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August 2, 2004

RECEIVED

AUG 03 2004

**PUBLIC SERVICE
COMMISSION**

Ms. Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

Case 2004-00308

Re: BellSouth Telecommunications, Inc.'s Petition
Requesting the Commission's Intervention in NANPA
NXX Code Assignments (Louisville Rate Center, Area
Code 502 - Citigroup)

Dear Ms. O'Donnell:

Enclosed are the original and ten (10) copies of BellSouth Telecommunications, Inc.'s
Petition for Review of NXX Code Denial in the Louisville Rate Center.

Very truly yours,


Dorothy Chambers

Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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AUG 03 2004

**PUBLIC SERVICE
COMMISSION**

In the Matter of:

BellSouth Telecommunications, Inc.'s)
Petition Requesting the Commission's Intervention) Case No. 2004-00308
In NANPA NXX Code Assignments (NPA 502))

BELLSOUTH'S PETITION FOR REVIEW OF NXX CODE DENIAL
IN THE LOUISVILLE RATE CENTER

BellSouth Telecommunications, Inc. ("BellSouth"), 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 BellSouth's application for use of central office numbering resources in the 502 area code.

In support of this petition BellSouth states:

1. BellSouth 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. 22-26; FCC 01-362, para. 50. 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 July 12, 2004, BellSouth submitted a Central Office Code (NXX) Assignment Request (“Part 1”) and CO Code Assignment/Months-to-Exhaust Certification Request Worksheet to NANPA for the assignment of an NXX code needed to meet the numbering demands for Citigroup in Louisville, KY. The affected BellSouth customer will be served by the Jeffersontown switch in the Louisville rate center. The application is attached hereto as Attachment 1.
8. BellSouth has a total of 16 switches in the Louisville rate center. The code requested was submitted for BellSouth’s Jeffersontown switch.
9. BellSouth completed the application in accordance with the Industry Numbering Committee’s Guidelines and filled out the necessary Months-To-Exhaust Certification Worksheets as required.
10. The code assignment request was for a growth code in the 502 NPA to meet Citigroup’s request for a Dedicated Code of 10,000 sequential numbers, due to growth and increased administrative efficiencies. BellSouth, however, did not have sufficient number resources available within its inventory in the Louisville 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 Louisville Rate Center had an MTE of 67.18 and a utilization of 78.02%. BellSouth submitted this code request because neither the Louisville Jeffersontown switch that serves the customer, nor any of its switches serving the Louisville rate center, have a block of sequential numbers large enough to meet the customer’s needs. On July 12, 2004, NANPA’s Central Office Code Administration denied BellSouth’s code request on the grounds that BellSouth had not met the rate center based months-

to-exhaust criterion now set forth in the Central Office (NXX) Guidelines.

NANPA denied BellSouth's code requests despite the fact that BellSouth does not have adequate numbering resources needed to satisfy its customer's demands in the above referenced switch. NANPA's response (Part 3) is on the last screen of Attachment 1.

11. BellSouth's inability to provide this important customer - Citigroup - with the requested numbers within the same NXX prevents BellSouth from providing the quality of service this customer desires, needs, and expects. If BellSouth is not assigned the code needed to meet the customer's request, BellSouth will be unable to provide the telecommunications services requested by the customer.¹

NANPA's refusal to grant numbering resources sufficient to meet Citigroup's needs 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 a want of numbering resources."

FCC 00-429 at para.61.

12. 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.

¹ BellSouth 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 above is the consequence of a high level of utilization, not any failure on BellSouth's part to conserve blocks of consecutive numbers.

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”).

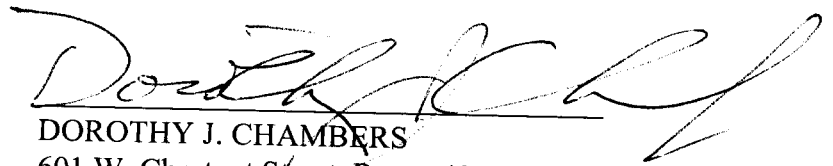
13. Prior to the FCC’s orders and the resulting change in the Central Office Code (NXX) Assignment Guidelines, the MTE procedures used by NANPA permitted a carrier to receive a code assignment, even if the MTE requirement at the switch level was not met. These waivers or exceptions were granted where 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.
14. BellSouth requests that the Commission reverse NANPA’s decision to withhold numbering resources from BellSouth. BellSouth’s request for numbering resources would not materially impact exhaustion of the remaining 72 NXXs available in the 502 area code.
15. Although this is the first request to this Commission to review NANPA denials and to order the release of numbering resources to meet customer demands, the Commissions in Alabama, Florida, Georgia, Louisiana, Mississippi, North

Carolina, South Carolina, and Tennessee have all previously addressed similar situations and ordered NANPA to provide BellSouth with the numbering resources, even though BellSouth was unable to satisfy the required months-to-exhaust criteria.

WHEREFORE, BellSouth requests that the Commission:

1. Reverse the decision of NANPA to deny BellSouth's requests for additional numbering resources,
2. Direct NANPA to provide the requested central office code for the switch identified herein, and
3. Grant the requested relief as soon as practicable.

Respectfully submitted this 2nd day of August, 2004.



