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June 20, 2007

VIA HAND DELIVERY

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

filed electronically in docket office on 06/21/07

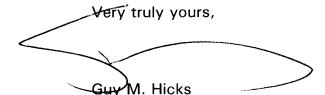
RE:

Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to Gateway Health System

Docket No 07-00160

Dear Chairman Kyle:

Enclosed are the original and four copies of AT&T Tennessee's *Petition for Expedited Review of Central Office Code Denial*. Copies of the enclosed are being provided to counsel for the Number Pooling Administrator.



GMH: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 Gateway Health System

Docket No. ______

PETITION FOR EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL

AT&T Tennessee, 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 AT&T Tennessee's application for use of central office code numbering resources in the 931 area code.

AT&T Tennessee respectfully shows the Authority as follows:

- 1. AT&T Tennessee is a telecommunications public utility regulated by the Authority providing intraLATA, local exchange telecommunications services in the Clarksville 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. AT&T Tennessee 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 June 18, 2007, AT&T Tennessee 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 a new code (462) containing six thousand blocks necessary to meet the demands of its customer, Gateway Health System ("Gateway"). The request and worksheet are attached hereto as Exhibits "A" and "B" respectively.
- 8. The code assignment request was for a new code (462) containing six thousand blocks in the 931 NPA area code, in response to Gateway's request for 3,500 DID numbers in a new NXX code (462) containing the 0,1,2,3,4,5 and 6 thousand blocks. Gateway cited growth into a new facility as its basis for this

request. However, AT&T Tennessee did not have sufficient number resources available within its inventory in the Clarksville rate center, and, accordingly, AT&T Tennessee was unable to provide Gateway with sufficient numbers to meet its needs. For this reason, AT&T Tennessee sought the numbering resources as noted above.

- 9. AT&T Tennessee 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 Clarksville rate center had an MTE of approximately 45 months.
- 11. Despite the fact that AT&T Tennessee's Clarksville rate center may not exhaust for 45 months, AT&T Tennessee is unable to provide the requested service through its switch that serves Gateway within the Clarksville rate center. This is because the individual switch that serves this customer within the Clarksville rate center does not have sufficient number resources to meet the customer's request.
- 12. On or about June 18, 2007, NeuStar's Central Office Code Administration denied the code assignment request on the grounds that AT&T Tennessee 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 AT&T Tennessee 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. AT&T Tennessee's inability to provide this large business customer with the requested numbers prevents AT&T Tennessee from providing the quality of service this customer desires and expects. (Correspondence from Gateway is attached as Exhibit "D").
- 14. Relief for the 931 NPA was implemented with the start of mandatory dialing on September 15, 1997. The Authority also ordered thousands-block pooling for the 931 NPA with a Pool Start Date of March 14, 2002. According to NeuStar, based on the 2007 NRUF and NPA Exhaust Analysis dated April 2007, the projected exhaust date of the 931 NPA is the Fourth Quarter 2019. Therefore, granting AT&T Tennessee's request for numbering resources would not materially impact exhaustion of available numbers in the 931 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 AT&T Tennessee with numbering resources to meet the service requirements of the University of Tennessee, even though AT&T Tennessee 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 AT&T Tennessee provide additional information concerning number utilization for the specific central office involved in the request. This information for the Clarksville, including the CLVLTNMADSO 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. AT&T Tennessee believes that the Authority can more quickly address the numbering problem facing Gateway and AT&T Tennessee, and, because time is of the essence to the customer, AT&T Tennessee believes it is

appropriate to pursue this matter in the forum that can most quickly address the issue.

- Under earlier months-to-exhaust procedures used by NeuStar, waivers 19. 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 AT&T Tennessee to meet Gateway'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 By refusing to grant numbering resources resources." FCC 00-429 at ¶ 61. sufficient to meet Gateway's needs, the NeuStar is preventing Gateway from obtaining the service of its choice from its carrier of choice, AT&T Tennessee.
- 20. Notwithstanding customer need for a specific numbering arrangement, AT&T Tennessee's analysis indicates that AT&T Tennessee 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 AT&T Tennessee's inability to respond to its customer's needs for specific numbering resources.

