



October 13, 2009

Embarq
Mailstop: NCWKFR0315 - 3162
14111 Capital Boulevard
Wake Forest, NC 27587-5900
embarq.com

Chairman Sara Kyle
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

filed electronically in docket office on 10/13/09
Docket No. 09-00171


Re: United Telephone Southeast LLC d/b/a Embarq's Petition for Expedited Review
of Central Office Code Denial

Dear Chairman Kyle:

Please find enclosed an original and four (4) copies of United Telephone Southeast LLC d/b/a Embarq's Petition for Expedited Review of Central Office Code Denial. Also enclosed is a check in the amount of \$25.00 to cover the filing fee.

An extra copy of this letter is enclosed. Please date stamp it and return to me in the enclosed self-addressed stamped envelope. Finally, please do not hesitate to contact me at (919) 554-7621 if you have any questions concerning this petition.

Very truly yours,



Jeanne W. Stockman

Enclosures

cc: Rachel Downtain
Pamela Wescott

Jeanne W. Stockman
COUNSEL
Voice: (919) 554-7621
Fax: (919) 554-7913
jeanne.w.stockman@embarq.com

BEFORE THE
TENNESSEE REGULATORY AUTHORITY

In Re:)
)
Petition for Expedited Review and Reversal)
of the Decision of the Number Pooling) Docket No. _____
Administrator to Withhold Numbering Resources)

Petition for Expedited Review of Central Office Code Denial

United Telephone Southeast LLC d/b/a Embarq ("Embarq"),² 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 Embarq's application for use of central office code numbering resources in the 423 area code.

Embarq respectfully shows the Authority as follows:

1. Embarq is a telecommunications public utility regulated by the Authority providing intraLATA, local exchange telecommunications services in the Johnson City Rate Center.
2. NeuStar is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan ("NANP"). *See* 47 C.F.R. § 52.13(a), (b).

² United Telephone Southeast LLC d/b/a Embarq has notified the Authority of its intent to adopt a new assumed name – United Telephone Southeast LLC d/b/a CenturyLink. The company will begin using the "CenturyLink" name later this month.

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 2000 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 2000 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. Various interested parties sought reconsideration of the above-described MTE rule before the FCC on several different occasions. 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 September 1, 2009, Embarq submitted to Neustar a Central Office Code (NXX) Assignment Request - Part 1, and the CO Code Assignment - Months to Exhaust Certification Worksheet to be assigned a full NXX in Johnson City for the 423 area code for Local Routing Number ("LRN") purposes. Specifically, Embarq is installing a new packet switch in Johnson City from which new services will be offered to both new and existing customers. Because existing customers (both Embarq's and other carriers') may request services from the new switch, thus requiring porting of their existing telephone numbers, a new LRN must be established for this new switch. The LRN is a ten (10) digit number used to uniquely identify a switch that has ported numbers. The LRN must be established before any numbers can be ported. Embarq cannot currently meet this request given the inventory of numbers available at this time in this exchange. Embarq has requested NeuStar to assign a full NXX to this new switch for LRN purposes. As noted in the request, Embarq would be retaining the 0xxx block only and returning the other blocks to the number pool. The request and worksheet are attached hereto as Exhibits "A" and "B" respectively.

8. Embarq completed the applications in accordance with NeuStar's Central Office Code (NXX) Assignment Guidelines and completed the necessary Months to Exhaust ("MTE") Certification Worksheet required by NeuStar.

9. At the time of the code request, the Johnson City rate center had an MTE of approximately 351.947 months.

10. Despite the fact that Embarq's Johnson City rate center may not exhaust for 351.947 months, Embarq is unable to provide this new service through its new switch that will serve the Johnson City rate center. This is because there are insufficient numbering resources within the Johnson City rate center to meet the company's needs for a new LRN for its new switch.

