



AT&T Kentucky
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April 29, 2009

RECEIVED

MAY 04 2009

PUBLIC SERVICE
COMMISSION

Mr. Jeff Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

2009-00178

Re: BellSouth Telecommunications, Inc.'s, d/b/a AT&T Kentucky,
Petition Requesting the Commission's Intervention in NANPA
NXX Code Assignments (Oak Grove Rate Center, Area
Code 270 – Fort Campbell)

Dear Mr. Derouen:

Enclosed are the original and ten (10) copies of BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky's Petition for Review of NXX Code Denial in the Oak Grove Rate Center. Thank you for your consideration of this request.

Sincerely,

Mary K. Keyer
General Counsel/Kentucky

Enclosures

734553

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MAY 4 2009

**PUBLIC SERVICE
COMMISSION**

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BellSouth Telecommunications, Inc.,)
d/b/a AT&T Kentucky's, Petition Requesting)
the Commission's Intervention in NANPA)
NXX Code Assignments (NPA 270))

Case No. 2009-00178

BELLSOUTH TELECOMMUNICATIONS, INC.,
d/b/a AT&T KENTUCKY'S, PETITION FOR REVIEW
OF NXX CODE DENIAL IN THE OAK GROVE RATE CENTER

BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky ("AT&T Kentucky"), 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 AT&T Kentucky's application for use of central office numbering resources in the 270 area code. In support of its petition, AT&T Kentucky states:

1. AT&T Kentucky 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 that is 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 April 27, 2009, AT&T Kentucky submitted a Central Office Code (NXX) Assignment Request and CO Code Assignment/Months-to-Exhaust Certification Request Worksheet to NANPA for the assignment of one NXX needed to meet the numbering demands for Fort Campbell in Oak Grove, Kentucky. The application is attached hereto as Attachment 1.
8. AT&T Kentucky completed the application in accordance with the Industry Numbering Committee's Guidelines and filled out the necessary Months-To-Exhaust Certification Worksheets as required.
9. The code assignment request was for an NXX in the 270 NPA to meet Fort Campbell's request for a dedicated block of 10,000 sequential numbers. AT&T Kentucky, however, did not have the sufficient number of resources available within its inventory in the Louisville 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 Oak Grove rate center had a MTE of 3.85 and a utilization of 69.51%. AT&T Kentucky submitted this code request because the Oak Grove switch that serves the customer does not have a block of sequential numbers large enough to meet the customer's needs. On April 27, 2009, NANPA's

Central Office Code Administration denied AT&T Kentucky's code request on the grounds that AT&T Kentucky had not met the rate-center-based months-to-exhaust and utilization criteria now set forth in the Central Office (NXX) Guidelines. NANPA denied AT&T Kentucky's code requests despite the fact that AT&T Kentucky does not have adequate numbering resources needed to satisfy its customer's demands in the above-referenced switch. NANPA's response is on the last screen of Attachment 1.

10. AT&T Kentucky's inability to provide this important customer – Fort Campbell - with the requested numbers prevents AT&T Kentucky from providing the quality of service this customer desires, needs, and expects. If AT&T Kentucky is not assigned the code needed to meet the customer's request, AT&T Kentucky will be unable to provide the telecommunications services requested by the customer.¹ NANPA's refusal to grant numbering resources sufficient to meet Fort Campbell'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

¹ AT&T Kentucky 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 AT&T Kentucky's part to conserve blocks of consecutive numbers.

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 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. AT&T Kentucky requests that the Commission reverse NANPA's decision to withhold numbering resources from AT&T Kentucky.
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 AT&T Kentucky with the numbering resources, even though AT&T Kentucky was unable to satisfy the requirements.

WHEREFORE, AT&T Kentucky requests that the Commission:

1. Reverse the decision of NANPA to deny AT&T Kentucky's requests for additional numbering resources,
2. Direct NANPA to provide the requested Central Office Code for the switch identified herein, and
3. Grant the requested relief as soon as practicable.

Respectfully submitted this 29th day of April, 2009.



