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July 1, 2008

PUBLIC SERVICE COMMISSION

Ms. Stephanie Stumbo Executive Director Public Service Commission 211 Sower Boulevard P.O. Box 615 Frankfort, KY 40602-0615

CASE NO: 2008-00253

Re.

BellSouth Telecommunications, Inc.'s, d/b/a AT&T Kentucky, Petition Requesting the Commission's Intervention in NANPA NXX Code Assignments (Bardstown Rate Center, Area Code 502 – Nelson County Schools)

Dear Ms. Stumbo:

Enclosed are the original and ten (10) copies of BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky's Petition for Review of NXX Code Denial in the Bardstown Rate Center. Thank you for your consideration of this request.

Sincerely,

Mary K. Keyler

General Counsel/Kentucky

Enclosures

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COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

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BellSouth Telecommunications, Inc.,)	
d/b/a AT&T Kentucky's, Petition Requesting)	Case No. <u>2008 - 0</u> 0253
the Commission's Intervention in NANPA)	
NXX Code Assignments (NPA 502))	

BELLSOUTH TELECOMMUNICATIONS. INC., d/b/a AT&T KENTUCKY'S, PETITION FOR REVIEW OF NXX CODE DENIAL IN THE BARDSTOWN 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:

- 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.
- 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; 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 June 26, 2008, AT&T Kentucky submitted a Central Office Code

 (NXX) Assignment Request and CO Code Assignment/Months-to-Exhaust

 Certification Request Worksheet to NANPA for the assignment of one
 block of a thousand numbers needed to meet the numbering demands for

 Nelson County Schools in Bardstown, Kentucky. The application is

 attached hereto as Attachment 1.
- 8. 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.
- 9. The code assignment request was for a growth code in the 502 NPA to meet Nelson County Schools' request for a dedicated block of 1,000 sequential numbers. AT&T Kentucky, however, did not have the sufficient number of resources available within its inventory in the Bardstown rate center and was unable to meet the customer's specific request for numbering resources. At the time of the filling of the code request, the Bardstown rate center had a MTE of 25.25 and a utilization of 68.109%. AT&T Kentucky submitted this code request because the Bardstown switch that serves the customer does not have a block of sequential

numbers large enough to meet the customer's needs. On June 26, 2008, 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 and utilization criteria now set forth in the Central Office (NXX) Guidelines. NANPA denied AT&T Kentucky's code requests 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. NANPA's response is on the last screen of Attachment 1.

10. AT&T Kentucky's inability to provide this important customer — Nelson County Schools - with the requested numbers within the same NXXs 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 the telecommunications services requested by the customer.¹ NANPA's refusal to grant numbering resources sufficient to meet Nelson County Schools' need 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 want of numbering resources." FCC 00-429 at para.61.

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.

- 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").
- 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." <u>Id.</u>
- AT&T Kentucky requests that the Commission reverse NANPA's decision to withhold numbering resources from AT&T Kentucky.
- 14. 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 criterion. See Order, KPSC 2006-00529, January 9, 2007; Order, KPSC Case No. 2005-00516, January 20, 2006; KPSC Case No. 2005-00342, October 7, 2005; Order, KPSC Case No. 2005-00157, April 28, 2005; Order, KPSC Case No. 2005-00021, February 2, 2005; and Order, KPSC Case No. 2004-00521, February 2, 2005.

WHEREFORE, AT&T Kentucky requests that the Commission:

- Reverse the decision of NANPA to deny AT&T Kentucky's requests for additional numbering resources,
- 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 1st day of July, 2008.

