

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

Petition of BellSouth Telecommunications,)	
LLC d/b/a AT&T Kentucky)	Case No. 2022-00271
Petition Requesting the Commission’s)	
Intervention in Numbering Resources)	
Determinations (NPA 270))	

**PETITION FOR REVIEW OF NUMBERING RESOURCES DETERMINATION
IN THE PADUCAH RATE CENTER (NPA 270)**

BellSouth Telecommunications, LLC d/b/a AT&T Kentucky (“AT&T Kentucky”), 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 AT&T Kentucky’s application for use of numbering resources in the Paducah Rate Center (NPA 270). 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,”¹ and the FCC’s Orders addressing these matters allow for challenges of determinations by both entities.² 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 authority and responsibility of NANPA and/or the PA to do so. The denial that is the subject of this Petition impacts AT&T Kentucky’s customer Bon Secours Mercy Health.

¹ See, e.g., 47 C.F.R. §52.15.

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

In support of this Petition, AT&T Kentucky states:

1. AT&T Kentucky is a telephone utility that provides, among other things, intraLATA, local exchange telecommunications services in various portions of Kentucky, including the Paducah rate center.

2. NANPA is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan (“NANP”).³

3. The PA is an independent non-governmental entity that is responsible for administering thousands-block number pooling.⁴

4. On March 31, 2000, the FCC issued an Order relating to numbering resource optimization.⁵ 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.⁶ Prior to this ruling, the Central Office Code Assignment Guidelines used 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 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.

³ See 47 C.F.R. § 52.13 (a), (b).

⁴ See 47 C.F.R. §52.7(g). See also 47 C.F.R. §52.20 (“Thousands-block number 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.”).

⁵ See Report and Order and Further Notice of Proposed Rule Making, *Numbering Resources Optimization*, 15 FCC Rcd 7574 (2000) (“*First NRO Order*”).

⁶ 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, *Numbering Resource Optimization*, 16 FCC Rcd 306 at ¶29 (2000) (“*Second NRO Order*”); *Third NRO Order* at ¶¶48-49.

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.⁷ The utilization threshold has increased by five 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.⁸

7. On or about August 3, 2022, and in order to meet its customer’s express request for consecutive numbers,⁹ AT&T Kentucky submitted a Pooling Administration System request for the assignment of two thousands-block of numbers in the Paducah rate center to go with its customer’s existing dialing plan.¹⁰

8. AT&T Kentucky’s application was completed in accordance with Industry Numbering Committee (“INC”) guidelines, and AT&T Kentucky filled out the necessary Month-to-Exhaust Certification Worksheets as required.

9. At the time of the filing of the numbering resource request, the Paducah Rate Center had an MTE of 148.496, and a utilization of 31.862%.¹¹

10. Thereafter, also on August 3, 2022, AT&T Kentucky’s request was denied because AT&T Kentucky had not met the MTE and/or Utilization criterion now set forth in the INC Guidelines.¹² AT&T Kentucky’s numbering resource requests were denied despite the fact that AT&T Kentucky does not have adequate numbering resources needed to satisfy this customer’s needs in the Paducah Rate Center.

⁷ See *Second NRO Order* at ¶22; *Third NRO Order* at ¶¶50-52.

⁸ *Third NRO Order* at ¶¶50-52.

⁹ See Exhibit A to this Petition.

¹⁰ See Exhibit B to this Petition. AT&T Kentucky does not have numbering resources to meet the customer’s request.

¹¹ See *Id.*

¹² See *Id.*

11. AT&T Kentucky's inability to provide this important customer with the requested numbering resources prevents AT&T Kentucky from providing the quality of service this customer desires, needs, and expects. If AT&T Kentucky is not assigned the numbering resources needed to meet the customer's request, AT&T Kentucky will be unable to provide telecommunications services requested by its customer. The refusal to grant numbering resources sufficient to meet the needs of this customer 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."¹³

12. 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 numbering resources.¹⁴

13. 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. 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, numbering determinations are based on 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

¹³ *Second NRO Order* at ¶ 61.

¹⁴ *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 ¶¶ 61-66; *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").

resources in a given rate center that it cannot meet with its current inventory.”¹⁵ In addition, the FCC has ruled that, “States... may grant requests for customers seeking contiguous block of numbers.”¹⁶

14. AT&T Kentucky requests that the Commission reverse the decision to withhold numbering resources from AT&T Kentucky because that decision interferes with AT&T Kentucky’s ability to provide telecommunication services to its customers.

15. This Commission has recognized its jurisdiction and authority to review numbering denials and to order the release of number resources to AT&T Kentucky to meet customer needs.¹⁷

WHEREFORE, AT&T Kentucky requests that the Commission:

- A. Reverse the decision to deny AT&T Kentucky’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 AT&T Kentucky two thousands-block of numbers in the Paducah rate center; and
- C. Grant the requested relief as soon as possible.

¹⁵ *Third NRO Order* at ¶ 64.

¹⁶ *Id.*

¹⁷ *See, e.g., 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); *Order, In re Application of Bellsouth Telecommunications, LLC d/b/a AT&T Kentucky Requesting the Commission’s Intervention in NANPA NXX Code Assignments (NPA 502)*, Case No. 2013-00024 (Feb. 8, 2013).

Respectfully submitted,

/s/ Cheryl R. Winn

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FILING NOTICE AND CERTIFICATE

This 11th day of August, 2022, the undersigned hereby certifies that a copy of the foregoing has been filed via the Commission's electronic filing system, Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

/s/ Cheryl R. Winn