburg Telecom has demonstrated a verifiable need for the assignment of numbering resources by presenting a request from a specific telecommunications customer, Hardin Memorial Hospital, for a new central office code in the 270 NPA consisting of ten blocks of 1,000 numbers for 10,000 consecutive numbers to be utilized for the purpose of providing service within the Elizabethtown rate center in Kentucky. Brandenburg Telecom asserts that it does not have sufficient numbering resources available in the affected rate center and due to the Pooling Administrator's denial of its application Brandenburg Telecom cannot provide service without the requested resources. The Commission further finds that Brandenburg Telecom has exhausted all available remedies to the extent that no combination of existing numbering resources in the associated rate center can be employed to meet the need for ten blocks of 1,000 numbers for 10,000 consecutive numbers in the rate center without the assignment of a new central office code in the 270 NPA.

This Commission finds that the Pooling Administrator's determination to deny Brandenburg Telecom the additional numbering resources described herein should be overturned and the NANPA and/or Pooling Administrator directed to assign Brandenburg Telecom a new central office code consisting of ten blocks of 1,000 numbers for 10,000 consecutive numbers for the Elizabethtown rate center in Kentucky. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Brandenburg Telecom's customer, Hardin Memorial

Hospital, in the Elizabethtown rate center. If the numbering resources requested by Brandenburg Telecom are not needed to meet the service requirements of its customer, the associated numbering resources approved in this Order should be returned to the NANPA and/or Pooling Administrator and may not be utilized for other service arrangements without first meeting the industry numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. Brandenburg Telecom's petition regarding the Pooling Administrator's denial of its application for assignment of additional numbering resources is granted.

2. The decision of the Pooling Administrator denying Brandenburg Telecom's request for the assignment of a new central office code in the 270 NPA consisting of ten blocks of 1,000 numbers for 10,000 consecutive numbers for the Elizabethtown rate center in Kentucky is hereby overturned.

3. The NANPA and/or Pooling Administrator shall assign Brandenburg Telecom a new central office code in the 270 NPA consisting of ten blocks of 1,000 numbers for 10,000 consecutive numbers for the Elizabethtown rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of Brandenburg Telecom's customer, Hardin Memorial Hospital. If the numbering resources requested by Brandenburg Telecom are no longer required to meet the service, the associated numbering resources approved in this Order shall be returned to the NANPA and/or Pooling Administrator.

By the Commission

ENTERED  
JUL 29 2016  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

Adrian D. Muncy  
Executive Director

*for*

Case No. 2016-00258

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