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601 W. Chestnut Street  
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**RECEIVED**

SEP 11 2008

**PUBLIC SERVICE  
COMMISSION**

September 10, 2008

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

2008-381

Re: BellSouth Telecommunications, Inc.'s, d/b/a AT&T Kentucky,  
Petition Requesting the Commission's Intervention in NANPA  
NXX Code Assignments (Owensboro Rate Center, Area  
Code 270 – Owensboro Medical Health System)

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 Owensboro Rate Center. Thank you for your consideration of this request.

Sincerely,

Mary K. Keyer  
General Counsel/Kentucky

Enclosures

720055

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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SEP 11 2008

PUBLIC SERVICE  
COMMISSION

In the Matter of:

BellSouth Telecommunications, Inc., )  
d/b/a AT&T Kentucky's, Petition Requesting ) Case No. \_\_\_\_\_  
the Commission's Intervention in NANPA )  
NXX Code Assignments (NPA 270) )

BELLSOUTH TELECOMMUNICATIONS, INC.,  
d/b/a AT&T KENTUCKY'S, PETITION FOR REVIEW  
OF NXX CODE DENIAL IN THE OWENSBORO 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 270 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 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 September 3, 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 NXX needed to meet the numbering demands for Owensboro Medical Health System in Owensboro, 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 an NXX in the 270 NPA to meet Owensboro Medical Health System's request for a dedicated block of 10,000 sequential numbers. AT&T Kentucky, however, did not have the sufficient number of resources available within its inventory in the Owensboro 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 Owensboro rate center had a MTE of 9.98 and a utilization of 67.74%. AT&T Kentucky submitted this code request because the Owensboro switch that serves the customer does not have a block of

sequential numbers large enough to meet the customer's needs. On September 3, 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 – Owensboro Medical Health System - with the requested numbers 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.<sup>1</sup> NANPA's refusal to grant numbering resources sufficient to meet Owensboro Medical Health System's 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.

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<sup>1</sup> 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." Id.

13. 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:

1. Reverse the decision of NANPA to deny AT&T Kentucky'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 10th day of September, 2008.



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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

720056



**ATTACHMENT 1**

# Pooling Administration System

aida.armesto@att.com (SP)

Sign Out

Time : 09/03/2008 03:50:16 PM EDT

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- Individual Block Requests
- CO/NXX Code Requests
- Confirm Resources In Service
- Donate Blocks
- Submit Forecast
- Search Forms
- Reports
- User Profile

## Central Office Code (NXX) Assignment Request Part 1 December 9, 2005

Tracking Number: **270-OWENSBORO-KY-237267**

**Full NXX:  
Dedicated  
Customer**

Type of Application:  New  Change  Delete

### 1.0 GENERAL INFORMATION

#### 1.1 Contact Information:

Code Applicant:  
 Company/Entity Name: **BELLSOUTH SO CNTL**  
 Headquarters Address: **2600 Camino Ramon**  
 City, State, Zip: **San Ramon ,CA ,94583**  
 Contact Name: **Aida Armesto**  
 Contact Address: **600 NW 79 Ave**  
 City, State, Zip: **Miami, FL, 33182**  
 Phone: **305-260-8205** FAX: **305-264-2918**  
 E-mail: **aida.armesto@att.com**

Code Administrator: <sup>2</sup>  
 Name: **David Morgan**  
 Address: **46000 Center Oak Plaza**  
 City, State, Zip: **Sterling ,VA ,20166**  
 Phone: **571-434-5381** FAX: **571-434-5502**

NXX: <sup>3</sup> **270** LATA: **464** OCN:  
 1.2 NPA: **270** <sup>4</sup> **9419** Parent Company's  
 OCN(s) **9400**

Switching Identification(Switch Entity/POI) <sup>5</sup>  
**OWBOKYMADS1**

Locality/City/Wire Center: Rate Center: <sup>6</sup>  
**OWENSBORO**

Homing Tandem Operating Tandem Homing CLLI  
Co: <sup>7</sup> **BST** <sup>8</sup> **OWBOKYMA1GT**

1.3 Dates: Date of Application: **09/03/2008** Request Effective Date: <sup>9 10</sup>  
**11/15/2008**

Request Expedited Treatment? Yes \_\_\_\_\_ No  X

1.4 a) Type of company/entity requesting the code:  Incumbent Local Exchange Carrier (ILEC)  (LEC, IC, CMRS, Other)

b) Types of service:  Wireline  (e.g., Cellular - Type 2)

c) Code Assignment Preference (Optional) \_\_\_\_\_

d) Codes that are undesirable, if any  666,800,900

e) Type of change (Mark **all** that apply)

- OCN-Intra-company <sup>11</sup>  Switching Id  Rate Center
- Tandem Homing CLLI
- OCN-Inter-company <sup>12</sup>  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: <sup>13</sup>  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  X  for BIRRDs <sup>14</sup>  
<sup>15</sup>

Additional Documentation is attached \_\_\_\_\_ Additional Documentation is not attached  X

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: <sup>16</sup>

**Associate  
Tech**

**Aida Armesto**

**Support Analyst Network**    **09/03/2008**

Signature of Code Applicant

Title                      Date

- <sup>1</sup> Identify type and reason for change(s) in Section 1.4(e).
- <sup>2</sup> A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.
- <sup>3</sup> The NXX field is required for any code request in which there is a change or the NXX is being returned.
- <sup>4</sup> 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 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.
- <sup>5</sup> This 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.)
- <sup>6</sup> Rate Center name must be a tariffed Rate Center associated with toll billing.
- <sup>7</sup> Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.
- <sup>8</sup> This 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.
- <sup>9</sup> Code 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.
- <sup>10</sup> Requests for code assignment should not be made more than six months prior to the requested effective date.
- <sup>11</sup> Select if you are the current Code Holder
- <sup>12</sup> Select if you are not the current Code Holder
- <sup>13</sup> The 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.
- <sup>14</sup> Applicant 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.
- <sup>15</sup> **WARNING!** 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.

