

BellSouth Telecommunications, Inc.

333 Commerce Street
Suite 2101
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

May 9, 2007

Guy M. Hicks
General Counsel

615 214 6301
Fax 615 214 7406

VIA HAND DELIVERY

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

filed electronically in docket office on 05/09/07

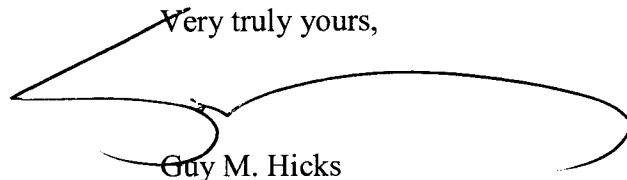
Re: *Petition of AT&T of the South Central States, LLC for Expedited Review
of Growth Code Denial by the Number Pooling Administrator –
Hendersonville Rate Center*
Docket No. 07-00109

Dear Chairman Kyle:

Enclosed are the original and four copies of a *Petition for Review of Central
Office Growth Code Denial*.

Copies of the enclosed are being provided to NANPA.

Very truly yours,

A handwritten signature in black ink, appearing to be "Guy M. Hicks", with a large, sweeping flourish extending to the right.

Guy M. Hicks

GMH:ch

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

In Re: *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator - Hendersonville Rate Center*

Docket No. _____

**PETITION OF AT&T OF THE SOUTH CENTRAL STATES, LLC FOR
REVIEW OF CENTRAL OFFICE CODE DENIAL**

AT&T of the South Central States, LLC ("AT&T"), pursuant to rules adopted by the Federal Communications Commission ("FCC") for challenging the decision of the Number Pooling Administrator ("NeuStar"), hereby petitions the Tennessee Regulatory Authority ("TRA") to a review NeuStar's denial of AT&T's application for one NPA-NXX-X in the Hendersonville rate center in order for AT&T to serve its customer.

1. AT&T is a competitive local exchange carrier providing telecommunications services in Tennessee under the jurisdiction of the TRA.

2. NeuStar is an independent, non-governmental entity responsible for administering and managing numbering resources. *See* C.F.R. Section 52.13(a) and (b).

3. This petition is based on the Federal Communications Commission ("FCC") Rules found at 47 C.F.R. § 52.15(g)(3)(iv) and pursuant to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines ("TBPAG") and the Central Office Code (NXX) Assignment Guidelines published by the Industry Numbering Committee ("INC"). On March 31, 2000, the FCC issued a Report and Order and Further Notice of Proposed Rule Making related to numbering resource optimization ("FCC 00-104" or the "March Order"). On December 29, 2000, the FCC issued a Second Report and 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 00-249” or the “December Order”). The Orders addressed issues and strategies relating to the efficient use of numbering.

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

5. 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 to NeuStar. The FCC further required that to qualify for new numbering resources, applicants must prove that their existing inventory in the said rate center will exhaust within six months of the application.

6. In addition to the months-to-exhaust (“MTE”) threshold above, the FCC also requires carriers to show rate center utilization of 75 percent to receive the additional numbering resources in said rate center. FCC 00-249 at Paragraph 22; FCC 01-362 Paragraphs 50-52.. Based on the FCC’s orders, carriers must meet both the six-month MTE requirement and the utilization threshold on a rate center basis to obtain additional number resources. *Id.* at Paragraph 29.

7. An AT&T customer, ShoLodge, has requested 20 numbers, NOT in a 9 block (615-XXX-9XXX), for it’s location in the Hendersonville rate center. A copy of the letter outlining the request is attached as Exhibit A. AT&T has developed a communications plan that the customer will implement so that the 20 numbers will be assigned, as soon as they are available, and be activated within 180 days.

8. The Hendersonville rate center of the 615 Area Code converted to Number Pooling on March 14, 2002. Consequently, normal numbering resource acquisition by a Number Pooling carrier is gained through an interface with NeuStar¹.

9. On May 4, 2007, AT&T submitted a “Thousand Block Application Form Part 1A”, and a “Months to Exhaust and Utilization Certification Worksheet – TN Level” to NeuStar for a thousands-block in the Hendersonville rate center to satisfy the customer request. A copy of this application is attached as Exhibit B.

10. During the session with the Pooling Administration System (“PAS”), AT&T received an error message instructing to “Return to the Months To Exhaust Form”, the request would not process through the system without a state waiver. The error message is included in Exhibit B. NeuStar applies the FCC rules and INC Guidelines. Per Paragraphs 5 and 6, these rules and guidelines require that a block holder requesting growth resources demonstrate that existing resources within the rate center will both exhaust within 6.0 months, and meet the 75% utilization level. The error message included a calculation showing that neither threshold was met.

