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September 22, 2008

VIA HAND DELIVERY

Chairman Tre Hargett
c/o Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

08-00178

***In Re: Concord Telephone Exchange, Inc.'s Petition for Expedited Review of
Growth Code Denial by the Number Pooling Administrator***

Dear Chairman Hargett:

Enclosed please find the original and thirteen (13) copies of the Petition for Expedited Review of Central Office Code Denial, along with a check for the \$25 filing fee. I have also enclosed two additional copies of the Petition, which I would appreciate your stamping as "filed," and returning to me by way of our courier.

Should you have any questions with respect to this matter, please do not hesitate to contact me.

Best regards.

Very truly yours,



R. Dale Grimes

RDG/smb
Enclosures

cc: Cheryl Dixon (w/ enclosures)

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re:)	
)	Docket No. _____
Concord Telephone Exchange, Inc.'s Petition)	
for Expedited Review of Growth Code)	
Denial by the Number Pooling Administrator)	

PETITION FOR EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL

Concord Telephone Exchange, Inc. ("Concord"), 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 Concord's application for use of central office code numbering resources in the 423 area code.

Concord Telephone respectfully shows the Authority as follows:

1. Concord is a telecommunications public utility regulated by the Authority providing local exchange telecommunications services in the Concord 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. 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 August 8, 2008, Concord 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 an NXX Code for the Concord Rate Center. The request and worksheet are attached hereto as Exhibit "A". While the code request is for the whole code, Concord will retain one block for the rate center and the remaining 9,000 numbers from each code will be pooled.

8. The code assignment request was based on Concord's obtaining a Location Routing Number ("LRN") for new switch augmentations it is establishing at the Concord Rate Center. The new MetaSwitch will function as a feature server in the existing Concord central office to provide new and advanced services as well as handle internal long distance traffic which the existing 5ESS cannot provide or perform. Customers requiring new feature functionality will be migrated to the new platform, and thus there is a need for an NXX/LRN for porting functionality to the MetaSwitch. However, in order for the MetaSwitch to be functional, it must host 1000 numbers. Concord does not have 1000 numbers that are appropriate to be hosted on the new switch. For this reason, Concord sought the numbering resources as noted above.

9. Concord's basis for requesting additional numbering codes is: (a) Concord does not possess a non-contaminated existing code to transfer the A-record to the new switch Carrier Language Location Identifiers ("CLLI"); (b) the LRN would be a ported number as this is the only way to route pooled numbers; (c) if Concord does not get a new NXX and the only numbers assigned to the new switches are pooled/porting numbers, any failure of Number Portability Administration Center ("NPAC")/Local Service Management System ("LSMS"), or any mishap on the LRN subscription in NPAC would eliminate any routing into the new switches, and in case of NPAC/LSMS outages etc., default routing to the NPA/NXX is used to get calls to the switch that owns the NXX so at least some calls can be completed; and (d) if the only numbers

that belong to the new switches are ported/pooled numbers, a failure of NPAC/LSMS databases would route all traffic to the switch that owns the ported/pooled NXX.

10. Concord 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.

11. At the time of the code request, the Concord rate center had an MTE of approximately 36.2 months.

12. Despite the fact that Concord's rate center may not exhaust for 36.2 months, Concord is unable to utilize the new MetaSwitch without a new NNX.

13. On or about August 8, 2008, NeuStar's Central Office Code Administration denied the code assignment request on the grounds that Concord had not met the 75% utilization criteria now set forth in the Central Office Code (NXX) Guidelines, notwithstanding the fact that Concord does not have the numbering resources needed to provide the service required in connection with its new MetaSwitch.

14. Concord's inability to utilize the new MetaSwitch without the requested numbers prevents Concord from providing the quality of service its customers desire and expect.

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.

17. In reviewing previous petitions of this type, the TRA Staff has requested that parties provide additional information concerning number utilization for the specific central office involved in the request. This information for the Concord Rate Center is attached hereto as Exhibit “B.”

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. Concord believes that the Authority can more quickly address the numbering problem facing Concord, and, because time is of the essence, Concord believes it is appropriate to pursue this matter in the forum that can most quickly address the issue.

19. Under earlier months-to-exhaust procedures used by NeuStar, waivers 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 its needs. 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 Concord to meet its customers' needs 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 resources." FCC 00-429 at ¶ 61. By refusing to grant numbering resources sufficient to meet Concord's customers' needs, NeuStar is preventing these customers from obtaining the service of their choice from the carrier of choice, Concord.

