



BellSouth Telecommunications, Inc.

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General Counsel/Kentucky

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April 20, 2007

VIA FEDERAL EXPRESS

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

RECEIVED

APR 23 2007

PUBLIC SERVICE
COMMISSION

Re: Petition of BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky,
Requesting the Commission's Intervention in NANPA
NXX Code Assignments (Frankfort Rate Center, Area
Code 502 – Commonwealth of Kentucky)

Dear Ms. O'Donnell:

Case No. 7007-00167

Enclosed are the original and ten (10) copies of the Petition of BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky, for Review of NXX Code Denial in the Frankfort Rate Center.

Very truly yours,

Mary K. Keyer
Mary K. Keyer

Enclosures

674978

BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION

RECEIVED

APR 23 2007

PUBLIC SERVICE
COMMISSION

Re: Petition of BellSouth Telecommunications, Inc.,)
d/b/a AT&T Kentucky, Requesting)
the Commission's Intervention in)
NANPA NXX Code Assignments (NPA 502))

Case No. 2007-00167

PETITION FOR REVIEW OF NXX CODE DENIAL
IN THE FRANKFORT RATE CENTER

BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky ("AT&T Kentucky"), 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 AT&T Kentucky's application for use of central office numbering resources in the 502 area code.

In support of its petition, AT&T Kentucky states:

1. AT&T Kentucky 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 NANPA.

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; FCC 01-362, para. 50-52. 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 March 30, 2007, AT&T Kentucky submitted a Central Office Code (NXX) Assignment Request -Part 1 and CO Code Assignment Months-to-Exhaust Certification Worksheet to NANPA for the assignment of an NXX code needed to meet the numbering demands for the Commonwealth of Kentucky in Frankfort, KY. The affected AT&T Kentucky customer will be served by the Frankfort switch in the Frankfort Rate Center. See Attachment 1 .
8. AT&T Kentucky has a total of two switches in the Frankfort Rate Center. The code requested was submitted for AT&T Kentucky's Frankfort main switch.
9. AT&T Kentucky 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 the Commonwealth of Kentucky's request for a Dedicated Code of 10,000 sequential numbers. AT&T Kentucky, however, did not have sufficient number resources available within its inventory in our available pool for this wire center in the Frankfort 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 Frankfort Rate Center had an MTE of 34.34 and a utilization of 47.50%. AT&T Kentucky submitted this code

request because the Frankfort switch that serves the customer does not have a block of sequential numbers large enough to meet the customer's needs. On April 10, 2007, NANPA's Central Office Code Administration denied AT&T Kentucky's code request on the grounds that AT&T Kentucky had not met the rate center based months-to-exhaust criterion now set forth in the Central Office (NXX) Guidelines. NANPA denied AT&T Kentucky's code request despite the fact that AT&T Kentucky does not have adequate numbering resources needed to satisfy its customer's demands in the above referenced switch. See Attachment 2, Central Office Code Assignment Guidelines (COCAG) Central Office Code (NXX) Assignment Request – Part 3.

11. AT&T Kentucky's inability to provide this important customer – the Commonwealth of Kentucky - with the requested numbers within the same NXX prevents AT&T Kentucky from providing the quality of service this customer desires, needs, and expects. If AT&T Kentucky is not assigned the code needed to meet the customer's request, AT&T Kentucky will be unable to provide numbering resources requested by the customer.¹ NANPA's refusal to grant numbering resources sufficient to meet the Commonwealth of Kentucky's needs is inconsistent with the FCC's position that consumers should not be precluded from receiving services

¹ AT&T Kentucky 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 AT&T Kentucky's part to conserve blocks of consecutive numbers.

of their choice from providers of their choice for want of numbering resources.

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. 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. AT&T Kentucky requests that the Commission reverse NANPA’s decision to withhold numbering resources from AT&T Kentucky. AT&T Kentucky’s request for numbering resources would not materially impact exhaustion of the remaining 13 NXXs available in the 502 area code.
15. This Commission, as well as the Commissions in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, has previously addressed similar situations and ordered NANPA to provide AT&T Kentucky with the numbering resources, even though AT&T Kentucky was unable to satisfy the required months-to-exhaust criteria. See Order, KPSC Case No. 2005-00516, January 20, 2006; Order, KPSC 2005-00342, October 7, 2005; Order, KPSC 2005-00157, April 28, 2005; Order, KPSC 2005-00021, February 2, 2005; and Order, KPSC 2004-00521, February 2, 2005.

