

RECEIVED

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

2005 SEP -6 AM 10: 59

September 6, 2005

T.R.A. DOCKET ROOM

*IN RE: Petition for Expedited Review of Growth
Code Denial by the Number Pooling
Administrator Relating to the Nashville Rate
Center*

)
)
)
)
Docket No

05 00245

**PETITION OF XSPEDIUS MANAGEMENT CO. SWITCHED SERVICES LLC FOR
EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL**

Xspedius Management Co. Switched Services, LLC ("Xspedius"), a subsidiary of Xspedius Communications, LLC, respectfully requests that the Tennessee Regulatory Authority ("TRA") intervene and overturn or waive the denial by the Pooling Administrator, NeuStar, Inc. ("NeuStar"), of Xspedius' request for assignment of a complete NXX in the Nashville rate center.

Xspedius has requested and been denied the full NXX required to establish a Location Routing Number ("LRN") for a replacement Local Number Portability ("LNP")-capable switch in the Nashville rate center. The Alliance for Telecommunications Industry Solutions ("ATIS"), Industry Numbering Committee ("INC") published LRN assignment practices, which require a unique LRN for each LNP-capable switch or point of interface that serves subscriber lines or otherwise terminates traffic, including a replacement switch.¹ (See attached ATIS INC "LRN Assignment Practices.") The unique LRN must be selected from a valid NPA/NXX that has

¹Alliance for Telecommunications Industry Solutions, Industry Numbering Committee, Location Routing Number (LRN) Assignment Practices, ATIS 00300065, LRN Assignment Criteria Nos. 1,5 (issued January 23, 2004) (hereafter "INC LRN Assignment Practices")

been uniquely assigned to the service provider by the Central Office Code Administrator and published in the Local Exchange Routing Guide ("LERG").²

On August 15, 2005, NeuStar denied Xspedius' code request on the grounds that Xspedius had not met the 75% utilization criterion established by the FCC.³ (See attached Rate Center Worksheets)

The TRA is aware that recently Xspedius met the 75% utilization criterion and, as a result, received a complete NPA-NXX in the Nashville rate center for the exclusive use of an Xspedius customer. However, after receiving these numbers, Xspedius purchased the Nashville assets of another service provider ("SP"), which included both the switch scheduled for replacement and the SP's number inventory. Pursuant to numbering guidelines, Xspedius incorporated the SP's number inventory into that already existing for Xspedius. The former SP's numbering resource inventory is the reason Xspedius now fails to meet the utilization criterion for this request.

The FCC cautions that when applying the safety valve, state commissions must consider the extent to which carriers have pursued all available measures before applying for a "safety valve" waiver.⁴ Prior to requesting the NPA-NXX for the replacement switch, Xspedius donated seven 1000-blocks, formerly assigned to the other SP, to the number pool for the Nashville, Tennessee rate center. The remaining numbers in Xspedius' expanded inventory are too contaminated for donation. Xspedius returned every available 1000-block to the number pool, even returning 1000-blocks contaminated up to the acceptable 10% limit. Despite this donation

² INC LRN Assignment Practices, LRN Assignment Criterion No. 4.

³ 47 Code of Federal Regulations §§ 52.15(g)(3)(iii), 52.15(h).

⁴ See, *In the Matter of Number Resource Optimization*, Third Report and Order and Second Order on Reconsideration, CC Docket No. 99-200 (rel. December 28, 2001) ("FCC 01-362") at ¶62

from our current existing inventory, Xspedius utilization rate increased to only 62%, which is still below the minimum utilization required by NeuStar.

The FCC observed that “[m]ost carriers support the use of a safety valve mechanism, particularly where a new switch is put into service to increase capacity in a given rate center.”⁵ While the installation of Xspedius’ switch is founded on the need for increased efficiency rather than increased capacity, the need for an NPA-NXX to establish an LRN for Xspedius’ switch in the Nashville area remains the same. The FCC established a “safety valve mechanism,” which delegates authority to state commissions to review the Pooling Administrator’s decisions and reverse them when appropriate.⁶ The FCC provided state commissions the flexibility to direct NeuStar to assign additional numbering resources to carriers that demonstrate a verifiable need for additional numbering resources, such as the INC LRN Assignment Practice to assign a unique LRN to a carrier’s replacement switch, as in this case.⁷

Further, INC’s LRN Assignment Practices stipulate that once an NXX code is assigned, the LERG assignee must return any 1000-blocks not justified for retention in its inventory.⁸ Accordingly, if the TRA grants this waiver, Xspedius plans to retain only the nine 1000-block in the NPA-NXX once the LRN is established.

