



STATE OF ALABAMA

ALABAMA PUBLIC SERVICE COMMISSION

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MONTGOMERY, ALABAMA 36130-4260

TWINKLE ANDRESS CAVANAUGH, PRESIDENT

JEREMY H. ODEN, ASSOCIATE COMMISSIONER

CHRIS "CHIP" BEEKER, JR., ASSOCIATE COMMISSIONER

JOHN A. GARNER, EXECUTIVE DIRECTOR

DeltaCom, LLC

PETITIONER

PETITION: Requesting the Commission's Intervention in NANPA's Block Assignment Denial. (NPA 659)

DOCKET U-5324

ORDER

BY THE COMMISSION:

On November 8, 2019, DeltaCom, LLC submitted a Thousand-Block Application Form ("Part 1A") and Months to Exhaust ("MTE") and Utilization Certification Worksheet (Thousands-Block Number Pooling Growth Block Request) to the North America Numbering Plan Administrator ("NANPA") Somos, Inc. ("Somos"), requesting a block of numbers in the 659-734 range. Somos is an independent non-governmental entity responsible for administering and managing numbering resources in area codes where number pooling has been implemented.

On March 31, 2000, the Federal Communications Commission ("FCC") issued a Report and Order and Further Notice of Proposed Rulemaking related to numbering resource optimization ("FCC 00-104"). The goal of FCC-104 was to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of telephone numbers and to avoid further exhaustion of numbers under the North American Numbering Plan ("NANP"). Among other things, FCC-104 adopted a revised standard for assessing a carrier's need for numbering resources by requiring carriers to report rate center-based utilization data to the North American Numbering Plan Administrator rather than switch-specific utilization data. The switch to a rate center basis from a switch basis for determining the need for new numbering resources was intended to "more accurately reflect how numbering resources are assigned" and to allow carriers to "obtain numbering resources in response to specific customer demands." The FCC further required that, to qualify for access to new numbering resources, applicants must

establish that existing inventory within the applicant's rate center will exhaust within six months of the application. The FCC reaffirmed this requirement in two subsequent orders. FCC 00-429 at para. 29 (rel. Dec. 29, 2000); FCC 01-362 at paras. 48-49 (rel. Dec. 28, 2001). In addition to the months-to-exhaust requirement described above, the FCC also requires DeltaCom, LLC to meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources in a given rate center. (FCC 00-429 para. 22; FCC 01-362 paras. 50-52).

In FCC Order 01-362 cited above, the FCC further clarifies the delegated authority given to state commissions to address denials by the Pooling Administrator or NANPA for requests for additional numbering resources. In its order, the FCC addressed the "safety valve" petition process that allows carriers that fail to meet the utilization criteria in a given rate center to obtain additional numbering resources stating; "We agree with the commenting parties that a safety valve mechanism should be applied when the NANPA or Pooling Administrator denies a specific request for numbering resources." (para.61)

Both the FCC's rules and the Central Office Code Guidelines provide that state regulatory authorities have the power and authority to review the NANPA's decision to deny a request for numbering resources (FCC 01-362, Appendix A, Final Rules, 52.15(g)(4).

On November 8, 2019, DeltaCom, LLC submitted to Somos a Block Request for an additional one-thousand numbers in the Tuscaloosa Rate Center with the need of 100 DID numbers in a specific range. These numbers would allow the customer to finish an ongoing project that requires a large set of sequential numbers that DeltaCom cannot provide with their current resources. At the time of the filing, DeltaCom, LLC had an MTE of more than six months and a utilization of 81.25 percent.

On November 12, 2019, Somos denied DeltaCom, LLC's request on the grounds that DeltaCom, LLC had not met the rate center-based months-to-exhaust criteria and utilization criteria set forth in the FCC rules and the Number Pooling Guidelines.

On December 5, 2019, DeltaCom, LLC filed a "safety valve" petition with the Alabama Public Service Commission seeking further review and consideration for numbering requirements to meet the needs of a particular customer in Tuscaloosa, Alabama. The "safety valve" request is available to carriers who are denied growth codes because of failure to meet rate center MTE and utilization requirements. In its petition, DeltaCom, LLC requested that the Alabama Public Service Commission reverse Somos's decision to deny their request for additional numbering resources. Addressing NXX growth code denials, 47 C.F.R. 52.15(g)(3)(iv), states in part: "The carrier may challenge Somos's decision to the appropriate state regulatory commission. The state regulatory commission may affirm or overturn the decision to withhold numbering resources from the carrier based on its determination of compliance with the

reporting and numbering resource application herein.” States may grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a rate center that the carrier cannot provide with its currently held resources.

Having reviewed DeltaCom, LLC’s request to Somos seeking additional numbering resources in the Tuscaloosa rate center, the Commission has determined that DeltaCom, LLC has not been able to satisfactorily demonstrate the required MTE and utilization criteria. However, the Commission finds that withholding additional numbering resources would likely interfere with DeltaCom, LLC’s ability to provide adequate telecommunication services to the particular customer in the Tuscaloosa area.

Additionally, DeltaCom, LLC’s request for numbering resources in the Tuscaloosa rate center would not materially impact exhaustion of the remaining NXX’s available in the 659 area code.

Based on the foregoing, the Alabama Public Service Commission hereby directs Somos to approve DeltaCom, LLC’s request for a newly assigned block in NPA 659, (specifically 659-734) one thousand consecutive numbers, in the Tuscaloosa rate center served by the (BRHMALWDDS0) switch.

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That DeltaCom, LLC’s request for additional numbering resources consisting of a one thousand consecutive numbers, in NPA 659-734, hereby be approved.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DATED at Montgomery, Alabama, this 4th day of February, 2020.

ALABAMA PUBLIC SERVICE COMMISSION



Twinkle Andress Cavanaugh, President



Jeremy H. Oden, Commissioner

ATTEST: A True Copy



Walter L. Thomas, Jr., Secretary



Chris “Chip” Beeker, Jr., Commissioner