



AT&T Tennessee
333 Commerce Street
Suite 2101
Nashville, Tennessee 37201-3300
joelle.phillips@att.com

Joelle J. Phillips
Attorney

615-214-6311
Fax 615-214-7406

March 17, 2009

VIA HAND DELIVERY

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

RE: *Petition for Expedited Review of Growth Code Denial by the
Number Pooling Administrator - Franklin Rate Center*
Docket No 09-00037

Dear Chairman Roberson:

Enclosed are the original and four copies of AT&T Midsouth Inc.'s *Petition for Expedited Review of Central Office Code Denial*. Copies of the enclosed are being provided to counsel for the Number Pooling Administrator.

Cordially,

A large, stylized handwritten signature in black ink, appearing to read "Joelle Phillips".

Joelle Phillips

JJP ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 17, 2009

IN RE:

Docket No.

*Petition for Expedited Review of Growth
Code Denial by the Number Pooling
Administrator - Franklin Rate Center*

**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 decision of the Number Pooling Administrator ("NeuStar"), hereby petitions the Tennessee Regulatory Authority ("TRA") to a 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 Federal Communications Commission ("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 to implement uniform standards for numbering resources, to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of 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 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. An TCG customer, Philips Electronics North America Corporation, has requested 100 consecutive DID numbers, NOT in a 0, 1, 2 or 9 block for it’s location in the Franklin rate center. A copy of the letter outlining the request is attached as Exhibit A. TCG has developed a plan that the customer will implement so that all 100 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 NeuStar¹. According to NeuStar, based on the 2008-2 NRUF and NPA Exhaust Analysis dated October 2008, the projected exhaust date of the 615 NPA is the Third Quarter 2013. Therefore, granting TCG’s request for numbering resources would not materially impact the exhaustion of available numbers in the 615 NPA.

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”.

9. On March 6, 2009, TCG submitted a “Thousand Block Application Form Part 1A”, and a “Months to Exhaust and Utilization Certification Worksheet – TN Level” to NeuStar for 1 thousands-block in the Franklin rate center to satisfy the customer request. A copy of this application is attached as Exhibit B.

10. During the session via 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 indicated that neither threshold was met.

11. Although TCG has an adequate telephone numbers to satisfy incremental requests for numbers without receiving a new block of numbers, TCG’s existing resources cannot satisfy this customer’s specific need. TCG holds 4 blocks: the 0 block does not meet their requirement and the other 3 blocks (two 4 blocks and a 5 block) do not have sufficient numbers available.

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.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

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.”

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 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.

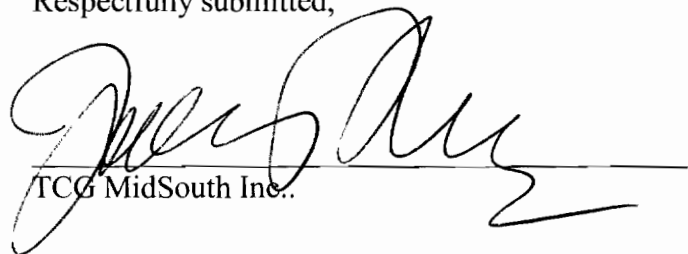
15. TCG seeks the Authority's review of NeuStar's decision to withhold resources from it on the grounds that it: (1) violates the orders and rules of the FCC

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 to meet this customer's needs, the decision prevents the customer from obtaining the service of its choice from its carrier of choice, TCG.

Relief Sought

For these reasons, TCG respectfully requests the Commission to 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.

Respectfully submitted,



TCG MidSouth Inc..

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2009, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☒ U.S. Mail
- ☐ Facsimile
- ☐ Overnight Mail
- ☐ Electronic Mail

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

A handwritten signature in black ink, appearing to read "Cheryl Dixon", is written over a horizontal line.

Exhibit A

PHILIPS

Philips Electronics North America Corporation

February 27, 2009

Philips North America
501 Corporate Centre Drive
Suite 540
Franklin, TN. 37067

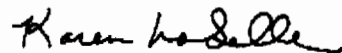
This Letter of Intent is from Philips NA to request 100 DIDs for AT&T Prime Service at our Franklin, TN facility location located at 501 Corporate Centre Drive, Suite 540, Franklin, TN. 37067. TNs must be consecutive numbers for use with our current DID range. Philips agrees to activate the numbers within 180 days from AT&T's receipt of requested numbers. Philips intends to order service using these numbers immediately after required testing is performed by AT&T. This service will be provided in Franklin Rate Center using the NSVLTN48DS0 switch.

