

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PETITION OF TELEPORT)	
COMMUNICATIONS OF AMERICA, LLC)	CASE NO.
REQUESTING THE COMMISSION'S)	2020-00373
INTERVENTION IN NANPA NXX CODE)	
ASSIGNMENTS (NPA 270))	

ORDER

On November 18, 2020, Teleport Communications of America, LLC (Teleport) filed a petition requesting that the 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, Teleport explains that it has requested numbering resources associated with telecommunications services requested by a specific customer, Owensboro Health, in the Owensboro rate center located within the 270 Numbering Plan Area (NPA) in Kentucky. Owensboro Health has requested 1,000 consecutive numbers.

¹ The North American Numbering Plan Administrator (NANPA) and the Pooling Administrator are independent nongovernmental 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. Somos, 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 November 11, 2020, Teleport applied to the Pooling Administrator for the required numbering resources in the Owensboro rate center.³ Based on the submitted information and resulting calculations, the Pooling Administrator concluded that Teleport did not meet the FCC's MTE or utilization criteria.⁴ Therefore, the Pooling Administrator determined that Teleport'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.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 all other available remedies have been exhausted. The

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>	<u>Rate Center</u>	<u>Purpose</u>	<u>Resource Requested</u>	<u>MTE</u>	<u>Utilization</u>
270	Owensboro	NXX	1,000 Consecutive	5.71	53.27%

⁵ See *generally*, 47 C.F.R. § 52.

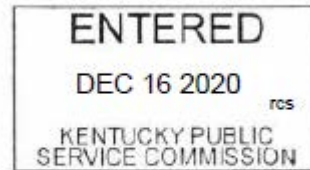
Commission finds that Teleport has demonstrated a verifiable need for the assignment of numbering resources by presenting a request from a specific telecommunications customer Owensboro Health, for one block (1,000 consecutive numbers) to be utilized for the purpose of providing service within the Owensboro rate center in Kentucky. Due to the Pooling Administrator's denial of the application, Teleport asserts that it does not have sufficient numbering resources available in the affected rate center, and cannot provide service without the requested resources. Furthermore, the Commission finds that, based upon the evidence of record, Teleport 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 one block (1,000 consecutive numbers) in the Owensboro rate center.

Therefore, the Commission finds that the Pooling Administrator's determination to deny Teleport the additional numbering resources described herein should be overturned, and the Pooling Administrator be directed to assign Teleport a new NXX for the Owensboro rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving Teleport's customer, Owensboro Health, in the Owensboro rate center. If the numbering resources requested by Teleport are not needed to meet the service requirements of its customer, 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. Teleport'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 Teleport's request for the assignment of a new NXX for the Owensboro rate center in Kentucky is hereby overturned.
3. The Pooling Administrator shall assign Teleport a new NXX for the Owensboro rate center.
4. The numbering resources considered in this Order are to be assigned for the sole use of Teleport customer, Owensboro Health. If the numbering resources requested by Teleport 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



ATTEST:


Executive Director

Case No. 2020-00373

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