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August 1, 2007

Eddie Roberson, Ph.D., Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37238

FILED ELECTRONICALLY

in Docket Office on 08/01/07

**Re: Comcast Phone of Tennessee, LLC's ("Comcast") Petition for
Expedited Review of Central Office Code Denial by the Number
Pooling Administrator** Docket No. 07-00182

Dear Chairman Roberson:

Please find the original and five copies of the referenced Petition enclosed herewith. Please return a file-stamped copy of same for our records. Copies of the enclosed are being provided to counsel for the Number Pooling Administrator.

If I can be of further assistance in this matter, please do not hesitate to contact me. I am

Very truly yours,

FARRIS MATHEWS BRANAN
BOBANGO HELLEN & DUNLAP, PLC



Charles B. Welch, Jr.

CBW/rlz
Enclosure

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 1, 2007

IN RE:

**PETITION OF COMCAST PHONE
OF TENNESSEE, LLC FOR EXPEDITED
REVIEW OF CENTRAL OFFICE CODE
DENIAL BY THE NUMBER POOLING
ADMINISTRATOR—NOLENSVILLE
RATE CENTER**

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Docket No. _____

**PETITION OF COMCAST PHONE OF TENNESSEE, LLC
FOR REVIEW OF CENTRAL OFFICE CODE DENIAL**

Comcast Phone of Tennessee, LLC ("Comcast"), 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 of NeuStar's denial of Comcast's application for one NPA-NXX-X in the Nolensville rate center in order for Comcast to serve customers located in said rate center.

1. Comcast 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. §§ 52.13(a) and (b).

3. This petition is based on the 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 ("TBPA") 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 ("NANPA").

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% 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. Customers in the Nolensville rate center live in two counties in Tennessee, Williamson and Davidson. United Telephone Company ("UTC") and AT&T serve customers in this rate center and assign different NPA-NXXs to their customers depending on the county of their residence. For example, UTC assigns 615-776 to its Williamson County end users and 615-941 to those in Davidson. The necessity for this distinction is that the customers in these two counties have different calling plans which result in a different application of toll charges. In order to accommodate the calling plans of AT&T and UTC, Comcast must be able to distinguish the county of its end user customers in terminating calls from UTC and AT&T customers in the rate center so as to appropriately apply toll charges. If all of the Comcast customers in the rate center were assigned the same NPA-NXX, Comcast would not be able to identify the county of the customer and, therefore, would not be able to identify the calling plan of the originating call for purposes of applying toll charges. This situation would adversely affect UTC, AT&T and their customers.

8. The Nolensville rate center of the 615 Area Code is subject to Number Pooling. Consequently, normal numbering resource acquisition by a Number Pooling carrier is gained through an interface with NeuStar.¹

9. On July 10, 2007, Comcast 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 Nolensville rate center for the purpose of

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."

acquiring another NPA-NXX and avoiding the problem described in paragraph 7 above. A copy of the application and worksheet are attached hereto as **Exhibit A**.

10. During the session with the Pooling Administration System ("PAS"), Comcast received a message indicating that the Comcast utilization calculation did not meet the FCC required utilization of 75% and that the application would not process through the system without a state waiver. The message is attached hereto as **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 six months and meet the 75% utilization level.

11. In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and NeuStar, as the Pooling Administrator, to handle numbering resource 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. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. **The state commission may affirm, or may overturn, the**

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."

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. (Emphasis added).

The FCC also clarified in the FCC 00-249 Order that carriers may appeal to states using a "safety valve" mechanism (paragraphs 57-66).

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 ten 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 timeframe, carriers may subject 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. Comcast seeks the TRA's review of NeuStar's decision to withhold resources from it on the grounds that it interferes with Comcast's ability to serve new customers in the Nolensville rate center. As the FCC has stated, "[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 Paragraph 61. By refusing to grant numbering resources sufficient to

meet the needs of customers in Davidson and Williamson counties, the decision is preventing customers from obtaining the service of its choice from its carrier of choice, Comcast.