Mary K. Keyer
General Counsel-Kentucky
601 W. Chestnut Street, Room 407
Louisville, KY 40203
(502) 582-8219

COUNSEL FOR BELL SOUTH
TELECOMMUNICATIONS, INC.,
d/b/a AT&T KENTUCKY

ATTACHMENT 1






Pooling Administration System

 MARTA.ANTELO@ATT.COM (SP)

• Sign Out

Time : 04/27/2009 11:13:42 AM EDT

Printable Version

-   Individual Block Requests
-  CO/NXX Code Requests
-  Confirm Resources In Service
-  Donate Blocks
-  Submit Forecast
-  Search Forms
-  Reports
-  User Profile

Central Office Code (NXX) Assignment Request Part 1 December 9, 2005

Tracking Number: **270-OAK GROVE-KY-288364**

**Full NXX:
Dedicated
Customer**

Type of Application: New Change Delete

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:
 Company/Entity Name: **BELLSOUTH SO CNTL**
 Headquarters Address: **2600 CAMINO RAMON**
 City, State, Zip: **SAN RAMON ,CA ,94583**
 Contact Name: **MARTA ANTELO**
 Contact Address: **600 NW 79TH AVENUE, ROOM 336**
 City, State, Zip: **MIAMI, FL, 33126**
 Phone: **305-260-8213** FAX: **305-264-2918**
 E-mail: **MARTA.ANTELO@ATT.COM**

Code Administrator: ²
 Name: **David Morgan**
 Address: **46000 Center Oak Plaza**
 City, State, Zip: **Sterling ,VA ,20166**
 Phone: **571-434-5381** FAX: **571-434-5502**

1.2 NPA: **270 9419 9400** NXX: ³ LATA: **470** OCN: ⁴
 Parent Company's OCN(s)

Switching Identification(Switch Entity/POI) ⁵
OKGVKYESDS0

Locality/City/Wire Center: Rate Center: ⁶ **OAK GROVE**

Homing Tandem Operating Co: ⁷ **NSVLTNMT84T**
BST Tandem Homing
 CLLI

1.3 Dates: Date of Application **04/27/2009** Request Effective Date: ^{9 10} **07/02/2009**

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.

Request Expedited Treatment? Yes No **X**

1.4 a) Type of company/entity requesting the code: **Incumbent**
Local Exchange Carrier (ILEC) (LEC, IC, CMRS, Other)

b) Types of service: **Wireline** (e.g., Cellular - Type 2)

c) Code Assignment Preference (Optional)

d) Codes that are undesirable, if any

e) Type of change(Mark **all** that apply)

OCN-Intra-company ¹¹ Switching Id Rate Center
Tandem Homing CLLI

OCN-Inter-company ¹² 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): **REQUEST FOR A NON-POOLED DEDICATED CODE.**

1.8 Part 2 is attached Part 2 is not attached **X** for BIRRDs ¹⁴ ¹⁵
Additional Documentation is attached Additional Documentation is not attached **X**

Comments:

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 Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application: ¹⁶

ASSOC

MARTA ANTELO

**TECH
SUPPORT
ANLYS 04/27/2009
NTWK**

Signature of Code Applicant

Title

Date

- ¹ Identify type and reason for change(s) in Section 1.4(e).
- ² A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.
- ³ The NXX field is required for any code request in which there is a change or the NXX is being returned.
- ⁴ Operating 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 (973-884-8355) 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 Telcordia™ Routing Administration (TRA) on 732-699-6700.
- ⁵ This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the eleven-character Telcordia™ COMMON LANGUAGE CLLI™ Location Identification of the applicant's switch or POI. (Telcordia and CLLI are trademarks and COMMON LANGUAGE is a registered trademarks of Telcordia Technologies, Inc.)
- ⁶ Rate Center name must be a tariffed Rate Center associated with toll billing.
- ⁷ Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.
- ⁸ This 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.
- ⁹ Code 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.
- ¹⁰ Requests for code assignment should not be made more than six months prior to the requested effective date.
- ¹¹ Select if you are the current Code Holder
- ¹² Select if you are not the current Code Holder
- ¹³ The 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.
- ¹⁴ Applicant is not required to submit Part 2 of the code request form if it is doing its own Telcordia™ Business Integrate Routing and Rating Database System (BIRRDS) entries, or if the applicant has arranged for a third party to input the Part 2 forms data on its behalf.
- ¹⁵ WARNING! 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.
- ¹⁶ An incomplete form may result in delays in processing this request.

