



**BellSouth Telecommunications, Inc.**

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Suite 2101  
Nashville, TN 37201-3300

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**Joelle J. Phillips**

Senior State Operations Counsel

615 214 6311

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December 21, 2006

**VIA HAND DELIVERY**

filed electronically in docket office on 12/21/06

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

RE: *Petition for Expedited Review of Growth Code Denial by the Number  
Pooling Administrator Relating to Federated Department Stores*  
Docket No 06-00320

Dear Chairman Kyle:

Enclosed are the original and four copies of BellSouth's *Petition for Expedited Review of Central Office Code Denial*. 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 printed 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 Federated Department Stores*

Docket No. \_\_\_\_\_

**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 Portland 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 December 15, 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 300 consecutive numbers in a block beginning with "2" or "3" necessary to meet the demands of its customer, Federated Department Stores ("Federated"). The request and worksheet are attached hereto as Exhibits "A" and "B" respectively.

8. The code assignment request was for 300 consecutive DID numbers in the 615 NPA area code, in response to Federated's request for a block of 300 consecutive DID numbers numbers. Federated cited a new logistics facility as its basis for this request. However, BellSouth did not have sufficient number

resources available within its inventory in the Portland Rate Center, and, accordingly, BellSouth was unable to provide Federated 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 Portland rate center had an MTE of approximately seven months.

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

12. On or about December 15, 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 Federated is attached as Exhibit "D").

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 dated October 31, 2006, the projected exhaust date of the 615 NPA is the Third Quarter 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. 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 Portland, including the PTLDTNMARS5 Central Office is attached hereto as Exhibit "G."

18. 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 Federated 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.

19. 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 Federated's 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 Federated's needs, the NeuStar is preventing Federated from obtaining the service of its choice from its carrier of choice, BellSouth.

20. 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 Federated in order that Federated



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 Federated in the Portland rate center within the 615 NPA.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.



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

**CERTIFICATE OF SERVICE**

I hereby certify that on December 21, 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.

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  - Modify
  - Disconnect
  - Block Transfer
- Confirm Block(s) in Service (Part 4)
- Search Forms
- Submit Forecast
- User Profile
- Donate Blocks
- Reports

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### Request Resources

State

NPA

Rate Center


OCN

Type of Application

Quantity of Blocks Requested

**NOTE:**  
If you are selecting a Rate Center that is moving to a new NPA due to a split, PAS will automatically migrate the request to the new NPA once the mandatory dialing date occurs.

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Part 1A

---

Type of Application : New

---

1.1 Contact Information :

---

*Note: If any of the contact info is incorrect, edit your user profile.*

**Block Applicant :**

Company Name BELLSOUTH SO CNTL  
Headquarters Address: 3535 Colonnade Parkway  
City: Birmingham  
State: AL  
Zip: 35243

Contact Name Mrs Pam Porterfield  
Contact Address 3535 Colonnade Parkway  
City Birmingham State AL  
Zip 35243  
Telephone (205) 977-3025 Fax  
E-mail pam.porterfield@bellsouth.com

**Pooling Administrator :**

Contact Name Ms Genevieve Paulino  
Contact Address 1800 Sutter St. Ste. 730  
City Concord State CA  
Zip 94520  
Telephone (925) 363-7652 Fax (925) 363-7683  
E-mail genevieve.paulino@neustar.biz

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### 1.2 General Information

LRN Needed ☐ No  
NPA 615 LATA \* 470  
OCN  9419-BELLSOUTH SO CNTL  
Parent Company OCN \*  9419  
Number of Thousands-Blocks Requested 1  
Switch Identification (Switching Identity/POI)  PTLDTNMARS5 City or Wire Center Name   
Rate Center  PORTLAND Rate Center Sub Zone

### 1.3 Dates

Date of Application  Friday, December 15, 2006  
Requested Block Effective Date  15  Jan  2007  
Request Expedited Treatment ☐ Yes ☒ No

### 1.4 Type of Service Provider Requesting the Thousands-Block

a) Type of Service Provider \*  Incumbent Local Exchange Carrier (ILEC)  
b) Primary type of service Blocks to be used for \*   
c) Thousands-Block(s) (NPA-NXX-X) assignment preference  
Click here to see the available blocks in the pool.

NOTE: The blocks available list shows blocks that are available at the time a request is submitted. These same blocks may not be available at the time

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Modify  
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**Confirm Block(s) In Service (Part 4)**  
Search Forms  
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c) Thousands-Block(s) (NPA-NXX-X) assignment preference  
Click here to see the available blocks in the pool.

NOTE: The blocks available list shows blocks that are available at the time a request is submitted. These same blocks may not be available at the time the request is processed. Therefore, it is recommended that you provide additional block preferences in the event those blocks are not available.

