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PUBLIC SERVICE
COMMISSION

July 3, 2018

Gwen R. Pinson
Executive Director
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602

**Re: *In the Matter of: Petition of East Kentucky Network, LLC d/b/a
Appalachian Wireless for Review and Reversal of a Decision of the
North American Number Pooling Administration***

Dear Ms. Pinson:

Please find enclosed for filing in your usual manner the original paper medium version of the *Petition of East Kentucky Network, LLC d/b/a Appalachian Wireless for Review and Reversal of a Decision of the North American Number Pooling Administration* and ten (10) copies.

Thank you for your attention to this matter. If you have any questions or concerns regarding the enclosed, please do not hesitate to contact me.

Sincerely,

Cindy D. McCarty
In-House Counsel
(606) 339-1006
cmccarty@ekn.com

Enclosure(s)

JUL 05 2018

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

| | | |
|--|---|------------------------------|
| Petition of East Kentucky Network, LLC d/b/a |) | |
| Appalachian Wireless for Review and Reversal |) | Case No.: <u>2018-00-234</u> |
| of a Decision of the North American Number |) | |
| Pooling Administration |) | |

PETITION FOR REVIEW, APPLICATION FOR GRANT OF NUMBERING RESOURCES, AND REQUEST FOR EXPEDITED TREATMENT

East Kentucky Network, LLC d/b/a Appalachian Wireless (“EKN”), pursuant to 47 C.F.R. § 52.15(g)(4) and (5), hereby petitions the Kentucky Public Service Commission (the “Commission”) to review and overturn a recent decision by the Pooling Administrator (the “PA”) to withhold certain numbering resources from EKN, which are required to provision prepaid wireless services. In support of its Petition, EKN states as follows:

1. EKN is a commercial mobile radio service (“CMRS”) provider and provides, among other things, prepaid wireless telecommunications services to customers in various portions of Kentucky, including the Allen rate center.

2. On June 21, 2018, EKN filed a request with the PA for a single thousands-block of numbers in the Allen rate center in conjunction with its provision of prepaid wireless telecommunications services. A copy of the Application is **attached** hereto and made a part herein is **Exhibit A**.

3. The reason for EKN’s request for a single thousands-block of numbers in the Allen rate center is for provisioning of prepaid wireless services. EKN has nearly exhausted the existing thousands-blocks that are utilized by EKN for prepaid wireless customers and needs a new block

separate from its available pool of other numbers because calls to and from prepaid customers are routed in EKN's switch in a manner that is different from the routing of other accounts. More specifically, calls associated with prepaid services must be routed to a system that verifies that the prepaid customer has remaining minutes.

4. On June 21, 2018, the PA denied EKN's request on the grounds that EKN did not satisfy the months-to-exhaust ("MTE") and/or utilization requirements and also included the notice of right to proceed with filing a waiver request with the Commission. A copy of the PA's Response is **attached** hereto and made a part herein as **Exhibit B**.

5. Without the waiver, EKN will not have adequate numbering resources to provide numbering to prepaid customers from a segregated thousands-block, as is necessary for technical reasons from a network operations standpoint. Thus, EKN has demonstrated a verifiable need for the requested numbering resources and has exhausted all other available remedies.

6. Under federal numbering rules, the Commission may overturn the PA's decision based on a determination "that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."

WHEREFORE, having made the requisite showing of verifiable need and exhaustion of other available remedies under 47 C.F.R. § 52.15(g)(4) and (5), EKN requests that the Commission:

- A. Reverse the PA's decision to deny EKN's request for additional numbering resources;
- B. Direct NANPA and/or PA (to the extent it is within the respective authority and responsibility of NANPA and/or PA to do so) to assign EKN one thousands-block of numbers in the Allen rate center;

C. Grant the requested relief on an expedited basis, within ten (10) days or as soon thereafter as reasonably practical; and

D. Grant such other and further relief as the Commission deems just and proper.

Respectfully submitted this 3rd day of July, 2018.


Cindy D. McCarty
In-House Counsel
East Kentucky Network, LLC d/b/a
Appalachian Wireless
101 Technology Trail
Ivel, Kentucky 41642
Direct Dial: (606) 339-1006
Facsimile: (606) 339-1363
Email: cmccarty@ekn.com

Exhibit A

Tracking Number: 606-ALLEN-KY-1099985Thousands-Block Application Form - Part 1A
Revised: January 4, 2016Individual Block RequestType of Application: New Change ⁱ Disconnect

General Application Information

1.1 Contact Information:

Block Applicant:

Company Name: EAST KENTUCKY NETWRK, LLC DBA APPALACHIAN WIRELESSHeadquarters
Address: 101 Technology TrailCity: Ivel State: KY ZIP: 41642Contact Name: Michael HuffmanContact Address: 101 Technology TrailCity: Ivel State: KY ZIP: 41642Phone: 606-477-2355-164 Fax:E-mail: mhuffman@ekn.comPooling Administrator:ⁱⁱContact Name: Margaret Harrell-SimingtonContact Address: 1800 Sutter Street, Suite 780City: Concord State: CA ZIP: 94520Phone: 925-363-8747 Fax: 925-363-8747E-mail: margaret.harrell-simington@neustar.biz

1.2 General Information:

Check one : No LRN needed LRN neededⁱⁱⁱ: NPA: 606 LATA: 466 OCN^{iv}: 6640 Parent Company's OCN 6640Number of Thousands-Blocks Requested : 1Switch Identification (Switching Entity/POI^v): IVELKYAACM1Rate Center^{vi}: ALLEN

1.3 Dates:

Date of Application^{vii}: 06/21/2018 Requested Effective Date^{viii}:
07/22/2018Requested Expedited Treatment? (See Section 8.6) Yes No

By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

1.4 Type of Service Provider Requesting the Thousands-Block :

- a) Type of Service Provider : Wireless Telephony (Cellular, PCS, SMR) (LEC, IXC, CMRS, Other)
 b) Primary Type of Service Blocks to be used for : Wireless Type 1
 c) Thousands-Block(s) (NXX-X) assignment preference (Optional) 606-601
 d) Thousands-Block(s) (NXX-X) that are undesirable for this assignment , if any _____
 e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) _____

1.5 Type of Request:

Initial block for rate center : Yes _____ If Yes, attach evidence of authorization and proof of capability to provide service within 60 days.

Growth block for rate center : Yes X If Yes, attach months to exhaust worksheet

By selecting this checkbox, I acknowledge that I am willing to accept a block in red and explicitly understand that the underlying CO code may not yet be activated in the PSTN and loaded in the NPAC on the block effective date.

Type of change (Mark all that apply)

OCN: Intra-company^{ix} Switching Id Part 1B

OCN: Inter-company^x Effective Date

Change block : Yes _____ If Yes, list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated: Yes _____ No _____
 b) If Yes how many TNs are NOT available for assignment : _____
 c) Have all new Intra SP ports been completed in the NPAC: Yes _____ No _____
 d) Has this block been protected from further assignment: Yes _____ No _____

Disconnect block : Yes _____ If Yes, list NPA-NXX-X _____

Remarks:

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines ATIS-0300066 available on the ATIS web site (www.atis.org/inc) or by contacting inc@atis.org as of the date of this application.

Michael Huffman
Signature of Block Applicant

Controller
Title

06/21/2018
Date

Instructions for filling out each Section of the Part 1A form:

Section 1.1 Contact information requires that Service Providers supply under "Block Applicant" the company name, company headquarters address, a contact within the company, an address where the contact person may be reached, in addition to the correct phone, fax, and e-mail address. The Pooling Administrator section also requires the Service Provider to fill in the Pooling Administrator's name, address, phone, fax

and e-mail.

Section 1.2 Service Providers who need a thousands-block assignment or for an Location Routing Number (LRN) are required to fill in this section. If needed for an LRN, a CO Code Application needs to also be submitted to the PA. The Service Provider should supply the Numbering Plan Area (NPA); the Local Access Transport Area (LATA), which is a three-digit number that can be found in the Telcordia Technologies, Inc. dba iconectiv (iconectiv™) LERG™ Routing Guide^{xi}. The Operating Company Number (OCN) assigned to the service provider and the OCN of its parent company. An OCN is a four-character alphanumeric NECA-assigned Company Code or a four-character alphanumeric identifier assigned by the iconectiv™ Telecom Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification. Explanations of these terms may be found in the footnotes.

Section 1.3 The date the Service Provider completes the application should be entered in this section, as well as the Effective Date of the requested thousands-block.

Section 1.4 Service Providers should indicate their type, e.g., local exchange carrier, competitive local exchange carrier, interexchange carrier, CMRS or VoIP. Also indicate the primary type of business in which the numbering resource is to be used. Service Providers may indicate their preference for a particular thousands-block, e.g., 321-9XXX, or indicate any thousands-blocks that may be undesirable, e.g., 321-6XXX.

Section 1.5 Service Providers indicate the type of request. Initial requests are for first applications for thousands-blocks in a rate center, growth for additional thousands-blocks in a rate center in which the applicant already has numbering resources, and provide the required evidence as ordered by the FCC.

Section 1.6 Service Providers must indicate the updated/current information in regards to contaminated TNs on the block they are returning to the pool. Blocks with over 10% contamination (101 TNs or more) shall not be returned to the pool except when a service provider is exiting the market or is exchanging a block that was identified as being over 10% contaminated. If the block being returned is over 10% contaminated, the PA shall seek a new block holder. If question c and/or d have a response of No, the request for return shall be denied.