CONCLUSION

For the reasons articulated above, AT&T Tennessee respectfully urges the Authority to direct the NeuStar to provide the requested numbers to AT&T Tennessee to enable AT&T Tennessee to meet the specific requirements of Gateway in order that Gateway may receive the service of its choice from the provider of its choice to meet its telecommunications needs.

WHEREFORE, AT&T Tennessee requests:

- 1. The Authority review the decision of the NeuStar to deny AT&T Tennessee's request for additional numbering resources; and
- 2. The Authority direct the NeuStar to provide numbers to AT&T Tennessee to meet the specific requirements of Gateway in the Clarksville rate center within the 931 NPA.

Respectfully submitted,

AT&T_TENNESSEE

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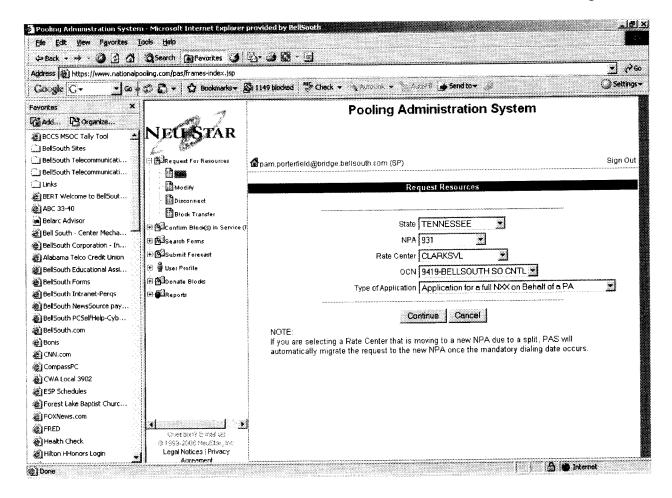
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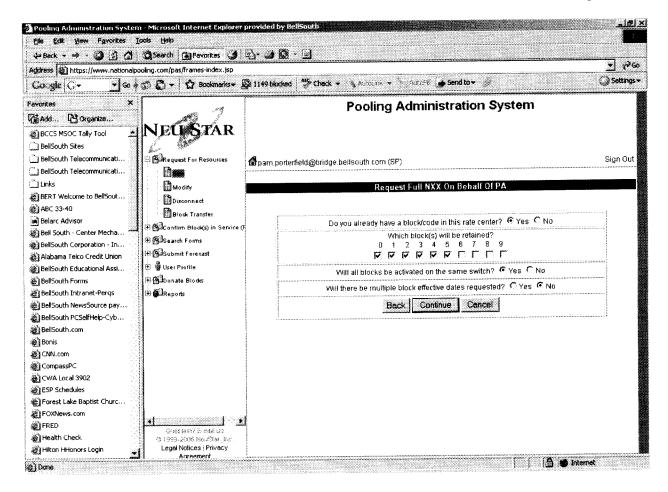
333 Commerce Street, Suite 2101 Nashville, Tennessee 37201-3300