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

Block 0 (0000-0999) Technical Restriction:	Yes/All_Used_Operator
Block 1 (1000-1999) Technical Restriction:	Yes/All_LD
Block 2 (2000-2999) Technical Restriction:	2200 thru 2999_Used
Block 3 (3000-3999) Technical Restriction:	No
Block 4 (4000-4999) Technical Restriction:	4763 thru 4780_Used
Block 5 (5000-5999) Technical Restriction:	No
Block 6 (6000-6999) Technical Restriction:	No
Block 7 (7000-7999) Technical Restriction:	No
Block 8 (8000-8999) Technical Restriction:	No
Block 9 (9000-9999) Technical Restriction:	Yes/All_Dial_out

Site is growing and there are two Philips businesses located on this site.

Sincerely,



Karen La Salle



3000 Minuteman Road
Andover, Massachusetts 01810
(978) 687-1501

Exhibit B

Part1A

Page 1 of 4

TBPAG Attachment 1 - March 19, 2007

Thousands-Block Application Form - Part 1A

Tracking Number: **615-FRANKLIN-
TN-277217**
**Individual Block
Request**

Type of Application: ☒ New ☐ Change ☐ Disconnect

GENERAL APPLICATION INFORMATION**1.1 Contact Information:**Block Applicant:

Company Name: **ICG AMERICA - TN**

Headquarters Address: **One AT&T Way**

City, State, Zip: **Bedminster, NJ, 07921**

Contact Name: **Lisa Loper**

Contact Address: **One AT&T Way**

City, State, Zip: **Bedminster, NJ, 07921**

Phone: **908- 234-7622** FAX: **908- 234-8044** E-mail: **lloper@att.com**

Pooling Administrator: ⁱⁱ

Contact Name: **Genevieve Bettiga**

Contact Address: **1800 Sutter St**

City, State, Zip: **Concord, CA, 94520**

Phone: **925-363-7652** FAX: **925-363-7683**

E-mail: **genevieve.bettiga@neustar.biz**

1.2 General Information:

Check one : No LRN needed ☒ LRN needed ⁱⁱⁱ ☐

Part 1A

Page 2 of 4

NPA: 615 LATA: 470 OCN: ^{iv}7658 Parent Company's OCN 7125

Number of Thousands-Blocks Requested : 1

Switching Identification(Switch Entity/POI) : ^v
NSVLTN48DS0

City or Wire Center Name : _____

Rate Center: ^{vi}
FRANKLIN

Rate Center Sub Zone: _____

1.3 Dates:

Date of Application: ^{vii} 03/06/2009

Requested Block Effective Date: ^{viii}
04/06/2009

By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

Request Expedited Treatment? (See Section 8.6) Yes _____ No X

1.4 Type of Service Provider Requesting the Thousands-Block :

- a) Type of Service Provider : CAP OR CLEC (LEC, IXC, CMRS, Other)
- b) Primary type of service Blocks to be used for : Wireline
- c) Thousands-Block(s) (NXX-X) assignment Preference (Optional) 615-656-6
- d) Thousands-Block(s) (NXX-X) that are undesirable for this assignment , if any _____
- 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) _____

1.5 Type of Request:

Initial block for rate center : Yes _____ If Yes , attach evidence of authorization and proof of capability to provide service within 60 days.

Growth block for rate center : Yes X If Yes , attach months to exhaust worksheet

By selecting this checkbox, I acknowledge that I am willing to accept a block in red and explicitly understand that the underlying CO code may not yet be activated in the PSTN and loaded in the NPAC on the block effective date.

Type of change(Mark **all** that apply)

: OCN:Intra-company ^{ix} : Switching Id : Part 1B

Part1A

Page 3 of 4

OCN:Inter-company * Effective Date
Change block : Yes _____ If Yes , list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated Yes _____ No _____
- b) If Yes how many TNs are NOT available for assignment : _____
- c) Have all new Intra SP ports been completed in the NPAC Yes _____ No _____
- d) Has this block been protected from further assignment Yes _____ No _____

Disconnect block : Yes _____ If Yes , list NPA-NXX-X _____

Remarks:

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.

