

BellSouth Telecommunications, Inc.

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August 15, 2006

VIA HAND DELIVERY

filed electronically in docket office on 08/15/06 @ 10:43am

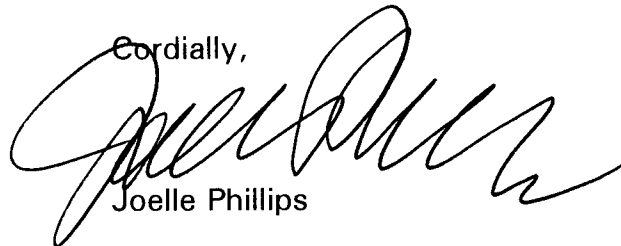
Hon. Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

RE: *Amendment to Petition for Expedited Review of Growth Code Denial
by the Number Pooling Administrator Relating to Sumner Regional
Health Systems, Inc.*
Docket No 06-00199

Dear Chairman Kyle:

Enclosed are the original and fourteen copies of BellSouth's *Amended Petition for Expedited Review of Central Office Code Denial*. This amendment is required by a change in the customer's request for additional numbers. There are no changes to any exhibits filed with the initial Petition on August 4, 2006 with the exception of Exhibit D, the customer's letter. A revised Exhibit D is attached with this amended Petition to document the change in the customer's request. Copies of the enclosed are being provided to counsel for the Number Pooling Administrator.

Cordially,

A handwritten signature in black ink, appearing to read "Joelle Phillips", written over the typed name.

Joelle Phillips

JJP ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to Sumner Regional Health Systems, Inc.*

Docket No. 06-00199

AMENDED PETITION FOR EXPEDITED REVIEW
OF CENTRAL OFFICE CODE DENIAL

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to rules adopted by the FCC for challenging determinations of the Number Pooling Administrator ("NeuStar"), petitions the Tennessee Regulatory Authority (the "Authority") for an expedited review of NeuStar's denial of BellSouth's application for use of central office code numbering resources in the 615 area code.

BellSouth respectfully shows the Authority as follows:

1. BellSouth is a telecommunications public utility regulated by the Authority providing intraLATA, local exchange telecommunications services in the Gallatin Rate Center.
2. NeuStar is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan ("NANP"). See C.F.R. § 52.13(a), (b).
3. On March 31, 2000, the Federal Communications Commission issued a Report and Order and Further Notice of Proposed Rule Making relating to

numbering resource optimization ("FCC 00-104" or the "March Order"). On December 29, 2000, the FCC issued its Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200 ("FCC 00-429" or the "December Order"). These FCC orders addressed issues and strategies relating to the efficient use of numbering resources.

4. In FCC 00-104 and FCC 00-429, the FCC announced rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of existing numbers under the NANP.

5. Among other things, FCC 00-104 adopted a revised standard for assessing a carrier's need for numbering resources by requiring carriers to report rate center based utilization data to NeuStar. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant's rate center will be exhausted within six months of the application. Prior to this ruling, the Central Office Code Assignment Guidelines, used by the industry and NeuStar to make code assignments, required the applicant's existing number inventory within the applicant's serving switch to exhaust within six months of the code application in order for a code to be assigned.

6. This shift to a "rate center" basis for determining the need for new numbering resources was intended to "more accurately reflect how numbering resources are assigned" and to allow "carriers to obtain numbering resources in response to specific customer demands." FCC Order ¶105. BellSouth has sought reconsideration of the above-described MTE rule before the FCC on two separate occasions. On December 28, 2001, the FCC entered an order retaining the rules requiring carriers to calculate MTE on a rate center basis rather than on a per-switch basis. *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*, CC Docket Nos. 99-200, 96-98 and 95-116, *Third Report and Order and Second Order on Reconsideration* in CC Docket No. 99-200, FCC 01-362, Paragraph 48 (rel. Dec. 28, 2001).

7. On or about July 10, 2006, BellSouth submitted a Central Office Code (NXX) Assignment Request - Part 1, and the CO Code Assignment - Months to Exhaust Certification Worksheet, to NeuStar to be assigned 1,000 numbers necessary to meet the demands of its customer, Sumner Regional Health Systems, Inc. ("Sumner Regional Health Systems"). The request and worksheet are attached hereto as Exhibits "A" and "B" respectively.

8. The code assignment request was for 1,000 numbers in the 615 NPA area code, in response to Sumner Regional Health Systems request for 6,000 direct dial numbers in the 3 through 8-thousand range. Sumner Regional Health Systems cited the need to serve a new healthcare facility in the Gallatin, Tennessee area as

its basis for this request. However, BellSouth did not have sufficient number resources available within its inventory in the Gallatin Rate Center, and, accordingly, BellSouth was unable to provide Sumner Regional Health Systems with sufficient numbers to meet its needs. For this reason, BellSouth sought the numbering resources as noted above.

