

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Teleport Communications of America, LLC Petition)
Requesting the Commission's Intervention in)
NANPA NXX Code Assignments (NPA 270)) Case No. 2020-00373

TELEPORT COMMUNICATIONS OF AMERICA, LLC PETITION FOR REVIEW
OF NXX CODE DENIAL IN THE OWENSBORO RATE CENTER

Teleport Communications of America, LLC (TCAL), 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 TCAL's application for use of central office numbering resources in the 270 area code.

In support of its petition, TCAL states:

1. TCAL 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 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 November 11, 2020 TCAL submitted a Central Office Code (NXX) Assignment Request and CO Code Assignment/MTE Certification Request Worksheet to

NANPA for the assignment of 1 block of consecutive blocks of numbers to meet the numbering demand for the Owensboro Health, in the Owensboro rate center, Kentucky. The application is attached hereto as Attachment 1.

8. TCAL completed the application in accordance with the Industry Numbering Committee's Guidelines and filled out the necessary MTE Certification Worksheets as required.
9. The code assignment request was for a 1000 consecutive numbers, in NPA 270, to meet the Owensboro Health request. TCAL, however, did not have sufficient 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 5.71 months and a utilization of 53.27%. TCAL submitted this request as our Owensboro rate center inventory does not have 1000 consecutive numbers to meet the customer's request. TCAL owns 270-215-3 & 6 with ~550 available numbers across the 2 blocks and 270-359-6 with ~775 available numbers. November 11, 2020, NANPA's Central Office Code Administration denied TCAL's code request on the grounds that TCAL had not met the utilization criteria now set forth in the Central Office (NXX) Guidelines. NANPA denied TCAL's code requests despite the fact that TCAL does not have adequate numbering resources needed to satisfy its customer's demands in the above-referenced switch. NANPA's response is in Attachment 1.
10. TCAL's inability to provide the requested numbers prevents TCAL from providing the quality of service the customer desires, needs, and expects. If TCAL is not assigned the code needed to meet the customer's request, TCAL will be unable to

provide the telecommunications services requested by the customer.¹ NANPA's refusal to grant numbering resources sufficient to meet the Owensboro Medical Center'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.

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

¹ TCAL 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 TCAL's part to conserve blocks of consecutive numbers.

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. TCAL requests that the Commission reverse NANPA's decision to withhold numbering resources from TCAL.
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 TCAL with the numbering resources, even though TCAL was unable to satisfy the requirements.

WHEREFORE, TCAL requests that the Commission:

1. Reverse the decision of NANPA to deny TCAL's requests for additional numbering resources,
2. Direct NANPA to provide the requested thousand blocks of numbers for the switch identified herein, and
3. Grant the requested relief as soon as practicable.

DATED: November 18, 2020.

Respectfully submitted,

Mark R. Overstreet by RCM

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ATTACHMENT 1



Owensboro
Health

11-5-2020

Owensboro Health Inc.
1201 Pleasant Valley Rd
Owensboro, KY 42303

TNAC:

Please accept this Letter of Intent requesting additional numbering resources. Owensboro Health Inc. requests 1000 consecutive numbers in the Owensboro KY rate center to be activated on our IPFlex circuit located in Owensboro KY at 1201 Pleasant Valley Rd.

Owensboro Health Inc. is implementing Cisco Emergency Responder with Red Sky as an E911 provider, thusly we are in need of 1000 Emergency Location Identification Numbers (ELIN)'s. The In short the ELINs are used by the PSAP as a call back number for respective Emergency Response Locations (ERL)'s. These do not need to be any sort of vanity range, just a 1k block that has been unallocated. We would like these to be new numbers as these are destined for emergency use.

Owensboro Health Inc. is hoping to activate these numbers by December 1, 2020. Given this is a permanent project we will not be returning any existing or new numbers to AT&T.

Pending AT&T's successful completion of testing, Owensboro Health Inc. understands these numbers will need to be activated within 180 days of the effective date.

A handwritten signature in black ink that reads "Jeff Wilkerson".