				Delete
d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any				Delete

e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool) N/A

**1.5 Type of Request**

Initial block for rate center ☐ Yes  
Growth block for rate center ☒ Yes  
Change block N/A  
Disconnect block N/A

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New  
Modify  
Disconnect  
Block Transfer  
**Confirm Block(s) in Service (Part 4)**  
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User Profile  
Donate Blocks  
Reports

### Pooling Administration System

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**Months to Exhaust and Utilization Certification Worksheet TN Level 1**

Date Friday, December 15, 2006  
OCN 9419  
Company Name BELL SOUTH SO CNTL  
Rate Center PORTLAND

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s)

615-325 2
615-325 3
615-325 4
615-325 5
615-325 6
615-325 7
615-325 8
615-325 9
615-745 8

Name of Block Applicant **Mrs Pam Porterfield**  
Title **TN Administration Specialist**  
Telephone Number (205) 977-3025  
Fax Number  
E-Mail **pam.porterfield@bellsouth.com**

A. Available Numbers \*   
B. Assigned Numbers \*   
C. Total Numbering Resources \*   
D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation \*

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**Request For Resources**

- Modify
- Disconnect
- Block Transfer

**Confirm Block(s) in Service (Part 4)**

**Search Forms**

**Submit Forecast**

- Create/Modify Forecast

**User Profile**

**Donate Blocks**

**Reports**

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List excluded Code(s) or Block(s)

**E. Growth History - Previous 6 months<sup>2</sup>**

Month 1	106	Month 2	24
Month 3	113	Month 4	92
Month 5	103	Month 6	1039

**F. Forecast - Next 12 months<sup>3</sup>**

Month 1	246	Month 2	246
Month 3	246	Month 4	246
Month 5	246	Month 6	246
Month 7	246	Month 8	246
Month 9	246	Month 10	246
Month 11	246	Month 12	246

**G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6)**

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**Request For Resources**  
Request  
Modify  
Disconnect  
Block Transfer  
Confirm Block(s) in Service (Part 4)  
Search Forms  
Submit Forecast  
Create/Modify Forecast  
User Profile  
Donate Blocks  
Reports

Month 9	246	Month 10	246
Month 11	246	Month 12	246

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above ) divided by 6) 246.000

H. Months to Exhaust<sup>4</sup> (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested	A. Available Numbers	H. Months to Exhaust
1	1706	6.935

I. Utilization<sup>5</sup> (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) \*  
100 81.585

Explanation

<sup>1</sup>A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.  
<sup>2</sup>Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.  
<sup>3</sup>Forecast of TNs needed in each following month, starting with the most recent month as Month #1.  
<sup>4</sup>To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(iii)).  
<sup>5</sup>Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

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Show Calculations Continue Cancel

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### Months to Exhaust and Utilization Certification Worksheet TN Level (Continued)

You have requested more blocks than you will exhaust in six months.

Select One Option and Submit

- ☒ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☐ State Waiver Option

Done Internet

**FEDERATED DEPARTMENT STORES**

December 12, 2006

Rick Pendleton  
Bell South  
2180 Lake Blvd, #9A27  
Atlanta, GA 30319

Dear Mr. Pendleton,

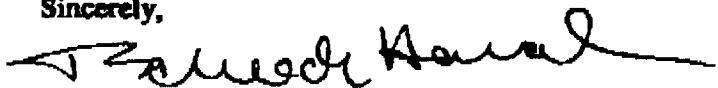
This letter is regarding the need of 300 consecutive DID numbers for our new Federated Logistics facility at 1155 Vaughn Drive, Portland TN 37148. Federated Logistics is a division of Federated Department Stores.

I have requested 1 consecutive grouping:

New DID block of 300 consecutive numbers beginning with preferred range -2xxx or -3xxx, however we can utilize DID numbers beginning with -2xxx through -7xxx.

This range is very important in the operation of our company. My understanding is that Bell South currently cannot offer me the requested 300 consecutive DID numbers and this is why I am asking for a new exchange of numbers to be released. This new Federated Department Stores location is bringing new jobs to the Tennessee economy and thus the need for these numbers. We would appreciate any assistance you can offer in expediting this matter.

Sincerely,



Tani Schroder-Harrah  
Systems Engineer  
813-978-4656  
Federated Systems Group -  
A Division of Federated Department Stores

**TENNESSEE REGULATORY AUTHORITY**



Sara Kyle, Chairman  
Lynn Greer, Director  
Melvin Malone, Director

460 James Robertson Parkway  
Nashville, Tennessee 37243-0303

November 29, 2001

Ms. Cheryl Dixon  
Senior Code Administrator  
1800 Sutter Street  
Suite: 570  
Concord, CA 94520

RE: Denial of BellSouth's Central Office Code ("NXX") Assignment Request.

Dear Ms. Dixon:

On November 1, 2001, BellSouth Petitioned the Tennessee Regulatory Authority ("TRA") for Expedited Review of Growth Code Denial by the North American Numbering Plan Administration ("NANPA"), Docket No. 01-00957. BellSouth specifically requested the overturn of NANPA's denial, and order the issue of one growth code ("NXX") for the Chattanooga rate center in the 423 NPA.

