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Suite 200  
Louisville, KY 40243  
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**West Virginia Office**  
633 Seventh Street  
Huntington, WV 25701  
(304) 522-6658  
(304) 522-7722

RECEIVED

JAN 31 2020

PUBLIC SERVICE  
COMMISSION

January 28, 2020

Ms. Gwen R. Pinson, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40602-0615

**RE: Teleport Communications of America, LLC's Petition for Review of NXX Code Denial in the Pikeville Rate Center (NPA 606)**

Dear Ms. Pinson,

Enclosed, please find the original plus ten (10) copies of the following documents:

Teleport Communications of America, LLC's Petition for Review of NXX Code Denial in the Pikeville Rate Center (NPA 606).

I have also included an extra copy along with a postage-prepaid envelope. Please filed-stamp and return the extra copy to me. If you have any questions or need further information, please contact me at the Louisville office listed above. Thank you for your assistance and attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl R. Winn".

Cheryl R. Winn

Enclosures

RECEIVED

JAN 31 2020

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Teleport Communications of America, LLC )	
Petition Requesting the Commission's )	Case No. <u>2020-00025</u>
Intervention in NANPA NXX Code )	
Assignments (NPA 606) )	

TELEPORT COMMUNICATIONS of AMERICA, LLC PETITION FOR REVIEW  
OF NXX CODE DENIAL IN THE PIKEVILLE RATE CENTER

Teleport Communications of America, LLC (“TCAL”), through its undersigned counsel, 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 TCAL’s application for use of central office numbering resources in the 606 area code.

In support of its petition, TCAL states:

1. TCAL is a telecommunications utility subject to certain regulation 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 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; FCC 01-362, 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 January 23, 2020, in order to meet its customer's express request for consecutive numbers, [Exhibit A], TCAL submitted a Central Office Code (NXX) Assignment Request and CO Code Assignment/MTE Certification Request Worksheet to NANPA for the assignment of 1 full code (10 blocks) of numbers needed to meet the numbering demand for 10,000 consecutive numbers (a full code) for the Pikeville Medical Center in Pikeville, Kentucky. The application is attached hereto as Exhibit B.
8. TCAL completed the application in accordance with the Industry Numbering Committee's Guidelines and filled out the necessary MTE Certification Worksheets as required.
9. The code assignment request was for a 10,000 numbers (a full code), in NPA 606, to meet the Pikeville Medical Center's request for sequential numbers. TCAL, however, did not have sufficient resources available within its inventory in the Pikeville 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 Pikeville rate center had a MTE of .368 months and a utilization of 37.3%. TCAL submitted this request because the Pikeville rate center inventory does not have a full code available to meet the customer's request. On January 23, 2020, NANPA's Central Office Code Administration denied TCAL's code request on the grounds that TCAL had not met the utilization criteria now set forth in the Central Office (NXX) Guidelines. NANPA denied TCAL's code requests despite the fact that TCAL does not have adequate numbering resources needed to satisfy its customer's demands in the above-referenced switch. NANPA's response is in Attachment 1.

10. TCAL's inability to provide the requested numbers prevents TCAL from providing the quality of service the customer desires, needs, and expects. If TCAL is not assigned the code needed to meet the customer's request, TCAL will be unable to provide the telecommunications services requested by the customer.<sup>1</sup> NANPA's refusal to grant numbering resources sufficient to meet the Pikeville Medical Center'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.
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

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<sup>1</sup> TCAL employs a number administration technique called "sequential numbering" in order to preserve the largest blocks of consecutive numbers for as long as possible. The lack of consecutive numbers in the switches referred to

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. TCAL requests that the Commission reverse NANPA's decision to withhold numbering resources from TCAL.
14. This Commission, as well as the Commissions in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, has previously addressed similar situations and ordered NANPA to provide TCAL with the numbering resources, even though TCAL was unable to satisfy the requirements.

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above is the consequence of a high level of utilization, not any failure on TCAL's part to conserve blocks of consecutive numbers.

WHEREFORE, TCAL requests that the Commission:

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

Respectfully submitted this 28<sup>th</sup> day of January, 2020.



