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July 6, 2011

VIA HAND DELIVERY

filed electronically in docket office on 07/06/11

Hon. Mary Freeman, 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*
Docket No 11-00106

Dear Chairman Freeman:

Enclosed are the original and four copies of ATTIS' *Petition for Expedited Review of Central Office Code Denial*. Copies of the enclosed are being provided to counsel for the number pooling administrator, Neustar.

Very truly yours,

Guy M. Hicks

GMH:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator*

Docket No. _____

PETITION FOR EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL

SBC Internet Services, Inc., dba AT&T Internet Services ("SBCIS/ATTIS"), 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 SBCIS/ATTIS' application for use of central office code numbering resources in the 865 area code.

SBCIS/ATTIS respectfully shows the Authority as follows:

1. SBCIS/ATTIS is an information services company providing Internet Access and IP-based services in the Jefferson City Rate Center.¹

2. Neustar is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan ("NANP"). See 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"). On December 29, 2000, the FCC issued its *Second Report and Order, Order on Reconsideration* in CC Docket

¹ SBCIS/ATTIS provides competitive broadband IP-based services in Tennessee. Such services are not subject to the TRA's jurisdiction.

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"). 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 "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. AT&T Tennessee has sought

reconsideration of the above-described MTE rule before the FCC on two separate 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 July 5, 2011, SBCIS/ATTIS 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 new block of numbers for the purpose of establishing a new switch in the Jefferson City rate center. The request and worksheet are attached hereto as Exhibits "A" and "B" respectively.

8. The code assignment request was for a new block of 1,000 numbers, specifically the 865-375-7 block in the 865 NPA area code, in order to offer new competitive broadband services. However, SBCIS/ATTIS did not have sufficient number resources available to meet this need within its inventory in the Jefferson City rate center. For this reason, SBCIS/ATTIS sought the numbering resources as noted above.

9. SBCIS/ATTIS completed the applications in accordance with the Central Office Code (NXX) Assignment Guidelines and completed the necessary Months to Exhaust Certification Worksheet.

10. At the time of the code request, the Jefferson City rate center had an MTE of approximately 5.9 months.

11. Despite the fact that SBCIS/ATTIS' Jefferson City rate center may not exhaust for 5.9 months, SBCIS/ATTIS is unable to provide new, competitive broadband services through its new switch that will serve customers within the Jefferson City rate center.

12. On or about July 5, 2011, Neustar's Central Office Code Administration denied the code assignment request on the grounds that SBCIS/ATTIS 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 SBCIS/ATTIS does not have the numbering resources needed to activate its new switch. That decision is attached hereto as Exhibit "C."

13. SBCIS/ATTIS' inability to obtain the requested numbers prevents SBCIS/ATTIS from offering new competitive broadband services in the Jefferson City rate center.

14. Relief for the 865 NPA was implemented with the start of mandatory dialing on November 1, 1999. The Authority also ordered thousands-block pooling for the 865 NPA with a Pool Start Date of August 21, 2002. According to Neustar, based on the 2011-1 NRUF and NPA Exhaust Analysis dated April 2011, the projected exhaust date of the 865 NPA is the 4Q 2028. Therefore, granting SBCIS/ATTIS' request for numbering resources would not materially impact exhaustion of available numbers in the 865 NPA.

15. FCC Rules provide that state regulatory authorities have the power and authority to review Neustar's decision to deny a request for numbering resources. See FCC Rule 47 CFR § 52.15(g)(3)(iv) ("The carrier may challenge the Neustar's decision to the appropriate state regulatory commission");

16. The TRA has recognized its jurisdiction and authority to review Neustar denials and to order the release of numbering resources to meet customer needs. The TRA has, for example, ordered Neustar to provide AT&T Tennessee with numbering resources to meet the service requirements of the University of Tennessee, even though AT&T Tennessee had been unable to satisfy the required months-to-exhaust criteria. *Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator Relating to University of Tennessee - Chattanooga* (approved by the Directors on November 20, 2001) (see correspondence from TRA Executive Secretary, dated November 29, 2001, attached as Exhibit "D").

17. In reviewing previous petitions of this type, the TRA Staff has requested that AT&T Tennessee provide additional information concerning number utilization for the rate center involved in the request. This information for the Jefferson City, including the KNVLTNMA74Z switch, is attached hereto as Exhibit "E". No numbers are currently assigned to this new SBCIS/ATTIS switch.

18. 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 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 SBCIS/ATTIS 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 the requested numbering resources, Neustar is preventing customers in the Jefferson City rate center having additional choices for new competitive broadband services. This request is for "footprint" numbering resources to be used by a new switch serving the Jefferson City rate center.

19. SBCIS/ATTIS' analysis indicates that SBCIS/ATTIS will be unable to meet the six-months-to-exhaust threshold at the rate center level to obtain adequate numbering resources to offer new competitive broadband services absent relief from the Authority. This situation will result in fewer competitive choices for consumers in this rate center.