RELIEF SOUGHT

For these reasons, Comcast respectfully requests that the Commission expeditiously review NeuStar's decision denying Comcast's request for additional numbering resources and order NeuStar to provide the requested numbers to meet its requirements in the Nolensville rate center.

Respectfully submitted,

FARRIS MATHEWS BRANAN
BOBANGO HELLEN & DUNLAP, PLC

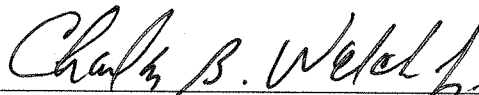
By:



Charles B. Welch, Jr. (BPR No. 005593)
618 Church Street, Suite 300
Nashville, Tennessee 37219
(615) 726-1200

CERTIFICATE OF SERVICE


I hereby certify that a copy of the foregoing was served on Cheryl Dixon, Senior Code Administrator, Number Pooling Administrator, 1800 Sutter Street, Suite 570, Concord, California 94520, via first class mail on August 1, 2007.



Charles B. Welch, Jr.

Exhibit A

Pooling Administration System

 kimberly_swenson@cable.comcast.com (SP)

[Sign Out](#)

Request Resources

State	<input type="text" value="TENNESSEE"/>
NPA	<input type="text" value="615"/>
Rate Center	<input type="text" value="NOLENSVL"/>
OCN	<input type="text" value="408D-COMCAST PHONE- TN"/>
Type of Application	<input type="text" value="Application for a full NXX for a Dedicated Customer"/>

[Continue](#)

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.

NOTE: Checked with PA as to how to request a new NXX for a rate center that still had blocks available. Was advised to submit application as Application for a full NXX for a Dedicated Customer even though we only needed a single block out of the new NXX. The currently available blocks all had the same NXX, 283, as Comcast's current block, 615-283-8. United Tel is requiring that we have a different NXX for each county served out of the NOLENSVL TN rate center.

Pooling Administration System

 kimberly_swenson@cable.comcast.com (SP)

Sign Out

Request Full NXX (Dedicated Customer)

Do you already have a block/code in this rate center?



No



Yes

Will all blocks be activated on the same switch?



Yes



No

Will there be multiple block effective dates requested?




No



Yes

Continue

Pooling Administration System

 kimberly_swenson@cable.comcast.com (SP)

[Sign Out](#)

Months to Exhaust and Utilization Certification Worksheet - TN Level¹

Date **Tuesday, July 10, 2007**




OCN **408D**

Company Name **COMCAST PHONE - TN**

Rate Center **NOLENSVILLE**

List all Codes NPA(s)-NXXs and Blocks

NPA(s)-NXX-X(s)

615-283-8	
 	

Name of Block Applicant **Ms Kimberly Swenson**

Title **Manager**

Telephone Number **(720) 267-8287**

Fax Number

E-Mail **kimberly_swenson@cable.comcast.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 *

List excluded Code(s) or Block(s)

E. Growth History - Previous 6 months² *

Month 1	0	Month 2	0
Month 3	0	Month 4	0
Month 5	0	Month 6	0

F. Forecast - Next 12 months³ *

Month 1	2	Month 2	27
Month 3	16	Month 4	16
Month 5	59	Month 6	23
Month 7	24	Month 8	27
Month 9	31	Month 10	25
Month 11	20	Month 12	25

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) **23.833**

H. Months to Exhaust⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Explanation

Need to get a new NXX in order to route off of two c

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))

Continue

Exhibit B

Pooling Administration System - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back

Forward

Stop

Search

Favorites

Go

Links

Address <https://www.nationalpooling.com/pas/frames-index.jsp>

Request For Resources

Modify

Disconnect

Block Transfer

Confirm Block(s) In Service (Part 4)

Search Forms

Submit Forecast

Create/Modify Forecast

User Profile

Donate Blobs

Reports

Forecast Reports

Donation Reports

Part 1A Report

Part 4 Report

Assignments Needing Part 4

Question? E-mail us @1599-2006 NetStar, Inc.

Legal Notices | Privacy Agreement

Pooling Administration System

kimberly_swenson@cable.comcast.com (SP)

Sign Out

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

Your utilization calculates to 0.000 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

Submit

Cancel

Done

Internet