

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 7, 2007

IN RE:

REQUEST OF US LEC OF TENNESSEE INC.
D/B/A PAETEC BUSINESS COMPANY FOR
EXPEDITED REVIEW OF GROWTH CODE DENIAL

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DOCKET NO.
07-00189

ORDER APPROVING REQUEST OF US LEC OF TENNESSEE INC.
D/B/A PAETEC BUSINESS COMPANY FOR EXPEDITED REVIEW OF
GROWTH CODE DENIAL AND REVERSING CENTRAL OFFICE CODE DENIAL

This matter came before Chairman Eddie Roberson, Director Pat Miller and Director Sara Kyle of the Tennessee Regulatory Authority ("TRA" or the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on September 10, 2007, for consideration of the *Petition of US LEC of Tennessee Inc. d/b/a PAETEC Business Company for Expedited Review of Central Office Code Denial* filed on August 9, 2007.

On August 2, 2007, US LEC of Tennessee Inc. d/b/a PAETEC Business Company ("PAETEC") submitted an application to the Pooling Administrator for the purpose of obtaining additional numbering resources to meet the demands of its customer, Electronic Data Systems ("EDS"). PAETEC did not have sufficient number resources available in the Clinton, Lebanon or Springfield Rate Centers ("Rate Center") to fulfill the request of EDS. NXX assignment guidelines permit the assignment of additional codes only after a carrier demonstrates that a rate center has a 75% utilization rate and that its estimated exhaust date does not exceed six months.¹ Because the Rate Center utilization rate is 19% or less and the estimated exhaust date is 30 months or less, the Pooling

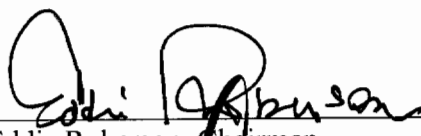
¹ See Alliance for Telecommunications Industry Solutions, *Central Office Code (NXX) Assignment Guidelines (COCAG) Final Document*, ATIS 03-00051, section 4.3.1 (June 15, 2007).

Administrator denied the applications by PAETEC. On August 9, 2007, PAETEC filed a request asking the TRA to review the denial of the Pooling Administrator.

The Federal Communications Commission authorized the Authority to review the Pooling Administrator's denial of a numbering application.² Specifically, the Federal Communications Commission stated that state commissions may overturn a decision of the Pooling Administrator when "a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory."³ After consideration of the facts contained in the record, the public interest, and this agency's responsibility to foster competition in the telecommunications industry,⁴ the panel voted unanimously to approve the request of PAETEC and reverse the Pooling Administrator's denial of PAETEC's request for additional numbering resources.

IT IS THEREFORE ORDERED THAT:

1. The Pooling Administrator's decision to deny PAETEC's request for additional numbering resources is reversed as stated herein.
2. The Pooling Administrator is ordered to assign one NPA/NXX to PAETEC for the Clinton Rate Center, and one 1000-block of telephone numbers each to PAETEC for the Lebanon and Springfield rate centers served by switch identification no. BRWDTNDDDS0.


Eddie Roberson, Chairman


Pat Miller, Director 11-29-07


Sara Kyle, Director

² *In re: Numbering Resource Optimization*, CC Docket No. 99-200, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200*, 17 FCC Rcd. 252, 279-83 ¶¶ 61-66 (2001).

³ *Id.* ¶ 64.

⁴ See Tenn. Code Ann. § 65-4-123.