

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**May 24, 2006**

**IN RE:**

**PETITION OF CELLCO PARTNERSHIP d/b/a VERIZON  
WIRELESS FOR EXPEDITED REVIEW OF NEUSTAR'S  
DENIAL OF APPLICATIONS FOR NUMBER RESOURCES**

**DOCKET NO.  
06-00063**

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

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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 April 3, 2006 for consideration of the *Petition for Expedited Review of Cellco Partnership d/b/a Verizon Wireless* ("Petition"). The *Petition* was filed by Verizon Wireless ("Verizon" or the "Company") on March 6, 2006. Verizon's *Petition* concerns the toll billing arrangements that will cease on July 10, 2006 between Verizon and Frontier Communications. Verizon intends to transition its Crossville and McMinnville customers currently assigned numbers associated with the Cookeville Rate Center to numbers associated with the Crossville and McMinnville Rate Centers. The Company plans for this action to prevent the billing of toll charges to customers.

**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.”<sup>1</sup> Among other things, the FCC adopted a mandatory forecast and utilization data reporting requirement to increase carrier accountability and provide incentives to use numbers efficiently.<sup>2</sup> 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.<sup>3</sup>

On June 18, 2001, the FCC designated NeuStar, Inc. (“NeuStar”) as the national thousands-block number Pooling Administrator.<sup>4</sup> NeuStar, which is also serving as the NANPA, currently administers thousands-block number pooling which allows service providers in areas designated for thousands-block number pooling to receive telephone numbers in blocks of 1,000. Crossville and McMinnville are in the 931 NPA. On November 7, 2003, thousands-block number pooling was implemented in the 931 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 current projected exhaust date for the 931 NPA is the fourth quarter of 2016.

Verizon submitted an application to NeuStar for additional numbering resources in the Crossville and McMinnville Rate Centers on March 3, 2006. NeuStar, citing Verizon’s failure to meet its central office code utilization guidelines, denied Verizon’s request on March 3, 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 Crossville Rate Center has a 63% number utilization rate while the McMinnville Rate Center has a .34% utilization rate.

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<sup>1</sup> *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”).

<sup>2</sup> See *First Report and Order*, 15 FCC Rcd. at 7594, ¶¶ 40-41.

<sup>3</sup> 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).

<sup>4</sup> *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).

On March 6, 2006, Verizon filed with the Authority its *Petition for Expedited Review of Cellco Partnership d/b/a Verizon Wireless*. Verizon asserts that its inability to allow customers to continue to receive and to make area calls without toll charges interferes with Verizon's service to its customers.<sup>5</sup> Verizon 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 Verizon's application is authorized by the FCC.<sup>6</sup> 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.<sup>7</sup>

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 ensure that numbering resources are available to all telecommunications service providers on a fair and equitable basis.<sup>8</sup>

At a regularly scheduled Authority Conference held on April 3, 2006, the panel assigned to

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<sup>5</sup> *Petition for Expedited Review of Central Office Code Denial*, p. 10 (March 6, 2006).

<sup>6</sup> *Third Report and Order*, 17 FCC Rcd. at 280-281, ¶ 61; see also 47 C.F.R. § 54.15(g)(3)(iv) (2004).

<sup>7</sup> *Third Report and Order*, 17 FCC Rcd. at 280-281, ¶ 61.

<sup>8</sup> 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).

this docket considered Verizon's *Petition*. After consideration of the record, the public interest, and this agency's responsibility to permit competition in the telecommunications industry,<sup>9</sup> the panel voted unanimously to approve Verizon's request for expedited review and to reverse the Pooling Administrator's denial of the Company's request for additional numbering resources, specifically for the assignment of seven (7) one-thousand number blocks to Verizon for the Crossville Rate Center, Switch/POI designation MTRYTNAA1MD and four (4) one-thousand number blocks for the McMinnville Rate Center, Switch/POI designation NSVNTNCFCMO.

**IT IS THEREFORE ORDERED THAT:**

1. The *Petition for Expedited Review of Cellco Partnership d/b/a Verizon Wireless* filed by Verizon Wireless is granted.
2. The Pooling Administrator's decision to deny Verizon's request for seven (7) one-thousand number blocks for the Crossville Rate Center and four (4) one-thousand number blocks for the McMinnville Rate Center is reversed as stated herein.

  
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Ron Jones, Chairman

  
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Pat Miller, Director

  
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Sara Kyle, Director

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<sup>9</sup> See Tenn. Code Ann. § 65-4-123 (2004).