

BellSouth Telecommunications, Inc.

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August 26, 2005

RECEIVED

AUG 29 2005

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 No. 2005-00342

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

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,


for Dorothy Chambers

Enclosures

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BellSouth Telecommunications, Inc.'s)
Petition Requesting the Commission's Intervention) Case No. 2005-00342
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 August 26, 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 Jewish Hospital of Louisville. The application is attached hereto as Attachment 1.
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 block of 400 consecutive Direct-Inward-Dialing (DID) numbers in the 502 NPA requested by Jewish Hospital of Louisville. BellSouth, however, did not have sufficient number resources available within its inventory to meet Jewish Hospital of Louisville'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 83.7 and a utilization of 73.8 %. BellSouth submitted this code request because the Louisville Armory Place switch does not have the numbers needed to meet the customer's needs. On August 26, 2005 NANPA's Central Office Code Administration denied BellSouth's code request on the grounds that BellSouth had not met the rate center utilization criterion now set forth in the Central Office (NXX) Guidelines. NANPA denied BellSouth's code request 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 is on the last screen of Attachment 1.

10. BellSouth's inability to provide this important customer – Jewish Hospital of Louisville - with the requested numbers 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 Jewish Hospital of Louisville'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 Administrator(s) and code holders/applicants may pursue the disagreement with the appropriate governmental/regulatory body").

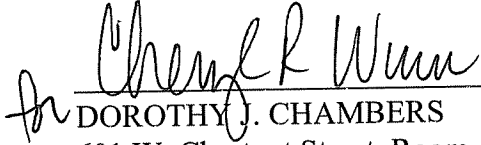
¹ BellSouth employs a number administration technique called "sequential numbering" in order to preserve the largest blocks of consecutive numbers for as long as possible. The lack of consecutive numbers in the switch referred to above is the consequence of a high level of utilization, not any failure on BellSouth's part to conserve blocks of consecutive numbers.

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 and utilization 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 152 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 and utilization 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 26th day of August, 2005.



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(502) 582-8219

COUNSEL FOR BELLSOUTH
TELECOMMUNICATIONS, INC.

Pooling Administration System

 spoer (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 **BELLSOUTH SO CNTL**

Headquarters Address: **3535 COLONNADE PARKWAY, ROOM W2B1**

City: **BIRMINGHAM**

State: **AL**

Zip: **35243**

Contact Name **Ms Sharon Poer**

Contact Address **3535 COLONNADE PARKWAY,
ROOM W2B1**

City **BIRMINGHAM**

State **AL**

Zip **35243**

Telephone **(205) 977-3015**

Fax **(205) 977-
3013**

E-mail **sharon.poer@bellsouth.com**

Pooling Administrator :

Contact Name **Ms Genevieve Paulino**

Contact Address **1800 Sutter St. Ste. 780**

City **Concord**

State **CA**

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-BELLSOUTH SO CNTL**

Parent Company OCN * **941E**

Number of Thousands-
Blocks Requested **1**

Switch Identification (Switching Identity/POI) *	LSVLKYAPDS0	City or Wire Center Name	
Rate Center	LOUISVILLE	Rate Center Sub Zone	

1.3 Dates

Date of Application **Friday, August 26, 2005**



Requested Block Effective Date 26 Sep 2005

Request Expedited Treatment Yes No

1.4 Type of Service Provider Requesting the Thousands-Block

a) Type of Service Provider * Incumbent Local Exchange Carrier (ILEC)

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

<p>c) Thousands-Block(s) (NPA-NXX-X) assignment preference Click here to see the available blocks in the pool.</p>			502-442-3
<p>d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any</p>			

e) If requesting a code for LRN 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**

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E. Growth History - Previous 6 months² *

Month 1	2965	Month 2	2608
Month 3	4262	Month 4	-3702
Month 5	7049	Month 6	2303

F. Forecast - Next 12 months³ *

Month 1	2581	Month 2	2981
Month 3	2581	Month 4	2581
Month 5	2581	Month 6	2581
Month 7	2581	Month 8	2581
Month 9	2581	Month 10	2581
Month 11	2581	Month 12	2581

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) **2647.667**

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	221556	83.680

I. Utilization⁵(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100 **73.762**


Explanation

CUST, JEWISH HOSPITAL, HAS TO HAVE TNS IN TH

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)(iii)).
5. Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

[Continue](#)

Pooling Administration System

 spoer (SP)

[Sign Out](#)

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

Your utilization calculates to **73.762 percent**. The FCC requires a utilization of **75.000 percent**.

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](#)