

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 29, 2009

IN RE:	)	
	)	
REQUEST OF TCG MIDSOUTH, INC.	)	DOCKET NO.
FOR EXPEDITED REVIEW OF	)	09-00037
GROWTH CODE DENIAL	)	

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ORDER APPROVING REQUEST OF AT&T TENNESSEE  
FOR EXPEDITED REVIEW OF GROWTH CODE DENIAL AND  
REVERSING CENTRAL OFFICE CODE DENIAL

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This matter came before Chairman Eddie Roberson, Director Sara Kyle and Director Mary W. Freeman of the Tennessee Regulatory Authority (“TRA” or the “Authority”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on April 20, 2009, for consideration of the *Petition for Expedited Review of Central Office Code Denial* filed on March 17, 2009.

On March 14, 2009, TCG Midsouth, Inc. (“TCG”) submitted an application to the Pooling Administrator for the purpose of obtaining additional numbering resources to meet the demands of its customer, Phillips Electronics North America Corporation (“Phillips”). TCG did not have sufficient number resources available in the Franklin Rate Center (“Rate Center”) to fulfill the request of Phillips. 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.<sup>1</sup> Because the Rate Center utilization rate is approximately 50% and the estimated exhaust date is approximately 15.8 months, the Pooling Administrator denied the application by

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<sup>1</sup> 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).


TCG. On March 17, 2009, TCG filed a request asking the TRA to review the denial of the Pooling Administrator.

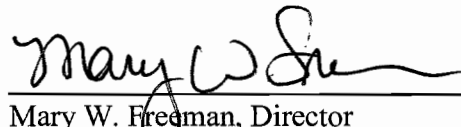
The Federal Communications Commission authorized the Authority to review the Pooling Administrator's denial of a numbering application.<sup>2</sup> Specifically, the Federal Communications Commission stated that state commissions may overturn a decision of the Pooling Administrator when "a carrier demonstrates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

**IT IS THEREFORE ORDERED THAT:**

1. The Pooling Administrator's decision to deny TCG's request 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 for the Franklin Rate Center served by Switch Identification No. NSVLTN48DS0.

  
Eddie Roberson, Chairman

  
Sara Kyle, Director

  
Mary W. Freeman, Director

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<sup>2</sup> *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).

<sup>3</sup> *Id.* ¶ 64.

<sup>4</sup> *See* Tenn. Code Ann. § 65-4-123.