11. On or about September 1, 2009, NeuStar's Central Office Code Administration denied the code assignment request on the grounds that Embarq had not met the rate center based months-to-exhaust criteria now set forth in the Central Office Code (NXX) Guidelines, notwithstanding the fact that Embarq does not have the numbering resources needed to satisfy the demands of this new switch and new service in the rate center at issue. That decision can be found at the last page of Exhibit "A."

12. Embarq's inability to acquire these numbering resources and establish a new LRN will prevent Embarq from offering new and innovative services its customers desire and expect without requiring those customers to make a number change.

13. Relief for the 423 NPA was implemented with the start of mandatory dialing on February 26, 1996. The Authority also ordered thousands-block pooling for the 423 NPA with a Pool Start Date of September 16, 2002. According to NeuStar, based on the 2006 and NPA Exhaust Analysis – April 30, 2006, the projected exhaust date of the 423 NPA is the third quarter of 2015. Therefore, granting Embarq's request for numbering resources would not materially impact exhaustion of available numbers in the 423 NPA.

14. 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").

15. 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. The TRA has ordered NeuStar to provide numbering resources to meet customer service requirements.

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

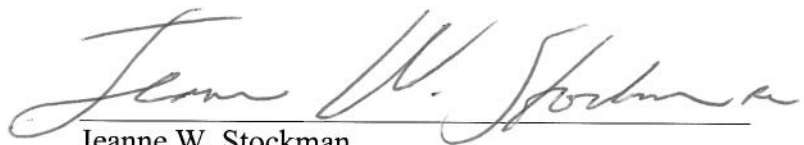
CONCLUSION

For the reasons articulated above, Embarq respectfully urges the Authority to direct the NeuStar to provide the requested numbers to Embarq so that it may be assigned the NXX code necessary to create a new LRN in this rate center. This action will enable Embarq to offer new services in the Johnson City rate center so that customers may receive the service of their choice from the provider of their choice to meet their telecommunications needs without needing to make a number change.

WHEREFORE, Embarq requests:

1. The Authority review the decision of the NeuStar to deny Embarq's request for additional numbering resources; and
2. The Authority direct NeuStar to provide numbers to Embarq to implement a new LRN to support a new service offering in the Johnson City rate center within the 423 NPA.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jeanne W. Stockman", written over a horizontal line.

Jeanne W. Stockman
United Telephone Southeast LLC d/b/a Embarq
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14111 Capital Boulevard
Wake Forest, North Carolina 27587-5900
Telephone: 919-554-7621
Fax: 919-554-7913
jeanne.w.stockman@centurylink.com

Dated: October 13, 2009

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 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. Beth Sprague, Regional Director
NANPA Code Administration
46000 Center Oak Plaza
Sterling, VA 20166

A handwritten signature in cursive script, reading "Jeanne W. Stockman". The signature is written in dark ink and is positioned above a horizontal line.

Jeanne W. Stockman

Pooling Administration System - Microsoft Internet Explorer provided by Embargo

https://www.nationalpooling.com/pas/main_c_part_one_step01.do?method=reloadNode

File Edit View Favorites Tools Help

Pooling Administration System

Pooling Administration System

rachel.s.downtain@embargo.com (SP) Sign Out

Time: 06/03/2008 03:13:03 PM EDT

Request Resources

States: TENNESSEE
NPA: 423
Rate Center: JOHNSON CY
OCH: +510-UNITED TEL - SE - TN
Type of application: Full NXX for LRN

Request Blocks to be Assigned
☒ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9

If requesting more than one block, do you want multiple effective dates? Yes ☐ No ☒

If requesting more than one block, do you want multiple switches? Yes ☐ No ☒

Continue Cancel

Question? Email us
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Done Internet 100%

EXHIBIT A

MTE TN Level - Microsoft Internet Explorer provided by Embarras
 https://www.nationalpooling.com/pas/Menu_of_page_one_step2.do?method=checkMts&allocateCoForm=true