Lisa Loper**Signature of Block Applicant**

Manager-Code 03/06/2009
Administration
Title Date

Instructions for filling out each Section of the Part 1A form:

Section 1.1 Contact information requires that Service Providers supply under "Block Applicant" the company name, company headquarters address, a contact within the company, an address where the contact person may be reached, in addition to the correct phone, fax, and e-mail address. The Pooling Administrator section also requires the Service Provider to fill in the Pooling Administrator's name, address, phone, fax and e-mail.

Section 1.2 Service Providers who need a thousands-block assignment or for an Location Routing Number (LRN) are required to fill in this section. If needed for an LRN, a CO Code Application needs to also be submitted to the PA. The Service Provider should supply the Numbering Plan Area (NPA); the Local Access Transport Area (LATA), which is a three-digit number that can be found in the TelcordiaTM LERGTM Routing Guide. The Operating Company Number (OCN) assigned to the service provider and the OCN its parent company. An OCN is a four-character alphanumeric assigned by TelcordiaTM Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification as well as the city or wire center name, rate center, rate center sub zone, homing tandem and CLLITM tandem of the facilities based provider^{xi}. Explanations of these terms may be found in the footnotes.

MTE Block

Page 1 of 2

Appendix 3

May 16, 2008

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level¹
 (Thousands-Block Number Pooling Growth Block Request)

Tracking Number: 615-FRANKLIN-TN-277217Date: 03/06/2009OCN: 7658Company Name: TCG AMERICA -
TNRate Center: FRANKLINList all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s): 615-435-0, 4 615-614-4, 5Name of Block Applicant: Lisa LoperSignature: Lisa LoperTitle: Manager-Code Administration
FAX No.: 908-234-8044Telephone No.: 908-234-7622E-mail: lloper@att.comA. Available Numbers: 1804B. Assigned Numbers: 2001C. Total Numbering Resources: 4000D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ²: 0

List
Excluded
Code(s) or
Block(s):

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

E. Growth
History -
Previous 6
months³

-62	17	45	65	97	85
-----	----	----	----	----	----

MTE Block

Page 2 of 2

F. Forecast

- Next 12 months⁴ 656 16 18 18 4 -25 78 89 95 99 102 103

G. Average Monthly Forecast (Sum of months 1-6 (Part F above) divided by 6): 114.5

H. Months
to Exhaust⁵

Numbers Available for Assignment to
Customers(A)

=

Average Monthly Forecast(G)

Block Requested

1

Available Numbers

1804

Months To Exhaust

15.755

I.

Utilization⁶ Assigned Numbers(B) - Excluded Numbers X 100 =

=

(D)

50.025

Total Numbering Resources(C)-Excluded
Numbers(D)

Explanation: _____

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.

²Quantity 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).

³Net 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.

⁴Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁵To 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, section 52.15 (g) (3) (iii)).

⁶Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

Part3

Page 1 of 2

November 21, 2003
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
TBPAAG Part 3

Tracking Number : 615-FRANKLIN-TN-
277217

Date of Application: 03/06/2009 Effective Date: _____
Date of Receipt: 03/06/2009 Date of Response: 03/06/2009

Service Provider Name: TCG AMERICA - TN
(Telcordia TM LERG TM Routing Guide) OCN: 7658

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Genevieve Bettiga Phone: 925-363-7652

Signature of Pooling Administrator

Genevieve Bettiga Fax: 925-363-7683

Name (print)

Email: genevieve.bettiga@neustar.biz

NPA-NXX or NPA-
NXX-X : _____

Block Assigned: _____

Block Reserved : _____

Block Reservation

Expiration Date : _____

Block/Code Modified : _____

Block/Code

Disconnected : _____

Block Contaminated(Yes or No) :

If Yes, enter the number of TNs contaminated :

Switch Identification(Switch Entity/POI): ¹

NSVLTN48DS0

Rate Center:

FRANKLIN

Rate Center Sub Zone:

☒ **Form Complete, request denied.**

Explanation:

DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new block is denied. You may proceed with requesting a State Waiver from the appropriate state commission using this Part 3 denial. If you are in disagreement with the disposition of this request, please refer to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

☐ **Request withdrawn.**

Explanation:

Part3

Page 2 of 2

Assignment activity suspended by the administrator.

Explanation:

Remarks:

¹ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI TM Location Identification code of the switching entity/POI shown on the Part 1A form (Telcordia, LERG ROUTING Guide and CLLI are trademarks of Telcordia Technologies, Inc.)