

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

November 6, 2009

filed electronically in docket office on 11/09/09 Docket No. 09-00180

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

> Re: United Telephone Southeast LLC d/b/a CenturyLink'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 CenturyLink'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: Pamela Wescott

BEFORE THE

TENNESSEE REGULATORY AUTHORITY

Petition for Expedited Review	of Centi	ral Office Code Denial	
Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to Mountain States Health Alliance)	Docket No	
In Re:)	D 1	

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

CenturyLink respectfully shows the Authority as follows:

- CenturyLink 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).
- 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. 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 October 13, 2009, CenturyLink 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 a 1K block necessary to meet the demands of its customer, Mountain States Health Alliance. The request and worksheet are attached hereto as Exhibit "A."
- 8. The code assignment request was for Johnson City in the 423 NPA area code, in response to Mountain States Health Alliance's request for a block of 1000 consecutive numbers. Mountain States Health Alliance cited growth as its basis for this request. However, CenturyLink did not have sufficient number resources available within its inventory in the Johnson City Rate Center, and, accordingly, CenturyLink was unable to provide Mountain States Health Alliance with sufficient numbers to meet its needs. For this reason, CenturyLink sought the numbering resources as noted above.
- CenturyLink 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.
- 10. At the time of the code request, the Johnson City rate center had an MTE of approximately 62758 months.
- 11. Despite the fact that CenturyLink's Johnson City rate center may not exhaust for 62758 months, CenturyLink is unable to provide the requested service through its switch that serves Mountain States Health Alliance within the Johnson City rate center. This is because the

individual switch that serves this customer within the Johnson City rate center does not have sufficient number resources to meet the customer's request.

- 12. On or about October 13, 2009, NeuStar's Central Office Code Administration denied the code assignment request on the grounds that CenturyLink 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 CenturyLink does not have the numbering resources needed to satisfy its customers' demands in the switch at issue. That decision is attached hereto as Exhibit "B."
- 13. CenturyLink's inability to provide this large business customer with the requested numbers prevents CenturyLink from providing the quality of service this customer desires and expects.
- 14. 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 CenturyLink's request for numbering resources would not materially impact exhaustion of available numbers in the 423 NPA.
- 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. The TRA has ordered NeuStar to provide numbering resources to meet customer service requirements.
- 17. In reviewing previous petitions, the TRA Staff has requested that petitioning carriers provide additional information concerning number utilization for the specific central office involved in the request. This information for the Johnson City rate center, including the Johnson City Central Office is attached hereto as Exhibit "C."
- 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. CenturyLink believes that the Authority can more quickly address the numbering problem facing Mountain States Health Alliance and CenturyLink, and, because time is of the essence to the customer, CenturyLink 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 the customer's specific request. 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 CenturyLink to meet Mountain States Health Alliance's request 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 Mountain States Health Alliance's needs, NeuStar is preventing Mountain States Health Alliance from obtaining the service of its choice from its carrier of choice, CenturyLink.

20. Notwithstanding customer need for a specific numbering arrangement, CenturyLink's analysis indicates that CenturyLink will be unable to meet the six-months-to-exhaust threshold at the rate center level in time to obtain adequate numbering resources to serve this customer absent relief from the Authority. This situation will result in CenturyLink's inability to respond to its customer's needs for specific numbering resources.

CONCLUSION

For the reasons articulated above, CenturyLink respectfully urges the Authority to direct the NeuStar to provide the requested numbers to CenturyLink to enable CenturyLink to meet the specific requirements of Mountain States Health Alliance in order that Mountain States Health Alliance may receive the service of its choice from the provider of its choice to meet its telecommunications needs.

WHEREFORE, CenturyLink requests:

- 1. The Authority review the decision of the NeuStar to deny CenturyLink's request for additional numbering resources; and
- 2. The Authority direct the NeuStar to provide numbers to CenturyLink to meet the specific requirements of Mountain States Health Alliance in the Johnson City rate center within the 423 NPA.