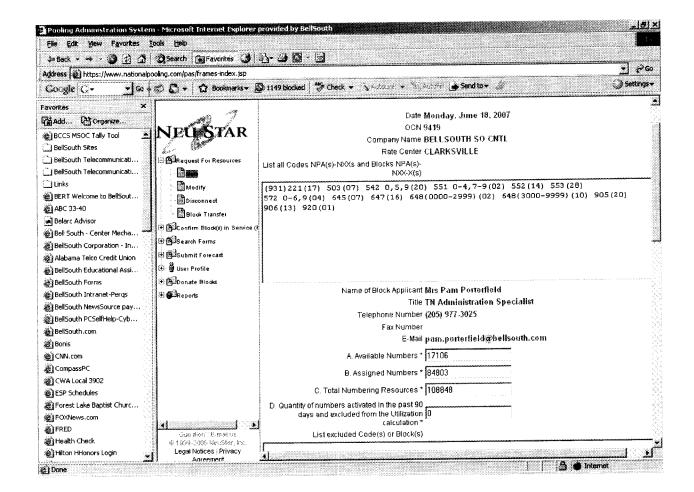
(615) 214-6311

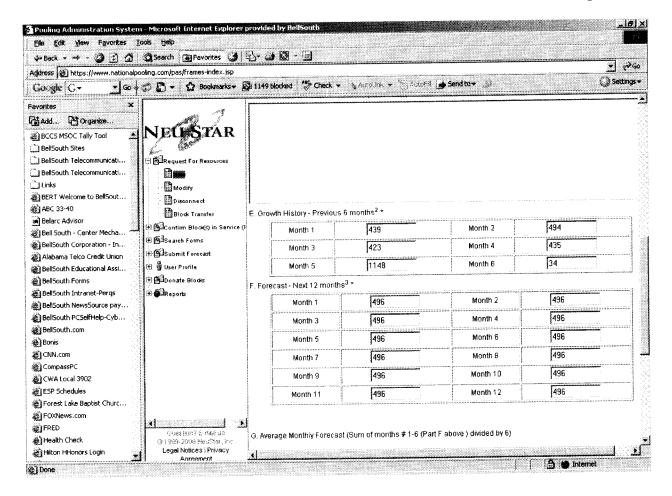
CERTIFICATE OF SERVICE

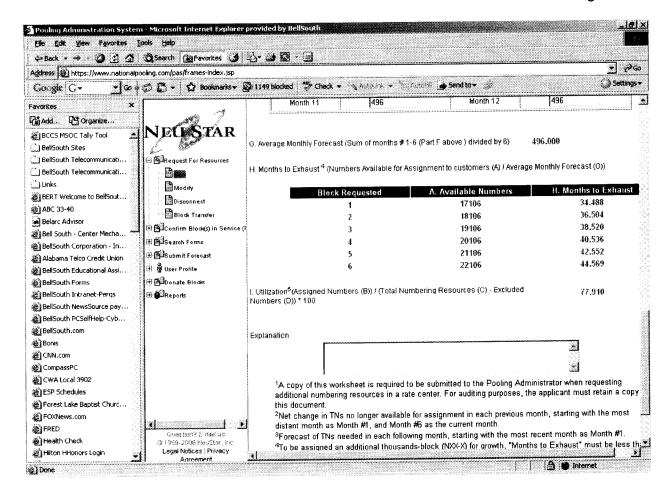
I hereby certify that on Jun was served on the parties of record	e 20, 2007, a copy of the foregoing document d, via the method indicated:
 [] Hand [] U.S. Mail [] Facsimile [] Overnight Mail [] Electronic Mail 	Ms. Cheryl Dixon Senior Code Administrator Number Pooling Administrator 1800 Sutter Street, Suite 570 Concord, California 94520

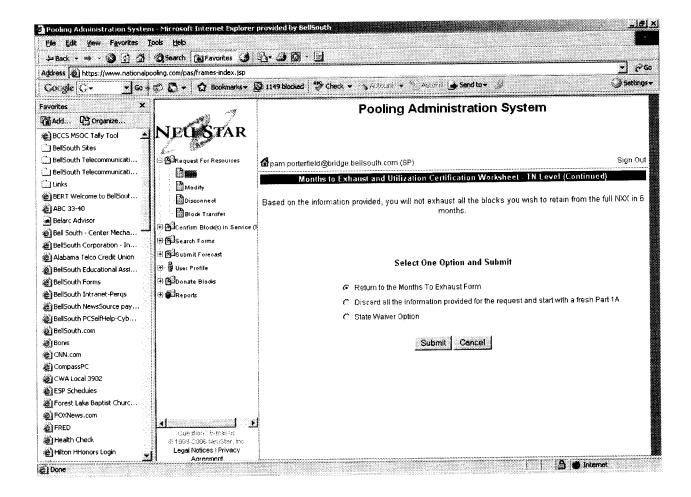












H- B-07: 4:12PM: IS DEPT.



