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March 6, 2006

HAND DELIVERY

Honorable Ron Jones, Chairman
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

06-00063

**RE: In Re: Petition for Expedited Review of Cellco Partnership d/b/a
Verizon Wireless, TRA**

Dear Chairman Jones:

Enclosed for filing are one (1) original and thirteen (13) copies of the *Petition for Expedited Review of Cellco Partnership d/b/a Verizon Wireless* (the "*Petition*"). As set forth in the *Petition*, Verizon Wireless requests that its petition be granted on or before March 20, 2006. An additional copy of this filing is attached to be file-stamped for our records. Finally, enclosed is a \$25.00 check for the filing fee.

If you have any questions or require additional information, please let me know as soon as possible.

Respectfully submitted,

Melvin J. Malone

MJM:cw

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

Petition of:

CELLCO PARTNERSHIP d/b/a
VERIZON WIRELESS FOR EXPEDITED
REVIEW OF NEUSTAR'S DENIAL
OF APPLICATION FOR NUMBERING
RESOURCES

Docket No. _____

**PETITION FOR EXPEDITED REVIEW OF
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS**

NOW COMES Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless"), and petitions the Tennessee Regulatory Authority ("TRA" or "Authority"), pursuant to rules adopted by the Federal Communications Commission (the "FCC") allowing for an expedited review by state regulatory commissions of denials of number resources by the North American Numbering Plan Administrator ("NANPA") or the Pooling Administrator ("PA"), to review and reverse NeuStar, Inc.'s ("Neustar") denial of Verizon Wireless' requests for additional telephone numbers in the Crossville and McMinnville rate centers. Specifically, Verizon Wireless needs an additional 9,000 numbers (to preserve the local "landline to mobile" calling scopes) for customers in the Crossville area, and 4,000 numbers for customers in the McMinnville area.¹ Granting these requests will allow the approximately 20,700 affected customers, and those who call them, to continue to receive and to make Crossville or McMinnville area calls without toll charges.

¹ Verizon Wireless has 20,700 customers in the Crossville and McMinnville areas that will be negatively affected when reverse toll billing is eliminated, but is only requesting 13,000 numbers to supplement its existing inventory of numbers to meet both the needs of the affected customers and new customers

In support of this petition, Verizon Wireless respectfully shows the TRA as follows:

1. Verizon Wireless is a Commercial Mobile Radio Service ("CMRS") provider licensed by the FCC to provide service in various parts of Tennessee. Verizon Wireless offers CMRS service to the public in various areas of Tennessee, including the Crossville and McMinnville areas.

2. Verizon Wireless' provision of service includes management and assignment (to its customers) of telephone numbers allocated to Verizon Wireless from the North American Numbering Plan ("NANP"). In the United States, the NANP is administered by NeuStar, an independent non-governmental entity that is the current NANPA.² The FCC has also appointed NeuStar to be the PA, which administers thousands-blocks ("blocks") to carriers in areas where thousands-block pooling has been implemented.

3. The PA denied Verizon Wireless' March 3, 2006, applications for additional numbering resources because the PA may not look beyond the standard months-to-exhaust and number utilization criteria for obtaining growth blocks. State commissions have delegated authority³ from the FCC to review requests for additional numbering resources as a "safety valve" measure when the standard criteria operate mechanically to deny legitimate requests for additional numbering resources. As is explained below, the elimination of reverse toll billing necessitates this safety valve request. Unless this request is granted, many Verizon Wireless customers located in the Crossville and McMinnville areas will be billed toll charges after July 10, 2006, for calls that were previously local calls. Because the 13,000 numbers requested will be immediately available to existing customers who want to avoid toll calls, numbers will not be

² 47 C.F.R. §§ 52.12 and 52.13(a) and (b).

