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HERBERT D. LIEBMAN
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July 29, 2019

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JUL 29 2019

PUBLIC SERVICE
COMMISSION

Via Hand Delivery

Gwen R. Pinson
Executive Director
Kentucky Public Service Commission
P. O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

RE: In re: TDS Telecom - Leslie County Telephone Company
Petition for Review, Application for Grant of Numbering
Resources and Request for Expedited Treatment
Case No. 2019-00266

Dear Ms. Pinson:

Enclosed please find the original and four (4) copies of Leslie County Telephone Company's Petition for Review, Application for Grant of Numbering Resources and Request for Expedited Treatment.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Yours very truly,

LIEBMAN AND LIEBMAN



James Dean Liebman
Attorney at Law

JDL:dld

Enclosures
cc: Mr. Bruce Mottern

RECEIVED

JUL 29 2019

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

In the Matter of:

TDS Telecom – Leslie County Telephone Company Petition for)	
Commission Review and Reversal of a Decision of the)	Case No. 2019 - <u>00266</u>
North American Number Pooling Administration)	

PETITION FOR REVIEW,
APPLICATION FOR GRANT OF NUMBERING RESOURCES,
AND REQUEST FOR EXPEDITED TREATMENT

TDS Telecom on behalf of Leslie County Telephone Company (“LCTC”) petitions the Kentucky Public Service Commission (“Commission”) pursuant to 47 C.F.R 52.15(g)(4) for an expedited review of NeuStar’s denial of TDS’s application for use of central office code numbering resources in the 606 area code.

Leslie County Telephone Company respectfully shows the Commission as follows:

1. LCTC is a telecommunications public utility regulated by the Commission providing intraLATA, local exchange telecommunications services in the Dwarf Rate Center.
2. NeuStar is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan (“NANP”). See C.F.R. § 52.13(a), (b).
3. On March 31, 2000, the Federal Communications Commission issued a Report and Order and Further Notice of Proposed Rule Making relating to numbering resource optimization (“FCC 00-104” or the “March Order”). On December 29, 2000, the FCC issued its 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 (“FCC 00-429” or the “December Order”). These FCC orders addressed issues and strategies relating to the efficient use of numbering resources.

4. In FCC 00-104 and FCC 00-429, the FCC announced rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of existing numbers under the NANP.
5. 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 NeuStar. 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 be exhausted within six months of the application. Prior to this ruling, the Central Office Code Assignment Guidelines, used by the industry and NeuStar to make code assignments, required the applicant’s existing number inventory within the applicant’s serving switch to exhaust within six months of the code application in order for a code to be assigned.
6. This 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 Order ¶ 105. On December 28, 2001, the FCC entered an order retaining the rules requiring carriers to calculate MTE on a rate center basis rather than on a per-switch basis. *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*, CC Docket Nos. 99-200, 96-98 and 95-116, Third Report and Order and Second Order on Reconsideration in CC Docket No. 99-200, FCC 01-362, Paragraph 48 (rel. Dec. 28, 2001).
7. On June 19, 2019, LCTC submitted a Central Office Code (NXX) Assignment Request - Part 1, and the CO Code Assignment - Months to Exhaust Certification Worksheet,

(Exhibit A) to NeuStar to be assigned in the 606 Code for the Dwarf Rate Center. The Central Office Code Assignment Request and the Thousand Block Application Form are attached hereto as **Exhibit B**.

8. LCTC does not meet the NANPA utilization guidelines needed to obtain a new LRN in Dwarf, KY and LCTC is requesting a state waiver from the commission. LCTC is committed to returning the LRN and all associated number blocks to NANPA once LCTC has completed its full customer migration and decommission the legacy switch. LCTC is anticipating the full customer migration and decommission of the legacy switch within five years of implementation of the new packet switch. If unforeseen circumstances arise and LCTC does not meet this deadline LCTC will request an extension from the commission.
9. The code assignment request is based on LCTC intention to install a state of the art packet switching system in Dwarf, KY which will eventually replace our legacy switch. In order to conduct an orderly transition to this new platform LCTC requires the use of numbering resources, specifically a "Local Routing Number" (LRN) that will allow the new packet switch to co-exist with the legacy switching equipment. Once the transition is complete TDS intends to return this code to the NANPA for reuse elsewhere in the state.
10. LCTC requires only requires a single block from a new NXX be assigned to establish a LRN, LCTC is requesting a full code be assigned and will retain all 10 blocks to prevent contamination and assignment of numbers within the entire NPA-NXX. LCTC will only use numbers for a LRN and milliwatt test number and will ensure all other numbers are blocked, so a smooth relinquishment of the NPA-NXX can happen when our legacy switch is decommissioned. This will prevent other blocks from being assigned to other carriers within the Dwarf, KY rate center and will help ensure the code can be re-purposed in the future within the geographic area served by the 606 NPA.