WHEREFORE, AT&T Kentucky requests that the Commission:

1. Reverse the decision of NANPA to deny AT&T Kentucky’s request 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 20th day of April 2007.



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(502) 582-8219
mary.keyer@att.com

COUNSEL FOR BELLSOUTH
TELECOMMUNICATIONS, INC.,
d/b/a AT&T KENTUCKY

674642

| | | |
|---|---|----------------------------|
| NANPA | | Logout |
| Marta.Antelo@BellSouth.com (SPA) | | Time : 04/12/2007 11:19 AM |
| <ul style="list-style-type: none"> Request For Resources Part1/MTE Reclamation Search Forms View Documents CO Code Reports User Profile | <p align="center">Printable Version <input type="button" value="Back"/></p> <p align="center">Central Office Code (NXX) Assignment Request - Part 1</p> <p align="center">December 9, 2005</p> <p>Tracking Number: <u>502-289271</u></p> <p>Type of Application: <input checked="" type="radio"/> New <input type="radio"/> Change <input type="radio"/> Delete</p> <p>1.0 GENERAL INFORMATION</p> <p>1.1 Contact Information:</p> <p>Code Applicant:</p> <p>Company/Entity Name: <u>BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL</u></p> <p>Headquarters Address: <u>22P69, 675 W. Peachtree Street, NE</u></p> <p>City, State, Zip: <u>Atlanta, GA, 30375</u></p> <p>Contact Name: <u>Marta A Antelo</u></p> <p>Contact Address: <u>Room 336, 600 NW 79th Avenue</u></p> <p>City, State, Zip: <u>Miami, FL, 33126</u></p> <p>Phone: <u>305-260-8213</u> FAX: <u>305-264-2918</u> E-mail: <u>Marta.Antelo@BellSouth.com</u></p> <p>Code Administrator:²</p> <p>Name: <u>David Morgan</u></p> <p>Address: <u>46000 Center Oak Plaza,</u></p> <p>City, State, Zip: <u>Sterling, VA, 20166</u></p> <p>Phone: <u>571-434-5381</u> FAX: <u>571-434-5502</u></p> <p>1.2 NPA: <u>502</u> NXX: <u>3716</u> LATA: <u>462</u> OCN: <u>49419</u> Parent Company's OCN(s) <u>9400</u></p> <p>Switching Identification(Switch Entity/POI)</p> <p>⁵<u>FRFTKYMADS0</u></p> <p>Locality/City/Wire Center: <u>FRANKFORT</u> Rate Center: ⁶<u>FRANKFORT</u></p> <p>Homing Tandem Operating Co.: ⁷<u>BST</u> Tandem Homing CLLI: ⁸<u>LSVLKYWE1GT</u></p> <p>1.3 Dates: Date of Application: <u>03/30/2007</u> Request Effective Date: ⁹<u>06/04/2007</u></p> <p>Expedite Reason: _____</p> <p>1.4 Type of company/entity requesting the code:</p> <p>a) <u>RBOC</u> (LEC, IC, CMRS, Other)</p> <p>b) Types of service: <u>Wireline</u> (e.g., Cellular - Type 2)</p> <p>c) Code Assignment Preference (Optional) _____</p> | |

ATTACHMENT 1

- d) Codes that are undesirable, if any 666, 800, 888, 900
- e) Type of change(Mark **all** that apply)
 - OCN-Intra-company¹¹ Switching Id Rate Center Tandem Homing CLLI
 - OCN-Inter-company¹² Effective Date LATA Extend Reservation

1.5 Type of Request (Initial, growth, etc.) Growth

If an initial code, attach(1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pooling Indicator: ¹³ Yes No

1.6 NPA Jeopardy Criteria Apply: Yes No

1.7 Code request for new service (Explain):

1.8 Part 2 is attached _____ Part 2 is not attached for BIRRDs ^{14 15}
Additional Documentation is attached _____ Additional Documentation is not attached

Comments:

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application: ¹⁶

| | | |
|-----------------------------|--------------------|------------|
| Marta A Antelo | Code Administrator | 03/30/2007 |
| Signature of Code Applicant | Title | Date |

¹Identify type and reason for change(s) in Section 1.4(e).

²A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.

³The NXX field is required for any code request in which there is a change or the NXX is being returned.

