

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF LEWISPORT TELEPHONE)	
COMPANY, INC. FOR COMMISSION REVIEW)	CASE NO.
AND REVERSAL OF A DECISION OF THE)	2019-00288
NORTH AMERICAN NUMBER POOLING)	
ADMINISTRATION)	

ORDER

On August 20, 2019, TDS Telecom (Lewisport Telephone) filed a petition on behalf of Lewisport Telephone Company requesting that this Commission review and overturn a determination by the Pooling Administrator.¹ Lewisport Telephone requested expedited treatment of the petition, which was filed pursuant to 47 C.F.R. § 52.15(g)(4), wherein the Commission is granted the authority to “overturn the NANPA’s [and the Pooling Administrator’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, Lewisport Telephone explains that it has requested numbering resources to be assigned in the 270 or 364 area code for the Lewisport rate center. Lewisport Telephone intends to install a packet-switching system in the Lewisport exchange to replace the existing legacy switch. In order to transition to the new switch,

¹ The North American Numbering Plan Administrator (NANPA) and the Pooling Administrator are independent non-governmental entities selected by the Federal Communications Commission (FCC) and are individually responsible for administering and managing the North American Numbering Plan and national thousands-block number pools, respectively. Neustar, Inc., is currently contracted by the FCC as both the NANPA and the Pooling Administrator.

both switches need to co-exist. The numbering resources will allow this transition, and once the transition is complete, Lewisport Telephone will return the numbers to NANPA for reuse. Lewisport Telephone is requesting a new NXX to be assigned to establish a local routing number.

The application process with the Pooling Administrator requires the submission of information used for a Months-To-Exhaust (MTE) and Utilization Certification Worksheet (Worksheet) about the affected rate centers.² On June 18, 2019, Lewisport Telephone applied to the Pooling Administrator for the required numbering resources in the Lewisport rate center.³ Based on the submitted information and resulting calculations, the Pooling Administrator concluded that Lewisport Telephone did not meet the FCC's MTE or utilization criteria.⁴ Therefore, the Pooling Administrator determined that Lewisport Telephone's request for additional numbering resources should be denied.

The Pooling Administrator is not a policy-making entity. In making assignment decisions, the Pooling Administrator follows regulatory directives and industry-developed guidelines. The Pooling Administrator's responsibilities are defined in FCC rules and in

² In accordance with 47 C.F.R. § 52.15(g)(4), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

³ Current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ The NANPA/Pooling Administrator denied the application due to the failure to meet the criteria in the rate center as described below:

<u>NPA</u> 270 or 364	<u>Rate Center</u> Lewisport	<u>Purpose</u> NXX	<u>Resource Requested</u> 10,000 Block	<u>MTE</u> 588.20	<u>Utilization</u> 38.24%
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comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁵

Pursuant to 47 C.F.R. § 52.15(g)(5), this Commission may overturn the Pooling Administrator's determination if the requesting carrier has demonstrated a verifiable need for numbering resources and that all other available remedies have been exhausted. The Commission finds that Lewisport Telephone has demonstrated a verifiable need for the assignment of numbering resources for the purpose of providing service within the Lewisport rate center in Kentucky. Due to the Pooling Administrator's denial of Lewisport Telephone's application, Lewisport Telephone asserts that it does not have sufficient numbering resources available in the affected rate center and cannot make the transition to the new switch without the requested resources. Furthermore, the Commission finds that Lewisport Telephone has exhausted all available remedies to the extent that no combination of existing numbering resources in the associated rate center can be employed to meet the need for a new NXX for the Lewisport rate center.

Therefore, the Commission finds that the Pooling Administrator's determination to deny Lewisport Telephone the additional numbering resources described herein should be overturned and the Pooling Administrator be directed to assign Lewisport Telephone a new NXX for the Lewisport rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Lewisport Telephone's customers in the Lewisport rate center. If the numbering resources requested by Lewisport Telephone are not needed to meet the service requirements of its customers, the associated numbering resources approved in this

⁵ See generally, 47 C.F.R. § 52.

Order should be returned to the Pooling Administrator and may not be utilized for other service arrangements without first complying with the industry's numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. Lewisport Telephone's petition regarding the Pooling Administrator's denial of its application for assignment of additional numbering resources is granted.

2. The decision of the Pooling Administrator denying Lewisport Telephone's request for the assignment of a new NXX for the Lewisport rate center in Kentucky is hereby overturned.

3. The Pooling Administrator shall assign Lewisport Telephone a new NXX for the Lewisport rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of Lewisport Telephone's customers. If the numbering resources requested by Lewisport Telephone are no longer required to meet the service, the associated numbering resources approved in this Order shall be returned to the Pooling Administrator.

5. This case is closed and removed from the Commission's docket.

By the Commission

ENTERED
SEP 27 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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