11. LCTC completed the applications in accordance with NeuStar's Central Office Code (NXX) Assignment Guidelines and completed the necessary Months to Exhaust Certification Worksheet required by NeuStar.
12. At the time of the code request, the Dwarf Rate Center had a months to exhaust of approximately 1,904.8 months. The Months to Exhaust and Utilization Certification worksheet are included in **Exhibit A**
13. Despite the fact that Dwarf Rate Center may not exhaust for 1,904.8 months, LCTC is unable to utilize the new of the art packet switching without the new NXX numbers.
14. On June 21, 2019, NeuStar's Central Office Code Administration denied the code assignment requests on the grounds that LCTC had not met the 75% utilization criteria now set forth in the Central Office Code (NXX) Guidelines, notwithstanding the fact that LCTC does not have the numbering resources needed to provide the service required in connection with its new Metaswitch. The Pooling Administrator's Response / Confirmation are included in **Exhibit A**.
15. LCTC's inability to utilize the new Metaswitch without the requested numbers prevents LCTC from providing the quality of service its customer's desire and expect.
16. Both FCC 00-104 and NeuStar's Central Office Code (NXX) Guidelines provide that state regulatory commissions have the power and authority to review NeuStar's decision to deny a request for numbering resources. See FCC 00-104, Appendix A, Final Rules, § 52.15(g) (3) (iv) ("The carrier may challenge the NeuStar's decision to the appropriate state regulatory commission"); NeuStar Central Office Code (NXX) Guidelines § 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").
17. The Commission has recognized its jurisdiction and authority to review NeuStar denials and to order the release of numbering resources to meet specific customer needs.

18. The Commission, and not the FCC, is the most appropriate body to address this appeal. As noted above, the Commission has been granted jurisdiction to hear appeals from NeuStar's decisions regarding numbering resources. Any jurisdiction of the FCC to do the same is merely concurrent with the jurisdiction of the Commission. LCTC believes that the Commission can more quickly address the numbering problem facing LCTC, and, because time is of the essence, LCTC believes it is appropriate to pursue this matter in the forum that can most quickly address the issue.

19. Under earlier months-to-exhaust procedures used by NeuStar, 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 its needs. Under existing procedures, NeuStar looks at the number of months-to-exhaust for the entire rate center without any exceptions. The current process for review is arbitrary and results in decisions contrary to the public interest and decisions that do not necessarily preserve the efficient use of telephone numbers or postpone dates of exhaust. Moreover, the denial of sufficient numbering resources to LCTC to meet its customers' needs 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 ¶ 61. By refusing to grant numbering resources sufficient to meet STC customers' needs, NeuStar is preventing these customers from obtaining the service of their choice from the carrier of choice, LCTC

20. Notwithstanding its need for an NNX to make its new MetaSwitch functional and to serve its customers, LCTC analysis indicates that LCTC will be unable to meet the months-to-exhaust and utilization threshold at the rate center level in time to obtain adequate numbering resources to serve these customers absent relief from the Authority. This situation will result in LCTC's inability to utilize the new Metaswitch and provide the services it makes available to LCTC's customers.

CONCLUSION

For the reasons articulated above, TDS Telecom on behalf of Leslie County Telephone Company respectfully urges the Commission to direct NeuStar to provide the requested NNX to enable Leslie County Telephone Company to obtain the needed functionality and upgraded service of its Metaswitch and meet the requirements of its customers in order that they may receive the service of their choice from the provider of their choice to meet their telecommunications needs.

WHEREFORE, Leslie County Telephone Company requests:

1. The Commission review the decision of the NeuStar to deny Leslie County Telephone Company request for additional numbering resources; and
2. The Commission directs NeuStar to provide the NPA/NXX to Leslie County Telephone Company to establish and assign an LRN to the Metaswitch in the Dwarf Rate Center.

Respectfully submitted,



James Liebman
Liebman & Liebman
403 W. Main St.
Frankfort, KY 40601

EXHIBIT A

Central Office Code (NXX) Assignment Request - Part 1

Revised January 4, 2016

Tracking Number: 606-621319

Type of Application: New Change ¹ Delete

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:

Company/Entity Name: LESLIE COUNTY TELEPHONE CO.

