

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE COMPANY LLC'S	)	
PETITION FOR THE COMMISSION TO REVIEW A	)	CASE NO.
DECISION OF THE POOLING ADMINISTRATOR	)	2005-00311
RELATIVE TO A REQUEST FOR NUMBERING	)	
RESOURCES IN THE 859 AREA CODE	)	

O R D E R

On August 1, 2005, Cincinnati Bell Telephone Company ("CBT") filed a petition requesting this Commission review and overturn a determination by the North American Numbering Plan Administration ("NANPA").¹ The petition was filed pursuant to 47 C.F.R. Section 52.15(g)(4) wherein the Commission is granted the authority to "overturn the NANPA'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."

CBT explains that St. Luke Hospitals, a customer of CBT, requested 3,500 contiguous numbers in the Boone rate center and 3,500 contiguous numbers in the Covington rate center due to increased demand for its services and planned expansions of its facilities to create a comprehensive treatment center for the community. St. Luke Hospitals currently has numbers within the 859-442 and 859-572 NXX's in the

¹ The NANPA is an independent non-governmental entity selected by the Federal Communications Commission ("FCC") and is responsible for administering and managing the North American Numbering Plan ("NANP"). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

Covington rate center and the 859-962 NXX in the Boone rate center.² CBT notes that the customer needs thousands-blocks from NXX's that end in 2 in order to incorporate the new numbers it is requesting into its existing five-digit dialing plan. In addition, CBT states that the customer plans to transfer all of its current lines from the 859-572 and 859-962 NXX's to the newly-assigned codes and return all of its 859-572 and 859-962 numbers to CBT. To the extent that there are any uncontaminated thousands-blocks among these returned numbers, CBT will donate these blocks to the number pool.

CBT lacks sufficient numbering resources within the Boone and Covington rate centers to meet the customer's request. Hence, on July 25, 2005, CBT submitted to the NANPA requests for several blocks of numbers in order to address the business needs of St. Luke Hospitals. The application process with the NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.³ Based on the submitted information and resulting calculations, the NANPA concluded that CBT did not meet the FCC's required guideline for MTE of six months or less⁴ and determined that CBT's request for additional numbering resources should be denied.

The NANPA is not a policy-making entity. In making assignment decisions, the NANPA follows regulatory directives and industry-developed guidelines. The NANPA's

² See CBT's Petition for Review.

³ In accordance with 47 C.F.R. Section 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁴ According to the Worksheet, the MTE was calculated to be 87.286 months for the Boone rate center and 81.221 months for the Covington rate center.

responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁵

Pursuant to 47 C.F.R. Section 52.15(g)(4), this Commission may overturn the determination of the NANPA 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 CBT has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, St. Luke Hospitals, for 3,500 contiguous numbers in the Covington rate center and 3,500 contiguous numbers in the Boone rate center. CBT advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Boone and Covington rate centers. The Commission further finds that CBT has exhausted all available remedies in the Boone and Covington rate centers to the extent that no combination of existing numbering resources in either the Boone or Covington rate center can be employed to meet the customer's demand for 3,500 contiguous numbers in the Boone and Covington rate centers. According to CBT, there are currently no unopened NXX's within the Boone or Covington rate centers that would allow CBT to accommodate the customer's need.

This Commission finds that the NANPA determination to deny CBT the additional numbering resources described herein should be overturned, and that the NANPA should be directed to assign to CBT a new central office code ending in 2 in both the Boone rate center and the Covington rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of

⁵ See generally, 47 C.F.R. Section 52.

serving CBT's customer, St. Luke Hospitals, in the Boone and Covington rate centers. If the service requested by St. Luke Hospitals is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to the NANPA and may not be utilized to serve other customers without first meeting the NANPA numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. CBT's petition regarding the NANPA's denial of its application for assignment of additional numbering resources in the 859 Numbering Plan Area is granted.

2. The decision of the NANPA denying CBT's request for additional numbering resources in the Boone and Covington rate centers is hereby overturned.

3. The NANPA shall assign CBT an available central office code (NXX) that ends in 2 for both the Boone rate center and the Covington rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving CBT's customer, St. Luke Hospitals, in the Boone and Covington rate centers. If the service requested by St. Luke Hospitals is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

5. CBT's customer, St. Luke Hospitals, shall transfer all of its current lines from the 859-572 and 859-962 NXX's to the newly-assigned codes and return all of its

859-572 and 859-962 numbers to CBT. Further, CBT shall donate any uncontaminated thousands-blocks among the returned codes to the number pool.

Done at Frankfort, Kentucky, this 19th day of September, 2005.

By the Commission

ATTEST:


Executive Director