Mary K. Keyer

General Counsel-Kentucky

601 W. Chestnut Street, Room 407

Louisville, KY 40203

(502) 582-8219

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

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ATTACHMENT 1

	Poolin	g Admin	nistration	n System	
MARTA.ANTELO@	ATT.COM (SP)				Sign Ou
	Ti	me : 06/26/200	8 12:51:05 PM	EDT	
] 国Individual Block			TBF	PAG Attachment 1 - N	Printable Versio larch 19, 2007
Requests GO/NXX Code Requests	Thousands-Block Application Form - Part 1A				t 1A
国Confirm Resources In Service Donate Blocks	Tracking Number:	502- BARDSTOW KY-219409	√N-		
国Submit Forecast		Individual Block Requ	est		
图Search Forms 图Reports 图User Profile	Type of Application:	™ New	Chang i	e M Disconnect	
	1.1 Contact I		RAL APPLICAT	TION INFORMATION	
	Block Applicant:				
	Company Name:	BELLSOUT	H SO CNTL		
	Headquarters Address:	2600 CAMI	NO RAMON		
	City, State, Zip:	SAN RAMO	N, CA, 94583	}	
	Contact Name:	MARTA AN	TELO		
	Contact Address:	600 NW 79	TH AVENUE,	ROOM 336	
	,	: MIAMI, FL			
	Phone: 305 260-8213	- FAX: 305-3 2918	264- E-mail: M	ARTA.ANTELO@AT	T.COM
	Pooling Adm	inistrator: ⁱⁱ			
	Contact Name:	Genevieve	Bettiga		
	Contact Address:	1800 Sutte			
	1 '	Concord ,C			
	Phone: E-mail: gen e	925-363-76 evieve.bettiga	52 FAX: 92 @neustar.biz	5-363-7683	
		Information:			
	Check one	: No LRN need	led X LR	N needed ⁱⁱⁱ	

NPA: 502 LATA: 462 O	CN: iv Parent Company's OCN 9400
Number of Thousands-Blocks Req	9419 uested : 1
Switching Identification(Switch Ent BRTWKYESDS0	
City or Wire Center Name :	Rate Center: ^{vi} BARDSTOWN
Rate Center Sub Zone:	
1.3 Dates:	
Date of Application: vii R 06/26/2008	equested Block Effective Date: ^{viii} 07/27/2008
Request Expedited Treatment? (Se	ee Section 8.6) Yes No X
1.4 Type of Service Provider Rec	uesting the Thousands-Block :
a) Type of Service Provider : (LEC, IXC, CMRS, Other)	Incumbent Local Exchange Carrier (ILEC)
b) Primary type of service Block	
c) Thousands-Block(s) (NXX-X)	assignment Preference (Optional)
d) Thousands-Block(s) (NXX-X)	that are undesirable for this assignment, if any
e) If requesting a code for LRN keeping(the remainder of the bloc	purposes, indicate which block(s) you will be ks will be given to the pool)
1.5 Type of Request:	
Initial block for rate center : Yes proof of capability to provide service	If Yes , attach evidence of authorization and ce within 60 days.
Growth block for rate center: Yes worksheet	X If Yes , attach months to exhaust
	I acknowledge that I am willing to accept a block in the underlying CO code may not yet be activated in c on the block effective date.
Type of change(Mark all that app	y)
OCN:Intra-company lx	Switching Id Part 1B
OCN:Inter-company ×	Effective Date
Change block : Yes If Yo	es , list NPA-NXX-X
1.6 Block Return :	
a) Is this block Contaminated Y	esNo
b) If Yes how many TNs are NC	
•	een completed in the NPAC Yes No
d) Has this block been protected	d from further assignment Yes No

Disconnect block: Yes If Yes, list NPA-NXX-X

Remarks:

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(ATIS-0300066) available on the ATIS web site (http://www.atis.org/inc) or by contacting inc@atis.org as of the date of this application.

MARTA ANTELO

ASSOC TECH SUPPORT ANLYS

SUPPORT 06/26/2008

NTWK

Signature of Block Applicant

Title Date

Instructions for filling out each Section of the Part 1A form:

Section 1.1 Contact information requires that Service Providers supply under "Block Applicant" the company name, company headquarters address, a contact within the company, an address where the contact person may be reached, in addition to the correct phone, fax, and e-mail address. The Pooling Administrator section also requires the Service Provider to fill in the Pooling Administrator's name, address, phone, fax and e-mail.

Section 1.2 Service Providers who need a thousands-block assignment or for an Location Routing Number (LRN) are required to fill in this section. If needed for an LRN, a CO Code Application needs to also be submitted to the PA. The Service Provider should supply the Numbering Plan Area (NPA); the Local Access Transport Area (LATA), which is a three-digit number that can be found in the TelcordiaTM LERGTM Routing Guide. The Operating Company Number (OCN) assigned to the service provider and the OCN its parent company. An OCN is a four-character alphanumeric assigned by TelcordiaTM Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification as well as the city or wire center name, rate center, rate center sub zone, homing tandem and CLLITM tandem of the facilities based provider xi. Explanations of these terms may be found in the footnotes.

Section 1.3 The date the Service Provider completes the application should be entered in this section, as well as the Effective Date of the requested thousands-block.

Section 1.4 Service Providers should indicate their type, e.g., local exchange carrier, competitive local exchange carrier, interexchange carrier, CMRS. The also indicate the primary type of business in which the numbering resource is to be used. Service Providers also may indicate their preference for a particular thousands-block, e.g., 321-9XXX, or indicate any thousands-blocks that may be undesirable, e.g., 321-6XXX.