9. BellSouth completed the applications in accordance with NeuStar's Central Office Code (NXX) Assignment Guidelines and completed the necessary Months to Exhaust Certification Worksheet required by NeuStar.

10. At the time of the code request, the Gallatin rate center had an MTE of approximately 10 months.

11. Despite the fact that BellSouth's Gallatin rate center may not exhaust for 10 months, BellSouth is unable to provide the requested service through its switch that serves Sumner Regional Health Systems within the Gallatin rate center. This is because the individual switch that serves this customer within the Gallatin rate center does not have sufficient number resources to meet the customer's request.

12. On or about July 19, 2006, NeuStar's Central Office Code Administration denied the code assignment request on the grounds that BellSouth had not met the rate center based months-to-exhaust criteria now set forth in the Central Office Code (NXX) Guidelines, notwithstanding the fact that BellSouth does not have the numbering resources needed to satisfy its customers' demands in the switch at issue. That decision is attached hereto as Exhibit "C."

13. BellSouth's inability to provide this large business customer with the requested numbers prevents BellSouth from providing the quality of service this customer desires and expects. (Correspondence from Sumner Regional Health Systems is attached as Exhibit "D - Revised").

14. Relief for the 615 NPA was implemented with the start of mandatory dialing on September 15, 1997. The Authority also ordered thousands-block pooling for the 615 NPA with a Pool Start Date of March 14, 2002. According to NeuStar, based on the 2006 NRUF and NPA Exhaust Analysis – April 30, 2006, the projected exhaust date of the 615 NPA is the Third Quarter of 2012. Therefore, granting BellSouth's request for numbering resources would not materially impact exhaustion of available numbers in the 615 NPA.

15. Both FCC 00-104 and NeuStar's Central Office Code (NXX) Guidelines provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources. *See* FCC 00-104, Appendix A, Final Rules, § 52.15(g) (3) (iv) ("The carrier may challenge the NeuStar's decision to the appropriate state regulatory commission"); NeuStar Central Office Code (NXX) Guidelines § 13.0 ("Appeals may include but are not limited to one or more of the following options: . . . C. The CO Code Administrator(s) and code holders/applicants may pursue the disagreement with the appropriate governmental/regulatory body").

16. The TRA has recognized its jurisdiction and authority to review NeuStar denials and to order the release of numbering resources to meet specific

customer needs. The TRA has, for example, ordered NeuStar to provide BellSouth with numbering resources to meet the service requirements of the University of Tennessee, even though BellSouth had been unable to satisfy the required months-to-exhaust criteria. *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to University of Tennessee - Chattanooga* (approved by the Directors on November 20, 2001 by a vote of 3-0) (see correspondence from TRA Executive Secretary, dated November 29, 2001, attached as Exhibit "E").

17. Similarly, state regulatory agencies in both North Carolina and Florida also have recognized their jurisdiction and authority to review NeuStar denials and to order the release of numbering resources to meet specific customer needs. The North Carolina Utilities Commission has ordered NeuStar to provide BellSouth numbering resources needed to meet the service requirements of Guilford County Government and Corning, Inc., even though BellSouth had been unable to satisfy the required months-to-exhaust criteria. *See In the Matter of Petition of BellSouth Telecommunications, Inc. for Review of NeuStar Denial of Application for Numbering Resources*, Docket No. P-55, Sub 1268, Order Ruling on the BellSouth Petition (attached as Exhibit "F"). Similarly, on May 1, 2001, the Florida Public Service Commission voted to accept the recommendation of its staff that NeuStar should be ordered to release numbering resources to BellSouth in order to enable BellSouth to meet the needs of a customer requesting 2500 numbers, even though BellSouth could not satisfy the months-to-exhaust criteria. *See Staff*

Recommendation Re: Docket No. 010309-TL – *Petition by BellSouth Telecommunications, Inc. for an Expedited Review of the NeuStar Denial of a Central Office Code for the Orlando Magnolia Switch* (attached as Exhibit "G").

18. In reviewing previous petitions of this type, the TRA Staff has requested that BellSouth provide additional information concerning number utilization for the specific central office involved in the request. This information for the GALLTNMADSO Central Office is attached hereto as Exhibit "H."

19. The Authority, and not the FCC, is the most appropriate body to address this appeal. As noted above, the Authority has been granted jurisdiction to hear appeals from NeuStar's decisions regarding numbering resources. Any jurisdiction of the FCC to do the same is merely concurrent with the jurisdiction of the Authority. BellSouth believes that the Authority can more quickly address the numbering problem facing Sumner Regional Health Systems and BellSouth, and, because time is of the essence to the customer, BellSouth believes it is appropriate to pursue this matter in the forum that can most quickly address the issue.