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Cheryl R. Winn  
Waters Law Group, PLLC  
12802 Townepark Way, Suite 200  
Louisville, KY 40243  
Telephone: (502) 425-2424  
Facsimile: (502) 425-9724  
Email: [crwinn@waterslawgroup.com](mailto:crwinn@waterslawgroup.com)  
COUNSEL FOR PETITIONER,  
Teleport Communications America LLC

# **EXHIBIT A**



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# **+PIKEVILLE MEDICAL CENTER**

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January 9, 2020

AT&T Global Business  
Attn: Jason Hersey  
Client Solutions Executive 3

To Whom It May Concern:

Please accept this Letter of Intent requesting additional numbering resources. Pikeville Medical Center requests 10,000 consecutive numbers in the Pikeville KY area. We are the largest hospital in southeastern Kentucky. As of 2018, the hospital had 1.6 million square feet spread across 43 facilities, is licensed for 340 beds, and has approximately 3,000 employees, Pikeville Medical Center is the only Level 2 Trauma Center in eastern Kentucky and provides air medical services to most of eastern KY. We currently have clinics in all surrounding counties and are expanding our footprint every year.

Pikeville Medical Center has 5000 + phones in our environment and currently uses several numbering schemes and internal extensions. With our growth and increasing presence in the area we are in need of a larger DID pool that we can use to provide a more consistent and manageable dial plan for our staff and customers. Once the cut over is complete, Pikeville Medical Center will be able to return several hundred 218 numbers to ATT. Due to marketing and some high value services we will be keeping some of the 218 numbers until we can replace them to the public and other providers in a safe manner.

Pending AT&T's successful completion of testing, Pikeville Medical Center understands these numbers will need to be activated within 180 days of the effective date.

Sincerely,



Tony Damron, Chief Information Officer / Senior Vice President  
Office: (606) 218-6296  
Email: [tony.damron@pikevillehospital.org](mailto:tony.damron@pikevillehospital.org)

## **EXHIBIT B**

Central Office Code (NPA-NXX) Application - Part 1  
Revised: October 31, 2019

Tracking Number: **606-PIKEVILLE-KY-1211022**

**Full NXX: Dedicated Customer**

Type of Application:  New  Change<sup>1</sup>  Delete

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:

Company/Entity Name: **TELEPORT COMMUNICATIONS AMERICA, LLC - KY**

Headquarters Address: **5001 EXECUTIVE PARKWAY 3W200L**

City, State, Zip: **San Ramon, CA, 94583**

Contact Name: **Rowena Brown**

Contact Address: **5001 EXECUTIVE PARKWAY 3W200L**

City: **San Ramon** State: **CA** ZIP: **94583**

Phone: **925-543-1526** Fax : **925-355-9268**

E-mail: **rb2548@att.com**

Code Administrator:<sup>2</sup>

Name: **David Morgan**

Address: **2411 Dulles Corner Park Suite 250**

City: **Herndon** State: **VA** ZIP: **20171**

Phone: **571-363-3823** Fax : **571-363-3838**

1.2 NPA: **606** NXX:<sup>3</sup> LATA: **466** OCN:<sup>4</sup>**8406**

Parent Company's OCN(s) **7125**

Switching Identification (Switching Entity/POI)

<sup>5</sup>**WNCHKYMAXUX**

Locality/City/Wire Center:

Rate Center:<sup>6</sup>**PIKEVILLE**

Homing Tandem Operating Co.<sup>7</sup>:**BELLSOUTH**

Tandem Homing  
CLLI<sup>TM</sup><sup>8</sup>:**STLSMO09GT3**

1.3 Dates

Date of Application:**01/23/2020**

Requested Effective Date:<sup>9,10</sup>

03/29/2020

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.

Request Expedited Treatment Yes \_\_\_\_\_ No  X

Expedite Documentation must be provided if "Request Expedite" = Yes

Expedited Explanation:

1.4 a) Type of Company/Entity Requesting Code (LEC, IC, CMRS, Other):  CAP OR CLEC

b) Type of service (e.g., Cellular - Type 2):  Wireline

c) Code Assignment Preference (Optional) \_\_\_\_\_

d) Codes that are undesirable, if any \_\_\_\_\_

e) Type of Change (Mark all that apply)

OCN-Intra-company<sup>11</sup>  Switching Id  Rate Center  Tandem Homing CLLI

OCN-Inter-company<sup>12</sup>  Effective Date  LATA  Extend Reservations

1.5 Type of Request (Initial, growth, etc.)  Growth

If an initial code, attach (1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pooling Indicator: <sup>13</sup>  Yes  No

1.6 NPA Jeopardy Criteria Apply:  Yes  No

1.7 Code request for new service (Explain):  DEDICATED CUSTOMER

1.8 It is the Code Applicant's responsibility to arrange input of Part 2 information into BIRRDS. The 45-calendar day nationwide minimum interval cut-over for BIRRDS will not begin until input into BIRRDS has been completed.

