

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.)	
D/B/A AT&T KENTUCKY'S PETITION)	CASE NO.
REQUESTING THE COMMISSION'S)	2009-00411
INTERVENTION IN NANPA NXX CODE)	
ASSIGNMENTS (NPA'S 859 AND 502))	

O R D E R

On October 16, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky") filed a petition requesting that this Commission review and overturn a determination by the North American Numbering Plan Administration ("NANPA").¹ The petition was filed pursuant to 47 C.F.R. § 52.15(g)(4), wherein the Commission is granted the authority to "overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."

In its petition, AT&T Kentucky explains the need for reassignment of a one thousand block in each of five separate central office codes ("NXXs") in Kentucky. Specifically, the code assignment request was for a one thousand block of numbers in each of four rate centers in the 859 Numbering Plan Area ("NPA") (Millersburg, Kirksville, Waco, and Carlisle) and one rate center in the 502 NPA (New Haven). Each

¹ The NANPA is an independent non-governmental entity selected by the Federal Communications Commission ("FCC") and is responsible for administering and managing the North American Numbering Plan ("NANP"). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

of the requested one thousand number blocks was originally assigned to AT&T Kentucky in the central offices identified. However, due to an error, each of the blocks requested was accidentally released back into the number pool for reassignment.²

On September 30, 2009, AT&T Kentucky electronically submitted to NANPA an application requesting reassignment of a one thousand block in each of five NXXs that had been donated to the number pool in error.³ The application process with NANPA requires the submission of information used for a Months-To-Exhaust (“MTE”) and Utilization Certification Worksheet (“Worksheet”) pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, NANPA concluded that AT&T Kentucky did not meet the FCC’s required guideline for MTE of six months or less and/or the utilization threshold requirement of 75 percent.⁵ Therefore, NANPA determined that AT&T Kentucky’s request for additional numbering resources should be

² See AT&T Kentucky’s Petition for Review at 4.

³ Specifically, the NXX request submitted by AT&T Kentucky was for its Millersburg switch (Millersburg rate center), Kirksville switch (Kirksville rate center), Waco switch (Waco rate center), Carlisle switch (Carlisle rate center), and New Haven switch (New Haven rate center). However, current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ In accordance with 47 C.F.R. § 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁵ According to the Worksheet, the resulting calculations for each rate center were 12.766 MTE and a 22.304 percent utilization rate for the Millersburg rate center, 20.812 MTE and a 9.905 percent utilization rate for the Kirksville rate center, 6.134 MTE and a 54.745 percent utilization rate for the Waco rate center, 22.503 MTE and a 36.656 percent utilization rate for the Carlisle rate center, and 25.785 MTE and a 30.285 percent utilization rate for the New Haven rate center.

denied. NANPA denied AT&T Kentucky's request despite the fact that the Location Routing Number assigned to each of the five one thousand blocks belongs to AT&T.⁶

NANPA is not a policy-making entity. In making assignment decisions, NANPA follows regulatory directives and industry-developed guidelines. NANPA's responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁷

Pursuant to 47 C.F.R. § 52.15(g)(4), this Commission may overturn the determination of NANPA if the requesting carrier has demonstrated a verifiable need for numbering resources and the exhaustion of all other available remedies. The Commission finds that AT&T Kentucky has demonstrated a verifiable need for additional numbering resources by presenting the request for reassignment of a thousand-block of numbers in each of four rate centers within the 859 NPA (Millersburg, Kirksville, Waco, and Carlisle) and one rate center in the 502 NPA (New Haven). Specifically, AT&T requests the 0 block of the 484 NXX in the Millersburg rate center (859-484-0XXX), the 0 block of the 328 NXX in the Kirksville rate center (859-328-0XXX), the 0 block of the 369 NXX in the Waco rate center (859-369-0XXX), the 0 block of the 289 NXX in the Carlisle rate center (859-289-0XXX), and the 0 block of the 549 NXX in the New Haven rate center (502-549-0XXX).⁸ The Commission finds that AT&T Kentucky has demonstrated a verifiable need for the specific blocks requested.

⁶ As previously discussed, these blocks were returned to the pool in error. Additionally, it should be noted that none of the blocks have yet been reassigned.

⁷ See generally, 47 C.F.R. § 52.

⁸ See Petition Exhibits 1-5, wherein AT&T Kentucky specifically requests assignment of the 0 block of a specific NXX within the five rate centers.

This Commission finds that NANPA's determination to deny AT&T Kentucky the additional numbering resources described herein should be overturned and NANPA should be directed to approve AT&T Kentucky's request for additional numbering resources submitted to NANPA on September 30, 2009. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving AT&T Kentucky in the specified rate centers. If the numbering resources requested by AT&T Kentucky are not utilized as outlined in its petition, the associated numbering resources approved in this Order should be returned to NANPA in accordance with the NANPA numbering resource guidelines.

IT IS THEREFORE ORDERED that:

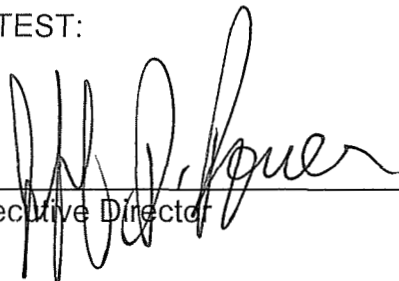
1. AT&T Kentucky's Petition regarding NANPA's denial of its application for assignment of additional numbering resources in the 859 and 502 Numbering Plan Areas is granted.
2. The decision of NANPA denying AT&T Kentucky's request for additional numbering resources, submitted to NANPA on September 30, 2009, is hereby overturned.
3. NANPA shall assign AT&T Kentucky the 0 block of the 484 NXX in the Millersburg rate center (859-484-0XXX), the 0 block of the 328 NXX in the Kirksville rate center (859-328-0XXX), the 0 block of the 369 NXX in the Waco rate center (859-369-0XXX), the 0 block of the 289 NXX in the Carlisle rate center (859-289-0XXX), and the 0 block of the 549 NXX in the New Haven rate center (502-549-0XXX).

4. The associated numbering resources approved in this Order shall be returned to NANPA in accordance with the NANPA numbering resource guidelines if not utilized as outlined by AT&T Kentucky in its petition.

By the Commission

ENTERED
NOV 16 2009 *dl*
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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