6/8/2007 David Baldwin AT & T Business Systems

David,

I would like to initiate reserving the DID's for the new facility. We would like to go ahead and get them reserved so that we can assign room numbers and start all other processes that will rely upon these numbers. If at all possible, we would like the prefix of these numbers to be 462 for Gateway Medical Center (GMC). The DID numbers we would like are as follows:

931-xxx-0001 thru 931-xxx-1999

931-xxx-2000 thru 931-xxx-2600

931-xxx-3000 thru 931-xxx-3500

931-xxx-4000 thru 931-xxx-4250

931-xxx-5000 thru 931-xxx-5250

Thanks in advance for your help,

Frank Ruotolo - IS Director Gateway Medical Center

1771 Madison Street Clarksville, TN 37043 Phone: (931) 551-1992 Fax: (931) 551-1060 Cell: (205) 260-4060

Email: frank_ruotolo@ghsystem.com

TENNESSEE REGULATORY AUTHORITY

Sure Kyle, Chairman yan Greer, Director Ivin Malone, Director



460 James Robertson Perkway Nashville, Tennessee 37243-0505

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 4th Quarter of 2004, and the current demands in the 423 NPA is 2.5 NXXs 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, KDULLER

K. David Waddell **Executive Secretary**

CC: Brent Struthers, NewStar

Telephone (615) 741-2904, Toll-Pres 1-800-342-8359, Faccimile (615) 741-8953

STATE OF NORTH CAROLINA UTILITIES COMMISSION RALEIGH

DOCKET NO. P-55, SUB 1268

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Petition of BellSouth Telecommunications, inc.,)
for Review of NANPA Denial of Application
for Numbering Resources

ORDER RULING ON THE
BELLSOUTH PETITION

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 Coming, 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 Coming, 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 participents.

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.
- 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 10th day of April, 2001.

NORTH CAROLINA UTILITIES COMMISSION

Lever A. Sliggen

Geneva S. Thigpen, Chief Clerk

£40801.62

	CLARKSVILLE EXCHANGE				
NPA- NXX	X	Available Numbers	Assigned Numbers	Total Number Resources	Utilization
931-221	0	288	571	933	61.200%
931-221	1	1	137	140	97.857%
931-221	2	0	1000	1,000	100.000%
931-221	3	1	990	996	99.398%
931-221	4	158	800	986	81.136%
931-221	8	9	989	999	98.999%
931-221	9	4	982	997	98.495%
931-503	0	261	584	932	62.661%
931-503	1	345	460	896	51.339%
931-503	2	221	545	846	64.421%
931-503	3	14	852	984	86.585%
931-503	4	0	1000	1,000	100.000%
931-503	5	1	999	1,000	99.900%
931-503 931-503	6	0	1000	1,000	100.000%
	7	0	1000	1,000	100.000%
931-503	i .	18	879	946	92.9189
931-503	8	A	925	973	95.067%
931-503	9	16	340	958	35.491%
931-542	0	562		793	78.1849
931-542	5	143	620		65.947%
931-542	9	273	641	972	100.000%
931-551	0	0	1000	1,000	and the second second second
931-551	_ 1	0	1000	1,000	100.000%
931-551	2	0	1000	1,000	100.0009
931-551	3	235	588	920	63.9139
931-551	4	171	634		68.9139
931-551	7	575	374		38.8779
931-551	8	204	601	931	64.5549
931-551	9	190	612		67.1799
931-552	0	163	638		70.7329
931-552	1	39	762	896	85.045°
931-552	2	44	749	909	82.398°
931-552	3	161	651	895	72.737°
931-552	4	21	791	922	85.7929
931-552	5	66	569	943	60.339°
931-552	6	161	675	920	73.370°
931-552	7	167	649	911	71.240°
931-552	8	246	631	Acres and the second second	
931-552	9	166	660		71.584°
931-553	0	206	655		69.904°
931-553	1	0	1000	A comment of the comm	100.000
931-553	2	125	823		83.894
931-553	, <u>3</u>	0	1000	As a second of the second of t	100.000
931-553	4	19	924	grand and the second second second	93.9029