11. Although AT&T has an adequate supply of telephone numbers to satisfy incremental requests for numbers without receiving a new block of numbers, AT&T’s existing telephone resources cannot satisfy this customer’s specific need as AT&T holds only the 9 block.

12. As a result of the denial for additional numbering resources, AT&T is unable to provide the telecommunications services requested by its customer.

13. In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and NeuStar, as the Pooling Administrator, to handle numbering resource

¹ The federal rules in 47 C.F.R 52.15 generalize responsibilities of NANPA and the Pooling Administrator under the heading “Central office code administration”.

administration.² If a numbering resource administrator withholds numbering resources from a carrier, the FCC has specifically authorized state commissions to overturn those decisions for reasonable cause. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R. §52.15 (g)(3)(iv), which states:

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an OCN. The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. **The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.**

The FCC also clarified in the FCC 00-249 Order that carriers may appeal to states using a “safety valve” mechanism (paragraphs 57-66). The FCC contemplated the need for, and gave structure to states to respond when denials failed to consider a “specific customer request”.

14. An essential aspect of the “safety valve” provision is the accelerated response that is provided for in the FCC’s order: States should act upon such a request in most instances in 10 business days, as noted by the FCC.

Finally, we recognize that in many instances, the failure to address a request for additional numbering resources can impair a carrier’s ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety valve as expeditiously as possible. Although we do not establish a specific time limit for states to act on these requests, we believe that, in most instances, 10 business days from receipt of a request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests. If a state does not reach a decision on a safety valve request within a reasonable

² 47 C.F.R. § 52.15(a) states: “Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission.” 47 C.F.R. § 52.20(d) states: “The Pooling Administrator shall be a non-governmental entity that is impartial and not aligned with any particular telecommunications industry segment, and shall comply with the same neutrality requirements that the NANPA is subject to under this part.”

timeframe, carriers may submit such requests to the Commission for resolution. In addition, carriers may appeal to the Commission safety valve decisions made by states, and we delegate authority to the Common Carrier Bureau to review such petitions as expeditiously as possible.

Id. at Paragraph 66.

15. AT&T seeks the Authority's review of NeuStar's decision to withhold resources from it on the grounds that it: (1) violates the orders and rules of the FCC which grant carriers access to numbering resources to meet specific customer demands upon a sufficient showing of need and (2) interferes with AT&T's ability to serve its customer. As the FCC has stated, "Under 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 Paragraph 61. By refusing to grant numbering resources sufficient to meet this Hendersonville customer's needs, the decision is preventing the customer from obtaining the service of its choice from its carrier of choice, AT&T.

Relief Sought

For these reasons, AT&T respectfully requests that the Commission expeditiously review NeuStar's decision denying AT&T's request for additional numbering resources and order NeuStar to provide the requested numbers to meet the specific requirements of AT&T's Hendersonville customer.

Respectfully submitted,

AT&T OF THE SOUTH CENTRAL STATES, LLC

By: 

Guy M. Hicks
Joelle J. Phillips
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300
615/214-6301

David Eppsteiner, Esquire
AT&T Southeast
675 W. Peachtree St., NE, Suite 4300
Atlanta, GA 30375

EXHIBIT A

Resource Request Information

Pooling Administration System

Operator (SP)

Sign Out

Request Resources

State	TENNESSEE
NPA	615
Rate Center	HENDERSNVL
OCN	7658-TCG AMERICA - TN
Type of Application	Application for Individual Blocks
Quantity of Blocks Requested	1

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.

Screen One - PAS

Pooling Administration System

lloper (SP)

Sign Out

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 **TCG AMERICA - TN**
Headquarters Address: **ONE AT&T WAY**
City: **BEDMINSTER**
State: **NJ**
Zip: **07921**

Contact Name **Ms Lisa A Loper**
Contact Address **ONE AT&T WAY**
City **BEDMINSTER**
Zip **07921**

State **NJ**Telephone **(908) 234-7622**Fax **(908) 234-8044**E-mail **lloper@att.com**

Pooling Administrator II:

Contact Name **Ms Genevieve Paulino**
Contact Address **1800 Sutter St. Ste. 780**
City **Concord**
Zip **94520**

State **CA**Telephone **(925) 363-7652**Fax **(925) 363-7683**E-mail **genevieve.paulino@neustar.biz**

1.2 General Information

LRN Needed ⁱⁱⁱ **No**NPA **615**LATA * **470**OCN ^{iv} **7658-TCG AMERICA - TN**Parent Company OCN * **7125**Number of Thousands-Blocks Requested **1**Switch Identification (Switching Identity/POI) ^{v*} **NSVLTN48DS0**City or Wire Center Name Rate Center ^{vi} **HENDERSONVILLE**Rate Center Sub Zone

