

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF TIME WARNER CABLE)	
INFORMATION SERVICES (KY), LLC)	CASE NO.
REQUESTING THE COMMISSIONS)	2019-00374
INTERVENTION IN NANPA ASSIGNMENTS)	
FOR ASHLAND, KENTUCKY)	

ORDER

On October 7, 2019, Time Warner Cable Information Services (KY), LLC (Time Warner), filed a petition requesting that this Commission review and overturn a determination by the Pooling Administrator.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 [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, Time Warner explains that it has requested numbering resources to be assigned in the 606 area code for the Ashland rate center. Time Warner is requesting a new NXX-X to be assigned to establish 10,000 telephone numbers within the Ashland rate center to meet the needs of a medical center.

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.

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 August 21, 2019, Time Warner applied to the Pooling Administrator for the required numbering resources in the Ashland rate center.³ Based on the submitted information and resulting calculations, the Pooling Administrator concluded that Time Warner did not meet the FCC's MTE or utilization criteria. Therefore, the Pooling Administrator determined that Time Warner'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 comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁴

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 Time Warner has demonstrated a verifiable need for the assignment of numbering resources for the purpose of providing service within the Ashland rate center in Kentucky. Due to the Pooling Administrator's denial of Time Warner's application, Time Warner asserts that it does not have sufficient numbering

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 See generally, 47 C.F.R. § 52.

resources available in the affected rate center to meet the need of a medical center. Furthermore, the Commission finds that Time Warner 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-X for the Ashland rate center.

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

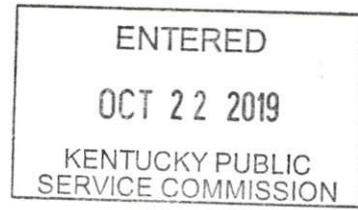
1. Time Warner's petition regarding the Pooling Administrator's denial of its application for assignment of additional numbering resources is granted.
2. The decision of the Pooling Administrator denying Time Warner's request for the assignment of a new NXX-X for the Ashland rate center in Kentucky is hereby overturned.
3. The Pooling Administrator shall assign Time Warner a new NXX-X for the Ashland rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of Time Warner's customers. If the numbering resources requested by Time Warner 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.

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By the Commission



ATTEST:


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