³ See *In the Matter of Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration, CC Docket No. 96-98 and CC Docket No. 99-200, 17 FCC Rcd 252, 2001 WL 1658101, ¶¶ 61-66 (Dec. 28, 2001) ("FCC 01-362").

wasted. The TRA should exercise its delegated authority and direct the PA to assign Verizon Wireless the additional numbering resources it requests.

4. For a number of years, Verizon Wireless has provided service to certain of its customers, including those in the Crossville and McMinnville areas, using a “reverse toll billing” compensation arrangement. Reverse toll billing arrangements are contractual arrangements between wireless carriers and local exchange carriers (“LECs”). Under such an arrangement, a wireless carrier agrees to compensate the LEC for intraLATA toll charges associated with calls originated by landline customers and terminated to wireless phones. Reverse toll billing arrangements have a number of benefits, such as the provision of an expanded landline to mobile “local” calling area and a reduction of trunking to end offices and LEC tandems. The expanded landline to mobile calling scope allows wireless carriers to serve a larger customer base with numbers drawn from fewer rate centers. Customers can benefit significantly from reverse toll billing arrangements because of the larger local calling scope and commensurate cost savings.

5. Verizon Wireless has had a reverse toll billing arrangement in place for its Crossville and McMinnville area customers whereby these customers were assigned wireless telephone numbers from the Cookeville rate center.⁴ The reverse toll billing arrangement allowed landline calls originating in the Crossville and McMinnville areas to be identified as local calls on the landline calling party’s bill, to the benefit of both the landline calling party and the mobile wireless called party. Many Verizon Wireless customers expect that calls to them from their family, friends, and business associates located in the Crossville and McMinnville areas are local calls. Similarly, Verizon Wireless customers who live in the Crossville and McMinnville areas dial the mobile number of their family, friends, and business associates (who

⁴ Actually, Verizon Wireless customers in the McMinnville area have been assigned numbers from the Cookeville, Manchester, Shelbyville and Tullahoma rate centers, but the majority has Cookeville numbers. For simplicity, Verizon Wireless refers to these numbers collectively as “Cookeville” numbers.

may also be Verizon Wireless customers) from their landline telephones and are not accustomed to paying toll charges to the LEC for these calls.

6. However, Verizon Wireless has determined that it is no longer economically feasible to continue the current reverse toll billing arrangement with Frontier Communications, and therefore the existing arrangement will be discontinued as of July 10, 2006. Verizon Wireless has examined its numbering inventory, reviewed the LEC tariff, and researched the billing addresses of its customer base in the Crossville and McMinnville areas to determine that, to date, it has approximately 9,000 customers located in the Crossville area and approximately 11,700 customers located in the McMinnville area that were assigned wireless numbers from the Cookeville rate center. Customers in the Crossville and McMinnville areas (with Cookeville numbers) will face increased toll charges with the termination of reverse toll billing arrangements in a few months. After July 10, 2006, landline calls from Crossville or McMinnville to those Cookeville numbers will no longer be "local" calls and will appear on the caller's landline bill as toll calls. The dilemma of paying more for the same degree of communication service versus restricting communication service to avoid higher landline telephone bills will not be acceptable to many customers. Thus, Verizon Wireless expects that the majority of its Crossville and McMinnville area customers will seek to exchange their existing Cookeville numbers for local Crossville or McMinnville numbers.

7. The only option that preserves customer expectations regarding local calling scopes is for Verizon Wireless to be able to provide its affected customers with a local Crossville or McMinnville telephone number before July 10, 2006. In order to avoid disruption of service and escalating costs to customers, Verizon Wireless thus seeks to migrate its Crossville and McMinnville area customers (with Cookeville numbers) to local numbers in the Crossville and

McMinnville rate centers. This relief will be narrowly tailored to provide numbers only for the approximately 20,700 Verizon Wireless customers impacted and will allow landline calls originating in the Crossville and McMinnville areas to said customers to continue to be billed as local calls by the LEC, which is in the interest of both landline and wireless consumers.

