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June 27, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, SW – TW-A325
Washington, DC 20554

RE: Kentucky Public Service Commission Petition for Interim Delegated Authority to Implement Thousands-Block Number Pooling in the 270 NPA, CC Docket No. 96-98

Dear Ms. Salas:

Forwarded herewith is the original and fifteen copies of the Kentucky Public Service Commission Petition for Interim Delegated Authority to Implement Thousands-Block Number Pooling in the 270 NPA. Please date-stamp and return one copy in the enclosed, postage-paid envelope.

Questions regarding this petition may be directed to Deborah Eversole or Amy Dougherty at 502-564-3940.

Sincerely,

Amy E Dougherty

Deborah T. Eversole
Amy E. Dougherty
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cc: Brad Ramsay, National Association of Regulatory Utility Commissioners
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2001

Before the
Federal Communications Commission
Washington, D. C. 20554

In the Matter of

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	))	CC Docket No. 96-98
And		
Numbering Resource Optimization First Report and Order	))	CC Docket No. 99-200

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PUBLIC SERVICE COMMISSION OF KENTUCKY'S PETITION FOR INTERIM DELEGATED AUTHORITY TO IMPLEMENT NUMBER POOLING TRIALS WITHIN THE 270 NPA

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Before the
Federal Communications Commission
Washington, D. C. 20554

In the Matter of

Implementation of the Local Competition	)	
Provisions of the Telecommunications	)	CC Docket No. 96-98
Act of 1996	)	
And		
Numbering Resource Optimization	)	
First Report and Order	)	CC Docket No. 99-200

PUBLIC SERVICE COMMISSION OF KENTUCKY'S PETITION FOR INTERIM DELEGATED AUTHORITY TO IMPLEMENT NUMBER POOLING TRIALS WITHIN THE 270 NPA

The Public Service Commission of the Commonwealth of Kentucky ("KPSC") hereby petitions the Federal Communications Commission ("FCC") for additional authority pertaining to number conservation measures. Specifically, the KPSC requests interim authority to:

1. Implement mandatory thousands-block number pooling trials within the 270 NPA;
2. Allow the Pooling Administrator and the KPSC to require number utilization and forecasts from carriers as required for number pooling administration; and
3. Accomplish any other tasks necessary to implement the requested interim authority.

The KPSC will use this additional authority to prolong the life of the 270 NPA, and thus delay the necessity to provide additional area code relief within the 270 NPA of the Commonwealth of Kentucky.

BACKGROUND

Telephone numbers have historically been assigned to service providers in blocks of 10,000 numbers. With the advent of new services, this means that competitors and other service providers must take a minimum of 10,000 numbers, even though as few as one of those numbers may actually be utilized. The KPSC has worked diligently to insure that pro-competitive policies are in place in order to speed the benefits of competition to Kentucky's citizens. However, our work in this regard has increased the strain on number availability. The number assignment system worked well in a monopoly environment, but has simply not worked in the current competitive environment.

Kentucky was first advised of the need for NPA relief in this area of Kentucky in November 1997, when the KPSC was informed that available numbers in the 502 NPA (a portion of which now constitutes the 270 NPA) would exhaust in 1999. The KPSC conducted a series of public meetings within Louisville and Western Kentucky in order to gain citizen input. Following those meetings, the KPSC determined that a traditional geographic split of the 502 area code would be implemented. 502 NPA relief began in April 1999, and the 270 NPA was created at that time. Code assignments were not made within the 270 NPA until November of 1999. As late as January 18, 2000, the Central Office Code Utilization Survey ("COCUS") results published by the North American

Numbering Plan Authority ("NANPA") estimated that the 270 NPA would not reach exhaust until the third quarter of 2006.[1]

However, on February 5, 2001, NeuStar, Inc., in its role as NANPA, advised 270 NPA Code Holders and other Industry Members of an Industry Relief Planning Meeting for the 270 NPA. NANPA stated in its notice that the 270 NPA was estimated to exhaust its supply of NXX Codes during the second quarter of 2004. In accordance with the NPA Code Relief Planning and Notification Guidelines (INC 97-0404-016), NANPA advised that an Initial Planning Document ("IPD") was being prepared to assist the industry with NPA relief planning efforts. A pre-IPD planning meeting via conference call was conducted on February 20, 2001, at which time industry input was solicited to assist NANPA in preparing the IPD.

On April 2, 2001, NANPA conducted a 270 NPA Relief Planning Industry Meeting in Lexington, Kentucky. At that time, representatives of the telecommunications industry within Kentucky met to consider 270 NPA relief alternatives. An industry consensus was reached at the meeting to conduct another telephone conference call on July 11, 2001 to review the status of the 270 NPA and to determine a date that NANPA would file the industry relief plan with the KPSC.

On June 1, 2001, the 2001 Numbering Resource Utilization Forecast ("NRUF"), the successor to the COCUS forecast, was made available on the NANPA website (www.nanpa.com). The 2001 NRUF forecast is that the 270 NPA will reach exhaust in the second quarter of 2003. This represents an

[1] NANPA 1999 COCUS and NPA Exhaust Analysis, January 18, 2000 update.

estimated life decrease of 39 months since January of 2000. It now appears likely that the industry will determine that NANPA should file the industry's relief plan shortly after the telephone industry conference call on July 11, 2001.

