

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 17, 2009

IN RE:

**REQUEST OF UNITED TELEPHONE
SOUTHEAST LLC D/B/A EMBARQ FOR
EXPEDITED REVIEW OF GROWTH CODE DENIAL**

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**DOCKET NO.
09-00171**

**ORDER APPROVING REQUEST OF EMBARQ
FOR EXPEDITED REVIEW OF GROWTH CODE DENIAL AND
REVERSING CENTRAL OFFICE CODE DENIAL**

This matter came before Chairman Sara Kyle, Director Eddie Roberson and Director Kenneth C. Hill of the Tennessee Regulatory Authority (“TRA” or the “Authority”), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on December 14, 2009, for consideration of the *Petition for Expedited Review of Central Office Code Denial* filed on October 13, 2009 by United Telephone Southeast LLC d/b/a Embarq (“Embarq”).

On September 1, 2009, Embarq submitted an application to the Pooling Administrator for the purpose of obtaining additional numbering resources to establish a Local Routing Number in its newly installed switch in the Johnson City Rate Center (“Rate Center”). 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 67.95% and the estimated exhaust date is approximately 76.38 months, the Pooling Administrator denied the application by Embarq. On October 13, 2009, Embarq filed a request asking the TRA to review the denial of the Pooling Administrator.

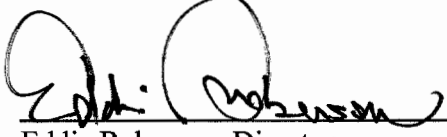
¹ See Alliance for Telecommunications Industry Solutions, *Central Office Code (NXX) Assignment Guidelines (COCAG) Final Document*, ATIS 03-00051, section 4.3.1 (June 15, 2007).

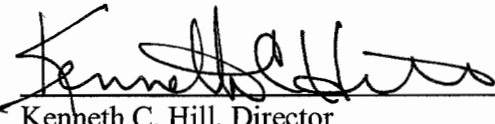
The Federal Communications Commission authorized the Authority to review the Pooling Administrator's denial of a numbering application.² Specifically, the Federal Communications Commission stated that state commissions may overturn a decision of the Pooling Administrator when "a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory,"³ or as in this case, when a company installs a new switch and must establish an LRN.⁴ After consideration of the facts contained in the record, the public interest, and this agency's responsibility to foster competition in the telecommunications industry,⁵ the panel voted unanimously to approve the request of Embarq and reverse the Pooling Administrator's denial of Embarq's request for additional numbering resources.

IT IS THEREFORE ORDERED THAT:

1. The Pooling Administrator's decision to deny United Telephone Southeast LLC d/b/a Embarq's request for additional numbering resources is reversed as stated herein.
2. The Pooling Administrator is ordered to assign one NPA-NXX to United Telephone Southeast LLC d/b/a Embarq for the Johnson City Rate Center served by switch identification no. JHCYTNXCPS1.


Sara Kyle, Chairman


Eddie Roberson, Director


Kenneth C. Hill, 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 *In re: ATIS Location Routing Number (LRN) Assignment Practices*, Final Document, ATIS 0300065, pp. 3-5 (September 26 2008).

⁵ See Tenn. Code Ann. § 65-4-123.