

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of a Petition for Commission)
Review of a NANPA or PA Decision to)
Withhold Growth Numbering Resources) Docket No. 15-SWBT-402-MIS
Following the Expedited Review Process for)
the Assignment of Numbering Resources in the)
Kansas City Rate Center.)

**ORDER OVERTURNING NANPA's DECISION DENYING AT&T KANSAS AN
ADDITIONAL NUMBER BLOCK**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having reviewed its files and record and being duly advised in the premises, the Commission makes the following findings:

1. On March 5, 2015, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT), on behalf of Saint Luke's South Hospital (SLSH) made application with the North American Numbering Plan Administrator (NANPA). SWBT's Application requested the Thousands-Block Number Pooling Administrator (PA) to assign SWBT one (1) block of 1,000 Direct Inward Dialing (DID) numbers. Due to the PA's months-to-exhaust (MTE) and/or Utilization requirements, the PA denied SWBT's Application. SWBT is a facilities-based Electing Carrier providing telecommunications services in Kansas City, Kansas, and selected locations throughout the state.

2. 47 C.F.R. 52.15 (g)(4) allows carriers to challenge the PA's decisions on numbering resources by petitioning the appropriate state regulatory commission for review of the

decision. 47 C.F.R 52.15 (g)(4) states that the state commission may “overturn the NANPA's [or PA'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”. The Commission has established an expedited review process for overturning the PA's decisions in Docket No. 01-GIMT-552-GIT, Order No. 5, issued September 13, 2002.

3. On March 10, 2015, SWBT filed a petition requesting this Commission to review and overturn the decision of the PA denying additional number resources. SWBT states that they have been approached by SLSH requesting an additional 600 sequential DID numbers for this facility, which is part of a larger voice network that utilizes approximately 14,000 DID numbers from locations across the Kansas City metropolitan area. In order for SLSH to maintain their dialing plan, they request numbers from the 913-NX6-5, 6, 9 block range.¹

4. On March 12, 2015, the Commission Staff (Staff) submitted its Report and Recommendation of even date, which is attached hereto and made a part hereof by reference. According to Staff, SLSH is presently in the process of expanding its network to accommodate new medical group offices. This facility is also part of a larger voice network that utilizes approximately 14,000 DID numbers from different Central Office locations across the greater Kansas City metro area. Staff further confirms that SLSH has requested an additional 600 DID numbers and was provided with the list of non-consecutive numbers in three different prefixes. SLSH cannot utilize the provided numbers as they are in conflict with the facility's dialing plan. Consequently, specific directory numbers are being requested in order to fit into this larger dialing plan. According to SWBT's Application made to the PA of March 5, 2015, SWBT's utilization of existing numbers assigned to the Applicant in the Kansas City rate center is

¹ Application, pages 1 and 2.

56.470%, which does not satisfy the FCC requirement for utilization of 75%. At the same time, SWBT's months to exhaust was 795.299, which also fails the FCC's requirement for a reserve of not more than 6 months. Therefore, the PA denied SWBT's Application. SLSH's request is urgent, as a phone number shortage will affect patient care. Concluding, Staff states that it is sensitive to and supportive of customers' need for consecutive numbers to expand for new offices and the Petitioner's desire to meet those needs in an efficient and timely manner. Staff has reviewed SWBT's Petition for Expedited Review and accompanying materials and recommends the Commission overturn the PA's decision and direct the PA to assign the requested numbers in the Kansas City, Kansas rate center as originally requested by SWBT.²

5. The Commission finds that SWBT has demonstrated a verifiable need for additional numbering resources and further finds Staff's determinations and recommendation to be reasonable and that it should adopt the same.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The March 5, 2015 decision of the PA is overturned, and the PA shall assign the numbering block in the Kansas City, Kansas, rate center as originally requested by Southwestern Bell Telephone Company d/b/a AT&T Kansas.

B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

² Report and Recommendation, pages 2 and 3.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: MAR 17 2015


ORDER MAILED MAR 18 2015

Neysa Thomas
Acting Secretary

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**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Pat Apple

FROM: Kelly Mabon, Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: March 12, 2015

SUBJECT: 15-SWBT-402-MIS
In the Matter of Southwestern Bell Telephone Company d/b/a AT&T
Kansas Petition for Commission Review of NANPA or PA Decision to
Withhold Growth Numbering Resources Following the Expedited Review
Process for the Assignment of Numbering Resources in the Kansas City
Rate Center.