BellSouth stated they requested a growth code in the 423 NPA in response to a request received from a customer, the University of Tennessee, Chattanooga ("UTC"), as they did not have sufficient numbering resources available to meet the customer's needs. BellSouth's also stated that the Chattanooga Rate Center's Months to Exhaust ("MTE") calculation was 31.88 months.

The TRA Staff ("Staff") verified that the MTE requirement six months cannot be met. Staff also verified that the Chattanooga rate center is a multiple switch rate center, and that the MTE has to be calculated on a rate center level rather than at switch level. Staff is also satisfied with the validity of UTC's request. In that the 423 NPA has a projected exhaust date for the 4<sup>th</sup> Quarter of 2004, and the current demands in the 423 NPA is 2.5 NXX's per month, it is unlikely that the assignment of one (1) NXX will have a material effect on the projected exhaust of the 423 NPA.

On November 20, 2001, the Directors of the Tennessee Regulatory Authority approved BellSouth's petition, and ordered the NANPA to issue BellSouth one growth code in the 423 NPA. The TRA Order will be provided once it is administratively processed.

Sincerely,

A handwritten signature in black ink, appearing to read "K. David Waddell", is written over a horizontal line.

K. David Waddell  
Executive Secretary

CC: Brent Struthers, NeuStar

Telephone (615) 741-2904, Toll-Free 1-800-342-8359, Facsimile (615) 741-8953  
[www.state.tn.us/tra](http://www.state.tn.us/tra)

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

**DOCKET NO. P-55, SUB 1268**

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION**

<b>In the Matter of</b>	
<b>Petition of BellSouth Telecommunications, Inc.,</b>	<b>ORDER RULING ON THE</b>
<b>for Review of NANPA Denial of Application )</b>	<b>BELLSOUTH PETITION</b>
<b>for Numbering Resources )</b>	

**BY THE COMMISSION:** On March 6, 2001, BellSouth Telecommunication, Inc. (BellSouth) requested that the Commission review the North American Numbering Plan Administrator's (NANPA) decision denying the reservation of two central office codes (NXXs) in the 910 and 836 Numbering Plan Areas (NPAs). Reservation of one NXX was requested for Guilford County Government and one NXX was requested for Corning, Inc., from NANPA.

NANPA, in reaching its decision to deny the numbering resources, stated that BellSouth's Month-to-Exhaust worksheet shows that BellSouth has more than a six month supply of numbering resources in the two central offices which would be providing services to these customers, respectively. However, BellSouth stated that it does not have in its inventory 10,000 sequential numbers (i.e., one NXX) in each NPA available to meet the service requirement for these two customers.

There were no comments filed on this matter before the Commission.

WHEREUPON, the Commission now reaches the following

**CONCLUSIONS**

After careful consideration, the Commission concludes that NeuStar, Inc., as NANPA, should provide BellSouth the numbering resources needed to meet the needs of Guilford County Government and Corning, Inc. The Commission notes that BellSouth, as a telecommunications service provider, should be allowed to meet its specific customer requirements. Furthermore, the reservations of numbering resources in this instance represent identifiable and known market requirements. The Commission also recognizes that NANPA in reaching its decision must recognize and use industry guidelines to ensure consistent decision-making among all industry participants.

**IT IS, THEREFORE, ORDERED as follows:**

1. That NANPA shall provide BellSouth the numbering resources it needs to meet the service requirements for Guilford County Government and Corning, Inc.


2. That the numbering resources assigned by BellSouth to Guilford County Government and Corning, Inc., shall be done in a sequential numbering manner to optimize these resources.

3. That these numbering resources shall be subject to reclamation if not used within the allowable reservation period according to industry guidelines.

ISSUED BY ORDER OF THE COMMISSION.

This the 10<sup>th</sup> day of April, 2001.

NORTH CAROLINA UTILITIES COMMISSION:



Geneva S. Thigpen, Chief Clerk

**PORTLAND EXCHANGE**

<b>NPA- NXX</b>	<b>X</b>	<b>Available Numbers</b>	<b>Assigned Numbers</b>	<b>Total Number Resources</b>	<b>Utilization</b>
615-323	0	140	748	990	75.556%
615-323	1	236	662	956	69.247%
615-323	7	163	746	996	74.900%
615-323	8	160	744	992	75.000%
615-325	0	120	773	989	78.160%
615-325	1	81	862	995	86.633%
615-325	2	78	847	996	85.040%
615-325	3	73	845	993	85.096%
615-325	4	85	851	993	85.700%
615-325	5	142	774	991	78.103%
615-325	6	143	784	988	79.352%
615-325	7	116	804	992	81.048%
615-325	8	85	872	1,000	87.200%
615-325	9	84	814	992	82.056%
615-745	8	0	1,000	1,000	100.000%
<b>TOTALS:</b>		1,706	12,126	14,863	81.585%