

**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-394-MIS
Following the Expedited Review Process for)
the Assignment of Numbering Resources in the)
Dodge 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 Dodge City Public Schools, Unified School District 443 (USD 443), 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 in the Dodge City rate center. 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 Dodge 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 9, 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 were approached by USD 443 urgently requesting an additional 500 consecutive DID numbers from the 620-371-XXXX block range. SWBT states that USD 443 is presently in the process of switching the phone system in three of its elementary schools to Voice over Internet Protocol (VoIP) systems with work on the conversion commencing March 16, 2015.¹

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. Staff noted that SWBT's utilization of existing numbers assigned to it in the Dodge City rate center is 57.230% which does not satisfy the Federal Communications Commission (FCC) requirement for utilization of 75%. At the time of SWBT's request, the company's months to exhaust was 88.342 which also fails the FCC's requirement for a reserve of not more than 6 months. Consequently, the PA denied SWBT's application. Concluding Staff states that it is sensitive to and supportive of customers upgrading their equipment to provide more efficient telecommunications services and a company'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

¹ Application, pages 1 and 2.

assign the requested numbers in the Dodge 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 Dodge City, Kansas rate center as originally requested by Southwestern Bell Telephone Company d/b/a AT&T Kansas.

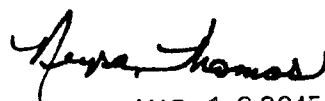
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529(a)(1).

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.

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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² Report and Recommendation, page 2.

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: March 12, 2015

SUBJECT: 15-SWBT-394-MIS
In the Matter of Southwestern Bell Telephone Co.'s 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 Dodge City Rate Center.

EXECUTIVE SUMMARY:

On March 9, 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 Dodge 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 Dodge 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 provider'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 Dodge City, Kansas, and selected locations throughout the state.

ANALYSIS:

SWBT states that they have been approached by an established existing customer, Unified School District (USD) No. 443, with a request for 500 consecutive numbers from the 620-371-XXXX block range. USD 443 is presently in the process of switching its phone system in three of its elementary schools to Voice over Internet Protocol (VoIP) systems. In order to complete this process, USD 443 requires an additional 500 consecutive DID numbers from the 620-371-XXXX block range. USD 443's request is urgent, as it plans to begin work on the conversion on March 16, 2015.

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 Dodge City rate center is 57.230%, which does not satisfy the FCC requirement for utilization of 75%. At the time of the request, SWBT's months to exhaust was 88.342, 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 upgrading their equipment to provide more efficient telecommunications services 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 620 area code is the second quarter of 2027.

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 Dodge City, Kansas, rate center as originally requested by the Petitioner.

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.