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November 16, 2007

VIA HAND DELIVERY

Hon. Eddie Roberson, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

filed electronically in docket office on 11/16/07

Re: *Petition for Expedited Review of Growth Code Denial by the Number  
Pooling Administrator Relating to Healthways*  
Docket No. 07-00257

Dear Chairman Roberson:

Enclosed are the original and four copies of the *Petition of TCG MidSouth, Inc. for Review of Central Office Code Denial*.

Copies of the enclosed are being provided to NANPA.

Very truly yours,

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 Relating to Healthways*

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

**PETITION OF TCG MIDSOUTH, INC. FOR  
REVIEW OF CENTRAL OFFICE CODE DENIAL**

TCG MidSouth, Inc. ("TCG"), pursuant to rules adopted by the Federal Communications Commission ("FCC") for challenging the decisions of the Number Pooling Administrator ("NeuStar"), hereby petitions the Tennessee Regulatory Authority ("TRA") to review NeuStar's denial of TCG's application for an NPA-NXX-X in the Franklin rate center in order for TCG to serve its customer.

1. TCG 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 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 for numbering resources, 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, the FCC also required 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. A TCG customer, Healthways, has requested 1250 numbers, NOT in a 0 (615-XXX-0XXX) or 9 block (615-XXX-9XXX), for its location in the Franklin rate

center. A copy of the letter outlining the request is attached as Exhibit A. TCG has developed a communications plan that the customer will implement so that the 1250 numbers will be assigned and activated within 180 days.

8. The Franklin 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 NeuStar<sup>1</sup>.

9. On November 12, 2007, TCG submitted a "Thousand Block Application Form Part 1A", and a "Months to Exhaust and Utilization Certification Worksheet – TN Level" to NeuStar for 2 thousands-blocks in the Franklin 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"), TCG 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, the rules require that a block holder requesting growth resources demonstrate that existing resources within the rate center will both exhaust within 6 months, and meet the 75% utilization level. The error message included a calculation showing that neither threshold was met.

11. Although TCG has an adequate supply of telephone numbers to satisfy incremental requests for numbers without receiving a new block of numbers, TCG's

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<sup>1</sup> 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".

existing telephone resources cannot satisfy this customer's specific need as TCG holds only the 0 and 4 blocks. The 4 block has only 156 available numbers.

12. As a result of the denial for additional numbering resources, TCG 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 administration.<sup>2</sup> 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 applicable 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

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<sup>2</sup> 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."

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 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. TCG 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 TCG’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 customer’s needs, the decision is preventing the customer from obtaining the service of its choice from its carrier of choice, TCG.

**Relief Sought**

For these reasons, TCG respectfully requests that the TRA expeditiously review NeuStar’s decision denying TCG’s request for additional numbering resources and order NeuStar to provide the requested numbers to meet the specific requirements of TCG’s Franklin customer, Healthways.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.  
dba AT&T TENNESSEE

By: \_\_\_\_\_

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



**HEALTHWAYS**

The Health/Care Trust Channel™

Primary Business Address  
3841 Green Hills Village Drive  
Nashville, TN  
37215

Phone: 615-263-3579  
Mobile: 615-305-7922  
E-mail:  
troy.greenlee@healthways.com

Healthways

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*Fax Transmittal Form*

To

AT&T

From

Troy A Greenlee

Phone: 615-263-3579

Mobile: 615-305-7922

E-mail: troy.greenlee@healthways.com

**Standard**

Date sent:

Time sent:

Number of pages including cover page: 3

Message: Please let me know if you have any questions or concerns.



**HEALTHWAYS**

The Health/Care Trust Channel

The empathetic, sustained personal  
connection that applies science and  
experience to improve lives.

11/8/2007

**Healthways Inc.**  
**701 Cool Springs Blvd.**  
**Franklin, TN. 37067**

AT&amp;T Number Administration/Code Administration,

This Letter of Intent, is for **Healthways Inc.** to request 1250 for **LNS.** **Healthways Inc.** agrees to activate the numbers requested within 180 days from AT&T's receipt of the requested numbers. (**Healthways Inc.** intends to order service using these numbers immediately after required testing is performed by AT&T. This service will be provided in the **Franklin** rate center using the **NSVLTN48DSO** switch.

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

Block 0 (0000-0999) Technical Restriction: Healthways will setup a "0" translation for the internal operator

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: This "9" digit is used to specify an outbound call

During the months of February and March 2008, Healthways will open its new Corporate Headquarters at 701 Cool Springs Blvd. This building will have approximately 900 colleagues by April 1, 2008. Healthways plans to grow in this campus area as construction continues. Healthways colleagues currently occupy half of the 6<sup>th</sup> floor at 725 Cool Springs Blvd, and we are in contract negotiations for space in the third campus building.

Although 1250 numbers is more than enough for our current Nashville colleague count, we expect to use all numbers within 12 - 18 months.

Best Regards,

Troy Greenlee  
Senior Director, Communications Technologies

**CODE ADMINISTRATION REQUEST FORM – 2/7/07**

\* All completed forms are to be sent to the Code Administrators Email Address

**Customer Information**

Date: 11/01/2007

State: TN

Number Administration Contact: Ray Lewis

Rate Center: FRANKLIN

Telephone number: 303.294.6651

LATA: 470

Requestor Name (AE): Kevin McNatt

Requested Switch: NSVLTN48DS0

Telephone Number: 615) 377-8324

Customer Name: HEALTHWAYS INC.