Respectfully submitted,

Jeanne W. Stockman

United Telephone Southeast LLC d/b/a

CenturyLink

Mailstop: NCWKFR0313 14111 Capital Boulevard

Wake Forest, North Carolina 27587-5900

Telephone: 919-554-7621

Fax: 919-554-7913

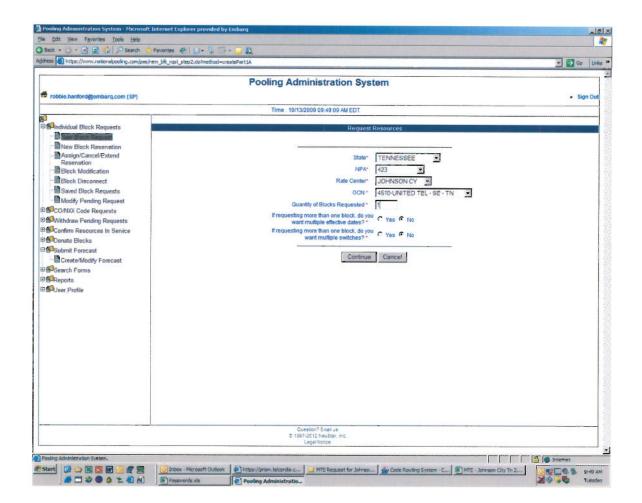
Jeanne.W.Stockman@CenturyLink.com

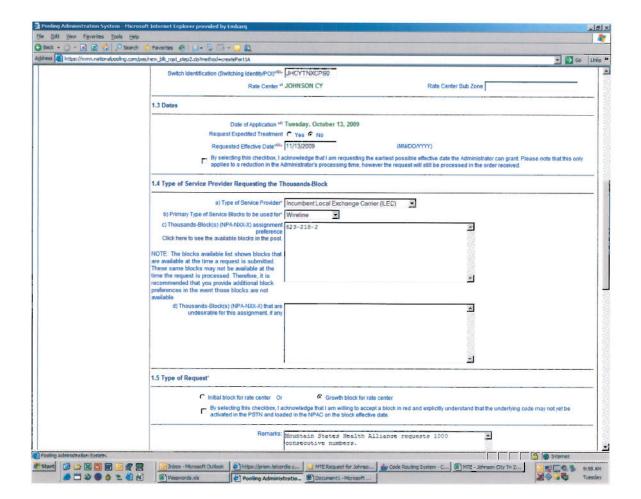
Dated: November 6, 2009

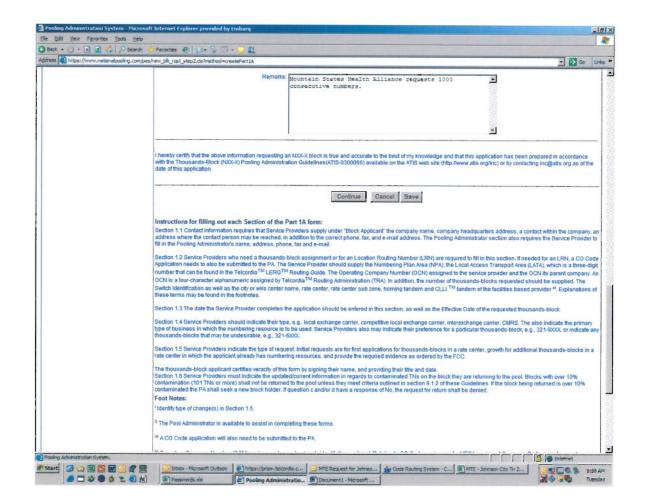
CERTIFICATE OF SERVICE

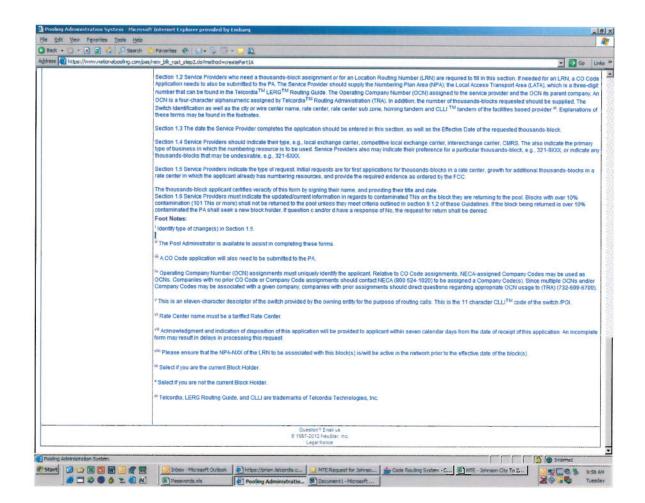
I hereby certify that on November 6, 2009, a copy of the foregoing document was served on the parties of record, via the method indicated:				
[] Hand [] U.S. Mail [] Facsimile [X] Overnight Mail [] Electronic Mail	Ms. Beth Sprague, Regional Director NANPA Code Administration 46000 Center Oak Plaza Sterling, VA 20166			