1.3 Dates

Date of Application ^{vii} **Friday, May 4, 2007**Requested Block Effective Date ^{viii} **4 Jun 2007**Request Expedited Treatment ☐ Yes ☒ No**1.4 Type of Service Provider Requesting the Thousands-Block**a) Type of Service Provider * **CAP OR CLEC**b) Primary type of service Blocks to be used for * **Wireline**

<p>c) Thousands-Block(s) (NPA-NXX-X) assignment preference Click here to see the available blocks in the pool.</p> <p>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.</p>	<input type="text"/>	<input type="text"/>	615-991-2 <input type="text"/>
<p>d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any</p>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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 ☐ YesGrowth block for rate center ☒ YesChange block **N/A**Disconnect block **N/A**

Remarks

MTE

Pooling Administration System

lloper (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level¹Date **Friday, May 4, 2007**OCN **7658**Company Name **TCG AMERICA - TN**Rate Center **HENDERSONVILLE**List all Codes NPA(s)-NXXs and Blocks NPA(s)-
NXX-X(s)

615-991-9

Name of Block Applicant **Ms Lisa A Loper**Title **Assistant Manager**Telephone Number **(908) 234-7622**Fax Number **(908) 234-8044**E-Mail **lloper@att.com**A. Available Numbers * **931**B. Assigned Numbers * **37**C. Total Numbering Resources * **1000**D. Quantity of numbers activated in the past 90
days and excluded from the Utilization calculation**0**

List excluded Code(s) or Block(s)

E. Growth History - Previous 6 months² *

Month 1	-2	Month 2	0
Month 3	1	Month 4	-19
Month 5	-18	Month 6	-40

MTE

Page 2 of 2

F. Forecast - Next 12 months³ *

Month 1	34	Month 2	0
Month 3	2	Month 4	2
Month 5	0	Month 6	-1
Month 7	-1	Month 8	-2
Month 9	-1	Month 10	-2
Month 11	0	Month 12	1

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) **6.167**H. Months to Exhaust ⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))Block Requested
1A. Available Numbers
931H. Months to Exhaust
150.965I. Utilization⁵ (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100

3.700

Explanation

¹A 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.

²Net 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.

³Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁴To 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)).

⁵Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

MTE

Pooling Administration System

 iloper (SP)

Sign Out

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

Your utilization calculates to **3.700 percent**. The FCC requires a utilization of **75.000 percent**.

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



EXHIBIT B



DATE: May 3, 2007

Company Name: ShoLodge
Address: 130 Maple Drive North
City, State, Zip: Hendersonville, TN 37075

AT&T Number Administration/Code Administration,

This Letter of Intent is for **ShoLodge** to request (20 numbers) for **PRIME SERVICE**. *If TNs need to be consecutive, please provide technical reason.* ShoLodge agrees to activate the numbers requested within 180 days from AT&T's receipt of the requested numbers. **ShoLodge** intends to order service using these numbers immediately after required testing is performed by AT&T. This service will be provided in the (615) rate center using the TN switch.

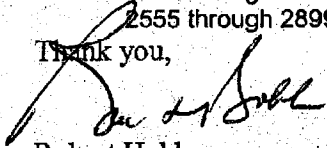
Please indicate restricted blocks, citing the reason (e.g., PBX limitation, dial plan conflict)

Block 0 (0000-0999) Technical Restriction: _____
Block 1 (1000-1999) Technical Restriction: _____
Block 2 (2000-2999) Technical Restriction: _____
Block 3 (3000-3999) Technical Restriction: _____
Block 4 (4000-4999) Technical Restriction: _____
Block 5 (5000-5999) Technical Restriction: _____
Block 6 (6000-6999) Technical Restriction: _____
Block 7 (7000-7999) Technical Restriction: _____
Block 8 (8000-8999) Technical Restriction: _____
☒ Block 9 (9000-9999) Technical Restriction: _____

We can't use the numbers with that start with 9's since that is our outside line access code. We can use any of the following:

2051 through 2098
2133 through 2300
2301 through 2407
2555 through 2899

Thank you,

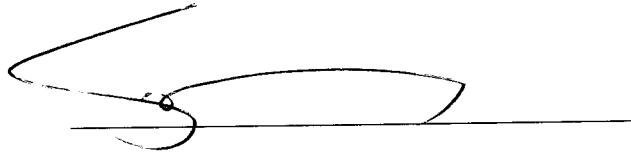

Robert Hobbs
CIO

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2007, 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.