Xspedius requests that the TRA reverse NeuStar’s decision to deny numbering resources in the Nashville rate center. The NPA-NXX requested by this petition is necessary so that Xspedius can establish and assign an LRN to its new Nashville, Tennessee switch.

⁵ FCC 01-362 at ¶59.

⁶ FCC 01-362 at ¶61


⁷ Id.

⁸ See, INC LRN Assignment Practices, LRN Assignment Criterion No 2 2

Acknowledgement and date of receipt of this filing are requested. Questions regarding this matter may be referred to me, or directly to Xspedius by calling Pamela Rak at (636)625-7562.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 
Henry Walker
1600 Division Street
P.O. Box 340025
Nashville, Tennessee 37203
(615) 252-2363

Pooling Administration System

 holly.kuester@xspedius.com (SP)

Sign Out

Request Resources

State

NPA

Rate Center

OCN

Type of Application

 NOTE:

If you are selecting a Rate Center that is moving to a new NPA due to a split, PAS will automatically migrate the request to the new NPA once the mandatory dialing date occurs.

Pooling Administration System holly.kuester@xspedius.com (SP)

Sign Out

Part 1A**Type of Application : New****1.1 Contact Information :***Note: If any of the contact info is incorrect, edit your user profile.***Block Applicant :**

Company Name **XSPEDIUS, LLC - TN**
Headquarters Address **5555 Winghaven Blvd.**
City: **O'Fallon**
State: **MO**
Zip: **63368**

Contact Name **Mrs Holly Kuester**
Contact Address **5555 Winghaven Blvd.**
City **O'Fallon**
Zip **63368**

State **MO**Telephone **(636) 625-7079**Fax **(636) 625-7193**E-mail **holly.kuester@xspedius.com****Pooling Administrator :**

Contact Name **Ms Genevieve Paulino**
Contact Address **1800 Sutter St. Ste. 780**
City **Concord**
Zip **94520**

State **CA**Telephone **(925) 363-7652**Fax **(925) 363-7683**E-mail **genevieve.paulino@neustar.biz****1.2 General Information**LRN Needed **Yes**NPA **615**LATA* **470**Company Name **XSPEDIUS, LLC - TN**Parent Company OCN* **4386**Number of Thousands-Blocks
Requested **1**Switch Identification (Switching
Identity/POI)* **NSVOTNAODSD**City or Wire Center
NameRate Center **NASHVILLE**

Rate Center Sub Zone

1.3 DatesDate of Application **Monday, August 15, 2005**

Requested Block Effective Date **N/A**Request Expedited Treatment **N/A****1.4 Type of Service Provider Requesting the Thousands-Block**

a) Type of Service Provider * CAP OR CLEC

b) Primary type of service Blocks to be used for Wireline

c) Thousands-Block(s) (NPA-NXX-X) assignment preference **N/A**d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any **N/A**

e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool)

XXX-9**1.5 Type of Request**Initial block for rate center ☐ YesGrowth block for rate center ☒ YesChange block **N/A**Disconnect block **N/A**

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines INC 99-0127-023

Pooling Administration System

 holly.kuester@xspedius.com (SP)[Sign Out](#)

Request Full NXX (To Establish LRN)

Which block(s) will be retained?										
0	1	2	3	4	5	6	7	8	9	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will all blocks be activated on the same switch? <input checked="" type="radio"/> Yes <input type="radio"/> No										
<input type="button" value="Back"/> <input type="button" value="Continue"/> <input type="button" value="Cancel"/>										

Pooling Administration System

 holly.kuester@xspedius.com (SP)

[Sign Out](#)

