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Public Service
Commission

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July 20, 2016

Mr. Aaron D. Greenwell
Acting Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602

RE: Case No. 2016-00258 Brandenburg Telecom LLC's Petition for Review of NXX Code Denial in the Elizabethtown Rate Center.

Dear Mr. Greenwell:

Enclosed are the original and ten (10) copies of Brandenburg Telecom LLC's Petition for Review of NXX Code Denial in the Elizabethtown Rate Center.

If you have any questions or need further information, please contact me. Thank you for your assistance and attention to this matter.

Sincerely,



Jessica Brown Roberts

enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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Public Service
Commission

In the matter of:)
Brandenburg Telecom LLC's Petition Requesting) Case No. 2016-00258
The Commission's Intervention in NANPA NXX)
Code Assignments (NPA 270))

**BRANDENBURG TELECOM LLC'S PETITION FOR REVIEW OF NXX CODE
DENIAL IN THE ELIZABETHTOWN RATE CENTER**

Brandenburg Telecom LLC, 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 Brandenburg Telecom LLC's application for use of central office numbering resources in the 270 area code. In support of its petition, Brandenburg Telecom LLC states:

1. Brandenburg Telecom LLC 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 NANP.
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; FCC01-362, 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 June 30, 2016, Brandenburg Telecom LLC submitted a Central Office Code (NXX) Assignment Request and CO Code Assignment/Months-to-Exhaust Certification Request Worksheet to NANPA for the assignment of ten blocks of a thousand numbers needed to meet the numbering demand for 10,000 consecutive numbers for Hardin Memorial Hospital in Elizabethtown, Kentucky. Hardin Memorial’s request in writing is attached hereto as Attachment 1.
8. Brandenburg Telecom LLC completed the application in accordance with the Industry Numbering Committee’s Guidelines and filled out the necessary Months-To-Exhaust Certification Worksheets as required.
9. The code assignment request was for an NXX in the 270 NPA to meet Hardin Memorial Hospital’s request for sequential numbers. Brandenburg Telecom LLC, however, did not have the sufficient number of resources available within its inventory in the Elizabethtown 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 Elizabethtown switch that serves the customer did not have ten blocks of sequential numbers to meet the customer’s needs. On June 30, 2016, NANPA’s Central Office Code Administration denied Brandenburg Telecom LLC’s code request on the grounds that Brandenburg Telecom LLC had not met the rate-center-based months-to-exhaust and utilization criteria now set forth in the Central Office (NXX) Guidelines. NANPA denied Brandenburg Telecom LLC’s code requests despite the fact that Brandenburg Telecom LLC does not have adequate numbering resources needed to satisfy its customer’s demands in the above-referenced switch. NANPA’s response is attached as Attachment 2.
10. Brandenburg Telecom LLC’s inability to provide the important customer – Hardin Memorial Hospital – with the requested numbers prevents Brandenburg Telecom LLC from providing the quality of service this customer desires, needs, and expects. If Brandenburg Telecom LLC is not assigned the code needed to meet the customer’s request, Brandenburg Telecom LLC will be unable to provide the telecommunications services requested by the customer.¹ NANPA’s refusal to grant numbering resources sufficient to meet Hardin Memorial Hospital’s need 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.

¹ Brandenburg Telecom LLC’s current inventory only holds one 10,000 block of numbers for common customer usage.

11. 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 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").
12. 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.
13. Brandenburg Telecom LLC requests that the Commission reverse NANPA's decision to withhold numbering resources from Brandenburg Telecom LLC.
14. This Commission, has previously addressed similar situations and ordered NANPA to provide carriers with the numbering resources, even though the carrier was unable to satisfy the requirements of NANPA.

WHEREFORE, Brandenburg Telecom LLC requests that the Commission:

1. Reverse the decision of NANPA to deny Brandenburg Telecom LLC's request for additional numbering resources,
2. Direct NANPA to provide the requested ten blocks of a thousand numbers for the switch identified herein, and
3. Grant the requested relief as soon as practicable.

Respectfully submitted this 20th day of July, 2016.

Respectfully submitted,



Jessica Brown Roberts
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Guston, KY 40142
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Fax: 270-422-1300
Email: jlbrown06@bbtel.com



HARDIN MEMORIAL HOSPITAL

To whom it may concern:

Hardin Memorial Hospital (HMH) is rapidly expanding health care service in the Elizabethtown and surrounding area. As part of this growth, HMH has acquired several medical offices in Hardin County and the surrounding counties. With the current growth, we have exhausted all but 10 of our DID's and are in the need of an entire 270-NXX with the rate center ELIZABTHTN in Kentucky. This new 270-NXX will allow all of the offices to communicate via a 4 digit extension on the same network and dialing plan.

Respectfully,

Chad Williams
Telecom Engineer
Hardin Memorial Hospital

**Thousands-Block Number Pooling Administration Guidelines
(TBPA) - Part 3**

Revised: January 4, 2016

Pooling Administrator's Response/Confirmation

Tracking Number : 270-
ELIZABHTN-KY-
931742

Date of Application: 06/30/2016 Effective Date: _____
Date of Receipt: 06/30/2016 Date of Response: 06/30/2016

Service Provider Name: BRANDENBURG TELECOM LLC - KY
(LERGTM Routing Guide¹)
OCN: 5672
Parent Company OCN: 5672

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Genevieve Bettiga Phone: 925-363-
7652
Signature of Pooling Administrator

Genevieve Bettiga Fax: 925-363-
7683
Name (print)

Email: genevieve.bettiga@neustar.biz

NPA-NXX or
NPA-NXX-X : _____

Block Assigned: _____
Block Reserved : _____
Block Reservation
Expiration Date : _____
Block/Code Modified : _____
Block/Code
Disconnected : _____

Block Contaminated (Yes or No): _____
If yes, enter the number of TNs
contaminated (1-1000): _____

Switch Identification (Switching/POI)²: RDCLKYAADS0
Rate Center: ELIZABHTN

ATTACHMENT 2

Form complete, request denied.

Explanation:

DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new code is denied. You may proceed with requesting a State Waiver from the appropriate state commission using this Part 3 denial. If you are in disagreement with the disposition of this request, please refer to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

Request Withdrawn.

Explanation:

Assignment Activity Suspended by Administrator.

Explanation:

Remarks:

¹ Telcordia[®] is a registered trademark and LERG[™] Routing Guide and iconectiv[™] are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.

² This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the Common Language[®] Location Code (CLLI[™] Code) of the switching entity/POI shown on the Part 1A form. Common Language[®] is a registered trademark and CLLI is a trademark and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.