Name Jeff Wilkerson

Title Director

Email jeff.wilkerson@owensborohealth.org

Telephone Number 270-852-8584

P.O. Box 20007
1201 Pleasant Valley Road
Owensboro, KY 42303

(270) 417-2000
www.OwensboroHealth.org

Pooling Administrator's Response/Confirmation - Part 3A

Revised: October 31, 2019

Tracking Number : 270-OWENSBORO-KY-1328436

Date of Application: 11/11/2020 Effective Date: _____
Date of Receipt: 11/11/2020 Date of Response: 11/11/2020

Service Provider Name: TELEPORT COMMUNICATIONS AMERICA, LLC - KY
(LERGTM Routing Guide¹) OCN: 8406
Parent Company OCN: 7125

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Margaret Harrell-Simington Phone: 925-420-0346
Signature of Pooling Administrator
Margaret Harrell-Simington Fax: 925-420-0377
Name (print)
Email: mharrell-simington@somos.com

 NPA-NXX or NPA-
 NXX-X : _____

Block Assigned: _____
Block Reserved : _____
Block Reservation _____
Expiration Date : _____
Block/Code Modified : _____
Block/Code Disconnected : _____

Block Contaminated (Yes or No): _____
If yes, enter the number of TNs

contaminated (1-1000):

Switch Identification (Switching/POI)²:

MDVIKYMAY6X

Rate Center:

OWENSBORO

Form complete, request denied.

Explanation:

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

Request Withdrawn.

Explanation:

Assignment Activity Suspended by Administrator.

Explanation:

Remarks:

¹ iconectiv[®], Telcordia[®], and Common Language[®] are registered trademarks and CLCI[™], CLI[™], LERG[™] Routing Guide and TPM[™] Data Source are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba as iconectiv.

² This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This shall be the Common Language Location Code (CLLI Code) of the Switching Entity/Point Of Interconnection (POI) shown on the Part 1A.

Thousands-Block Months to Exhaust Certification Worksheet - TN Level¹ - Appendix 2

Revised: October 31, 2019

(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: **270-OWENSBORO-KY-1328436**

Date: **Wednesday, November 11, 2020** OCN: **8406** Company Name: **TELEPORT COMMUNICATIONS AMERICA, LLC - KY**

Rate Center: **OWENSBORO**

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)²: **270-215-3, 270-215-6, 270-359-6,**

Name of Block Applicant: **Rowena Brown**

Signature: **Rowena Brown**

Title: **Senior Network Specialist**

Phone: **925-543-1526-**

Fax: **925-355-9268**

E-Mail: **rb2548@att.com**

A. Available Numbers³: **1352**

B. Assigned Numbers: **1598**

C. Total Numbering Resources⁴: **3000**

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation⁵: **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	Month 12
E. Growth History - Previous 6 months ⁶	<u>10</u>	<u>0</u>	<u>0</u>	<u>14</u>	<u>386</u>	<u>0</u>						
F. Forecast - Next 12 months ⁷	<u>1070</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>	<u>70</u>

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6)⁸: 236.667

H. Months to Exhaust⁹ =
$$\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}}$$

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
1	1352	5.713

I. Utilization¹⁰ =
$$\frac{\text{Assigned Numbers (B)}}{\text{Total Numbering Resources (C)-Excluded Numbers (D)}} \times 100 = \underline{\underline{53.267}}$$

Explanation: _____

¹A copy of this worksheet is required to be submitted to the Pooling Administrator (PA) when requesting additional Numbering Resources in a rate center. For auditing purposes, the applicant shall retain a copy of this document.

²List all Numbering Resources allocated to the OCN for the requested Rate Center, including newly acquired Central Office (CO) Codes (NPA-NXX) and Thousands-Blocks (NPA-NXX-X). This information is available from the Total Numbering Resources in PAS and shall automatically populate on this form in PAS. When an exception exists, the

Applicant shall adjust the auto-populated list and shall provide an explanation of the adjustment in the Explanation field.

³The total quantity of numbers available for assignment from the Numbering Resources allocated to the OCN for the requested Rate Center, including newly acquired CO Codes (NPA-NXXs) and Thousands-Blocks (NPA-NXX-Xs). When an exception exists, the Applicant shall adjust the auto-populated number as needed and provide an explanation of the adjustment in the Explanation field (e.g., to increase the number of available resources due to pending applications in the same rate center, or for documentation purposes for safety valve waivers).