Months to Exhaust and Utilization Certification Worksheet - TN Level

Date **Monday, August 15, 2005**

OCN **2432**

Company Name **XSPEDIUS, LLC - TN**

Rate Center **NASHVILLE**

List all Codes NPA(s)-NXXs and Blocks NPA(s)-
NXX-X(s)

615-577-0,1,2,3,4,5,6,7,8,9
615-627-0,1,2,3,4,5,9
615-760-0,1,2,3,4,6,7,8,9
615-772-0,2,9
615-775-9

Name of Block Applicant **Mrs Holly Kuester**

Title **Code Administrator II**

Telephone Number **(636) 625-7079**

Fax Number **(636) 625-7193**

E-Mail **holly.kuester@xspedius.com**

A. Available Numbers *

B. Assigned Numbers *

C. Total Numbering Resources *

D. Quantity of numbers activated in the past 90 days
and excluded from the Utilization calculation *

List excluded Code(s) or Block(s)

E. Growth History - Previous 6 months² *

Month 1	<input type="text" value="3561"/>	Month 2	<input type="text" value="4873"/>
Month 3	<input type="text" value="64"/>	Month 4	<input type="text" value="44"/>
Month 5	<input type="text" value="174"/>	Month 6	<input type="text" value="2409"/>

F. Forecast - Next 12 months³ *

Month 1		Month 2	
---------	--	---------	--

	4000		4000
Month 3	3000	Month 4	3000
Month 5	1000	Month 6	1000
Month 7	2000	Month 8	2000
Month 9	3000	Month 10	3000
Month 11	3000	Month 12	3000

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) **2666.667**

H. Months to Exhaust ⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested
1

A. Available Numbers
11290

H. Months to Exhaust
4.234

I. Utilization⁵(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100 **62.367**

Explanation

1. A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.
2. Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.
3. Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
4. To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(iii)).
5. Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

Show Calculations **Continue** **Cancel**

Pooling Administration System

 holly.kuester@xspedius.com (SP)

[Sign Out](#)

Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Your utilization calculates to **62.367 percent**. The FCC requires a utilization of **75.000 percent**.

Select One Option and Submit

- ☒ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☐ State Waiver Option



**Alliance for
Telecommunications
Industry Solutions**

Sponsor of



**Industry Numbering
Committee**

**1200 G Street NW
Suite 500
Washington DC 20005
www.atis.org**

**Industry Numbering
Committee (INC)**

**LOCATION ROUTING
NUMBER (LRN)
ASSIGNMENT PRACTICES**

These practices are issued in connection with the resolution to INC Issue 310 and Issue 416.

Copyright © 2004 by the Alliance for Telecommunications Industry Solutions, Inc.
All rights reserved.

The LRN Assignment Practices dated January 23, 2004 (former document number INC 98-0713-021) are copyrighted, published and distributed by ATIS on behalf of the Industry Numbering Committee (INC). Except as expressly permitted, no part of this publication may be reproduced or distributed in any form, including electronic media or otherwise, without the prior express written permission of ATIS.

Participants in the INC and other parties are hereby authorized to reproduce this document and distribute it within their own business organizations for business purposes, provided that this notice continues to appear in the reproduced documentation. Resale is prohibited.

For ordering information, please contact:

ATIS
1200 G Street N.W., Suite 500
Washington, DC 20005
(202) 628-6380
inc@atis.org

A complete listing of INC Documents is available on the ATIS Web Site at:
<http://www.atis.org/inc/docs.asp>.

Preface

The Industry Numbering Committee (INC) provides a forum for customers and providers in the telecommunications industry to identify, discuss and resolve national issues that affect numbering. The INC is responsible for identifying and incorporating the necessary changes into this document. All changes to this document shall be made through the INC issue resolution process and adopted by the INC as set forth in the *ATIS Operating Procedures*.

This document is maintained under the direction of ATIS and INC. It is distributed exclusively by ATIS.

Disclaimer and Limitation of Liability

The information provided in this document is directed solely to professionals who have the appropriate degree of experience to understand and interpret its contents in accordance with generally accepted engineering or other professional standards and applicable regulations. No recommendation as to products or vendors is made or should be implied.