Comments:

I hereby certify that the above information requesting a CO Code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block and Central Office Code Administration Guidelines (TBCOCAG) posted to the ATIS web site (<http://www.atis.org/inc/incguides.asp>) as of the date of this application.<sup>14</sup>

<b><u>Rowena Brown</u></b>	<b><u>Senior Network Specialist</u></b>	<b><u>01/23/2020</u></b>
Signature of Code Applicant	Title	Date

<sup>1</sup>Identify type and reason for change(s) in Section 1.4(e).

<sup>2</sup>A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from the North American Numbering Plan Administrator (NANPA).

<sup>3</sup>The NXX field is required for any Central Office (CO) Code (NPA-NXX) request in which there is a change or the CO Code is being returned.

<sup>4</sup>Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to Central Office (CO) Code (NPA-NXX) assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments may contact NECA (800-228-8597) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignment should direct questions regarding appropriate OCN usage to the Telecom Routing Administration (TRA) on 732-699-6700.

<sup>5</sup>This is an eleven-character descriptor of the Switching Entity/Point Of Interconnection (POI) provided by the owning entity for the purpose of routing calls. This is the eleven-character iconectiv<sup>®</sup> Common Language Location Identification (CLLI<sup>™</sup>) Code of the applicant's Switching Entity/POI. (iconectiv<sup>®</sup>, Telcordia<sup>®</sup>, and Common Language<sup>®</sup> are registered trademarks and CLCI<sup>™</sup>, CLLI<sup>™</sup>, LERG<sup>™</sup> Routing Guide and TPM<sup>™</sup> Data Source are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba as iconectiv.)

<sup>6</sup>Rate Center name shall be a tariffed Rate Center associated with toll billing.

<sup>7</sup>Applies to any Central Office (CO) Code Applicant connecting to the Public Switched Telephone Network via a tandem owned by a different Service Provider (SP).

<sup>8</sup>This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This shall be the CLLI Code of the Switching entity/Point of Interconnection (POI), and is the same on Part 2, Form 1, Page 2 of 2.

<sup>9</sup>Central Office (CO) Code Applicants should request an effective date that is at least 66 calendar days from the submission of this form. It should be noted that interconnection arrangements and facilities need to be in place prior to Activation of a CO Code. Such arrangements are outside the scope of these guidelines.

<sup>10</sup>Requests for Central Office (CO) Code assignment shall not be made more than six months prior to the requested Effective Date.

<sup>11</sup>Select if you are the current Central Office (CO) Code Holder.

<sup>12</sup>Select if you are not the current Central Office (CO) Code Holder.

<sup>13</sup>The Applicant shall indicate “Yes” if the Central Office (CO) Code being requested shall be used for Thousands-Block Number Pooling and shall leave this field blank if it is not.

<sup>14</sup>An incomplete form may result in delays in processing this request.

Thousands-Block Months to Exhaust Certification Worksheet - TN Level<sup>1</sup> - Appendix 2

Revised: October 31, 2019

(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: 606-PIKEVILLE-KY-1211022

Date: Thursday, January 23, 2020 OCN:8406 Company Name:TELEPORT COMMUNICATIONS AMERICA, LLC - KY

Rate Center: PIKEVILLE

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)<sup>2</sup>:606-200-7,

Name of Block Applicant:Rowena Brown

Signature: Rowena Brown

Title:Senior Network Specialist

Phone: 925-543-1526-

Fax: 925-355-9268

E-Mail: rb2548@att.com

A. Available Numbers<sup>3</sup>:621

B. Assigned Numbers: 373

C. Total Numbering Resources<sup>4</sup>:1000

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation<sup>5</sup>:0

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

Month	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 <sup>6</sup>	10	0	1	31	3	29
--	----	---	---	----	---	----

F. Forecast - 10020 20 20 20 20 20 20 20 20 20 20 20  
 Next 12 months<sup>7</sup>

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6)<sup>8</sup>:1686.667

H. Months to Exhaust<sup>9</sup> = Numbers Available for Assignment to Customers (A)

Average Monthly Forecast (G)

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
1	621	0.368

I. Utilization<sup>10</sup> = Assigned Numbers (B) X 100 = 37.3

Total Numbering Resources (C)-Excluded Numbers (D)

Explanation: \_\_\_\_\_

<sup>1</sup>A copy of this worksheet is required to be submitted to the Pooling Administrator (PA) when requesting additional Numbering Resources in a rate center. For auditing purposes, the applicant shall retain a copy of this document.

