

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 22, 2011

IN RE:

REQUEST OF CONCORD TELEPHONE
EXCHANGE, INC. FOR EXPEDITED
REVIEW OF GROWTH CODE DENIAL

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DOCKET NO.
11-00134

ORDER APPROVING REQUEST OF CONCORD TELEPHONE EXCHANGE, INC.
FOR EXPEDITED REVIEW OF GROWTH CODE DENIAL
AND REVERSING CENTRAL OFFICE CODE DENIAL

This matter came before Chairman Eddie Roberson, Director Sara Kyle, and Director Mary W. Freeman, the voting panel of the Tennessee Regulatory Authority (“TRA” or the “Authority”) assigned to this docket, at a regularly scheduled Authority Conference held on September 12, 2011 for consideration of the *Petition for Expedited Review of Central Office Code Denial* filed by Concord Telephone Exchange, Inc. (“Concord Telephone”) on August 15, 2011.

On July 21, 2011, Concord Telephone submitted an application to the Pooling Administrator for the purpose of obtaining additional numbering resources to establish a Location Routing Number (“LRN”) for the purpose of establishing a new switch in the Concord Rate Center (the “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’s utilization rate is currently approximately 74% and the estimated exhaustion date is approximately 43 months, the Pooling Administrator denied the application by Concord Telephone. On August 15, 2011, Concord Telephone 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 (September 26, 2008).

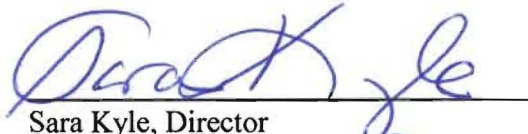
The Federal Communications Commission ("FCC") has authorized the Authority to review the Pooling Administrator's denial of a numbering application.² Specifically, the FCC has stated that a state commission may overturn a decision of the Pooling Administrator when "a carrier demonstrates that it has received 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 Concord Telephone and reverse the Pooling Administrator's denial of Concord Telephone's request for additional numbering resources in the Rate Center.

IT IS THEREFORE ORDERED THAT:

1. The Pooling Administrator's decision to deny Concord Telephone Exchange, Inc.'s request for additional numbering resources is reversed as stated herein.
2. The Pooling Administrator is ordered to assign one (1) NPA-NXX to Concord Telephone Exchange, Inc. for the Concord rate area served by Switch Identification No. CNCRTNXADS3.



Eddie Roberson, Chairman



Sara Kyle, Director



Mary W. Freeman, 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 Red. 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.