NO REPRESENTATION OR WARRANTY IS MADE THAT THE INFORMATION IS TECHNICALLY ACCURATE OR SUFFICIENT OR CONFORMS TO ANY STATUTE, GOVERNMENTAL RULE OR REGULATION, AND FURTHER NO REPRESENTATION OR WARRANTY IS MADE OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR AGAINST INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS. ATIS SHALL NOT BE LIABLE, BEYOND THE AMOUNT OF ANY SUM RECEIVED IN PAYMENT BY ATIS FOR THIS DOCUMENT, WITH RESPECT TO ANY CLAIM, AND IN NO EVENT SHALL ATIS BE LIABLE FOR LOST PROFITS OR OTHER INCIDENTAL OR CONSEQUENTIAL DAMAGES. ATIS EXPRESSLY ADVISES THAT ANY AND ALL USE OF OR RELIANCE UPON THE INFORMATION PROVIDED IN THIS DOCUMENT IS AT THE RISK OF THE USER.

Location Routing Number Assignment Practices

These practices are "helpful hints" intended to assist Service Providers as to why Location Routing Numbers (LRNs) are necessary and how to select their own LRNs.

An LRN is a 10-digit number, in the format NPA-NXX-XXXX, that uniquely identifies a switch or point of interconnection (POI) per LATA. The NPA-NXX portion of the LRN is used to route calls to numbers that have been ported.

The following LRN assignment criteria should be considered when a service provider selects and assigns an LRN:

1. A unique LRN is required for each LNP capable switch/POI that serves subscriber lines or otherwise terminates traffic. LRNs are to be used for routing and not for rating/billing calls.
2. A unique LRN may be assigned to every LNP equipped switch/POI (and potentially to each CLLI listed in the LERG). A service provider should select and assign one (1) LRN per LATA for its switch/POI coverage area. Any other LRN use would be for internal purposes. Additional LRNs should not be used to identify US wireline rate centers.

Requesting an additional NXX to establish an LRN in certain instances may be justified but precautions need to be taken to ensure number resource optimization. The following points should be considered prior to requesting a new NPA-NXX for the purpose of establishing an LRN:

1. The requesting service provider uses an existing code already homed to the tandem where the LRN is needed for the POI.
 2. Once the NXX Code is assigned, the LERG-assignee must return any blocks not justified for retention in its inventory
 3. When there are multiple tandems owned by different SPs in a single LATA, the requesting SP may obtain a new NXX in order to establish an LRN for each subtending POI.
 4. Regulatory waivers granted to ILECs to carry local calls across a LATA boundary may exist. In such instances, SPs may be justified in establishing an additional LRN to properly route calls.
 5. A unique LRN is required for each NPAC region within a single LATA when a single switch serves multiple NPAC regions.
3. Remote switches that have a unique, assigned NPA-NXX may also have a unique LRN assigned to the remote switches.

4. The LRN must be selected and assigned from a valid NPA/NXX that has been uniquely assigned to the service provider by the Central Office Code Administrator and published in the LERG. An LRN should be selected and assigned with the following considerations:

- Do not select and assign the LRN from an NPA/NXX that is planned to be re-homed to another switch.
- Do not select and assign the LRN from an NPA/NXX that has a majority of the NXX numbers assigned to a single customer.
- Do not assign the LRN from an NPA/NXX that is assigned to the local choke network.
- Do not assign the same telephone number as both an LRN for a switch and a working number for a customer.
- Do not assign any TLDN or ESRD/ESRK wireless administrative number as an LRN.

5. An LRN may have to be changed due to any of the following:

- switch replacements
- code moves or LERG reassignments
- NPA Splits (as a result of an NPA-NXX split, a service provider may have to change their assigned LRN)

6. If a switch serves multiple NPA/NXXs, wherever possible, do not select and assign the LRN from an NPA that has been identified for area code relief.

7. The LRN will be published in the LERG.

8. The LRN will be published in the Test Line and Test Number Directories as a separate LRN category for informational purposes only. Service providers may choose to identify LRNs as a separate category in their TN inventories.

9. Shared service provider NPA-NXXs should not be used for LRN assignments.

10. For Number pooling, the LRN shall only be selected and used by the LERG assignee from its allocated 1000 block(s).