8. Verizon Wireless has first-hand experience in Tennessee with the consequences associated with the elimination of reverse toll billing, particularly when additional numbers have not been secured in advance to offer to customers. For example, in 2003, Verizon Wireless, the TRA, and BellSouth Telecommunications, Inc. were faced with complaints from customers who were disgruntled about billing changes, and Verizon Wireless was confronted with a substantially increased demand for new numbers to avoid higher bills. In Dyersburg, 4,000 Verizon Wireless customers that were affected by the elimination of reverse toll billing received new numbers within two (2) weeks. During that same two-week period, 1,200 Verizon Wireless customers in Tullahoma received new numbers. By contrast, during the previous six-month period, the average number of activations for Verizon Wireless in a two-week period in Dyersburg was 130, and the corresponding number in Tullahoma was 113. As a result, complaints related to the foregoing were directed to the TRA, carriers, and the FCC. Customers in Tennessee should not be unnecessarily inconvenienced when their numbering needs are now foreseeable and relief can be provided in advance of July 10, 2006.

9. On March 3, 2006, Verizon Wireless submitted its application for nine thousands-blocks in the Crossville rate center to the PA. Verizon Wireless' application is attached hereto as Confidential Exhibit A. The PA denied Verizon Wireless' application for additional numbering resources because Verizon Wireless has a utilization rate of 62.96% for its existing numbers in the Crossville rate center, while a 75% utilization rate is required in order to receive additional

numbering resources. While Verizon Wireless' utilization is below the required threshold for obtaining additional numbering resources from the PA, it has only 3,348 numbers available for assignment to customers, an insufficient amount of Crossville numbers to accommodate both the expected migration of approximately 9,000 affected customers with numbers from the Cookeville rate center and the expected demand from new customers.

10. Similarly, on March 3, 2006, Verizon Wireless submitted its application for four thousands-blocks in the McMinnville rate center to the PA. Verizon Wireless' application is attached hereto as **Confidential Exhibit B**. The PA denied Verizon Wireless' application for additional numbering resources because Verizon Wireless has a utilization rate of only 0.34% for its existing numbers in the McMinnville rate center, while a 75% utilization rate is required in order to receive additional numbering resources. Anticipating the need for a large quantity of McMinnville numbers for the expected migration when reverse toll billing would be eliminated, Verizon Wireless requested and was assigned by NANPA a central office code (10,000 numbers) in the McMinnville rate center in late 2005. Since Verizon Wireless only began offering McMinnville numbers to new customers on February 8, 2006, it is too early to gauge monthly demand for these numbers from new customers. However, Verizon Wireless reasonably expects that the combination of the existing 10,000 numbers in its current inventory combined with another 4,000 numbers from the PA will be sufficient to accommodate both the expected migration of approximately 11,700 affected customers with numbers from the Cookeville rate center and the expected demand from new customers.⁵

⁵ Because Verizon Wireless has such little history by which to gauge monthly demand, it is possible that Verizon Wireless may need to supplement this request for additional McMinnville numbers if new activations are much greater than anticipated. Conversely, if new activations are much less than anticipated, Verizon Wireless would return all unneeded thousands-blocks to the PA.

11. Given that many of its Crossville and McMinnville customers will be impacted by the billing change in July, Verizon Wireless requires approximately 13,000 additional numbers (thirteen thousands-blocks -- nine in the Crossville rate center and four in the McMinnville rate center) as soon as possible. Significant lead-time is necessary to be adequately prepared to offer customers new numbers and to migrate them before the July 10, 2006, billing change takes effect. For example:

(1) If the Authority grants this petition on or before March 20, 2006, Verizon Wireless would renew its block application to the PA the next business day.

(2) For the following reasons, approximately fifty (50) calendar days would be necessary before the 13,000 numbers could be given to customers:

- a) The time interval between the block applications and the first day that numbers are effective in the relevant industry databases is thirty-three (33) calendar days.⁶
- b) For the many numbers required, Verizon Wireless would need an additional fifteen (15) calendar days to test them and ensure reliable communications.