CLARKSVILLE EXCHANGE					
NPA- NXX	X	Available Numbers	Assigned Numbers	Total Number Resources	Utilization
931-553	5	62	892	967	92.244%
931-553	6	19	918	977	93.961%
931-553	7	5	857	886	96.727%
931-553	8	170	651	928	70.151%
931-553	9	i 0	999	1,000	99.900%
931-552	0	137	788	969	81.321%
931-572	1	195	609	851	71.563%
931-572	2	0	1000	1,000	100.000%
	3	8	858	876	97.945%
931-572	3 4	200	800	1,000	80.000%
931-572	5	100	900	1,000	90.000%
931-572	1	100	1000	1,000	100.000%
931-572	6	243	603	925	65.189%
931-572	9	15	932	990	94.141%
931-645	0	4 Company of the Comp	793	942	84.183%
931-645	1	44		932	86.481%
931-645	2	59	806	production and the second	75.661%
931-645	3	140	715	935	88.770%
931-645	4	27	830	935	72.329%
931-645	5	186	677		75.869%
931-645	6	142	720	949	90.918%
931-645	7	27	881		73.181%
931-645	8	163	674	#	82.062%
931-645	9	49	764		75.289%
931-647	0	175	716	939	84.239%
931-647	1	66	791		88.829%
931-647	2	20	827	1	74.732%
931-647	3	167	698	A CONTRACTOR OF THE CONTRACTOR	74.732% 77.094%
931-647	4	116	727		77.094% 74.162%
931-647	5	160	686		74.162% 79.780%
931-647	6	114	726		
931-647	7	137	734	· ·	77.590%
931-647	8	180	695		73.623%
931-647	9	179	661		71.152%
931-648	0	198	658	all the second of the second o	71.913%
931-648	1	34	812	1	87.594%
931-648	2	164	697		75.189%
931-648	3	153	697	A CONTRACT OF STATE O	74.946%
931-648	4	178	674	The second secon	73.985%
931-648	5	9	953		
931-648	6	12	916	A company of the comp	94.239%
931-648	7	210	610		
931-648	8	163	665	The second secon	product the second seco
931-648	9	188	655	922	71.041%

CLARKSVILLE EXCHANGE					
NPA- NXX	x	Available Numbers	Assigned Numbers	Total Number Resources	Utilization
		285	536	931	57.573%
931-905	0	285 196	627	923	67.931%
931-905	1	1 1	880	953	92.340%
931-905	2 3	22 100	900	1,000	90.000%
931-905	3 4	100	900	1,000	90.000%
931-905		0	999	1,000	99.900%
931-905	5	71	945	987	95.745%
931-905	6 7	15	891	911	97.805%
931-905		1	1000	1,000	100.000%
931-905	8	0	999	1,000	99.900%
931-905	9	330	530	937	56.564%
931-906	1	307	550 550	938	58.635%
931-906		390	429	927	46.278%
931-906	2		208	976	21.311%
931-906	3 4	750	210	958	21.921%
931-906		726	202	970	20.825%
931-906	5	756	202	970	20.722%
931-906	6	758		957	62.173%
931-906	7	254	595	926	55.940%
931-906	8	297	518		57.388%
931-906	9	272	536	934	
931-920	0	82	842	967	87.073% 93.119%
931-920	1	51	812	872	
931-920	2	198	639	931	68.636% 61.209%
931-920	3	258	557	910	68.177%
931-920	4	204	632	927	64.836%
931-920	5	232	614		71.748%
931-920	6	80	546		71.7489
931-920	7	50	724	994	and the second s
931-920	8	274	558	k	59.743%
931-920	9	226	658	896	73.438%
Totals:	*	17,106	84,803	108,848	77.9109