MTE TN Level

Pooling Administration System

rachels.downtain@embarras.com (SP) Sign Out
 Time: 09/03/2009 03:14:35 PM EDT

Months to Exhaust and Utilization Certification Worksheet - TN Level1

Date: Thursday, September 3, 2009
 OCN: 4510
 Company Name: UNITED TEL - SE - TN
 Rate Center: JOHNSON CY

List all Codes (NPAs)-NXXs and Block's (NPAs)-NXXs:

423-232, 232, 233, 410, 434, 410, 434, 926, 926, 928, 935, 978
 423-262-0, 1, 2, 4, 5, 423-431-0, 1, 2, 3, 4, 5, 6, 7, 423-433-0, 1, 2, 3, 4, 5, 6, 423-439-0, 1, 2, 3, 4, 5, 6, 7, 8, 423-461-1, 2, 3, 4, 5, 6, 7, 8, 9, 423-513-0, 1, 2, 3, 4, 5, 7, 8, 423-952-0, 1, 2, 3, 4, 5, 6, 7, 8, 423-979-0, 1, 2, 3, 4, 5, 6, 7

Code/Block Applicant: Rachel Downtain
 Title: Process Re-Engineering Specialist
 Phone: 913.768-5121
 Fax:
 E-Mail: rachels.downtain@embarras.com

A. Available Numbers: 50658
 B. Assigned Numbers: 124342
 C. Total Numbering Resources: 183000

D. Quantity of numbers activated in the past 30 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation: 0

List excluded Codes(s) or Blocks(s):

Internet 100%

MTE IN Level - Microsoft Internet Explorer provided by Embarg

https://www.nationalnumbering.com/es/apply_for_part1_in.do#method=VIEWMTE

MTE IN Level

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 Coders (or Blocks):

E. Growth History: Previous 6-months³ *

Month 1	0	Month 2	0
Month 3	0	Month 4	13951
Month 5	0	Month 6	0

F. Forecast Next 12 months⁴ *

Month 1	1000	Month 2	0
Month 3	0	Month 4	0
Month 5	0	Month 6	0
Month 7	0	Month 8	0
Month 9	0	Month 10	0
Month 11	0	Month 12	0

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6): 166.567

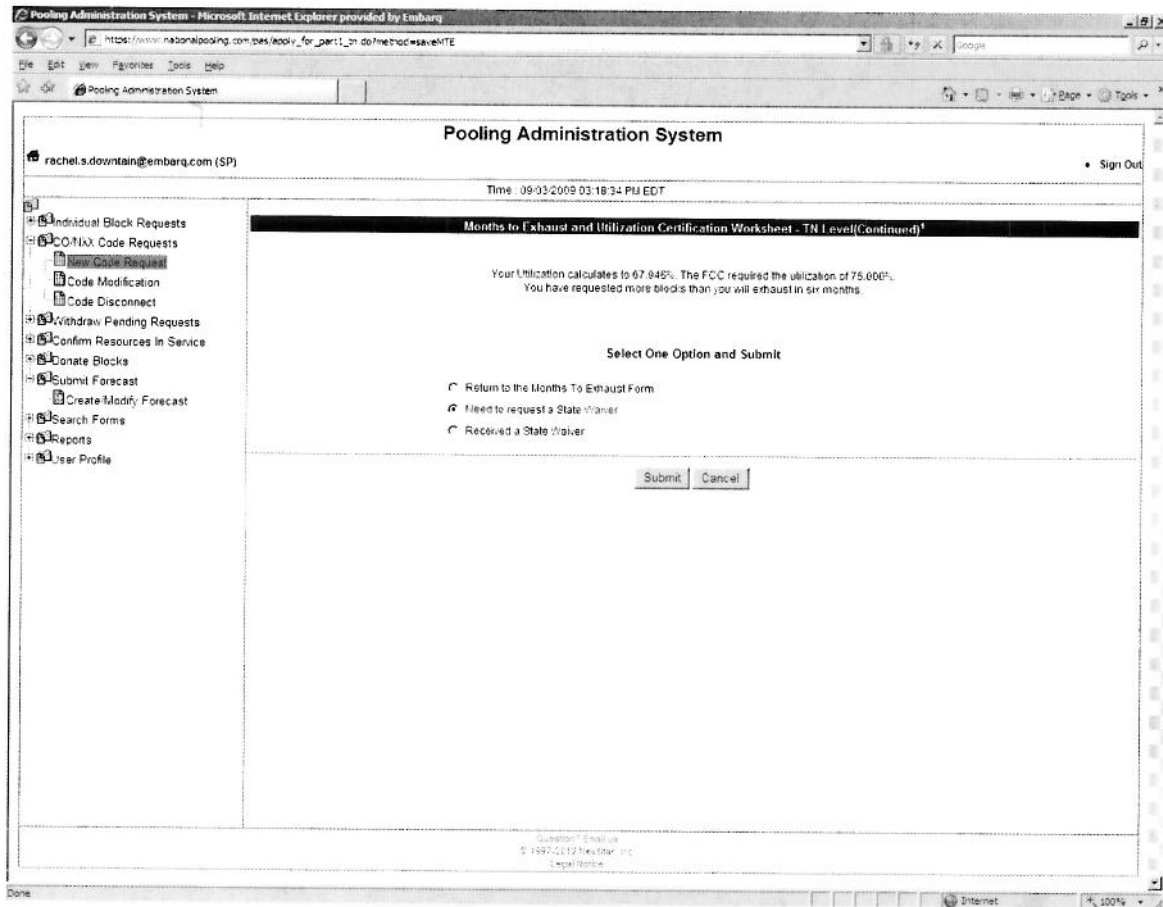
H. Months to Exhaust⁵ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested	A. Available Numbers	H. Months to Exhaust
1	58650	351.947

