

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF TELEPORT COMMUNICATIONS)	
OF AMERICA, LLC REQUESTING THE)	CASE NO.
COMMISSION'S INTERVENTION OF NANPA)	2023-00232
NXX CODE ASSIGNMENTS (NPA 502))	

ORDER

On July 14, 2023, Teleport Communications of America, LLC (Teleport Communications) filed a petition requesting that the 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.”²

In its petition, Teleport Communications explains that it has requested numbering resources associated with telecommunications services requested by a specific customer, U. S. Army Network Enterprise Technologies Command (NETCOM), in the Rose Terrace rate center located within the 502 Numbering Plan Area (NPA) in Kentucky. NETCOM is building out an enterprise voice capability in four regions of the continental

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.

² See generally 47 C.F.R. § 52.

United States. NETCOM is requesting numbers to service one region and requires 10 blocks of 10,000 consecutive numbers to support the phone system requirement.³ Teleport Communications, to meet this need, has requested ten 10-thousands-block consecutive numbers from the pooling administrator.⁴

On June 25, 2023, Teleport Communications applied to the Pooling Administrator for the required numbering resources in the Rose Terrace, Kentucky, rate center.⁵ The application process with the Pooling Administrator requires the submission of information used for a Months-To-Exhaust (MTE) and Utilization Certification Worksheet (Worksheet) about the affected rate centers.⁶ Based on the submitted information and resulting calculations, the Pooling Administrator concluded that Teleport Communications did not meet the FCC's MTE or utilization criteria.⁷ Therefore, the Pooling Administrator determined that Teleport Communications' request 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

³ Application at 3, paragraph 7.

⁴ Application at 3, paragraph 7.

⁵ Application at 3. Current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁶ In accordance with 47 C.F.R. § 52.15(g)(4), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁷ The NANPA/Pooling Administrator denied the application due to the failure to meet the criteria in the rate center as described below:

<u>NPA</u>	<u>Rate Center</u>	<u>Purpose</u>	<u>Resource Requested</u>	<u>MTE</u>	<u>Utilization</u>
[502]	Rose Terrace	NXX-X	100k consecutive TNs	0.055	8.0

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.⁸

Pursuant to 47 C.F.R. § 52.15(g)(5), this Commission may overturn the Pooling Administrator's determination 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 Teleport Communications has demonstrated a verifiable need for the assignment of numbering resources by presenting a request from a specific telecommunications customer, NETCOM, for ten 10-thousands-blocks of consecutive numbers to be utilized for the purpose of providing service within the Rose Terrace, Kentucky, rate center. Due to the Pooling Administrator's denial of Teleport Communications' application, Teleport Communications 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, Teleport Communications cannot provide service without the requested resources. Furthermore, the Commission finds that Teleport Communications 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 10-thousands-blocks consecutive numbers in the rate center.

Therefore, the Commission finds that the Pooling Administrator's determination to deny Teleport Communications the additional numbering resources described herein should be overturned, and the Pooling Administrator should be directed to assign Teleport Communications ten new 10-thousands-blocks for the Rose Terrace rate center in

⁸ See generally, 47 C.F.R. § 52.

Kentucky. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Teleport Communications' customer in the Rose Terrace, Kentucky, rate center. If the numbering resources requested by Teleport Communications are not needed to meet the service requirements of its customer, the associated numbering resources approved in this Order should be returned to the 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. Teleport Communications' 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 Teleport Communications' request for the assignment of ten 10-thousands blocks for the Rose Terrace, Kentucky rate center, is hereby overturned.

3. The Pooling Administrator shall assign Teleport Communications ten 10-thousands blocks consecutive numbers for the Rose Terrace, Kentucky, rate center.


4. The numbering resources considered in this Order are to be assigned for the sole use of Teleport Communications' customer. If the numbering resources requested by Teleport Communications are no longer required to meet the service, the associated numbering resources approved in this Order shall be returned to the Pooling Administrator.

5. This case is closed and removed from the Commission's docket.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
AUG 31 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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