20. Notwithstanding its need for an NNX to make its new MetaSwitch functional and to serve its customers, Concord's analysis indicates that Concord will be unable to meet the months-to-exhaust and utilization threshold at the rate center level in time to obtain adequate numbering resources to serve these customers absent relief from the Authority. This situation will result in Concord's inability to utilize the new MetaSwitch and provide the services it makes available to Concord's customers.

CONCLUSION

For the reasons articulated above, Concord respectfully urges the Authority to direct NeuStar to provide the requested NNX to Concord to enable Concord to obtain the needed functionality and upgraded service of its new MetaSwitch and meet the requirements of its customers in order that they may receive the service of their choice from the provider of their choice to meet their telecommunications needs.

WHEREFORE, Concord requests:

1. The Authority review the decision of the NeuStar to deny Concord's request for additional numbering resources; and
2. The Authority direct the NeuStar to provide the NPA/NXX to Concord to establish and assign an LRN to its new MetaSwitch in the Concord Rate Center.

Respectfully submitted,



R. Dale Grimes (#6223)
BASS, BERRY & SIMS PLC
315 Deaderick Street, Suite 2700
Nashville, TN 37238-3001
(615) 742-6200

*Attorneys for Petitioner
Concord Telephone Exchange, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served on the following person via the method indicated on this the 22nd day of September, 2008:

- ☐ Hand Delivery
- ☒ Mail
- ☐ Email

Cheryl Dixon
Senior Code Administrator
Number Pooling Administrator
1800 Sutter Street, Suite 570
Concord, California 94520



R. Dale Grimes

Pooling Administration System - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Search Favorites History Mail Print Discuss Messenger

Address: https://www.nationalpooling.com/pass/new_of_part_one_step0.do?method=reloadModel

Links: CSS Reference Guide Switch DATA Verif Tool IDB_OUM_CLASS.XLS GARYA GSA Donations.XLS Get Site Info MARTENS Home Page Number Management

Sign Out

Time 08/08/2008 09:42:08 AM EDT

Individual Block Requests

CONXX Code Requests

Code Modification

Code Disconnect

Confirm Resources In Service

Donate Blocks

Submit Forecast

Search Forms

Reports

User Profile

Request Resources

States * TENNESSEE

NPA * 865

Rate Center * CONCORD

OCN * 0559-CONCORD TELEX INC

Type of Application Full NXX for LPN

Request Blocks to be Assigned

☒ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9

If requesting more than one blocks, do you want multiple effective dates?

☐ Yes ☒ No

Continue

Cancel

Version: 2.0.0.10

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Pooling Administration System



anne.chism@tdstelecom.com (SP)

Pooling Administration System

Sign Out

Time : 08/08/2008 09:51:57 AM EDT



Individual Block Requests

CO/NXX Code Requests

New Code Request

Code Modification

Code Disconnect

Confirm Resources In Service

Donate Blocks

Submit Forecast

Search Forms

Reports

User Profile

Part1/1A

Type of Application: New Code

1.1 Contact Information :

Note: If any of the contact info is incorrect, edit your user profile.

Code/Block Applicant:

Company/Entity Name **CONCORD TEL EX INC**

Headquarters Address **525 Junction Road**

City **Madison**

State **WI**

Zip **53717**

Contact Name **Anne M Chism**

Contact Address **525 Junction Road**

City **Madison**

State **WI**

Zip **53717**

Contact Phone **608-664-4680**

Contact Fax **608-664-4275**

Email **anne.chism@tdstelecom.com**

Pooling Administrator¹:

Name **Genevieve Bettiga**
Address **1800 Sutter St**
City **Concord**
State **CA**
Zip **94520**
Telephone **925-363-7652**
Fax **925-363-7683**
Email **genevieve.bettiga@neustar.biz**

Code Administrator²:

Name **Michael Ortega**
Address **46000 Center Oak Plaza**
City **Sterling**
State **VA**
Zip **20166**
Phone **571-434-5348**
Fax **571-434-5502**

1.2 General Information

LRN Neededⁱⁱⁱ **YES**
NPA **865** NXX³ **LATA* 474**
OCN^{iv,4} **0559-CONCORD TEL EX INC**
Parent Company OCN* **0881**
Number of
Thousands-Blocks **1**
Requested
Switch Identification^{v,5,*} **FRGTTNAHGT0** Locality/City/Wire Center **Concord**

Rate Center^{vii,6} CONCORD Homing Tandem Operating Company Bellsouth	Rate Center Sub Zone Concord Homing Tandem CLLI ^{8*} KNVLTNMA 84T
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1.3 Dates

Date of Application ^{vii}	08/08/2008	
Requested Effective date Code ^{viii,9,10*}	10/20/2008	MM/DD/YYYY

Requested Expedited Treatment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	No Expedite Documentation must be provided if "Request Expedite" = Yes
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Expedited Explanation

