

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 3, 2008

IN RE:

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

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**DOCKET NO.
08-00061**

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

This matter came before Director Tre Hargett, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (“TRA” or the “Authority”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on May 5, 2008, for consideration of the *Petition of US LEC of Tennessee, Inc. for Expedited Review of Central Office Code Denial* filed on April 17, 2008.

On March 4, 2008, US LEC of Tennessee, Inc. d/b/a PAETEC Business Services (“PAETEC”) submitted an application to the Pooling Administrator for the purpose of obtaining additional numbering resources to meet the demands of its customer. PAETEC did not have sufficient number resources available in the Kingston Rate Center (“Rate Center”) to fulfill the request made by a voice and data communications management company on behalf of its client, Bank of America. 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 approximately 6.6% and the estimated exhaust date is approximately six months, the Pooling Administrator denied the application by PAETEC. On April

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).

17, 2008, 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:

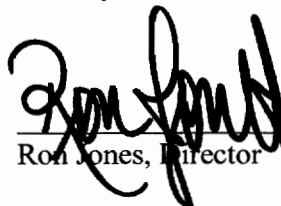
1. The Pooling Administrator's decision to deny the request of US LEC of Tennessee, Inc. d/b/a PAETEC Business Services for additional numbering resources is reversed as stated herein.
2. The Pooling Administrator is ordered to assign one (1) one thousand block of telephone numbers to US LEC of Tennessee, Inc. d/b/a PAETEC Business Services for the Kingston Rate Center served by switch identification no. KNVLTN02DS1.



Tre Hargett, Director



Sara Kyle, Director



Ron Jones, 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.