Section 1.5 Service Providers indicate the type of request. Initial requests are for first applications for thousands-blocks in a rate center, growth for additional thousands-blocks in a rate center in which the applicant already has numbering resources, and provide the required evidence as ordered by the FCC.

Section 1.6 Service Providers must indicate the updated/current information in regards to contaminated TNs on the block they are returning to the pool. Blocks with over 10% contamination (101 TNs or more) shall not be returned to the pool unless they meet criteria outlined in section 9.1.2 of these Guidelines. If the block being returned is over 10% contaminated the PA shall seek a new block holder. If question c and/or d have a response of No, the request for return shall be denied. The

thousands-block applicant certifies veracity of this form by signing their name, and providing their title and date.

Foot Notes:

- ildentify the type of change(s) in Section 1.5.
- ii The Pool Administrator is available to assist in completing these forms.
- iii A CO Code application will also need to be submitted to the PA.
- Operating 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 should contact NECA (800 524-1020) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignments should direct questions regarding appropriate OCN usage to (TRA) (732-699-6700).
- ^v This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character CLLITM code of the switch /POI.
- vi Rate Center name must be a tariffed Rate Center.
- vii Acknowledgment and indication of disposition of this application will be provided to applicant within seven calendar days from the date of receipt of this application. An incomplete form may result in delays in processing this request.
- viii Please ensure that the NPA-NXX of the LRN to be associated with this block(s) is/will be active in the network prior to the effective date of the block(s).
- ix Select if you are the current Block Holder.
- X Select if you are not the current Block Holder
- xi Telcordia, LERG Routing Guide, and CLLI are trademarks of Telcordia Technologies, Inc.

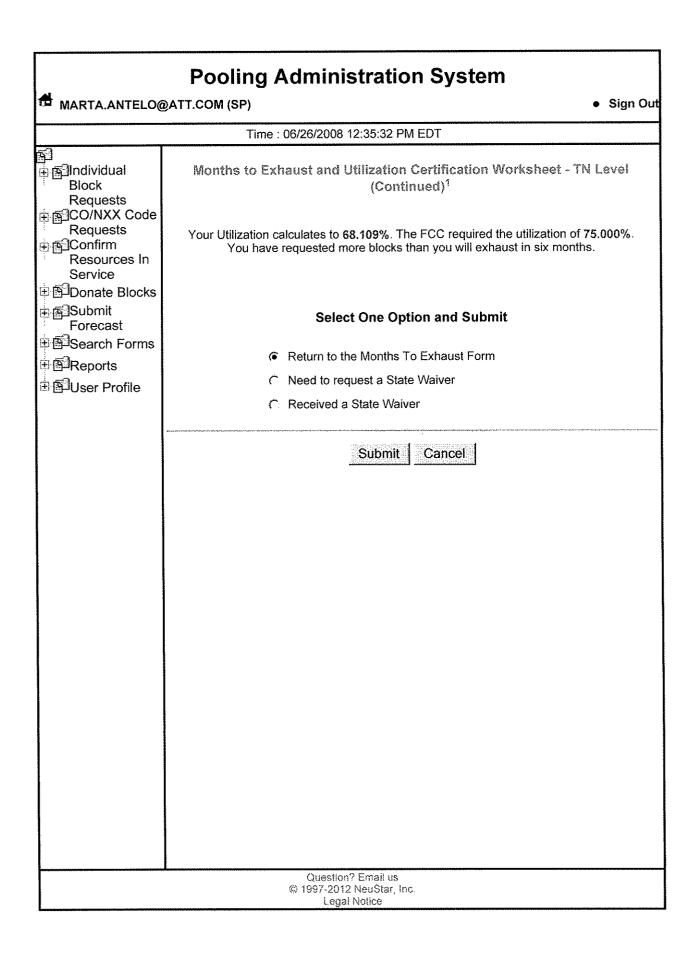
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			Time	e: 06/26	3/2008 1	2:52:34	PM ED	Т				
到 更到Individual	Appendix 3										Р	rintable May 1
Block Requests 由国CO/NXX Code	MONTHS						CERTI					- TN Le
Requests Confirm Resources In Service	Tracking Num Date: 06/26/2		2-BARI	OSTOW OCN:		19409	Comp	any Na	me: BEL	LSOU1	гн ѕо с	NTL
≟ ∰]Donate Blocks ≟ ∰]Submit	Rate Center:	BARDS	TOWN									
Forecast GSearch Forms	List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s):											
⊞ EllReports ⊕ MalUser	Name of Bloc	k Applic	ant: MA	RTA A	NTELO		Si	gnature	: MART	A ANTI	ELO	
Profile					NK	Telephone No.: 305-260-8213				3		
	E-mail: MAR1	ΓΑ.ANT	ELO@/	ATT.CO	M							
	A. Available	Number	s: 6708									
	B. Assigned	Number	s: 1753	6								
	C. Total Num	nbering I	Resour	ces: 257	47							
	D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and exclude the Utilization calculation ² : 0											
	List Excluded Code(s) or Block(s):											
		Month			Month		Month			Month	Month	Month
		#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11
	E. Growth History - Previous 6 months ³	45	162	94	75	78	138					
	F. Forecast - Next 12	1099	99	99	99	99	99	99	99	99	99	99