Thus, if Verizon Wireless renewed its block application on March 21, the numbers would not be ready to assign to customers until on or about May 8.

(3) The earliest Verizon Wireless could responsibly inform its customers that number changes are necessary to avoid the toll charges is in early May, after the new numbers have been acquired and tested. With an additional mailing⁷ to consumers in early May, Verizon Wireless would have about 60 days to change approximately 20,700 numbers before the July 10, 2006, deadline.

12. As demonstrated above, Verizon Wireless needs to receive additional numbering resources well in advance so that it can educate customers and accommodate the demand for new

⁶ The 33-day interval consists of the following: a 7-day interval for the PA to make the block assignments, a 5-day window for a company's staff responsible for the administrative operating company number ("AOCN") function to input the block data into Telcordia Technologies' BIRRDs database (the BIRRDs database is used to populate the LERG™ Routing Guide), a 19-day industry notification window, and a final 2-day interval for NPAC processing and download. See Alliance for Telecommunications Industry Solutions (ATIS) Industry Number Committee (INC) Thousands-Block Number (NXX-X) Pooling Administration Guidelines, § 8.2 (<http://www.atis.org/inc/docs.asp>)

⁷ Verizon Wireless previously sent notification to some of its affected customers in late January/early February that reverse toll billing was being eliminated by March 28, 2006, and subsequently realized that it did not have adequate resources to meet the migration demand of those affected customers. Verizon Wireless anticipates that a revised elimination date of July 10, 2006, will provide sufficient time to acquire the numbers, once relief is granted, and to send another notification to its customers in early May.

numbers before the billing change. It is critical that the TRA grant this request on an expedited basis, and at the latest on or before March 20, 2006, and direct the PA to assign Verizon Wireless nine (9) Crossville thousands-blocks and four (4) McMinnville thousands-blocks. Even if some portion of the 20,700 customers affected wait until after July 10, 2006 to seek a new number, Verizon Wireless must have additional numbering resources to be prepared for any spikes in demand, to avoid a repeat of the unfortunate 2003 Tennessee experience.

13. As Verizon Wireless' customers migrate from their currently assigned Cookeville numbers to Crossville and McMinnville numbers over the next several months, it is anticipated that several blocks of Cookeville numbers formerly assigned to these affected customers will become available for donation to the PA. Some customers presently served by Cookeville numbers may have other reasons for wanting to keep their existing number despite the billing change. This fact, combined with the requirement that donated thousands-blocks be no more than 10% contaminated, will determine how quickly these Cookeville blocks can be returned to the PA. At this time, Verizon Wireless is not able to predict how many thousands-blocks of Cookeville numbers it can ultimately donate back to the pool. Still, it will keep the TRA apprised of relevant developments, should the Authority wish, and will donate blocks of numbers back to the pool in Cookeville as they become available for donation. In addition, to the extent that some of Verizon Wireless' customers in the Crossville and McMinnville areas choose not to migrate to Crossville and McMinnville numbers, and Verizon Wireless does not need all thirteen (13) blocks requested, it will return any unneeded (and lightly contaminated) blocks to the PA.

14. On March 31, 2000, the FCC issued a Report and Order and Further Notice of Proposed Rule Making relating to numbering resource optimization.⁸

15. FCC 00-104 implemented uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to further avoid exhaustion of the NANP.

16. In FCC 00-104, and subsequent order FCC 00-429,⁹ the FCC directed the industry and the PA to comply with the Alliance for Telecommunications Industry Solutions (ATIS) Industry Number Committee (INC) Thousands-Block Number (NXX-X) Pooling Administration Guidelines (“the Pooling Guidelines”) in implementing pooling.

