

BellSouth Telecommunications, Inc.
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April 12, 2005

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

RECEIVED

APR 13 2005

Case No. 2005-00157

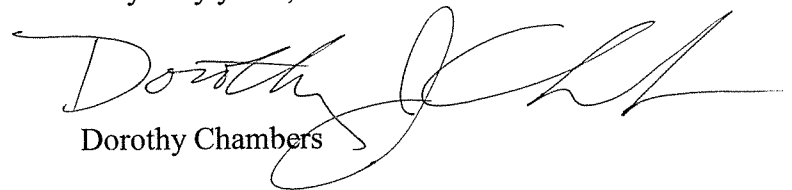
PUBLIC SERVICE
COMMISSION

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

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

Enclosures

COMMONWEALTH OF KENTUCKY

RECEIVED

BEFORE THE PUBLIC SERVICE COMMISSION

APR 13 2005

PUBLIC SERVICE COMMISSION

In the Matter of:

BellSouth Telecommunications, Inc.'s)
Petition Requesting the Commission's Intervention)
In NANPA NXX Code Assignments (NPA 502))

Case No. 2005-00157

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 April 7, 2005, 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 of Humana in Louisville, KY. The affected BellSouth customer will be served by the Armory Place switch in the Louisville rate center. The application is attached hereto as an Attachment.
8. 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.
9. The code assignment request was for a growth code in the 502 NPA to meet Humana’s request for seven blocks of numbers. BellSouth, however, did not have sufficient number resources available within its inventory to meet Humana’s numbering needs 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 25.49 and a utilization of 76.57%. BellSouth submitted this code request because the Armory Place switch does not have seven blocks of consecutive numbers needed to meet the customer’s needs. Humana is moving many of its call centers from other states to Louisville, precipitating the need for approximately six thousand new telephone numbers. Humana has requested specific number ranges in order that there will be no conflict with Humana’s existing numbers. On April 7, 2005 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 the Attachment.

10. BellSouth's inability to provide this important customer – Humana - with the requested numbers prevents BellSouth from providing the quality of service this customer desires, needs, and expects. If BellSouth is not assigned the codes 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 Humana'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.
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

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 switch 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.

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 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. 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 147 NXXs available in the 502 area code in the Louisville rate center.
14. This Commission, as well as 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 12th day of April, 2005.



DOROTHY J. CHAMBERS
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P. O. Box 32410
Louisville, KY 40232
(502) 582-8219

COUNSEL FOR BELLSOUTH
TELECOMMUNICATIONS, INC.

581094

Pooling Administration System

helendavis@bridge.bellsouth.com (SP) Sign Out

Part 1A

Type of Application : New

1.1 Contact Information :

Note : If any of the contact info is incorrect, edit your user profile

Block Applicant :

Company Name BELL SOUTH SO CNTL
 Headquarters Address: 3535 Colonnade Pkwy Rm W2B
 City Birmingham
 State AL
 Zip: 35243

Contact Name Mrs Helen D Davis
 Contact Address 3535 Colonnade Pkwy Rm W2B
 City Birmingham State AL
 Zip 35243
 Telephone (205) 968-8685 Fax (205) 977-3013
 E-mail helendavis@bridge.bellsouth.com

Pooling Administrator :

Contact Name Ms Genevieve Paulino
 Contact Address 1800 Sutter St. Ste. 780
 City Concord State CA

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Pooling Administration System

Zip 94520
 Telephone (925) 363-7652 Fax (925) 363-7683
 E-mail genevieve.paulino@neustar.biz

1.2 General Information

LRN Needed No
 NPA 502 LATA* 462
 OCN 9419-BELL SOUTH SO
 CNTL
 Parent Company OCN* 9419
 Number of Thousands-Blocks Requested 7
 Switch Identification (Switching Identity/POI) LSVLYAPDS0 City or Wire Center Name
 Rate Center LOUISVILLE Rate Center Sub Zone

1.3 Dates

Date of Application Thursday, April 7, 2005
 Requested Block Effective Date 8 May 2005
 Request Expedited Treatment Yes No


1.4 Type of Service Provider Requesting the Thousands-Block

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Request For Resources

- New
- Modify
- Disconnect
- Block Transfer
- Confirm Block(s) In Service (Part)
- Search Forms
- Submit Forecast
 - Create/Modify Forecast
- User Profile
- Donate Blocks
- Reports

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1.4 Type of Service Provider Requesting the Thousands-Block

a) Type of Service Provider *

b) Primary type of service Blocks to be used for *


<p>c) Thousands-Block(s) (NPA-NXX-X) assignment preference Click here to see the available blocks in the pool</p>	<input type="text" value=""/>	<input type="text" value=">>>"/>	<input type="button" value="Delete"/>
<p>d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any</p>	<input type="text" value=""/>	<input type="text" value=">>>"/>	<input type="button" value="Delete"/>

e) If requesting a code for L.R.N purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) N:A

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Request For Resources

- New
- Modify
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- Reports

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d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any

e) If requesting a code for L.R.N purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) N:A

1.5 Type of Request

Initial block for rate center Yes
 Growth block for rate center Yes
 Change block N:A
 Disconnect block N:A

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 INC 99-0127-023

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Pooling Administration System

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Months to Exhaust and Utilization Certification Worksheet - TN Level

Date **Thursday, April 7, 2005**
OCN 9419
Company Name **BELLSOUTH S/O CNTL**
Rate Center **LOUISVILLE**

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX(s)

Name of Block Applicant **Mrs Helen D Davis**
Title **Block Administration Specialist**
Telephone Number (205) **968-8685**
Fax Number (205) **977-3013**
E-Mail **helendavis@bridge.bellsouth.com**

A Available Numbers *
B Assigned Numbers *

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Rate Center **LOUISVILLE**

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX(s)

Name of Block Applicant **Mrs Helen D Davis**
Title **Block Administration Specialist**
Telephone Number (205) **968-8685**
Fax Number (205) **977-3013**
E-Mail **helendavis@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)

E Growth History - Previous 6 months² *

Month 1	4603	Month 2	16512
Month 3	4913	Month 4	1759
Month 5	5716	Month 6	2380

F Forecast - Next 12 months³ *

Month 1	5981	Month 2	11981
Month 3	5981	Month 4	5981
Month 5	5981	Month 6	5981
Month 7	5981	Month 8	5981
Month 9	5981	Month 10	5981

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NEU STAR

Request For Resources

Modify

Disconnect

Block Transfer

Confirm Block(s) in Service (Part F)

Search Forms

Submit Forecast

Create/Modify Forecast

User Profile

Donate Blocks

Reports

Month 9: 5981, Month 10: 5981, Month 11: 5981, Month 12: 5981

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) 6981.000

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	177994	25.497
2	178994	25.640
3	179994	25.783
4	180994	25.927
5	181994	26.070
6	182994	26.213
7	183994	26.356

I. Utilization⁶ (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100 76.579

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.

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

NEU STAR

Request For Resources

Modify

Disconnect

Block Transfer

Confirm Block(s) in Service (Part F)

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I. Utilization⁶ (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100 76.579

Explanation

- 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
- 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
- Forecast of TNs needed in each following month, starting with the most recent month as Month #1
- 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)(iii))
- Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

Show Calculations | Continue | Cancel

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Pooling Administration System

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

You have requested more blocks than you will exhaust in six 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

Submit Cancel

NEU STAR

- Request For Resources
- Modify
- Disconnect
- Block Transfer
- Confirm Block(s) in Service (Part 1A)
- Search Forms
- Submit Forecast
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Done

Internet