The thousands-block applicant certifies veracity of this form by signing their name, and providing their title and date.

Footnotes:

ⁱIdentify the type of change(s) in Section 1.5.

ⁱⁱThe Pool Administrator is available to assist in completing these forms.

ⁱⁱⁱA CO Code application will also need to be submitted to the PA.

^{iv}Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments should contact NECA (800 524-1020) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignments should direct questions regarding appropriate OCN usage to TRA (732-699-6700).

^vThis is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character CLLI™ Code of the switch /POI.

^{vi}Rate Center name must be a tariffed Rate Center.

^{vii}Acknowledgment and indication of disposition of this application will be provided to applicant within seven calendar days from the date of receipt of this application. An incomplete form may result in delays in processing this request.

^{viii} Please ensure that the NPA-NXX of the LRN to be associated with this block(s) is/will be active in the PSTN prior to the effective date of the block(s).

^{ix} Select if you are the current Block Holder.

^x Select if you are not the current Block Holder

^{xi} Common Language® and Telcordia® are registered trademarks and CLLI™, LERG™ Routing Guide and iconectiv™ are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.

Thousands-Block Number Pooling Administration Guidelines (TBPAG) - Appendix 3
 Revised: January 4, 2016
 MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level¹
 (Thousands-Block Number Pooling Growth Block Request)

Tracking Number: 606-ALLEN-KY-1099985

Date: Thursday, June 21, 2018 OCN: 6940 Company Name: EAST KENTUCKY NETWRK, LLC DBA APPALACHIAN WIRELESS

Rate Center: ALLEN

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)²: 606-339 606-791

Name of Block Applicant: Michael Huffman Signature: Michael Huffman

Title: Controller Phone: 606-477-2355-164 Fax:

E-Mail: mhuffman@ekn.com

A. Available Numbers: 3609

B. Assigned Numbers: 16391

C. Total Numbering Resources: 20000

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ³: 0

List Excluded Code(s) or Block(s):

| | | | | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Month | Month | Month | Month | Month | Month | Month | Month | Month | Month | Month | Month |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |

| | | | | | | |
|--|-----------|-----------|-----------|-----------|-----------|-----------|
| E. Growth History - Previous 6 months ⁴ | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> |
|--|-----------|-----------|-----------|-----------|-----------|-----------|

| | | | | | | | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| F. Forecast - Next 12 months ⁵ | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> | <u>66</u> |
|---|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6): 66.0

H. Months to Exhaust⁶ = $\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}}$

| | | |
|------------------------|--------------------------|--------------------------|
| <u>Block Requested</u> | <u>Available Numbers</u> | <u>Months To Exhaust</u> |
| 1 | 3609 | 54.682 |

I. Utilization⁷ = $\frac{\text{Assigned Numbers (B)}}{\text{Total Numbering Resources (C)-Excluded Numbers (D)}} \times 100 = \underline{81.955}$

Explanation: Requesting 1 block for prepaid provisioning.

¹A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.

²Report on all resources for the requested geographic area, including newly acquired blocks/codes.

³Quantity of numbers activated in the past 90 days is based on blocks and/or codes received from the administrator and shall be reported in increments of 1,000 or 10,000 TNs (e. g.: 2 blocks received=2,000 and 1 code received =10,000).

⁴Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month 1, and Month 6 as the current month.

⁵Forecast of TNs needed in each following month, starting with the most recent month as Month 1.

⁶To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (47 CFR § 52.15 (g) (4) (iii)).

⁷Newly acquired numbers may be excluded from the Utilization calculation (47 CFR § 52.15 (g)(4)(ii))

Exhibit B

Thousands-Block Number Pooling Administration Guidelines (TBPAG) - Part 3

Revised: January 4, 2016

Pooling Administrator's Response/Confirmation

Tracking Number : 606-ALLEN-KY-1099985

Date of Application: 06/21/2018 Effective Date: _____
 Date of Receipt: 06/21/2018 Date of Response: 06/21/2018

Service Provider Name: EAST KENTUCKY NETWRK, LLC DBA APPALACHIAN WIRELESS
 (LERG™ Routing Guide¹)
 OCN: 6940
 Parent Company OCN: 6940

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Margaret Harrell-Simington Phone: 925-363-8747
 Signature of Pooling Administrator
Margaret Harrell-Simington Fax: 925-363-8747
 Name (print)
 Email: margaret.harrell-simington@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: IVELKYAACM1
 Rate Center: ALLEN

X Form complete, request denied.
 Explanation:
DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new block 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.