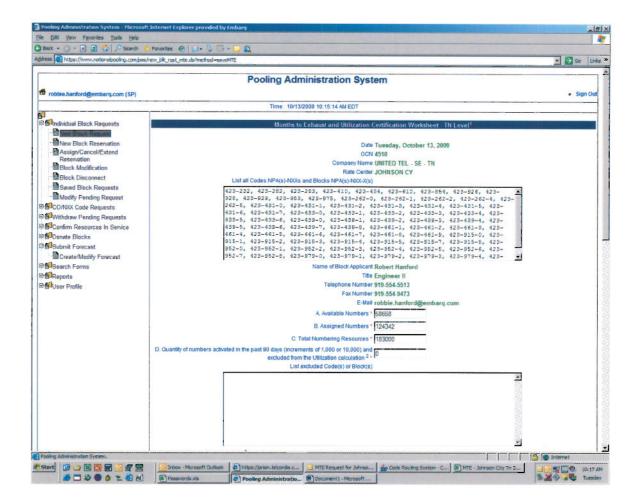
Jeanne W. Stockman

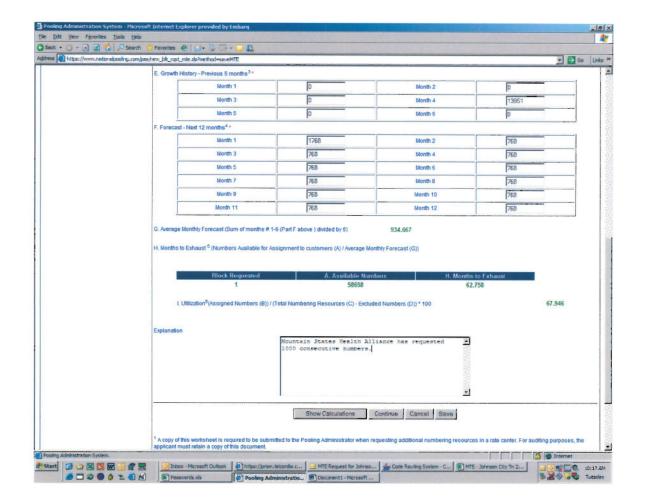


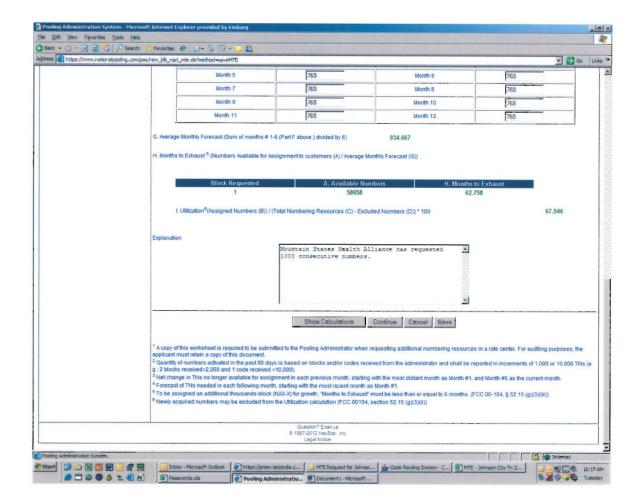


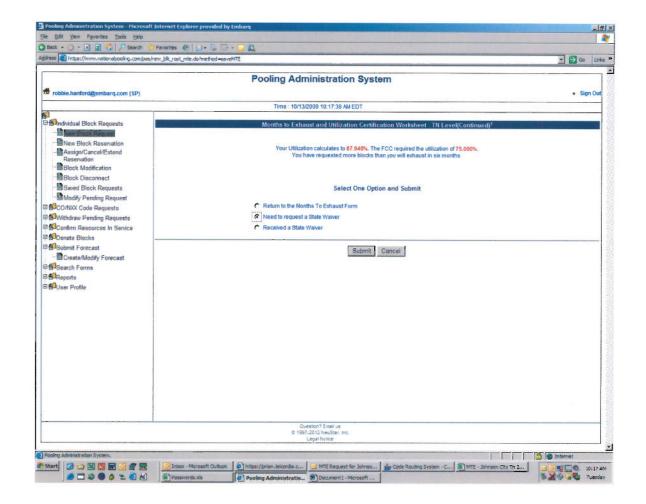


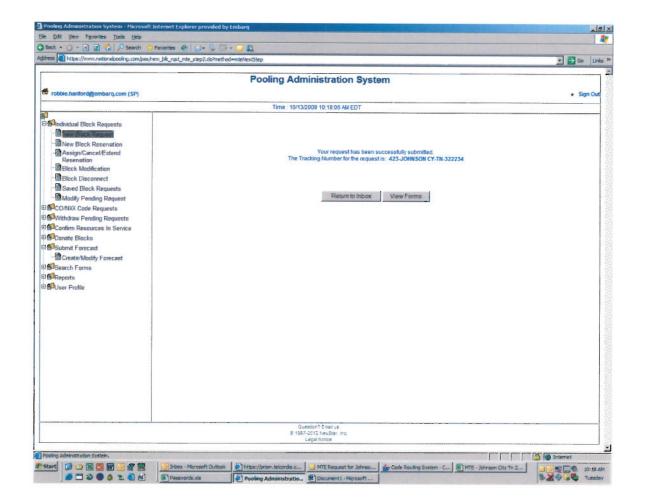


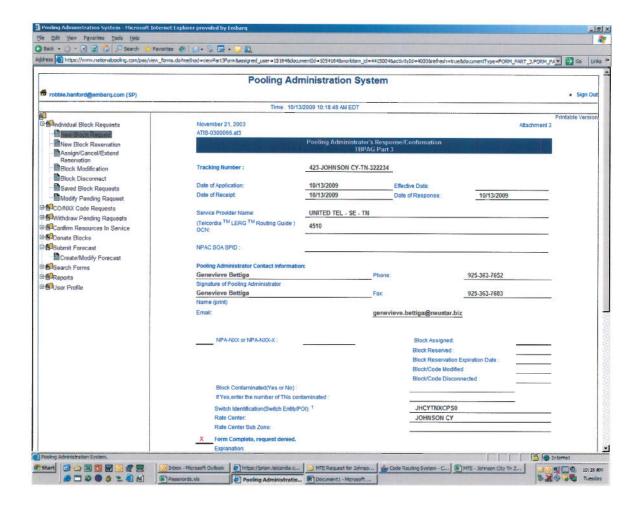


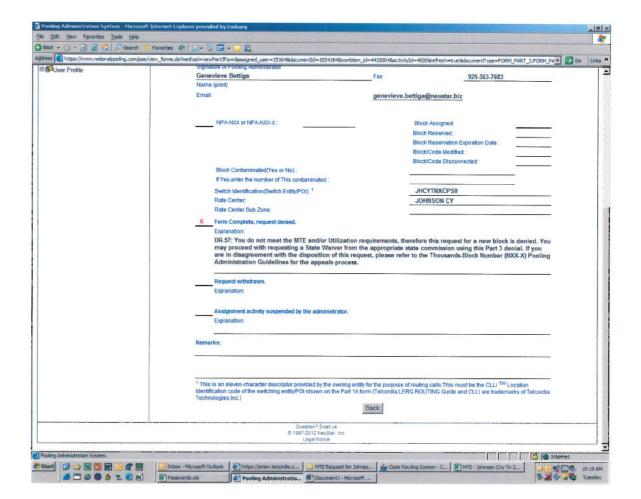












Cooper, Roberta G

From: genevieve.bettiga@neustar.biz

Sent: Tuesday, October 13, 2009 10:19 AM

To: Hanford, Robert A; Woodford, Terry D

Cc: PA_Part3@neustar.biz

Subject: PAS - Pooling Administrator's Response/Confirmation for Tracking Number: 423-JOHNSON CY-TN-322234



Pooling Administration System

Dated 13 October 2009

November 21, 2003 ATIS-0300066.at3				Attachment 3
	oling Administrator's I TBPAG			
Tracking Number :	423-JOHNSON CY 322234	-TN-		
Date of Application:	10/13/2009		Effective Date:	
Date of Receipt:	10/13/2009		Date of Response:	10/13/2009
Service Provider Name:	UNITED TEL - SE -	TN		
(Telcordia [™] LERG [™] Routing Guide) OCN:	4510			
NPAC SOA SPID :				
Pooling Administrator Contac Genevieve Bettiga	t Information:	ne:		925-363-7652
Signature of Pooling Administra				
Genevieve Bettiga	Fax			925-363-7683
Name (print) Email:			b.w:	
NPA-NXX or NPA-NXX-X:	gen	eviev	ve.bettiga@neustar.biz Block Assigned:	
			Block Reserved :	
			Block Reservation Date:	n Expiration
			Block/Code Modi	fied :
			Block/Code Disco	onnected :
Block Contaminated(Yes If Yes,enter the number o	450 TOLO 100 # 1500			
Switch Identification(Switc	h Entity/POI): 1		JHCYTNXCPS0	
Rate Center:			JOHNSON CY	

PAS - Pooling A	dministrator's Response/Confirmation for Tracking Number: 423-JOHNSON CY-TN-322	Page 2 of
	Rate Center Sub Zone:	
X	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:	
	Assignment activity suspended by the administrator.	
	Explanation:	
	·	
Rem	narks:	

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.)