Number of TN's Requested: 1250

Service Type (ADL, LNS, BVOIP): Order #: LNS

Requestor Comments (Please list all customer restrictions from the original request):

Customer would like 1250 consecutive tn's.

Please list all Codes/Blocks that have been reviewed for this request, all Codes/Blocks for this Rate Center should be reviewed:

615.435.0							
615.435.4							

**Number Sharing (Please check either yes or no on this section)**

Is Number Sharing a Possibility for this request?

WE DO NOT SUPPORT ADL TO BVOIP NUMBER SHARING

☐ Yes-We are able to Number Share

Please list the Range reserved in CNUM for this request:

\*\*Once this Number Sharing request is approved, pending 911 and LERG verification a ticket will be submitted through the Web Tool

☒ No-We Can Not Number Share

Please list the reason we are unable to Number share (ex: Not enough TN's within the inventory, can not meet customer restrictions):

\*\*If you are unable to number share you may proceed with the Growth Request

**Growth/Initial Request**☒ Please Pursue as a Growth Request☐ For BVOIP Customer, 911 & SPP Check Needed (initial)

All other possibilities have been investigated, and a Growth Block/Blocks is required for this request.

Code Administration will review this request and determine if the criteria for Growth is met.

\*\*For a Growth Code – utilization of existing NXX's must be at 75%

If yes, a request will be submitted to Neustar to obtain additional Numbers. Once those numbers are received an Email response will be sent to the Originator of the Form.

If No, an Email sent to the Originator of the Form stating that we do not meet growth and will not be able to proceed without a Letter Of Intent (LOI) from the customer. (Code Admin will send AE LOI template directly.)

\* All incomplete Growth Code Request forms will be returned to Number Admin for completion.

**Pooling Administration System**

Iriga (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 **Mr Luke Riga**Contact Address **ONE AT&T WAY**City **BEDMINSTER**State **NJ**Zip **07921**Telephone **(908) 234-6795**Fax **(908) 234-8519**E-mail **Iriga@att.com****Pooling Administrator <sup>ii</sup>:**Contact Name **Ms Genevieve Paulino**Contact Address **1800 Sutter St. Ste. 780**City **Concord**State **CA**Zip **94520**Telephone **(925) 363-7652**Fax **(925) 363-7683**E-mail **genevieve.paulino@neustar.biz****1.2 General Information**LRN Needed <sup>iii</sup> **No**NPA **615**LATA \* **470**OCN <sup>iv</sup> **7658-TCG AMERICA - TN**Parent Company OCN \* **7125**Number of Thousands-Blocks Requested **2**Switch Identification (Switching Identity/POI) <sup>v\*</sup> **NSVLTN48DS0**City or Wire Center Name **NSVLTN48**Rate Center <sup>vi</sup> **FRANKLIN**

Rate Center Sub Zone

**1.3 Dates**

Date of Application <sup>vii</sup> **Monday, November 12, 2007**Requested Block Effective Date <sup>viii</sup> **13 Dec 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>		>>>	<div>615-614-4</div> <div>615-614-5</div> <div>Delete</div>
<p>d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any</p>		>>>	<div>Delete</div>

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

**Pooling Administration System**

Iriga (SP)

Sign Out

**Months to Exhaust and Utilization Certification Worksheet - TN Level<sup>1</sup>**Date **Monday, November 12, 2007**OCN **7658**Company Name **TCG AMERICA - TN**Rate Center **FRANKLIN**List all Codes NPA(s)-NXXs and Blocks NPA(s)-  
NXX-X(s)

615-435 (0,4)

Name of Block Applicant **Mr Luke Riga**Title **SUPERVISOR**Telephone Number **(908) 234-6795**Fax Number **(908) 234-8519**E-Mail **Iriga@att.com**A. Available Numbers \* **973**B. Assigned Numbers \* **693**C. Total Numbering Resources \* **2000**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 months<sup>2</sup> \***

Month 1	310	Month 2	1
Month 3	1	Month 4	-11
Month 5	10	Month 6	-7

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

MTE

Page 2 of 2

Month 1	2000	Month 2	23
Month 3	26	Month 4	22
Month 5	23	Month 6	21
Month 7	23	Month 8	-2
Month 9	-2	Month 10	-1
Month 11	0	Month 12	-1

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above ) divided by 6) **352.500**

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	973	2.760
2	1973	5.597

I. Utilization<sup>5</sup>(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) \* 100 **34.650**

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))

Show Calculations

Continue

Cancel

## Pooling Administration System

Hriga (SP)

Sign Out

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

Your utilization calculates to **34.650 percent**. The FCC requires a utilization of **75.000 percent**.

#### Select One Option and Submit

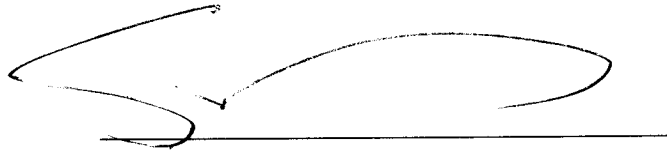
- ☐ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☒ State Waiver Option

## CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2007, a copy of the foregoing document was served on the following, via the method indicated:

- ☐ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight
- ☐ Electronic

Ms. Cheryl Dixon  
Senior Code Administrator  
Number Pooling Administrator  
1800 Sutter St., #570  
Concord, CA 94520

A handwritten signature in black ink, appearing to be 'CD', is written over a horizontal line.