1.4 Type of Service Provider Requesting the Thousands-Block

a) Type of Company*	<div style="border: 1px solid black; padding: 2px;">Incumbent Local Exchange Carrier (ILEC)</div>
b) Type of Service*	<div style="border: 1px solid black; padding: 2px;">Wireline</div>

<p>c) Code Assignment Preference(Optional)</p> <p>NOTE: For a list of available codes go to the NANPA website at www.nanpa.com; click on Reports then Central Office Codes.</p>	<div>865-672-0</div> <div><div></div><div></div></div>
<p>d) Codes that are undesirable, if any</p>	<div></div> <div><div></div><div></div></div>
<p>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)</p> <div>865-xxx-0,</div>	
<p>1.5 Type of Request*</p> <div><div><input type="checkbox"/> Pooling Indicator¹³</div><div><input type="checkbox"/> Initial</div><div><input type="checkbox"/> Growth</div><div><input type="checkbox"/> Yes</div><div><input type="checkbox"/> No</div></div>	

1.6 NPA Jeopardy Criteria

1.7 Code Request for new service(Explain)

1.8 Attached Part 2 ^{14,15}

Additional Documentation

Not attached

Not Sent









Remarks






We are adding a new Metaswitch in this rate center and we need to request a code for an LRN

Submit ¹⁴

I hereby certify that the above information requesting an NXX Code is true and accurate to the best of my

	knowledge and that this application has been prepared in accordance with the Central Office Code(NXX) Assignment Guidelines posted to the ATIS web site(http://www.atis.org/inc/docs.asp) as of the date of this application. ¹⁶
	I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Pooling Administration Guidelines(ATIS-0300066) available on the ATIS web site (http://www.atis.org/inc) or by contacting inc@atis.org as of the date of this application.
	Question? Email us © 1997-2012 NeoStar, Inc. Legal Notice

 anne.chism@tdstelecom.com (SP)	Pooling Administration System	Sign Out
Time : 08/08/2008 09:50:29 AM EDT		
 Individual Block Requests  CO/NXX Code Requests  New Code Request  Code Modification  Code Disconnect  Confirm Resources In Service	 Months to Exhaust and Utilization Certification Worksheet - TN Level ¹	Date: Friday, August 8, 2008 OCN 0559 Company Name CONCORD TEL EX INC Rate Center: CONCORD

-  [Donate Blocks](#)
-  [Submit Forecast](#)
-  [Search Forms](#)
-  [Reports](#)
-  [User Profile](#)

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s)

865-218
865-671
865-675
865-777
865-966
865-288

Code/Block Applicant: **Anne M Chism**

Title: **Sr. Administrator - Number Management**

Phone: **608-664-4680**

Fax: **608-664-4275**

E-Mail: **anne.chism@tdstelecom.com**

A. Available Numbers:*

B. Assigned Numbers:*

C. Total Numbering Resources:*

D. Quantity of numbers activated in the past 90 days
(increments of 1,000 or 10,000) and excluded from the
Utilization calculation2:*

List excluded Code(s) or Block(s)



E. Growth History Previous 6-months^{3,*}

Month 1	534	Month 2	377
Month 3	261	Month 4	227
Month 5	199	Month 6	419

F. Forecast Next 12 months^{4,*}

Month 1	500	Month 2	500
Month 3	500	Month 4	500
Month 5	500	Month 6	500
Month 7	500	Month 8	500
Month 9	500	Month 10	500
Month 11	500	Month 12	500

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) **500.0**

Show Calculations

- ¹ 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.
- ² Quantity of numbers activated in the past 90 days is based on blocks and/or codes received from the administrator and shall be reported in increments of 1,000 or 10,000 TNs (e. g.: 2 blocks received=2,000 and 1 code received =10,000).
- ³ 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.
- ⁴ Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
- ⁵ 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)).
- ⁶ Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

Pooling Administration System

 anne.chism@tdstelecom.com (SP)


Sign Out


Time : 08/08/2008 09:49:41 AM EDT


Months to Exhaust and Utilization Certification Worksheet - TN Level(Continued)¹


  Individual Block Requests


 CO/NXX Code Requests


 New Code Request


 Code Modification


 Code Disconnect


 Confirm Resources In Service

 Donate Blocks

 Submit Forecast

 Search Forms

 Reports

 User Profile

Your Utilization calculates to **68.047%**. The FCC required the utilization of **75.000%**.
You have requested more blocks than you will exhaust in six months.

Select One Option and Submit

- ☐ Return to the Months To Exhaust Form
- ☐ Need to request a State Waiver
- ☐ Received a State Waiver

Submit

Question? Email us
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[illegible]