EXECUTIVE SUMMARY:

On March 10, 2015, Southwestern Bell Telephone Company d/b/a AT&T Kansas (SWBT) filed a Petition requesting the Commission review and reverse a decision of the Thousands-Block Number Pooling Administrator (PA) for the assignment of additional telephone numbers in the Kansas City rate center. SWBT requests expedited review and processing, as set forth in Docket No. 01-GIMT-552-GIT.¹

BACKGROUND:

The PA and the North American Number Plan Administrator (NANPA) are independent third parties responsible for the non-discriminatory administration and assignment of numbering resources. The NANPA is responsible for administering and assigning central offices codes (10,000 numbers) and area code matters. In those rate centers where Pooling has been implemented, the Pooling Administrator is responsible for the assignment and administration of numbering resources in blocks of one thousand (1,000) numbers; the Kansas City rate center is one such location.

The FCC, in its Number Resource Optimization proceedings (FCC, CC Docket # 99-200), established two thresholds service providers must meet before the Administrator

¹ Order No. 5. *In the Matter of a General Investigation into Number Conservation Measures*, Docket No. 01-GIMT-552-GIT, dated Sept. 13, 2002.

can assign additional (growth) numbers: (1) utilization of existing numbers must be at least 75%; and (2) there must be no more than six (6) months to exhaust of the carrier's existing numbers. However, State Commissions have been given authority to review and, if appropriate, reverse denials by the PA and/or the NANPA (47CFR 52.15(g)(4)). This authority was addressed by this Commission in Order #5 in Docket 01-GIMT-552-GIT establishing an Expedited Review Process in such matters.

The Petitioner is a facilities-based Electing Carrier providing telecommunication services in Kansas City, Kansas, and selected locations throughout the state.

ANALYSIS:

SWBT states that they have been approached by an established existing customer, St. Luke's South Hospital (St. Luke's), with a request for 600 consecutive numbers from the 913-NX6-5, 6, 9 block range. St. Luke's is presently in the process of expanding its network to accommodate new medical group offices. This facility is also part of a larger voice network that utilizes approximately 14,000 Direct Inward Dialing (DID)² numbers from different Central Office locations across the greater Kansas City metro area.

St. Luke's has requested an additional 600 DID numbers and was provided with the list of non-consecutive numbers in three different prefixes. St. Luke's cannot utilize the provided numbers as they are in conflict with the facilities' dialing plan therefore, specific directory numbers are being requested in order to fit into this larger dialing plan. St. Luke's request is urgent, as a phone number shortage will affect patient care.

SWBT made Application for an additional number block meeting the customer's needs to the Pooling Administrator on March 5, 2015. According to the Application, utilization of existing numbers assigned to the Petitioner in the Kansas City rate center is 56.470%, which does not satisfy the FCC requirement for utilization of 75%. At the time of the request, SWBT's months to exhaust was 795.299, which also fails the FCC's requirement for a reserve of not more than 6 months, therefore, the PA denied the Application.

Staff is sensitive to and supportive of customers need for consecutive numbers to expand for new offices and the Petitioner's desire to meet those needs in an efficient and timely manner.

Staff believes the FCC's Number Pool donation rules will be effective in maintaining and improving number resource utilization on a going forward basis.

Staff further notes that the NANPA's current estimated exhaust date of the 913 area code is the first quarter of 2026.

² This allows customers to dial inside a company directly without going through an attendant, making this the equivalent of an internal extension.

RECOMMENDATION:

Staff has reviewed this Petition and recommends the Commission overturn the PA's decision in this matter and direct them to assign the requested numbers in the Kansas City, Kansas, rate center as originally requested by the Petitioner.

IN RE: DOCKET NO. **15-SWBT-402-MIS**

DATE **MAR 17 2015**

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
BRUCE A. NEY, GENERAL ATTORNEY SOUTHWESTERN BELL TELEPHONE CO. D/B/A AT&T KANSAS 220 SE 6TH AVE RM 505 TOPEKA, KS 66603-3596		

ORDER MAILED **MAR 18 2015**

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.