<sup>2</sup>List all Numbering Resources allocated to the OCN for the requested Rate Center, including newly acquired Central Office (CO) Codes (NPA-NXX) and Thousands-Blocks (NPA-NXX-X). This information is available from the Total Numbering Resources in PAS and shall automatically populate on this form in PAS. When an exception exists, the Applicant shall adjust the auto-populated list and shall provide an explanation of the adjustment in the Explanation field.

<sup>3</sup>The total quantity of numbers available for assignment from the Numbering Resources allocated to the OCN for the requested Rate Center, including newly acquired CO Codes (NPA-NXXs) and Thousands-Blocks (NPA-NXX-Xs). When an exception exists, the Applicant shall adjust the auto-populated number as needed and provide an explanation of the adjustment in the Explanation field (e.g., to increase the number of available resources due to pending applications in the same rate center, or for documentation purposes for safety valve waivers).

<sup>4</sup>The total quantity of Numbering Resources allocated to the OCN for the requested Rate Center, including newly acquired CO Codes (NPA-NXXs) and Thousands-Blocks (NPA-NXX-Xs). This information is available from the Total Numbering Resources Report in PAS and shall automatically populate on this form in PAS. When an exception exists, the Applicant shall adjust the auto-populated number as needed and provide an explanation of the adjustment in the Explanation field (e.g., to increase the total number of resources to include pending applications in the same rate center, or for documentation purposes for safety valve waivers).



<sup>5</sup>Quantity of numbers activated in the past 90 days indicates newly acquired Thousands-Blocks (NPA-NXX-X) and/or Central Office (CO) Codes (NPA-NXX) 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).

<sup>6</sup>Net change in Telephone Numbers (TN) 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.

<sup>7</sup>Forecast of Telephone Numbers (TN) needed in each following month, starting with the most recent month as Month 1.

<sup>8</sup>This field is automatically calculated and populated on this form in PAS.

<sup>9</sup>This field is automatically calculated and populated on this form in PAS. To be assigned an additional Thousands-Block (NPA-NXX-X) for growth, "Months to Exhaust" shall be less than or equal to 6 months. (47 CFR § 52.15 (g) (4) (iii)).

<sup>10</sup>This field is automatically calculated and populated on this form in PAS. To be assigned an additional Thousands-Block (NPA-NXX-X) for growth, "Utilization" shall be 75% or more (47 CFR § 52.15 (h)). Newly acquired Numbering Resources may be excluded from the Utilization calculation (47 CFR § 52.15 (g)(4)(ii)).

**Cheryl Winn**

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**From:** mharrell-simington@somos.com  
**Sent:** Thursday, January 23, 2020 4:42 PM  
**To:** BROWN, ROWENA R  
**Cc:** PA\_Part3@somos.com  
**Subject:** , 606-PIKEVILLE-KY-1211022 DENIED PAS - Part 3A Confirmation

## Pooling Administration System

Dated 23 January 2020

### Pooling Administrator's Response/Confirmation - Part 3A

Revised: October 31, 2019

Tracking Number : 606-PIKEVILLE-KY-1211022

Date of Application: 01/23/2020 Effective Date: \_\_\_\_\_  
Date of Receipt: 01/23/2020 Date of Response: 01/23/2020

Service Provider Name: TELEPORT COMMUNICATIONS AMERICA, LLC - KY  
(LERG™ Routing Guide<sup>1</sup>) OCN: 8406  
Parent Company OCN: 7125

NPAC SOA SPID : \_\_\_\_\_

#### Pooling Administrator Contact Information:

Margaret Harrell-Simington Phone: 925-420-0346  
Signature of Pooling Administrator  
Margaret Harrell-Simington Fax: 925-420-0377  
Name (print)  
Email: mharrell-simington@somos.com

         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)<sup>2</sup>: WNCHKYMAXUX

Rate Center: PIKEVILLE

X 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 3A denial. If you are in disagreement with the disposition of this request, please refer to the Thousands-Block (NPA-NXX-X) & Central Office Code (NPA-NXX) Administration Guidelines for the appeals process.**

Request Withdrawn.

Explanation:

Assignment Activity Suspended by Administrator.

Explanation:

Remarks:  
\_\_\_\_\_  
\_\_\_\_\_

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<sup>1</sup> iconectiv®, Telcordia®, and Common Language® are registered trademarks and CLCI™, CLLI™, LERG™ Routing Guide and TPM™ Data Source are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba as iconectiv.

<sup>2</sup> This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This shall be the Common Language Location Code (CLLI Code) of the Switching Entity/Point Of Interconnection (POI) shown on the Part 1A.