NDA	NXX	BLOCK	WKC COLINIT	BLOCK UTILIZATION
423		0 0 K BLOCK		
			278	27.80%
423	232	1 1 K BLOCK	436	43.60%
423		2 2 K BLOCK	374	37.40%
423		3 3 K BLOCK	1000	100.00%
423		4 4 K BLOCK	142	14.20%
423		5 5 K BLOCK	458	45.80%
423		6 6 K BLOCK	347	34.70%
423		7 7 K BLOCK	154	15.40%
423		8 8 K BLOCK	398	39.80%
423		9 9 K BLOCK	283	28.30%
423		0 0 K BLOCK	188	18.80%
423		1 1 K BLOCK	641	64.10%
423		2 2 K BLOCK	999	99.90%
423	262	4 4 K BLOCK	280	28.00%
423	262	5 5 K BLOCK	760	76.00%
423	282	0 0 K BLOCK	721	72.10%
423	282	1 1 K BLOCK	684	68.40%
423	282	2 2 K BLOCK	693	69.30%
423	282	3 3 K BLOCK	674	67.40%
423	282	4 4 K BLOCK	670	67.00%
423	282	5 5 K BLOCK	656	65.60%
423	282	6 6 K BLOCK	658	65.80%
423	282	7 7 K BLOCK	633	63.30%
423	282	8 8 K BLOCK	643	64.30%
423	282	9 9 K BLOCK	358	35.80%
423	283	0 0 K BLOCK	681	68.10%
423	283	1 1 K BLOCK	279	27.90%
423	283	2 2 K BLOCK	116	11.60%
423	283	3 3 K BLOCK	621	62.10%
423	283	4 4 K BLOCK	593	59.30%
423	283	5 5 K BLOCK	582	58.20%
423	283	6 6 K BLOCK	594	59.40%
423	283	7 7 K BLOCK	318	31.80%
423	283	8 8 K BLOCK	606	60.60%
423	283	9 9 K BLOCK	322	32.20%
423	410	0 0 K BLOCK	1000	100.00%
423	410	1 1 K BLOCK	1000	100.00%
423	410	2 2 K BLOCK	1000	100.00%
423	410	3 3 K BLOCK	1000	100.00%
423	410	4 4 K BLOCK	1000	100.00%
423	410	5 5 K BLOCK	1000	100.00%
423	410	6 6 K BLOCK	1000	100.00%
423	410	7 7 K BLOCK	1000	100.00%
423	410	8 8 K BLOCK	1000	100.00%
423	410	9 9 K BLOCK	1000	100.00%
423	431	0 0 K BLOCK	332	33.20%
423	431	1 1 K BLOCK	1000	100.00%
423	431	2 2 K BLOCK	1000	100.00%
423	431	3 3 K BLOCK	992	99.20%
423		4 4 K BLOCK	900	90.00%
423	431	5 5 K BLOCK	1000	100.00%

423	431		1000	100.00%