CONCLUSION

For the reasons articulated above, SBCIS/ATTIS respectfully urges the Authority to direct Neustar to provide the requested numbers to SBCIS/ATTIS to enable SBCIS/ATTIS to offer new competitive broadband services to consumers in the Jefferson City rate center.

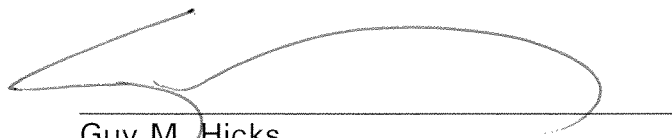
WHEREFORE, AT&T Tennessee requests:

1. The Authority review the decision of Neustar to deny SBCIS/ATTIS' request for additional numbering resources; and

2. The Authority direct Neustar to provide the requested numbers to SBCIS/ATTIS to offer new competitive broadband services in the Jefferson City rate center within the 865 NPA.

Respectfully submitted,

SBC Internet Services, Inc.,
dba AT&T Internet Services

A handwritten signature in black ink, appearing to read "Guy M. Hicks", is written over a horizontal line.

Guy M. Hicks
Joelle Phillips
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300
(615) 214-6301

Type of Application (check one): ☒ New ☐ Changeⁱ ☐ Disconnect

GENERAL APPLICATION INFORMATION

1.1 Contact Information:

Block Applicant:

Company Name: SBCIS/ATTIS

Headquarters Address: 2600 CAMINO RAMON City SAN RAMON State CA Zip 94583

Contact Name: Patty Berris

Contact Address: 2600 CAMINO RAMON City SAN RAMON State CA Zip 94583

Phone: 925-901-1934 Fax: 925-355-9268

E-Mail: pb1986@att.com

Pooling Administratorⁱⁱ:

Contact Name: Genevieve Bettiga

Contact Address: 1800 SUTTER ST SUITE 780, CONCORD, CA 94520

Phone: 925-363-8742 Fax: 925-363-7692

E-Mail: genevieve.bettiga@neustar.biz

1.2 General Information

Check one: No LRN needed ☒ LRN neededⁱⁱⁱ ☐

NPA: 865 LATA: 474 OCN^{iv}: 516C Parent Company's OCN 0555

Number of Thousands-Blocks Requested: 1

Switch Identification (Switching Entity/POI)^v: KNVLTNMA74Z City or Wire Center Name

Rate Center^{vi}: JEFFERSNCY Rate Center Sub Zone:

1.3 Dates

Date of Application^{vii}: 07/05/2011 Requested Block Effective Date^{viii}: ASAP

Request Expedited Treatment? (See Section 8.6) Yes ☒ No ☐

1.4 Type of Service Provider Requesting the Thousands-Block:

a) Type of Service Provider: VoIP (LEC, IXC, CMRS, Other)

b) Primary type of service Blocks to be used for: Other

c) Thousands-Block(s) (NXX-X) assignment preference (optional) 865-375-7

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: No ☒ X___, 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

Change block: No_____, If Yes, indicate NPA-NXX-X, type of and reason for change:

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

Remarks: _____ We intend to use 865-375-7 as an LRN.

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.

<u>Patty Berris (SIGNATURE ON FILE)</u>	<u>Code Administrator</u>	<u>07/05/2011</u>
Signature of Block Applicant	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 Telcordia™ LERG™ 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 Telcordia™ 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 CLLI™ tandem of the facilities based provider^{ix}. Explanations of these terms may be found in the footnotes.

Section 1.3 The date the Service Provider completes the application should be entered in this section, as well as the Effective Date of the requested thousands-block.

Section 1.4 Service Providers should indicate their type, e.g., local exchange carrier, competitive local exchange carrier, interexchange carrier, CMRS. They also indicate the primary type of business in which the numbering resource is to be used. Service Providers also may indicate their preference for a particular thousands-block, e.g., 321-9XXX, or indicate any thousands-blocks that may be undesirable, e.g., 321-6XXX.

Section 1.5 Service Providers indicate the type of request. Initial requests are for first applications for thousands-blocks in a rate center, growth for additional thousands-blocks in a rate center in which the applicant already has numbering resources, and provide the required evidence as ordered by the FCC.

The thousands-block applicant certifies veracity of this form by signing their name, and providing their title and date.

Foot Notes:

-
- ⁱ Identify type of and reason for change(s) in Section 1.5.
 - ⁱⁱ The Pool Administrator is available to assist in completing these forms.
 - ⁱⁱⁱ A CO Code application will also need to be submitted to the PA
 - ^{iv} Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments should contact NECA (800 524-1020) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignments should direct questions regarding appropriate OCN usage to (TRA) (732-699-6700).
 - ^v This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character CLLI™ code of the switch /POI.
 - ^{vi} Rate Center name must be a tariffed Rate Center.
 - ^{vii} Acknowledgment and indication of disposition of this application will be provided to applicant within seven calendar days from the date of receipt of this application. An incomplete form may result in delays in processing this request.
 - ^{viii} Please ensure that the NPA-NXX of the LRN to be associated with this block(s) is/will be active in the PSTN prior to the effective date of the block(s).
 - ^{ix} Telcordia, LERG Routing Guide, and CLLI are trademarks of Telcordia Technologies, Inc.