17. Under the Pooling Guidelines, in order to obtain growth thousands-blocks, the carrier must demonstrate that its existing resources in the rate center will exhaust within six (6) months and that the carrier has assigned 75% of those existing resources to customers.

18. The Pooling Guidelines provide that the appropriate regulatory authority has the power and authority to review a decision by the PA to deny a carrier’s request for numbering resources.¹⁰ Because the FCC delegated authority to the TRA to implement number conservation measures in Tennessee, the TRA is the appropriate regulatory authority to address this petition.

19. In FCC Order 01-362,¹¹ the FCC further clarified the delegated authority given to state commissions to address denials by the PA or the NANPA of requests for numbering resources. In FCC Order 01-362, the FCC addressed the safety valve process that allows carriers

⁸ *In the Matter of Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rule Making, CC Docket No. 99-200, 15 FCC Rcd 7574, 2000 WL 339808 (Mar. 31, 2000) (“FCC 00-104” or “the Order”).

⁹ *In the Matter of Numbering Resource Optimization*, Second Report and Order, Order on Reconsideration, CC Docket No. 96-98 and CC Docket No. 99-200, 16 FCC Rcd. 306, 2000 WL 1886294 (Dec. 29, 2000) (“FCC 00-429”).

¹⁰ See INC Thousands-Block Number (NXX-X) Pooling Administration Guidelines §§ 3.7 and 11.1(c).

¹¹ See *supra* n. 3.

that do not meet the utilization criteria to obtain additional numbering resources. Specifically, said order provides that “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 PA denies a specific request for numbering resources.”¹²

20. In addition, FCC Order 01-362 addressed specific instances of denials applicable to the petition at hand. In the order, the FCC stated the following: “Finally, we give states some flexibility to direct the NANPA or PA to assign additional numbering resources to carriers that have demonstrated a verifiable need for additional numbering resources outside of these specifically enumerated instances.”¹³ Finally, the safety valve process referenced above is also documented in the Pooling Guidelines (see § 11.2).

Request for Relief

21. Verizon Wireless seeks TRA review and reversal of the PA’s decision to withhold numbering resources from Verizon Wireless on the grounds that the PA’s decision prevents Verizon Wireless from meeting a specific need to preserve the local calling scope of customers in the Crossville and McMinnville areas. Having demonstrated this need, the PA’s denial of numbering resources to Verizon Wireless interferes with Verizon Wireless’ ability to serve its customers within Tennessee.

Conclusion

For the reasons stated herein, Verizon Wireless respectfully requests the TRA to direct the PA to assign the requested thousands-blocks of numbers to Verizon Wireless to enable it to

¹² FCC 01-362, ¶ 61, 47 C.F.R. § 52.15(g)(3)(iv)

¹³ FCC 01-362, ¶ 61

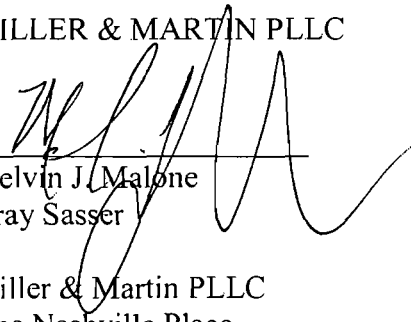
meet expected demand for Crossville and McMinnville consumers so that such Tennesseans may receive the telecommunications service of their choice from the provider of their choice.

WHEREFORE, Verizon Wireless respectfully requests:

1. The TRA review the PA's decision to deny Verizon Wireless' request for additional numbering resources and grant the "safety valve" waiver within the ten (10) business day time-frame suggested by the FCC, or in any event on or before March 20, 2006; and
2. The TRA direct the PA to assign nine thousands-blocks from the Crossville rate center and four thousands-blocks from the McMinnville rate center to Verizon Wireless to meet the anticipated requirements of Crossville and McMinnville consumers within the 931 NPA.

Respectfully submitted,

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