⁴Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments may contact NECA (973-884-8355) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignment should direct questions regarding appropriate OCN usage to the Telcordia™ Routing Administration (TRA) on 732-699-6700.

⁵This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the eleven-character Telcordia™ COMMON LANGUAGE CLLI™ Location Identification of the applicant's switch or POI. (Telcordia and CLLI are trademarks and COMMON LANGUAGE is a registered trademarks of Telcordia Technologies, Inc.)

⁶Rate Center name must be a tariffed Rate Center associated with toll billing.

⁷Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.

⁸This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI™ Location Identification Code of the switching entity/POI, and is the same on Part 2, Form 1, Page 2 of 2.

⁹Code applicants should request an effective date that is at least 66 calendar days from the submission of this form. It should be noted that interconnection arrangements and facilities need to be in place prior to activation of a code. Such arrangements are outside the scope of these guidelines.

¹⁰Requests for code assignment should not be made more than six months prior to the requested effective date.

¹¹Select if you are the current Code Holder

¹²Select if you are not the current Code Holder

¹³The Applicant will indicate "YES" if the NXX being requested will be used for thousands-block number pooling and will leave this field blank if it is not.

¹⁴Applicant is not required to submit Part 2 of the code request form if it is doing its own Telcordia™ Business Integrate Routing and Rating Database System (BIRRDS) entries, or if the applicant has arranged for a third party to input the Part 2 forms data on its behalf.

¹⁵WARNING! It is the code applicant's responsibility to arrange input of Part 2 information into BIRRDS. The 45 calendar day nationwide minimum interval cut-over for BIRRDS will not begin until input into BIRRDS has been completed.

¹⁶An incomplete form may result in delays in processing this request.

| NANPA | Logout | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|-----------|--------------|-----------|-----------|------------|----------|----------|----------|-----------|-----------|-----------|-----------|-----------|---|------------|-----------|-----------|----------|-----------|------------|--|--|--|--|--|--|---|-----------|-----------|--------------|-----------|-----------|-----------|----------|----------|----------|----------|----------|----------|
| <ul style="list-style-type: none"> Request For Resources Part1/MTE Reclamation Search Forms View Documents CO Code Reports User Profile | <p style="text-align: right;">Time : 04/12/2007 11:22 AM</p> <hr/> <p>Printable Version Back</p> <p>Effective June 11, 2001 Appendix</p> <p style="text-align: center;">CO CODE ASSIGNMENT</p> <p style="text-align: center;">MONTHS TO EXHAUST CERTIFICATION WORKSHEET - TN Level¹ (Worksheet to be used for Request for Additional Codes for Growth)</p> <p>Date: <u>03/30/2007</u> Company Name: <u>BELLSOUTH TELECOMM INC</u> <u>DBA SOUTH CENTRAL BELL</u> <u>TEL</u></p> <p>Rate Center: <u>FRANKFORT</u></p> <p>NPA(s)-NXXs included in growth calculation²: <u>13</u></p> <p>Signature of Authorized Representative of Code Applicant: <u>Marta A Antelo</u></p> <p>Title: <u>Code Admisnistrator</u> Telephone No.: <u>305-260-8213</u> FAX No.: <u>305-264-2918</u></p> <p>A. Telephone Numbers (TNs) Available for Assignment (See Glossary³): <u>58638</u></p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Month #1</th> <th>Month #2</th> <th>Month #3</th> <th>Month #4</th> <th>Month #5</th> <th>Month #6</th> <th>Month #7</th> <th>Month #8</th> <th>Month #9</th> <th>Month #10</th> <th>Month #11</th> <th>Month #12</th> </tr> </thead> <tbody> <tr> <td>B. Previous 6-month growth history⁴</td> <td><u>214</u></td> <td><u>37</u></td> <td><u>60</u></td> <td><u>4</u></td> <td><u>32</u></td> <td><u>159</u></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>C. Forecast - Next months 1-12⁵</td> <td><u>36</u></td> <td><u>38</u></td> <td><u>10040</u></td> <td><u>42</u></td> <td><u>44</u></td> <td><u>46</u></td> <td><u>0</u></td> <td><u>0</u></td> <td><u>0</u></td> <td><u>0</u></td> <td><u>0</u></td> <td><u>0</u></td> </tr> </tbody> </table> <p>D. Average Monthly Forecast (Sum of months 1-6 Part C above divided by 6): <u>1707.67</u></p> <p>E. Months to Exhaust⁶ = $\frac{\text{Telephone Numbers(TNs) Available for Assignment(A)}}{\text{Average Monthly Forecast(D)}} = 34.34$</p> <p>F. Utilization Level⁷ = $\frac{\text{Telephone Numbers (TNs) Assigned}}{\text{Total Numbering Resources in Applicant's Inventory}} \times 100 = 47.5$</p> <p>Explanation: _____</p> | | Month #1 | Month #2 | Month #3 | Month #4 | Month #5 | Month #6 | Month #7 | Month #8 | Month #9 | Month #10 | Month #11 | Month #12 | B. Previous 6-month growth history ⁴ | <u>214</u> | <u>37</u> | <u>60</u> | <u>4</u> | <u>32</u> | <u>159</u> | | | | | | | C. Forecast - Next months 1-12 ⁵ | <u>36</u> | <u>38</u> | <u>10040</u> | <u>42</u> | <u>44</u> | <u>46</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| | Month #1 | Month #2 | Month #3 | Month #4 | Month #5 | Month #6 | Month #7 | Month #8 | Month #9 | Month #10 | Month #11 | Month #12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| C. Forecast - Next months 1-12 ⁵ | <u>36</u> | <u>38</u> | <u>10040</u> | <u>42</u> | <u>44</u> | <u>46</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