⁴The total quantity of Numbering Resources allocated to the OCN for the requested Rate Center, including newly acquired CO Codes (NPA-NXXs) and Thousands-Blocks (NPA-NXX-Xs). This information is available from the Total Numbering Resources Report in PAS and shall automatically populate on this form in PAS. When an exception exists, the Applicant shall adjust the auto-populated number as needed and provide an explanation of the adjustment in the Explanation field (e.g., to increase the total number of resources to include pending applications in the same rate center, or for documentation purposes for safety valve waivers).

⁵Quantity of numbers activated in the past 90 days indicates newly acquired Thousands-Blocks (NPA-NXX-X) and/or Central Office (CO) Codes (NPA-NXX) received from the administrator and shall be reported in increments of 1,000 or 10,000 TNs (e. g.: 2 blocks received=2,000 and 1 code received =10,000).

⁶Net change in Telephone Numbers (TN) 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.

⁷Forecast of Telephone Numbers (TN) needed in each following month, starting with the most recent month as Month 1.

⁸This field is automatically calculated and populated on this form in PAS.

⁹This field is automatically calculated and populated on this form in PAS. To be assigned an additional Thousands-Block (NPA-NXX-X) for growth, "Months to Exhaust" shall be less than or equal to 6 months. (47 CFR § 52.15 (g) (4) (iii)).

¹⁰This field is automatically calculated and populated on this form in PAS. To be assigned an additional Thousands-Block (NPA-NXX-X) for growth, "Utilization" shall be 75% or more (47 CFR § 52.15 (h)). Newly acquired Numbering Resources may be excluded from the Utilization calculation (47 CFR § 52.15 (g)(4)(ii)).

Tracking Number: **270-OWENSBORO-KY-1328436**

Thousands-Block (NPA-NXX-X) Application - Part 1A
Revised: October 31, 2019

Individual Block Request

Type of Application: New Change ⁱ Disconnect

General Application Information

1.1 Contact Information:

Block Applicant:

Company Name: **TELEPORT COMMUNICATIONS AMERICA, LLC - KY**
Headquarters Address: **5001 EXECUTIVE PARKWAY 3W200L**
City: **San Ramon** State: **CA** ZIP: **94583**
Contact Name: **Rowena Brown**
Contact Address: **5001 EXECUTIVE PARKWAY 3W200L**
City: **San Ramon** State: **CA** ZIP: **94583**
Phone: **925-543-1526** Fax: **925-355-9268**
E-mail: **rb2548@att.com**

Pooling Administrator:ⁱⁱ

Contact Name: **Margaret Harrell-Simington**
Contact Address: **1800 Sutter Street, Suite 780**
City: **Concord** State: **CA** ZIP: **94520**
Phone: **925-420-0346** Fax: **925-420-0377**
E-mail: **mharrell-simington@somos.com**

1.2 General Information:

Check one : No LRN needed _____ LRN neededⁱⁱⁱ: _____

NPA: 270 LATA: 464 OCN^{iv}: 8406 Parent Company's OCN 7125

Number of Thousands-Blocks Requested : 1

Switch Identification (Switching Entity/POI^v): MDVIKYMAX6X

Rate Center^{vi}: OWENSBORO

1.3 Dates:

Date of Application^{vii}: 11/11/2020

Requested Effective Date^{viii}: 12/14/2020

Requested Expedited Treatment? (See Section 8.6) Yes _____ No X

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.

1.4 Type of Service Provider Requesting the Thousands-Block :

- a) Type of Service Provider : CAP OR CLEC (LEC, IXC, CMRS, Other)
- b) Primary Type of Service Blocks to be used for : Wireline
- c) Thousands-Block(s) (NXX-X) assignment preference (Optional) 270-687-6 270-645-6 270-645-X
- d) Thousands-Block(s) (NXX-X) that are undesirable for this assignment , if any NPA-666
- e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) _____

1.5 Type of Request:

Initial block for rate center : Yes _____ If Yes, attach evidence of authorization and proof of capability to provide service within 60 days.