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Pooling Administration System

🏠 MARTA.ANTELO@ATT.COM (SP)
• Sign Out

Time : 04/27/2009 11:15:57 AM EDT

- 📁 Individual Block Requests
- 📁 CO/NXX Code Requests
- 📁 Confirm Resources In Service
- 📁 Donate Blocks
- 📁 Submit Forecast
- 📁 Search Forms
- 📁 Reports
- 📁 User Profile

Appendix 3

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level¹
(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: **270-OAK GROVE-KY-288364**

Date: **04/27/2009** OCN:**9419** Company Name:**BELLSOUTH SO CNTL**

Rate Center: **OAK GROVE**

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s):

Name of Block Applicant:**MARTA ANTELO** Signature: **MARTA ANTELO**

Title:**ASSOC TECH SUPPORT ANLYS NTWK** Telephone No.: **305-260-8213**
FAX No.: **305-264-2918**

E-mail: **MARTA.ANTELO@ATT.COM**

A. Available Numbers:**13589**

B. Assigned Numbers: **33735**

C. Total Numbering Resources:**48530**

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ²:**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 ³	40	38	931	21	87	10057						
F. Forecast - Next 12 months ⁴	11862	1862	1862	1862	1862	1862	1862	1862	1862	1862	1862	1862

G. Average Monthly Forecast (Sum of months 1-6 (Part F above) divided by 6):**3528.667**

Printable Version
May 16, 2008

H. Months to Exhaust⁵ = $\frac{\text{Numbers Available for Assignment to Customers(A)}}{\text{Average Monthly Forecast(G)}}$

Block Requested	Available Numbers	Months To Exhaust
1	13589	3.851

I. Utilization⁶ = $\frac{\text{Assigned Numbers(B)} - \text{Excluded Numbers(D)}}{\text{Total Numbering Resources(C)-Excluded Numbers(D)}} \times 100 = 69.514$

Explanation:

- ¹A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
- ²Quantity of numbers activated in the past 90 days is based on blocks and/or codes 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).
- ³Net 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.
- ⁴Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
- ⁵To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, section 52.15 (g) (3) (iii)).
- ⁶Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g) (3)(ii))

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Pooling Administration System	
MARTA.ANTELO@ATT.COM (SP)	Sign Out
Time : 04/27/2009 11:16:45 AM EDT	
<ul style="list-style-type: none"> Individual Block Requests CO/NXX Code Requests Confirm Resources In Service Donate Blocks Submit Forecast Search Forms Reports User Profile 	<div style="text-align: right; font-size: small;">Printable Version</div> <p>November 21, 2003 ATIS-0300066.at3</p> <p style="text-align: center;">Pooling Administrator's Response/Confirmation TBPAAG Part 3</p> <p>Tracking Number : <u>270-OAK GROVE-KY-288364</u></p> <p>Date of Application: <u>04/27/2009</u> Effective Date: _____ Date of Receipt: <u>04/27/2009</u> Date of Response: <u>04/27/2009</u></p> <p>Service Provider Name: <u>BELLSOUTH SO CNTL</u> (Telcordia TM LERG TM Routing Guide) OCN: <u>9419</u></p> <p>NPAC SOA SPID : _____</p> <p>Pooling Administrator Contact Information:</p> <p><u>Genevieve Bettiga</u> Phone: <u>925-363-7652</u> Signature of Pooling Administrator</p> <p><u>Genevieve Bettiga</u> Fax: <u>925-363-7683</u> Name (print)</p> <p>Email: <u>genevieve.bettiga@neustar.biz</u></p> <p>NPA-NXX or NPA-NXX-X : _____ Block Assigned: _____ Block Reserved : _____ Block Reservation Expiration Date : _____ Block/Code Modified : _____ Block/Code Disconnected : _____</p> <p>Block Contaminated(Yes or No) : _____ If Yes,enter the number of TNs contaminated : _____</p> <p>Switch Identification(Switch Entity/POI): ¹ <u>OKGVKYESDS0</u> Rate Center: <u>OAK GROVE</u> Rate Center Sub Zone: _____</p>

Form Complete, request denied.

— Explanation:

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

— Request withdrawn.

— Explanation:

— Assignment activity suspended by the administrator.

— Explanation:

Remarks:

¹ This 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 shown on the Part 1A form (Telcordia, LERG ROUTING Guide and CLLI are trademarks of Telcordia Technologies, Inc.)

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