423	431	7 7 K BLOCK	846	84.60%
423	433	6 6 K BLOCK	606	60.60%
423	434	0 0 K BLOCK	481	48.10%
423	434	1 1 K BLOCK	489	48.90%
423	434	2 2 K BLOCK	639	63.90%
423	434	3 3 K BLOCK	600	60.00%
423	434	4 4 K BLOCK	548	54.80%
423	434	5 5 K BLOCK	173	17.30%
423	434	6 6 K BLOCK	405	40.50%
423	434	7 7 K BLOCK	102	10.20%
420	707	7 7 K BLOOK	102	10.2076
423	434	0.0 K BLOCK	247	24.700/
		9 9 K BLOCK	347	34.70%
423	439	7 7 K BLOCK	1000	100.00%
423	439	8 8 K BLOCK	1000	100.00%
400	404	4 4 14 101 0 0 0 14		22 1217
423	461	1 1 K BLOCK	524	52.40%
423	461	2 2 K BLOCK	914	91.40%
423	461	3 3 K BLOCK	204	20.40%
423	461	4 4 K BLOCK	348	34.80%
423	461	5 5 K BLOCK	999	99.90%
423	461	6 6 K BLOCK	1000	100.00%
423	461	7 7 K BLOCK	227	22.70%
423	461	8 8 K BLOCK	121	12.10%
423	461	9 9 K BLOCK	810	81.00%
423	610	0 0 K BLOCK	269	26.90%
423	610	1 1 K BLOCK	348	34.80%
423	610	2 2 K BLOCK	1000	100.00%
423	610	3 3 K BLOCK	569	56.90%
423	610	4 4 K BLOCK	1000	100.00%
423	610	5 5 K BLOCK	1000	100.00%
423		6 6 K BLOCK	364	36.40%
423	610	7 7 K BLOCK	816	81.60%
423		8 8 K BLOCK	880	88.00%
423	610	9 9 K BLOCK	604	60.40%
423	854	0 0 K BLOCK	688	68.80%
423	854	1 1 K BLOCK	999	99.90%
423	854	2 2 K BLOCK	456	45.60%
423	854	3 3 K BLOCK		
			1000	100.00%
423	854	4 4 K BLOCK	348	34.80%
423	854	5 5 K BLOCK	428	42.80%
423	854	6 6 K BLOCK	913	91.30%
423	854	7 7 K BLOCK	211	21.10%
423	854	8 8 K BLOCK	520	52.00%
423	854	9 9 K BLOCK	357	35.70%
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423	915	2 2 K BLOCK	821	82.10%
423	915	3 3 K BLOCK	1000	100.00%
423	915	4 4 K BLOCK	1000	100.00%
423	915	5 5 K BLOCK	607	60.70%
423	915	7 7 K BLOCK	600	60.00%