DISCUSSION

Following receipt of NANPA's anticipated filing for relief on behalf of the industry, the KPSC will initiate a docketed Administrative Case to decide upon appropriate relief for the 270 NPA. As part of this process, the KPSC will solicit input from telephone customers residing within the effected area, and will consider that input in reaching a decision concerning appropriate NPA relief. Additionally, the KPSC will investigate the possibility of rate center consolidation and address the issue of elimination of existing intrastate seven-digit inter-NPA dialing patterns that are not tariffed at the intrastate level.

However, the KPSC requests interim numbering authority for the purpose of implementing mandatory thousands-block number pooling trials within the 270 NPA, thereby indefinitely delaying the implementation date of 270 NPA relief. For the reasons enumerated herein, the KPSC believes that this is necessary and appropriate, and that the FCC should grant the requested authority.

On March 31,2000, the FCC issued its First Report and Order setting three criteria necessary to initiate a number pooling trial. The FCC directed state commissions seeking thousands-block number pooling authority to demonstrate that: (1) an NPA in its state is in jeopardy; (2) the NPA in question has a remaining life span of at least a year; and (3) that the NPA is in one of the largest 100 MSAs, or alternatively, that the majority of wireline carriers in the NPA are

LNP-capable.[2] The FCC recognized, however, that there may be "special circumstances" in which pooling would be beneficial in NPAs that do not meet all of the required criteria, and stated that it may authorize pooling in such an NPA upon a satisfactory showing by the state commission of such special circumstances.[3]

The 270 NPA does not meet all of the standard criteria for thousands-block number pooling. However, the KPSC believes that the subject NPA qualifies as a "special circumstance" in which pooling would be beneficial for the following reasons:

1. The 270 NPA encompasses a fairly large geographic area of western and west south central Kentucky. There is no top 100 MSA within the 270 NPA. However, there are a number of moderately sized cities, all of which are served by LNP-capable wireline carriers (BellSouth and Verizon). These areas should be readily adaptable to thousands-block number pooling;

2. Although the 270 NPA is a growing area, it is not a "rapid growth" area. The rapid code assignment, and subsequent depletion, has been caused not by overwhelming consumer demand, but rather by providers of varying services receiving 10,000-number codes which are not being fully utilized. Therefore there are far more numbers assigned to carriers than can possibly be utilized by consumers of telecommunications services. This inefficient system will result in customers being "punished" with the consequences and expense of

[2] Numbering Resource Optimization First Report and Order, 15 FCC Rcd at 7652
[3] Id.

NPA relief. Thousands-block number pooling will result in far more efficient number utilization that closer matches useable and assigned number resources;

3. As previously stated, the 270 NPA was created in April of 1999. This means that if the current NRUF projected exhaust date of the 2nd quarter of 2003 is accurate, then customers within the NPA will be forced to address the problems associated with NPA relief within a period of less than four years. The KPSC firmly believes that the citizens who reside within the 270 NPA should not be forced to endure the unusual hardship and expense associated with NPA relief after such a short period of time, particularly when the sole reason for relief is the inefficient allocation of telephone numbers; and

4. The KPSC is aware that the FCC has issued a News Release on June 18, 2001, wherein the FCC's Common Carrier Bureau has selected NeuStar, Inc. as the National Thousands-Block Number Pooling Administrator, with a national pooling rollout scheduled to begin in March of 2002. However, with a schedule of only 21 NPAs per quarter, this means that only about seven NPAs per quarter will be included within the Central Region, of which Kentucky is one of 14 States. Additionally, the FCC News Release states that the initial concentration will be on NPAs in the top 100 MSAs. It is likely that inclusion of the 270 NPA into the national pooling effort will be so far into the future that NPA relief must already have been implemented. The KPSC anticipates that the 502 and 859 NPAs, both of which include areas within the top 100 MSAs and face NRUF estimated exhaust dates of the 1st quarter of 2005, will be likely candidates for inclusion in the national pooling program. If the 270 NPA were

selected for such inclusion, this would accomplish the KPSC's objective. Otherwise, number conservation cannot wait until the 270 NPA is included in the national pooling effort.

REQUEST FOR DELEGATION OF INTERIM NUMBERING AUTHORITY

For all of the reasons contained herein, the KPSC petitions for delegation of interim numbering authority enumerated as follows:

1. Implement mandatory thousands-block number pooling trials within the 270 NPA. The KPSC is convinced that no single action can be more important in slowing the rate of number utilization than to require that number assignments be made in blocks of one thousand. The KPSC sees no practical reason why this should not be implemented as quickly as possible within the 270 NPA utilizing the most current technology;

2. Allow the Pooling Administrator and the KPSC to require number utilization and forecasts from carriers as required for number pooling administration. Pursuant to KRS Chapter 61, the KPSC can, and will, protect as confidential filings containing such forecasts.

3. Accomplish any other tasks necessary to implement the requested interim authority.

CONCLUSION

In conclusion, the KPSC believes that "special circumstances" exist in the 270 NPA, and that a number pooling trial is essential to protect numbering resources in this area. Having made a showing of "special circumstances", the KPSC

respectfully requests that the FCC grant authority to implement thousands-block number pooling in the 270 NPA.

Respectfully submitted,

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