I. Utilization⁶ (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100 67.946

Explanation:

Continue Show Calculations Cancel



423-JOHNSON CY-TN-317232

Months to Exhaust & Utilization Certification Worksheet

(Thousands-Block Number Pooling Growth Block Request)¹

Date: 9/1/2009 Name of Block Applicant: Pam Ringgold/Embarq

OCN: 4510 Title: Engineer III

Company Name: UNITED TELEPHONE - SOUTHEAST, INC.
(Tennessee) Telephone Number: 252-635-9100

Rate Center: JOHNSON CY Fax Number: 252-63-1901

E-Mail: pam.ringgold@embarq.com

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

NPA-NXX	423-232, 282, 283, 410, 434, 610, 854, 926, 928, 929, 953, 975
NPA-NXX-X	423-262-0, 1, 2, 4, 5, 423-431-0, 1, 2, 3, 4, 5, 6, 7, 423-433-0, 1, 2, 3, 4, 5, 6, 423-439-0, 1, 2, 3, 4, 5, 6, 7, 8, 423-461-1, 2, 3, 4, 5, 6, 7, 8, 9, 423-915-0, 1, 2, 3, 4, 5, 7, 8, 423-952-0, 1, 2, 3, 4, 5, 6, 7, 8, 423-979-0, 1, 2, 3, 4, 5, 6, 7

A. Available Numbers: 58,658

B. Assigned Numbers: 124,342

C. Total Numbering Resources: 183,000

D. Quantity of numbers activated in the past 90 days
and excluded from the utilization calculation: 0

List excluded blocks or numbers: _____

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12
E. Growth History: (Previous 6 months) ²	-176	-175	-164	13,951	-38	-16						
F. Forecast: (Next 12 months) ³	768	768	768	768	768	768	768	768	768	768	768	768

G. Average Monthly Forecast: 768

H. Months to Exhaust⁴: Numbers Available for Assignment to Customers (A)
Average Monthly Forecast (G) 76.38

I. Utilization⁵: Assigned Numbers (B) - Excluded Numbers (D)
Total Numbering Resources (C) - Excluded Numbers (D) 67.95%

Explanation:

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 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.

³ Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁴ 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)).

⁵ Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))