BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 27, 2006

IN RE:	)	
	)	
PETITION FOR EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL BY THE NUMBER POOLING ADMINISTRATOR RELATING TO COVENANT HEALTH	)	**DOCKET NO. 06-00011**
	)	
	)	

ORDER APPROVING PETITION FOR EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL AND REVERSING CENTRAL OFFICE CODE DENIAL

This matter came before Chairman Ron Jones, Director Pat Miller, and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on February 6, 2006 for consideration of the *Petition for Expedited Review of Central Office Code Denial* relating to Covenant Health filed by BellSouth Telecommunications, Inc. ("BellSouth") on January 11, 2006.

BACKGROUND

In March of 2000, the Federal Communications Commission ("FCC"), recognizing "the near-crisis" caused by the exhaustion of telephone numbers in certain expanding geographic areas, initiated a policy designed "to slow down the rate at which central office codes (or NXXs) in those areas are assigned to carriers."[1] Among other things, the FCC adopted a mandatory utilization data reporting requirement, a uniform set of categories of numbers for which carriers must report their utilization, and a utilization threshold framework to increase carrier accountability and provide

[1] *Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd. 7574, 7578, ¶ 2, 7658, ¶ 183, 7661-7662, ¶ 191 (2000) (hereinafter *"First Report and Order"*); *see also* 47 U.S.C. § 251(e)(1) (2004) (directing the FCC to "create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis").

incentives to use numbers efficiently.[2] Under this policy, carriers seeking additional numbering resources must apply to the North American Numbering Plan Administration ("NANPA") "or another entity or entities, as designated by the Commission" for a decision as to whether to allocate the numbers.[3]

On June 18, 2001, the FCC designated NeuStar, Inc. ("NeuStar") as the national thousands-block number Pooling Administrator.[4] NeuStar, which is also serving as the NANPA, currently administers thousands-block number pooling by assigning, managing, forecasting, reporting, and processing data that will allow service providers in areas designated for thousands-block number pooling to receive telephone numbers in blocks of 1,000. On August 21, 2002, thousands-block number pooling was implemented in the Knoxville Metropolitan Statistical Area, which is in the 865 NPA. Since then, telecommunications service providers participating in number pooling in that area are required to submit their requests for additional numbering resources to the Pooling Administrator. The projected exhaust date for the 865 NPA is the third quarter of 2022. Thousand-block number pooling for the 865 NPA includes the Oak Ridge Rate Center.

On January 5, 2006, BellSouth submitted a Central Office Code (NXX) Assignment Request to NeuStar to be assigned a complete central office code to meet the demands of its customer, Covenant Health. Covenant Health is a healthcare facility provider that requested ten thousand numbers in an NXX code ending in the number five (5) to implement a uniform dialing plan. BellSouth's code assignment request was for a new NXX code in the 865 NPA to fulfill Covenant Health's request.

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[2] *See First Report and Order*, 15 FCC Rcd. at 7594, ¶¶ 40-41, 7609-7610, ¶ 84, 7615, ¶¶ 97-98.

[3] *See* 47 C.F.R. § 52.15(a) (2004); *see also First Report and Order*, 15 FCC Rcd. at 7647-7640, ¶¶ 143-48 (providing background on the development of the pooling administrator).

[4] *Numbering Resource Optimization*, CC Docket No. 99-200, *Third Report and Order and Second Order on Reconsideration*, 17 FCC Rcd. 252, 258 ¶ 11 (2001) (hereinafter "*Third Report and Order*"); *see also* 47 C.F.R. § 52.15(a) (2004).

NeuStar, citing BellSouth's failure to meet its central office code assignment guidelines, denied BellSouth's request on January 5, 2006. The guidelines require that a rate center must have a 75% number utilization rate and that its estimated number exhaust date not exceed six months. The Oak Ridge Rate Center has a 76.3% number utilization rate and the projected exhaust date is 123 months. BellSouth has not been able to fulfill this customer's request because the company lacks a satisfactory central office code that it can assign to the customer.

On January 11, 2006, BellSouth filed with the Authority its *Petition for Expedited Review of Central Office Code Denial.* BellSouth asserts that its inability to supply Covenant Health with the requested numbers prevents BellSouth from providing the quality of service its customer expects.[5] BellSouth requests that the Authority reverse the Pooling Administrator's denial of its application and order the release of numbering resources.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Review by the TRA of the Pooling Administrator's denial of BellSouth's application is authorized by the FCC.[6] According to the FCC,

> We agree with the commenting parties that a safety valve mechanism should be established, and we delegate authority to state commissions to hear claims that a safety valve should be applied when the NANPA or Pooling Administrator denies a specific request for numbering resources. State commissions should only apply a safety valve mechanism as a last resort and, to the extent possible, use it as a stop gap measure to enable carriers in need of additional numbering resources to continue to serve their customers. We adopt one specific safety valve to address the numbering resource requirements of carriers experiencing rapid growth in a given rate area. We also clarify that states may grant requests by carriers that receive a specific customer request for numbering resources that exceeds their available inventory. Finally, we give states some flexibility to direct the NANPA or Pooling Administrator to assign additional numbering resources to carriers that have demonstrated a verifiable need for additional numbering resources outside of these specifically enumerated instances.[7]

State commissions conducting this review must act consistently with the FCC's policy of facilitating fair and efficient numbering administration in the United States and ensuring that numbering

[5] *Petition for Expedited Review of Central Office Code Denial,* p. 4-5 (January 11, 2006).
[6] *Third Report and Order,* 17 FCC Rcd. at 280-281, ¶ 61; *see also* 47 C.F.R. § 54.15(g)(3)(iv) (2004).
[7] *Third Report and Order,* 17 FCC Rcd. at 280-281, ¶ 61

resources are available to all telecommunications service providers on a fair and equitable basis.[8]

At a regularly scheduled Authority Conference held on February 6, 2006, the panel assigned to this docket considered BellSouth's *Petition for Expedited Review of Central Office Code Denial.* After consideration of the record, the public interest, and this agency's responsibility to permit competition in the telecommunications industry,[9] the panel voted unanimously to approve BellSouth's request for expedited review and to reverse the Pooling Administrator's denial of BellSouth's request for additional numbering resources, specifically for the assignment of a complete central office code, or NXX, ending in the number five (5) to BellSouth for the Oak Ridge Rate Center, Switch/POI designation OKRGTNMTDS0.

IT IS THEREFORE ORDERED THAT:

1. The *Petition for Expedited Review of Central Office Code Denial* filed by BellSouth Telecommunications, Inc. is granted.

2. The Pooling Administrator's decision to deny BellSouth's request for a complete central office code ending in the number five (5) for the Oak Ridge Rate Center is reversed as stated herein.

Ron Jones, Chairman

Pat Miller, Director

Sara Kyle, Director

[8] *See, e.g., Numbering Resource Optimization,* CC Docket No. 99-200, *Order,* 16 FCC Rcd. 15842, 15847, ¶ 8 (2001) ("[T]he state commissions, to the extent that they act under the authority delegated herein, must ensure that numbers are made available on an equitable basis; that numbering resources are made available on an efficient and timely basis, that whatever policies the state commissions institute with regard to numbering administration not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and that the state commissions not unduly favor one telecommunications technology over another."); *see FCC Announces GSA Approval of North American Numbering Council Through October 4, 2003,* CC Docket No. 92-237, *Public Notice,* 16 FCC Rcd 18502 (2001).

[9] *See* Tenn Code Ann. § 65-4-123 (2004).