¹A copy of this worksheet is required to be submitted to the Code Administrator; for audit purposes, it must be in the applicant's files.

²Report on all resources for the requested geographic area, including newly acquired codes.

³Definitions of terms may be found in the Glossary section of the Central Office Code (NXX) Assignment Guidelines.

⁴Net 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.

⁵Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁶To be assigned an additional CO Code (NXX) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, section 52.15 (g) (3) (iii)).

⁷Newly acquired numbers (see glossary) may be excluded from the utilization calculation (FCC 00-104, section 52.15 (g) (3) (ii)).



NANP Administration System

Dated 10 April 2007

**Central Office Code Assignment Guidelines (COCAG)
Central Office Code (NXX) Assignment Request - Part 3 - ATIS-0300050.p3
Revised: February 9, 2004**

Administrator's Response/Confirmation Tracking Number: 502-289271

| | | | |
|----------------------|--|--------------------------|-----------------------------------|
| Date of Application: | <u>03/30/2007</u> | Date of RECEIPT: | <u>03/30/2007</u> |
| Date of Response: | <u>04/10/2007</u> | Effective Date: | |
| Company/Entity Name: | <u>BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL</u> | Service Provider OCN: | <u>9419</u> |
| Contact Name: | <u>Marta A Antelo</u> | Phone: | <u>305-260-8213</u> |
| | | Email: | <u>Marta.Antelo@BellSouth.com</u> |
| | | Fax: | <u>305-264-2918</u> |

Code Administrator Contact Information:

| | | |
|---------------------------------|--------|---------------------------------|
| <u>David Morgan</u> | Phone: | <u>571-434-5381</u> |
| Signature of Code Administrator | | |
| <u>David Morgan</u> | Fax: | <u>571-434-5502</u> |
| Name (print) | Email: | <u>david.morgan@neustar.com</u> |

NPA: 502 Code Assigned: 716 Date of NXX Code Assignment:

Switch Identification(Switch Entity/POI):

Rate Center:
FRANKFORT

Code Reserved:

Date of Reservation:

Your code Reservation will be honored until:

Switch Identification (Switch Entity/POI):

Form incomplete

Additional information required in the following sections(s)

 X **Form Complete, code request denied.**

Explanation:

Assignment activity suspended by the administrator.

Explanation:

Further Action:

NPA in jeopardy: Yes: No:

If yes, refer to the Section 9 of the assignment guidelines

Remarks:

According to the FCC 2nd Report and Order (FCC 00-429) effective June 30, 2003, in order to receive additional numbering resources, the MTE form you submit must meet the 75% utilization level. If you are in disagreement with the disposition of this code request, please refer to the Central Office Code (NXX) Assignment Guidelines for the appeals process.

A copy of this Part 3 has been sent to the following users/email addresses.

| | |
|-------------------------------|------------------------------------|
| rena.wilkie@bellsouth.com | BellSouth |
| Aida.Armesto@BellSouth.com | BellSouth Telecommunications |
| kenneth.hartman@bellsouth.com | BellSouth Telecommunications, Inc. |