

LUKE MORGAN  
[lmorgan@mmlk.com](mailto:lmorgan@mmlk.com)



201 EAST MAIN STREET, SUITE 900  
LEXINGTON, KY 4057  
859.231.8780 EXT. 1105  
FAX: 859.231.6518

January 16, 2019

RECEIVED

JAN 17 2019

PUBLIC SERVICE  
COMMISSION

Ms. Gwen R. Pinson  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602

**RE: Petition of MCImetro Access Transmission Services, Corp. for Waiver of Denial of Numbering Resources and Request for Expedited Treatment**

Dear Ms. Pinson:

Enclosed, please find the original plus ten (10) copies of the following documents:

MCImetro Access Transmission Services Corp.'s Petition for Waiver of Denial of Numbering Resources and Request for Expedited Treatment

I have also included an extra copy along with a postage-prepaid envelope. Please file-stamp and return the extra copy to me. If you have any questions or need further information, please contact me at the office listed above. Thank you for your assistance and attention to this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Luke Morgan".

LUKE MORGAN

Enclosures

4850-0820-4677, v. 1

RECEIVED

JAN 17 2019

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Petition of MCImetro Access Transmission )  
Services Corp. for Waiver of Denial of ) Case No. 2019-00030  
Numbering Resources and Request )  
for Expedited Treatment )

**PETITION FOR WAIVER OF DENIAL OF NUMBERING RESOURCES  
AND REQUEST FOR EXPEDITED TREATMENT**

MCImetro Access Transmission Services Corp. (“MCImetro”), pursuant to rules adopted by the Federal Communications Commission (“FCC”) for challenging numbering determinations, petitions the Kentucky Public Service Commission (“Commission”) for review of a recent denial of MCImetro’s application for use of numbering resources in the Pikeville Rate Center. Numbering determinations are made by the North American Numbering Plan Administrator (“NANPA”) and/or the Pooling Administrator (“PA”), depending on the nature of the numbering request. The FCC’s rules addressing these matters, however, generalize responsibilities of the NANPA and the PA under the heading “Central office code administration,”<sup>1</sup> and the FCC’s Orders addressing these matters allow for challenges of determinations by both entities.<sup>2</sup> Accordingly, this Petition addresses the determination described herein and asks the Commission to direct NANPA and/or the PA to provide the requested relief to the extent it is within the respective

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<sup>1</sup> See, e.g., 47 C.F.R. §52.15.

<sup>2</sup> See Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, *Numbering Resources Optimization; etc.*, 17 FCC rcd 252, ¶61 (2001) (“*Third NRO Order*”).

authority and responsibility of NANPA and/or the PA to do so. The denial that is the subject of this Petition impacts MCImetro's customer the Federal Bureau of Investigation ("FBI").

In support of this Petition, MCImetro states:

1. MCImetro is a telephone utility that provides, among other things, intraLATA, local exchange telecommunications services in various portions of Kentucky, including the Pikeville rate center.
2. NANPA is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan ("NANP").<sup>3</sup>
3. The PA is an independent non-governmental entity that is responsible for administering thousands-block numbering pooling.<sup>4</sup>
4. On March 31, 2000, the FCC issued an Order relating to numbering resource optimization.<sup>5</sup> The goal of the *First NRO Order* was to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to avoid further exhaustion of existing numbers.
5. Among other things, the FCC required that, to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant's rate center will be exhausted within six months of the application. The FCC reaffirmed this requirement in two subsequent orders.<sup>6</sup> Prior to this ruling, the Central Office Code Assignment Guidelines used to make code assignments required the applicant's existing

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<sup>3</sup> See 47 C.F.R. §52.13 (a), (b).

<sup>4</sup> See 47 C.F.R. §52.7(g). See also 47 C.F.R. §52.20 ("Thousands-block numbering pooling is the process by which the 10,000 numbers in a central office code (NXX) are separated into ten sequential blocks of 1,000 numbers each (thousands-blocks), and allocated separately within a rate center.").

<sup>5</sup> See Report and Order and Further Notice of Proposed Rule Making, *Numbering Resources Optimization*, 15 FCC Rcd 7574 (2000) ("*First NRO Order*").

<sup>6</sup> See Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, *Number Resources Optimization*, 16 FCC Rcd 306 at ¶29 (2000) ("*Second NRO Order*"); *Third NRO Order* at ¶¶48-49.

number inventory within the applicant's serving switch to exhaust within six months of the code application or the carrier had to prove that it was unable to meet a specific customer's request with its current inventory of numbers in order for a code to be assigned.

6. In addition to the months-to-exhaust ("MTE") requirement described above, the FCC's rules also required carriers to meet a rate center utilization threshold of 60 percent in order to receive additional numbering resources in a given rate center.<sup>7</sup> The utilization threshold has increased by 5 percent per year, and it has now reached the maximum of 75 percent. Based on the FCC's orders, carriers must meet both the six months' MTE requirement and the utilization threshold on a rate center basis in order to obtain numbering resources.<sup>8</sup>
7. On December 20, 2018, MCImetro submitted to the PA a thousands-block application form – Part 1A and MTE report,<sup>9</sup> requesting one thousands-block of telephone numbers in the Pikeville, KY rate center for the purpose of meeting the request of its customer, the FBI.<sup>10</sup> These 1,000 new DID numbers were requested in an NPA NXX where the NXX does not end in "0" or "9".