DOROTHY J. CHAMBERS
601 W. Chestnut Street, Room 407
P. O. Box 32410
Louisville, KY 40232
(502) 582-8219

COUNSEL FOR BELL SOUTH
TELECOMMUNICATIONS, INC.

Pooling Administration System - Microsoft Internet Explorer provided by BellSouth

Address: https://www.nationalpooling.com/pas/frames-index.jsp

Pooling Administration System

loretta.archer@bridge.bellsouth.com (SP) Sign Out

Request Resources

State:

NPA:

Rate Center:

OCN:

Type of Application:

NOTE
If you are selecting a Rate Center that is moving to a new NPA due to a split, PAS will automatically migrate the request to the new NPA once the mandatory dialing date occurs.

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Request Full NXX (Dedicated Customer)

Do you already have a block/code in this rate center? Yes No

Will all blocks be activated on the same switch? Yes No

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Pooling Administration System

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Months to Exhaust and Utilization Certification Worksheet TN Level

Date **Monday, July 12, 2004**
OCN 9419

Company Name **BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL**
Rate Center **LOUISVILLE**

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X (S)


(502) 772 (26)	774 1-9 (13)	775 0-8 (22)	776 (08)	778 (29)				
(502) 244 (07)	245 (14)	253 (17)	254 (25)	489 3,5-6,8-9 (10)	666 7 (28)			
(502) 217 (20)	333 1,3,6-7 (07)	374 (01)	540 (08)	560 (26)	561 (05)	562 (11)	566 (08)	
568 (11)	569 (04)	572 1-3 (28)	574 (25)	581 (19)	582 (01)	583 (19)	584 (16)	585 (22)
587 (26)	588 (28)	589 (26)	595 (25)	596 (01)	625 (19)	627 (25)	629 (25)	632 (01)
681 0-1,9 (05)	779 (01)	852 (28)	854 (11)					
(502) 247 (05)	359 (07)	361 (17)	363 (05)	364 (08)	366 (16)	367 (23)	368 (02)	375 (28)
380 0-5,8-9 (14)								
(502) 238 0,3-6 (05)	272 (16)	451 (07)	452 (26)	454 (17)	456 (13)	458 (28)	459 (22)	
473 (08)	479 (01)	485 (25)	874 (20)					

Name of Block Applicant **Ms Loretta J Archer**
Title **Facility Specialist**
Telephone Number **(205) 977.8018**
Fax Number **(205) 977.3013**
E-Mail **loretta.archer@bridge.bellsouth.com**

A. Available Numbers *
B. Assigned Numbers *
C. Total Numbering Resources *
D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation *

List excluded Code(s) or Block(s)

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Pooling Administration System

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Months to Exhaust and Utilization Certification Worksheet TN Level

Date **Monday, July 12, 2004**
OCN 9419

Company Name **BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL**
Rate Center **LOUISVILLE**

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X (S)

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Name of Block Applicant **Ms Loretta J Archer**
Title **Facility Specialist**
Telephone Number **(205) 977.8018**
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E-Mail **loretta.archer@bridge.bellsouth.com**

A. Available Numbers *
B. Assigned Numbers *
C. Total Numbering Resources *
D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation *

List excluded Code(s) or Block(s)

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E. Growth History - Previous 6 months^{2,4}

Month 1	<input type="text" value="986"/>	Month 2	<input type="text" value="4412"/>
Month 3	<input type="text" value="1739"/>	Month 4	<input type="text" value="6474"/>
Month 5	<input type="text" value="2665"/>	Month 6	<input type="text" value="2862"/>

F. Forecast - Next 12 months^{3,4}


Month 1	<input type="text" value="10000"/>	Month 2	<input type="text" value="0"/>
Month 3	<input type="text" value="0"/>	Month 4	<input type="text" value="0"/>
Month 5	<input type="text" value="0"/>	Month 6	<input type="text" value="0"/>
Month 7	<input type="text" value="0"/>	Month 8	<input type="text" value="0"/>
Month 9	<input type="text" value="0"/>	Month 10	<input type="text" value="0"/>
Month 11	<input type="text" value="0"/>	Month 12	<input type="text" value="0"/>

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) 1666.667

H. Months to Exhaust⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

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Address: https://www.nationalpooling.com/pas/frames-index.jsp



- Request For Resources
 - Modify
 - Disconnect
 - Block Transfer
- Confirm Block(s) in Service (Part 4)
- Search Forms
- Submit Forecast
- User Profile
- Donate Blocks
- Reports

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Month 7	0	Month 8	0
Month 9	0	Month 10	0
Month 11	0	Month 12	0

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) 1666.667

H. Months to Exhaust⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested	A. Available Numbers	H. Months to Exhaust
1	150192	90.115


I. Utilization⁵ (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100 78.020

Explanation

1. A 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.
2. Net 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.
3. Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
4. To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(ii)).
5. Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii)).

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Address: https://www.nationalpooling.com/pas/frames-index.jsp



- Request For Resources
 - Modify
 - Disconnect
 - Block Transfer
- Confirm Block(s) in Service (Part 4)
- Search Forms
- Submit Forecast
- User Profile
- Donate Blocks
- Reports

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Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Based on the information provided, you will not exhaust all blocks in the requested NXX in 6 months.

Select One Option and Submit

- Return to the Months To Exhaust Form
- Discard all the information provided for the request and start with a fresh Part 1A
- State Waiver Option