months4 G. Average Monthly Forecast (Sum of months 1-6 (Part F above) divided by 6):265.667 H. Months Numbers Available for Assignment to Customers(A) Exhaust⁵ Average Monthly Forecast(G) **Block Requested** Available Numbers Months To Ex 6708 25.25 1 X 100 =Utilization⁶ Assigned Numbers(B) - Excluded Numbers(D) Total Numbering Resources(C)-Excluded Numbers(D) Explanation: ¹A 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 of this document. ²Quantity of numbers activated in the past 90 days is based on blocks and/or codes received from administrator and shall be reported in increments of 1,000 or 10,000 TNs (e. g.: 2 blocks received= and 1 code received =10,000). $^3\mathrm{Net}$ change in TNs no longer available for assignment in each previous month, starting with the m distant month as Month #1, and Month #6 as the current month. ⁴Forecast of TNs needed in each following month, starting with the most recent month as Month # ⁵To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be I than or equal to 6 months. (FCC 00-104, section 52.15 (g) (3) (iii)). ⁶Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52 (3)(ii)Back Question? Email us © 1997-2012 NeuStar, Inc.

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AY	Pooling Admir	nistration	System	
MARTA.ANTELO@AT				• S
	Time : 06/26/200)8 12:53:15 PM E	EDT	Printable
☐ ☐ Individual ☐ Block Requests ☐ ☐ CO/NXX Code Requests	November 21, 2003 ATIS-0300066.at3 Pooling Adr	ninistrator's R TBPAG (tesponse/Confir Part 3	Attachment 3
图Confirm Resources In Service 图Donate Blocks	Tracking Number :	502- BARDSTOWN KY-219409	!- 	
∄ Submit Forecast	Date of Application:	06/26/2008	Effective Date:	
Search Forms Reports	Date of Receipt:	06/26/2008	Date of Response:	06/26/2008
⊞ ∰User Profile	Service Provider Name:	BELLSOUTH	i so cntl	
	(Telcordia TM LERG TM Routing Guide) OCN:	9419		
	NPAC SOA SPID :			
	Pooling Administrate	or Contact Infor	mation:	005
	Genevieve Bettiga	Phone:		925- 363- 7652
	Signature of Pooling Administrator			
	Genevieve Bettiga	Fax:		925- 363- 7683
	Name (print)			
	Email:	geneviev	e.bettiga@neus	star.biz
	NPA-NXX or NPA-NXX-X :		Block Assign	ned:
		and and an analysis of the second sec	Block Reserv	red:
			Block Reserv Expiration Date	
			Block/Code Modified :	
			Block/Code Disconnected	;
	Block Contaminat	ted(Yes or No) :		
	If Yes,enter the n	umber of TNs		

	contaminated :	
	Switch Identification(Switch Entity/POI): 1	BRTWKYESDS0
	Rate Center:	BARDSTOWN
	Rate Center Sub Zone:	
х	Form Complete, request denied.	
_	Explanation:	
	DR-57: You do not meet the MTE requirements, therefore this req denied. You may proceed with refrom the appropriate state commodenial. If you are in disagreement this request, please refer to the (NXX-X) Pooling Administration process.	uest for a new block is equesting a State Waiver nission using this Part 3 nt with the disposition of Thousands-Block Number
	Request withdrawn.	
_	Explanation:	
-	_Assignment activity suspended by Explanation:	the administrator.
F	demarks:	
tt le	This is an eleven-character descriptor pose of routing calls. This must be dentification code of the switching entity/ Telcordia, LERG ROUTING Guide and Contrologies, Inc.) Back	the CLLI TM Location POI shown on the Part 1A form
	Question? Email us © 1997-2012 NeuStar, Inc. Legal Notice	