The FBI office in Pikeville, Kentucky continues to expand its technology footprint and is working on a strategic plan that will centralize more of its voice services across the country while integrating with the existing dial plan. To successfully implement this plan, it will require, and has requested, a contiguous range of 20 DID numbers in the NPA NXX, where the NXX does not end in "0" or "9". MCImetro cannot fulfill this customer's request with its existing inventory because the only number inventory it has in the Pikeville, KY rate

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<sup>7</sup> See *Second NRO Order* at ¶22; *Third NRO Order* at ¶¶50-52.

<sup>8</sup> *Third NRO Order* at ¶¶50-52.

<sup>9</sup> See Exhibit A to this Petition.

<sup>10</sup> See Exhibit B to this Petition.

center is in the 606-200 NPA NXX. The customer has requested the numbers to put in service by January 25, 2019.

8. On December 20, 2018, the PA denied MCImetro's request on the grounds that it did not meet the MTE and/or utilization requirements, as set forth in the Thousands-Block Number Pooling Administration Guidelines.<sup>11</sup>
9. On December 28, 2018, MCImetro filed a Petition for Waiver of the PA's denial of numbering resources with the Commission ("the Petition"). On January 2, 2019, MCImetro received a file-stamped copy of the Petition from the Commission. On January 15, 2019, MCImetro inquired with the Commission about the Petition's status because it had not been docketed. Although MCImetro has not received any notice in writing to this effect, we learned that the Commission did not consider the Petition to have been appropriately filed, and that the Commission requires MCImetro to resubmit a new Petition in order to consider the numbering request on behalf of MCImetro's customer, the FBI. Since the FBI requires its reassigned numbers to be in service by January 25, 2019, MCImetro requests that the Commission review this request immediately, and issue an order granting the relief requested herein as soon as practical, so that MCImetro can meet the needs of its customer.
10. MCImetro's inability to provide this important customer with the requested numbering resources prevents MCImetro from providing the quality of service this customer desires, needs, and expects. If MCImetro is not assigned the numbering resources needed to meet the customer's request, MCImetro will be unable to provide telecommunications services requested by its customer. The refusal to grant numbering resources sufficient to meet the

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<sup>11</sup> See Exhibit C to this Petition.

needs of this customer is inconsistent with the FCC's position the "(u)nder no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources."<sup>12</sup>

11. Both the FCC's rules and the INC Guidelines provide that state regulatory authorities have the power and authority to review a decision to deny a request for number resources.<sup>13</sup>
12. Prior to the FCC's Order and the resulting change in the INC Guidelines, the applicable MTE procedures permitted a carrier to receive a code assignment, even if the MTE requirement at the switch level was not met. Such 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, numbering determinations are based on the MTE for the entire rate center without any exceptions. However, the FCC has established that it is appropriate for states to grant relief when "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."<sup>14</sup> In particular, the FCC has ruled that. "States...may grant requests for customers seeking contiguous block of numbers."<sup>15</sup>
13. MCImetro requests that the Commission reverse the decision to withhold numbering resources from MCImetro because that decision interferes with MCImetro's ability to provide telecommunications services to its customer.

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<sup>12</sup> *Second NRO Order* at ¶61,

<sup>13</sup> *See Third NRO Order*, Appendix A, Final Rules, § 52.15(g)(4) ("The carrier may challenge the NANPA's decision to the appropriate state regulatory commission"); *Third NRO Order* at ¶ 6 1-66; *Central Office Code (NXX) Assignment Guidelines*, INC 95-407-009, § 13 .0 (rev. April 26, 1999)(CO Code Guidelines) ("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").

<sup>14</sup> *Third NRO Order* at ¶64.

<sup>15</sup> *Id.*

14. This Commission has recognized its jurisdiction and authority to review numbering denials and to order the release of number resources to MCImetro to meet customer needs.<sup>16</sup>

**WHEREFORE**, MCImetro requests that the Commission:

- A. Reverse the decision to deny MCImetro's request for additional numbering resources;
- B. Direct NANPA and/or the PA (to the extent it is within the respective authority and responsibility of NANPA and/or the PA to do so) to assign MCImetro one thousands-block of numbers in the Pikeville rate center; and
- C. Review this Petition with expedited treatment and grant the requested relief as soon as possible.

Respectfully submitted,

McBRAYER, McGINNIS, LESLIE  
& KIRKLAND, PLLC  
201 East Main Street, Suite 900  
Lexington, Kentucky 40507  
(859) 231-8780

BY:

  
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W. BRENT RICE  
LUKE MORGAN  
ATTORNEYS FOR VERIZON

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<sup>16</sup> See, e.g., Order, *In re Bellsouth Telecommunications, LLC d/b/a AT&T Kentucky Petition Requesting the Commission's Intervention in Number Resources Determinations (NPA 502)*, Case No. 2017-00216 (June 14, 2017); Order, *In re Bellsouth Telecommunications, LLC d/b/a AT&T Kentucky Petition Requesting the Commission's Intervention in NANPA NXX Code Assignments (NPA 502)*, Case No. 2016-00113 (April 4, 2016)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the same document being sent for filing in paper medium with the Commission on January 16, 2019 to the following:

Ms. Gwen R. Pinson  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602

  
ATTORNEYS FOR VERIZON