

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

E-TEL LLC'S PETITION FOR REVIEW OF NXX) CASE NO.
CODE DENIAL IN THE MURRAY RATE CENTER) 2009-00284

O R D E R

On July 22, 2009, e-Tel, LLC ("e-Tel") filed a petition requesting this Commission to review and overturn a determination by the North American Numbering Plan Administration ("NANPA").¹ The petition was filed pursuant to 47 C.F.R. § 52.15(g)(4), wherein the Commission is granted the authority to "overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."

E-Tel explains that the assignment of a thousand block of numbers is needed to meet the numbering demands of the Murray-Calloway County Hospital in Murray, Kentucky, a customer of e-Tel. Specifically, the thousand-block assignment request is for the two thousand block of the 752 central office code ("NXX") in the 270 Numbering Plan Area (270-752-2XXX) to meet Murray-Calloway County Hospital's request for the specific dedicated block of 1,000 sequential numbers.² E-Tel does not have sufficient

¹ The NANPA is an independent, non-governmental entity selected by the Federal Communications Commission ("FCC") and is responsible for administering and managing the North American Numbering Plan ("NANP"). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

² See e-Tel's Petition for Review.

number resources available within its inventory in the available pool for the specified wire center in the Murray rate center and is unable to meet Murray-Calloway County Hospital's specific need for numbering resources. Hence, on July 16, 2009, e-Tel electronically submitted to the NANPA an application requesting assignment of a dedicated block of the specific 1,000 sequential numbers in the Murray rate center in order to address the business needs of Murray-Calloway County Hospital.³ The application process with the NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, the NANPA concluded that e-Tel did not meet the FCC's required guideline for MTE of six months or less and/or the utilization threshold requirement of 75 percent.⁵ Therefore, NANPA determined that e-Tel's request for additional numbering resources should be denied.

The NANPA is not a policy-making entity. In making assignment decisions, the NANPA follows regulatory directives and industry-developed guidelines. The NANPA's responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁶

³ Specifically, the block request submitted by e-Tel was for its Murray switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ In accordance with 47 C.F.R. § 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁵ According to the Worksheet, the MTE for the Murray rate center was calculated to be 171.053 months with a utilization rate of 35 percent.

⁶ See generally, 47 C.F.R. § 52.

Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the determination of the NANPA if the requesting carrier has demonstrated a verifiable need for numbering resources and the exhaustion of all other available remedies. The Commission finds that e-Tel has demonstrated a verifiable need for additional numbering resources by presenting the request of a specific customer, Murray-Calloway County Hospital, for a dedicated block of 1,000 sequential numbers. E-Tel advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Murray rate center. The Commission further finds that e-Tel has exhausted all available remedies in the Murray rate center to the extent that no combination of existing numbering resources in the Murray rate center can be employed to meet the customer's specific demand for a dedicated block of 1,000 sequential numbers. According to e-Tel, it does not currently possess the two thousand block of the 752 NXX in the Murray switch serving the Murray rate center and is unable to meet the customer's need.

This Commission finds that the NANPA determination to deny e-Tel the additional numbering resources described herein should be overturned and the NANPA directed to assign to e-Tel the two thousand block of the 752 NXX (270-752-2XXX) in the Murray rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving e-Tel's customer, Murray-Calloway County Hospital, in the Murray rate center. If the service requested by Murray-Calloway County Hospital is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to the NANPA and may

not be utilized to serve other customers without first meeting the NANPA numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. E-Tel's Petition regarding the NANPA's denial of its application for assignment of additional numbering resources in the 270 Numbering Plan Area is granted.

2. The decision of the NANPA denying e-Tel's request for assignment of a specific dedicated block of 1,000 sequential numbers in the Murray rate center is hereby overturned.

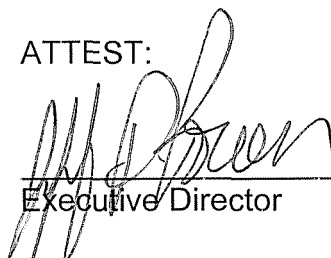
3. The NANPA shall assign e-Tel the two thousand block of the 752 NXX (270-752-2XXX) for the Murray switch in the Murray rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving e-Tel's customer, Murray-Calloway County Hospital, in the Murray rate center. If the service requested by Murray-Calloway County Hospital is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

By the Commission

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KENTUCKY PUBLIC
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ATTEST:



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