<sup>16</sup> An incomplete form may result in delays in processing this request.

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## Pooling Administration System

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Time : 09/09/2008 05:53:13 PM EDT

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- Individual Block Requests
- CO/NXX Code Requests
- Confirm Resources In Service
- Donate Blocks
- Submit Forecast
- Search Forms
- Reports
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Appendix 3

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Le  
(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: **270-OWENSBORO-KY-237267**

Date: **09/03/2008**      OCN:**9419**      Company Name:**BELLSOUTH SO CNTL**

Rate Center: **OWENSBORO**

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

Name of Block Applicant:**Aida Armesto**      Signature: **Aida Armesto**

Title:**Associate Tech Support Analyst Network**      Telephone No.: **305-260-8205**  
FAX No.: **305-264-2918**

E-mail: **aida.armesto@att.com**

A. Available Numbers:**17799**

B. Assigned Numbers: **59691**

C. Total Numbering Resources:**88118**

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and exclude the Utilization calculation <sup>2</sup>:**0**

List Excluded Code(s) or Block(s):

	Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11
E. Growth History - Previous 6 months <sup>3</sup>	148	114	-111	440	-113	223					
F. Forecast - Next 12	117	117	10117	117	117	117	117	117	117	117	117

Printable

May 11

months<sup>4</sup>

G. Average Monthly Forecast (Sum of months 1-6 (Part F above) divided by 6): **1783.667**

H. Months  
to  
Exhaust<sup>5</sup>  
=

Numbers Available for Assignment to  
Customers(A)

Average Monthly Forecast(G)

Block Requested

Available Numbers

Months To Exhaust

1

17799

9.979

I.

Utilization<sup>6</sup> Assigned Numbers(B) - Excluded Numbers(D) X 100 = **67.74**

=

Total Numbering Resources(C)-Excluded  
Numbers(D)

Explanation:

<sup>1</sup>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.

<sup>2</sup>Quantity 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).

<sup>3</sup>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.













<sup>4</sup>Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

<sup>5</sup>To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be greater than or equal to 6 months. (FCC 00-104, section 52.15 (g) (3) (iii)).

<sup>6</sup>Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (3)(ii))

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<b>Pooling Administration System</b>	
 aida.armesto@att.com (SP)	 Sign Out
Time : 09/03/2008 03:53:12 PM EDT	
<div style="font-size: small;">  Printable Version   Attachment 3           </div> <ul style="list-style-type: none"> <li> Individual Block Requests</li> <li> ICO/NXX Code Requests</li> <li> Confirm Resources In Service</li> <li> Donate Blocks</li> <li> Submit Forecast</li> <li> Search Forms</li> <li> Reports</li> <li> User Profile</li> </ul>	<div style="text-align: center;"> <p>November 21, 2003</p> <p>ATIS-0300066.at3</p> <p><b>Pooling Administrator's Response/Confirmation</b></p> <p><b>TBPAG Part 3</b></p> </div> <p><b>Tracking Number :</b> <u>270-OWENSBORO-KY-237267</u></p> <p>Date of Application: <u>09/03/2008</u>      Effective Date: _____</p> <p>Date of Receipt: <u>09/03/2008</u>      Date of Response: <u>09/03/2008</u></p> <p>Service Provider Name: <u>BELLSOUTH SO CNTL</u></p> <p>(Telcordia <sup>TM</sup> LERG <sup>TM</sup> Routing Guide ) <u>9419</u></p> <p>OCN: _____</p> <p>NPAC SOA SPID : _____</p> <p><b>Pooling Administrator Contact Information:</b></p> <p><b>Genevieve Bettiga</b>      Phone: <u>925-363-7652</u></p> <p>Signature of Pooling Administrator</p> <p><b>Genevieve Bettiga</b>      Fax: <u>925-363-7683</u></p> <p>Name (print)</p> <p>Email: <u>genevieve.bettiga@neustar.biz</u></p> <p>NPA-NXX or NPA-NXX-X : _____</p> <p>Block Assigned: _____</p> <p>Block Reserved : _____</p> <p>Block Reservation Expiration Date : _____</p> <p>Block/Code Modified : _____</p> <p>Block/Code Disconnected : _____</p> <p>Block Contaminated(Yes or No) : _____</p> <p>If Yes, enter the number of TNs</p>



contaminated :

Switch Identification(Switch Entity/POI): <sup>1</sup>

OWBOKYMADS1

Rate Center:

OWENSBORO

Rate Center Sub Zone:

Form Complete, request denied.

Explanation:

**DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new code is denied. You may proceed with requesting a State Waiver from the appropriate state commission using this Part 3 denial. If you are in disagreement with the disposition of this request, please refer to the Thousands'Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.**

Request withdrawn.

Explanation:

Assignment activity suspended by the administrator.

Explanation:

Remarks:

<sup>1</sup> This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI <sup>TM</sup> Location Identification code of the switching entity/POI shown on the Part 1A form (Telcordia, LERG ROUTING Guide and CLLI are trademarks of Telcordia Technologies, Inc.)

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