423	915	8	8KB	LOCK	1000	100.00%
423	926	0	0 KB	LOCK	635	63.50%
423	926	1	1KB	LOCK	586	58.60%
423	926	2	2KB	LOCK	559	55.90%
423	926	3	3 K B	LOCK	676	67.60%
423	926	4	4KB	LOCK	654	65.40%
423	926	5	5 KB	LOCK	608	60.80%
423	926	6		LOCK	613	61.30%
423	926	7		LOCK	553	55.30%
423	926	8		LOCK	524	52.40%
423	926	9	9 K B	LOCK	556	55.60%
423	928	0		LOCK	403	40.30%
423	928	1		LOCK	444	44.40%
423	928	2		LOCK	390	39.00%
423	928	3		LOCK	428	42.80%
423	928	4		LOCK	449	44.90%
423	928	5		LOCK	373	37.30%
423	928			LOCK	376	37.60%
423	928			LOCK	350	35.00%
423	928	8		LOCK	368	36.80%
423	928			LOCK	277	27.70%
423	929			LOCK	337	33.70%
423	929	1		LOCK	420	42.00%
423	929	2		LOCK	356	35.60%
423	929	3		LOCK	378	37.80%
423	929	4		LOCK	712	71.20%
423	929	5		LOCK	912	91.20%
423	929	6		LOCK	1000	100.00%
423	929	7		LOCK	352	35.20%
423	929	8		LOCK	317	31.70%
423	929	9		LOCK	235	23.50%
423	952	0		LOCK	229	22.90%
423	952	1		LOCK	504	50.40%
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423	952			LOCK	625	62.50%
423	952			LOCK	602	60.20%
423	952			LOCK	527	52.70%
423	952			LOCK	144	14.40%
423	952			LOCK	407	40.70%
423	952	8		LOCK	199	19.90%
423	953	0		LOCK	1000	100.00%
423	953	1		LOCK	1000	100.00%
423	953	2		LOCK	1000	100.00%
423	953	3		LOCK	1000	100.00%
423	953	4		LOCK	1000	100.00%
423	953	5	5KB	LOCK	1000	100.00%
423	953	6	6KB	LOCK	1000	100.00%
423	953	7		LOCK	1000	100.00%
423	953	8		LOCK	1000	100.00%
423	953	9		LOCK	1000	100.00%
423	975	0		LOCK	210	21.00%
423	975			LOCK	386	38.60%

423	975	3	3 K BLOCK	1000	100.00%
423	975	4	4 K BLOCK	999	99.90%
423	975	5	5 K BLOCK	209	20.90%
423	975	6	6 K BLOCK	392	39.20%
423	975	7	7 K BLOCK	276	27.60%
423	975	8	8 K BLOCK	329	32.90%
423	975	9	9 K BLOCK	164	16.40%
423	979	0	0 K BLOCK	239	23.90%
423	979	1	1 K BLOCK	289	28.90%
423	979	2	2 K BLOCK	573	57.30%
423	979	3	3 K BLOCK	756	75.60%
423	979	4	4 K BLOCK	739	73.90%
423	979	5	5 K BLOCK	704	70.40%
423	979	6	6 K BLOCK	623	62.30%
423	979	7	7 K BLOCK	337	33.70%