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

Date: 07/05/11 OCN: 516C Company Name: SBCIS/ATTIS

Rate Center: JEFFERSNCY

List all Codes NPA(s)-NXXs and Blocks NPA(s)-NXX-X(s): NXX (0), NXX-X(1)

Name of Block Applicant: Patty Berris Signature: ON FILE

Title: DATA ADMINISTRATOR Telephone No.: 925-901-1934 FAX No.: 925-355-9268
E-Mail: pb1986@att.com

- A. Available Numbers: 994
- B. Assigned Numbers: 1
- C. Total Numbering Resources: 1000

D. Quantity of numbers activated in the past 90 days and excluded from the Utilization calculation: 0
List excluded Code(s) or Block(s):

	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 months ²	0	0	0	0	0	0	0	0	0	0	0	0
F. Forecast – Next 12 months ³	0	1000	0	0	0	0	0	0	0	0	0	0

G. Average Monthly Forecast (Sum of months #1-6 (Part F above) divided by 6): 166.667

H. Months to Exhaust⁴ $\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}}$ = 5.964

I. Utilization⁵ $\frac{\text{Assigned Numbers (B) – Excluded Numbers (D)}}{\text{Total Numbering Resources (C) – Excluded Numbers (D)}} \times 100$ = 0.100

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))

Pooling Administration System

Dated 05-July-2011

November 21, 2003
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation TBPAG Part 3

Tracking Number : 865-
JEFFERSNCY-TN-
456255

Date of Application: 07/05/2011 Effective Date: _____

Date of Receipt: 07/05/2011 Date of Response: 07/05/2011

Service Provider Name: SBC INTERNET SERVICES, INC.

(Telcordia TM LERG TM
Routing Guide) OCN: 516C

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 : _____

KNVLTNMA74Z

JEFFERSNCY

Block Contaminated(Yes or No) : _____
If Yes,enter the number of TNs contaminated : _____
Switch Identification(Switch Entity/POI): ¹ _____
Rate Center: _____
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:

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.)

TENNESSEE REGULATORY AUTHORITY



Sara Kyle, Chairman
Lynn Greer, Director
Malvin Malone, Director

460 James Robertson Parkway
Nashville, Tennessee 37243-0303

November 29, 2001

Ms. Cheryl Dixon
Senior Code Administrator
1800 Sutter Street
Suite: 570
Concord, CA 94520

RE: Denial of BellSouth's Central Office Code ("NXX") Assignment Request.

Dear Ms. Dixon:

On November 1, 2001, BellSouth Petitioned the Tennessee Regulatory Authority ("TRA") for Expedited Review of Growth Code Denial by the North American Numbering Plan Administration ("NANPA"), Docket No. 01-00957. BellSouth specifically requested the overturn of NANPA's denial, and order the issue of one growth code ("NXX") for the Chattanooga rate center in the 423 NPA.

BellSouth stated they requested a growth code in the 423 NPA in response to a request received from a customer, the University of Tennessee, Chattanooga ("UTC"), as they did not have sufficient numbering resources available to meet the customer's needs. BellSouth's also stated that the Chattanooga Rate Center's Months to Exhaust ("MTE") calculation was 31.88 months.

The TRA Staff ("Staff") verified that the MTE requirement six months cannot be met. Staff also verified that the Chattanooga rate center is a multiple switch rate center, and that the MTE has to be calculated on a rate center level rather than at switch level. Staff is also satisfied with the validity of UTC's request. In that the 423 NPA has a projected exhaust date for the 4th Quarter of 2004, and the current demands in the 423 NPA is 2.5 NXXs per month, it is unlikely that the assignment of one (1) NXX will have a material effect on the projected exhaust of the 423 NPA.

On November 20, 2001, the Directors of the Tennessee Regulatory Authority approved BellSouth's petition, and ordered the NANPA to issue BellSouth one growth code in the 423 NPA. The TRA Order will be provided once it is administratively processed.

Sincerely,

A handwritten signature in black ink, appearing to read "K. David Waddell".

K. David Waddell
Executive Secretary

CC: Brent Struthers, NeuStar

Telephone (615) 741-2904, Toll-Free 1-800-342-8359, Facsimile (615) 741-8953
www.state.tn.us/tra

Jefferson City Rate Center

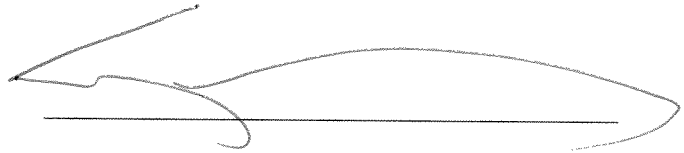
NPA-NXX	X	Available Numbers	Assigned Numbers	Total Number Resources	Utilization
865-375	2	994	1	1,000	0.100%

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2011, 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
Neustar/NANPA
46000 Center Oak Place
Sterling, VA 20166
Beth.sprague@Neustar.biz

A handwritten signature in black ink, appearing to be "Beth Sprague", written over a horizontal line.