Growth block for rate center : Yes X If Yes, attach months to exhaust worksheet

By selecting this checkbox, I acknowledge that I am willing to accept a block in red and explicitly understand that the underlying CO code may not yet be activated in the PSTN and loaded in the NPAC on the block effective date.

Type of change (Mark all that apply)

OCN: Intra-company^{ix} Switching Id Part 1B

OCN: Inter-company^x Effective Date

Change block : Yes _____ If Yes, list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated: Yes _____ No _____
- b) If Yes how many TNs are NOT available for assignment : _____
- c) Have all new Intra SP ports been completed in the NPAC: Yes _____ No _____
- d) Has this block been protected from further assignment: Yes _____ No _____

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

Remarks:

I hereby certify that the above information requesting a Thousands-Block (NPA-NXX-X) is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block and Central Office Code Administration Guidelines (TBCOCAG) available on the ATIS web site (www.atis.org/inc) or by contacting inc@atis.org as of the date of this application.

Rowena Brown

Signature of Block Applicant

Senior Network Specialist

Title

11/11/2020

Date

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

Section 1.1 Contact information requires that Service Providers (SP) 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 (PA) section also requires the SP to fill in the PA’s name, address, phone, fax and e-mail.

Section 1.2 Service Providers (SP) who need a Thousands-Block (NPA-NXX-X) assignment or for a Location Routing Number (LRN) are required to fill in this section. If needed for an LRN, a Part 1 Central Office Code (NPA-NXX) Application needs to also be submitted to the Pooling Administrator (PA). The SP 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 Telcordia Technologies, Inc. dba iconectiv (iconectiv®) LERG™ Routing Guide^{xi}. The Operating Company Number (OCN) assigned to the SP and the OCN of its parent company. An OCN is a four-character alphanumeric NECA-assigned Company Code or a four-character alphanumeric identifier assigned by the iconectiv Telecom Routing Administration (TRA). In addition, the number of Thousands-Blocks requested should be supplied. The Switch Identification (Switching Entity/POI). Explanations of these terms may be found in the footnotes.

Section 1.3 The date the Service Provider (SP) 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 (SP) should indicate their type, e.g., local exchange carrier, competitive local exchange carrier, interexchange carrier, CMRS or VoIP. Also indicate the primary type of business in which the Numbering Resource is to be used. SPs 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 (SP) indicate the type of request. Initial requests are for first applications for Thousands-Blocks in a Rate Center, Growth applications are 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 (SP) shall indicate the updated/current information in regards to contaminated Telephone Numbers (TN) on the Thousands-Block they are returning to the Industry Inventory Pool. Thousands-Blocks with over 10% contamination (101 TNs or more) shall not be returned to the Industry Inventory Pool except when a SP is exiting the market or is exchanging a Thousands-Block that was identified as being over 10% contaminated. If the Thousands-Block being returned is over 10% contaminated, the Pooling Administrator (PA) shall seek a new Thousands-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.

Footnotes:

ⁱIdentify the type of change(s) in Section 1.5.

ⁱⁱThe Pool Administrator (PA) is available to assist in completing these forms.

ⁱⁱⁱA Part 1 Central Office (CO)Code (NPA-NXX) Application shall also need to be submitted to the Pooling Administrator (PA).

^{iv}Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to Central Office (CO) Code (NPA-NXX) 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).

^vThis is an eleven-character descriptor of the Switching Entity/Point Of Interconnection (POI) provided by the owning entity for the purpose of routing calls. This is the 11 character CLI™ Code of the Switching Entity/POI.

^{vi}Rate Center name shall be a tariffed Rate Center.

vii Acknowledgment and indication of disposition of this application shall 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 Central Office (CO) Code (NPA-NXX) of the LRN to be associated with this Thousands-Block(s) is/will be active in the PSTN prior to the effective date of the Thousands-Block(s).

ix Select if you are the current Thousands-Block Holder.

^xSelect if you are not the current Thousands-Block Holder.

^{xi} iconectiv[®], Telcordia[®], and Common Language[®] are registered trademarks and CLCI[™], CLI[™], LERG[™] Routing Guide and TPM[™] Data Source are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba as iconectiv.