Headquarters Address: 525 Junction Road,

City, State, Zip: Madison, WI, 53717

Contact Name: Anne M Chism

Contact Address: 3302 Nightingale Ln,

City,State,Zip: Middleton, WI, 53562

Phone: 608-824-0266 Fax:608-000-0000 E-mail:anne.chism@tdstelecom.com

Code Administrator:²

Name: David Morgan

Address: 2411 Dulles Corner Park, Suite 250,

City,State,Zip: Herndon, VA, 20171

Phone: 571-363-3823 Fax:571-363-3838

1.2 NPA:606 NXX:³ LATA:466 OCN:⁴0411 Parent Company's OCN(s)088
1

Switching Identification(Switch Entity/POI) ⁵DWRFKYXAPS0

Locality/City/Wire Center:DWARF Rate Center:⁶DWARF

Homing Tandem Operating Co:⁷BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL Tandem Homing CLLI⁸:DAVLKYMA01T

1.3 Dates: Date of Application:06/19/2019 Request Effective Date:⁹
¹⁰12/16/2019

By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

Expedite Reason:

1.4 Type of company/entity requesting the code:

- a) Incumbent Local Exchange Carrier (ILEC) (LEC, IC, CMRS, Other)
- b) Types of service: Wireline (e.g., Cellular - Type 2)
- c) Code Assignment Preference (Optional) 606-300
- d) Codes that are undesirable, if any n/a
- 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 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.

Comments:

We are installing new trunk groups to the new packet switch and it requires a new LRN to establish the trunks

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 the Central Office Code (NXX) Assignment Guidelines posted to the ATIS web site (<http://www.atis.org/inc/incguides.asp>) as of the date of this application.¹⁴

Anne M Chism

Signature of Code Applicant

Sr. Administrator-Telephone
Number Management

Title

06/19/2019

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 (800-228-8597) 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 iconectiv Telecom Routing Administration (TRA) on 732-699-6700.

⁵This is an 11-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11-character iconectiv Common Language^{A®} Location Code (CLLITM Code) of the applicant's switch or POI. Common Language^{A®} and Telcordia^{A®} are registered trademarks and CLLITM, LERGTM Routing Guide and iconectivTM are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.

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 shall 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.

¹⁴An incomplete form may result in delays in processing this request.

NANP Administration System

Dated 21 June 2019

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: 606-621319

Date of Application:	<u>06/19/2019</u>	Date of RECEIPT:	<u>06/19/2019</u>
Date of Response:	<u>06/21/2019</u>	Effective Date:	_____
Company/Entity Name:	<u>LESLIE COUNTY TELEPHONE CO.</u>	Service Provider OCN:	<u>0411</u>
	<u>MID-PLAINS TELEPHONE, INC.</u>	Parent Company OCN:	<u>0881</u>
Contact Name:	<u>Anne M Chism</u>	Phone:	<u>608-824-0266</u>
		Email:	<u>anne.chism@tdstelecom.com</u>
		Fax:	<u>608-000-0000</u>

Code Administrator Contact Information:

<u>David Morgan</u>	Phone:	<u>571-363-3823</u>
Signature of Code Administrator		
<u>David Morgan</u>	Fax:	<u>571-363-3838</u>
Name (print)		
	Email:	<u>dmorgan@somos.com</u>

_____ **NPA: 606** **Code Assigned:** **Date of NXX Code Assignment:**

_____ Switch Identification(Switch Entity/POI): DWRFKYXAPS0 Rate Center: DWARF

_____ **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.

EXHIBIT B

**CO CODE ASSIGNMENT
MONTHS TO EXHAUST CERTIFICATION WORKSHEET - TN Level¹
(Worksheet to be used for Request for Additional Codes for Growth)**

Date: 06/19/2019 Company Name: LESLIE COUNTY TELEPHONE CO.

Rate Center: DWARF

NPA-NXXs included in growth calculation²: 606-378

Signature of Authorized Representative of Code Applicant: _____

Title: _____ Phone: _____ Fax: _____

A. Telephone Numbers (TNs) Available for Assignment (See Glossary³): 9524

	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>2</u>	<u>2</u>	<u>2</u>	<u>5</u>	<u>4</u>	<u>4</u>						
C. Forecast - Next months 1-12 ⁵	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
D. Average Monthly Forecast (Sum of months 1-6 Part C above divided by 6): <u>5.0</u>												
E. Months to Exhaust ⁶ =	$\frac{\text{Telephone Numbers(TNs) Available for Assignment(A)}}{\text{Average Monthly Forecast(D)}} = 1904.8$											
F. Utilization Level ⁷ =	$\frac{\text{Telephone Numbers (TNs) Assigned}}{\text{Total Numbering Resources in Applicant's Inventory}} \times 100 = 0.0423$											

Explanation: We are submitting this request because we need to request a state waiver from the commission and it requires the denial from NANPA before we can move ahead with the state waiver request. Let me know if there are any questions.

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. (47 CFR Å§ 52.15 (g) (4) (iii)).

⁷Newly acquired numbers (see glossary) may be excluded from the utilization calculation (47 CFR Å§ 52.15 (g) (4) (ii)).