20. Under earlier months-to-exhaust procedures used by NeuStar, waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under existing procedures, NeuStar looks at the number of months-to-exhaust for the entire rate center without any exceptions. The current process for review is arbitrary and results in decisions contrary to the public interest and decisions that do not necessarily

preserve the efficient use of telephone numbers or postpone dates of exhaust. Moreover, the denial of sufficient numbering resources to BellSouth to meet Sumner Regional Health Systems' request is inconsistent with the FCC's position that "[u]nder no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at ¶ 61. By refusing to grant numbering resources sufficient to meet Sumner Regional Health Systems' needs, the NeuStar is preventing Sumner Regional Health Systems from obtaining the service of its choice from its carrier of choice, BellSouth.

21. Notwithstanding customer need for a specific numbering arrangement, BellSouth's analysis indicates that BellSouth will be unable to meet the six-months-to-exhaust threshold at the rate center level in time to obtain adequate numbering resources to serve this customer absent relief from the Authority. This situation will result in BellSouth's inability to respond to its customer's needs for specific numbering resources.

CONCLUSION

For the reasons articulated above, BellSouth respectfully urges the Authority to direct the NeuStar to provide the requested numbers to BellSouth to enable BellSouth to meet the specific requirements of Sumner Regional Health Systems in order that Sumner Regional Health Systems may receive the service of its choice from the provider of its choice to meet its telecommunications needs.

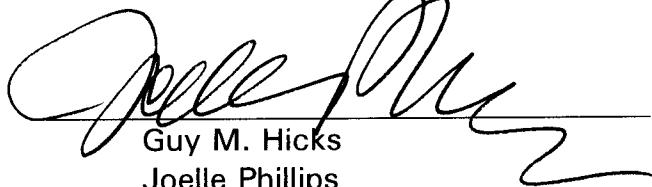
WHEREFORE, BellSouth requests:

1. The Authority review the decision of the NeuStar to deny BellSouth's request for additional numbering resources; and

2. The Authority direct the NeuStar to provide numbers to BellSouth to meet the specific requirements of Sumner Regional Health Systems in the Gallatin rate center within the 615 NPA.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read "Guy M. Hicks", is written over a horizontal line.

Guy M. Hicks
Joelle Phillips
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300
(615) 214-6311

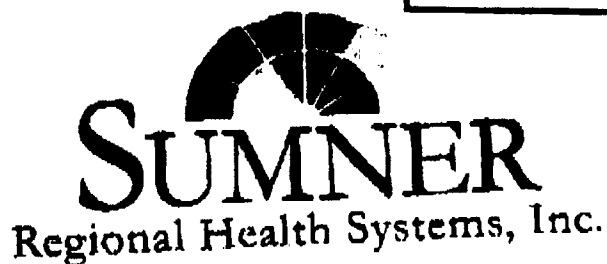
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SRHS

BellSouth Telecommunications, Inc.
Sumner Regional Health Systems, Inc.
Exhibit D - Revised



8/14/2006

Vicky Hartley
BellSouth Business
24th Floor
333 Commerce Street
Nashville, TN 37201

Dear : Mrs. Vicky Hartley,

This letter is to serve as an amendment to the previous request for a new Gallatin prefix. Sumner Regional Health Systems is in the process of building a 7 story patient tower at 555 Hartsville Pike in Gallatin, Tennessee. We will be constructing this building to provide additional patient rooms, a much needed larger Emergency Room, Diagnostic services, additional surgery suites, a larger Critical Care area, along with clinical and administrative offices. In adding these areas we are going to be in need of additional Direct Dial numbers for access to these services.

I am requesting 6000 Direct Dial numbers in the Gallatin area with a new exchange in the range of 3000 - 8999. This would help us to align all of our internal extensions with direct dials of which all have the same prefix. These numbers are desperately needed for patient and physician satisfaction along with providing access to all of the diagnostic, clinical, and office areas. We currently have 640 D.I.D. numbers of which cover 4 different prefixes that we will be glad to release upon implementing this new exchange into our system.

Anything that you can do to help us to acquire these numbers would be greatly appreciated. Please contact me if you have further questions at 615-451-6694.

Sincerely,

David E. Carter
SRHS Communications Manager

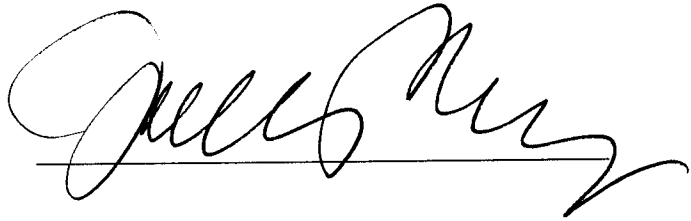
Post Office Box 1558 555 Hartsville Pike Gallatin, Tennessee 37066-1558 (615) 452-4210
www.sumner.org

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2006, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☒ U.S. Mail
- ☐ Facsimile
- ☐ Overnight Mail
- ☐ Electronic Mail

Ms. Cheryl Dixon
Senior Code Administrator
Number Pooling Administrator
1800 Sutter Street, Suite 570
Concord, California 94520

A handwritten signature in black ink, appearing to read "Cheryl Dixon", is written over a horizontal line.