

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 7, 2006

IN RE:	)	
	)	
PETITION FOR EXPEDITED REVIEW OF	)	DOCKET NO.
CENTRAL OFFICE CODE DENIAL BY THE	)	06-00068
NUMBER POOLING ADMINISTRATOR	)	
RELATING TO THE NASHVILLE RATE CENTER	)	

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

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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 17, 2006, for consideration of the *Petition of AT&T Communications of the Southern States, LLC for Review of Central Office Code Denial* relating to Deloitte Services filed by AT&T Communications of the Southern States, LLC ("AT&T") on March 14, 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."<sup>1</sup> Among other things, the FCC

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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").

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 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 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. In order to facilitate efficient telecommunications services in the Nashville Metropolitan Statistical Area, the 615 area code was converted to thousand-block number pooling on March 14, 2002. The projected exhaust date for the 615 NPA is the second quarter of 2012.

On March 14, 2006, AT&T 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, Deloitte Services (“Deloitte”). AT&T’s application was for a growth code in the 615 NPA to fulfill Deloitte’s request of 10,000 telephone numbers. The expansion of facilities and service base along with the addition of new users are the bases for Deloitte’s request. In addition, to fulfill Deloitte’s request, AT&T would need a complete NXX

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

<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).

available for assignment in the switch that provides Deloitte's service. AT&T did not have sufficient number resources available in the Nashville Rate Center to fulfill Deloitte's request.

The Pooling Administrator, citing AT&T's failure to meet its central office code assignment guidelines, denied AT&T's request on March 14, 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. AT&T did not meet the utilization rate guideline because the Nashville Rate Center has a 49% utilization rate. The second guideline was met because the Nashville Rate Center has a projected six month exhaust date.

On March 14, 2006, AT&T filed with the Authority its *Petition of AT&T Communications of the Southern States, LLC for Review of Central Office Code Denial*. AT&T asserts that its inability to supply Deloitte with the requested numbers prevents AT&T from providing the quality of service its customer expects.<sup>5</sup> AT&T 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 AT&T'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

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<sup>5</sup> *Petition for Expedited Review of Central Office Code Denial*, p. 5 (March 14, 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).

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 ensuring 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 17, 2006, the panel assigned to this docket considered the *Petition of AT&T Communications of the Southern States, LLC for 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,<sup>9</sup> the panel voted unanimously to approve AT&T's request for expedited review and to reverse the Pooling Administrator's denial of AT&T's request for additional number resources in the 615 NPA.

**IT IS THEREFORE ORDERED THAT:**

1. The *Petition of AT&T Communications of the Southern States, LLC for Review of Central Office Code Denial* filed by AT&T is granted.
2. The Pooling Administrator's decision to deny AT&T's request for additional numbering resources is reversed as stated herein.

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

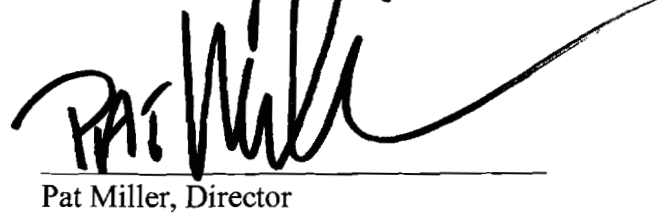
<sup>8</sup> See, e.g., *Numbering Resource Optimization*, CC Docket No. 99-200, *Order*, 16 FCC Rcd. 15842, 15847, ¶ 8 (2001) ("[T]he state commissions, to the extent that they act under the authority delegated herein, must ensure that numbers are made available on an equitable basis; that numbering 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).

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

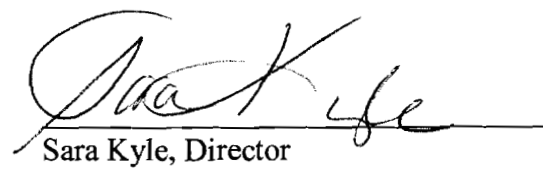
3. The Pooling Administrator is ordered to assign ten (10) one thousand-block numbers to AT&T for the Nashville Rate Center, Switch Designation NSVLTN48DS0.



Ron Jones, Chairman



Pat Miller, Director



Sara Kyle, Director