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T.R.A. DOCKET ROOM

Tennessee Regulatory Authority
Commission Clerk
C/O John Hutton via email john.hutton@tn.gov
460 James Robertson Pkwy
Nashville, TN 37243

DOCKET NO.

13-00144

November 11, 2013

RE: Request of Knology of Tennessee, Inc. dba WOW! Internet, Cable and Phone for Expedited Review of Neustar Pooling Administration Denial of Application for Growth Numbering Resources

Dear Commission Clerk,

Knology of Tennessee, Inc. dba WOW! Internet, Cable and Phone ("Knology") submits this request to the Tennessee Regulatory Authority for expedited review and waiver of the Neustar Pooling Administration's denial of our request for growth numbering resources necessary to fulfill a request for the establishment of a Local Routing Number (LRN) in support of the installation of a new switch.

On November 11, 2013 Knology submitted a Part 1 growth code request to the Pooling Administrator for the opening of a new NPA-NXX in the 865 NPA, Knoxville, TN rate center in support of establishing a new LRN. The Pooling Administrator denied the request because we did not meet the months-to-exhaust ("MTE") or utilization criteria established by the Federal Communications Commission ("FCC"). As the Tennessee Regulatory Authority is aware, the FCC has adopted a safety valve mechanism to allow carriers that do not meet utilization criteria in a given rate center to obtain additional numbering resources. Knology has installed a new switch and requires a specific LRN for traffic routing purposes.

Knology is seeking expedited treatment of this request as the switch is installed and we are ready to serve and transition customers. To that end, please find our original Petition and Exhibit material enclosed. All questions regarding this filing should be made to me at 301-788-6889 or tfireccg@myactv.net.

Yours very truly,

/s/ *Terri K. Firestein*

Terri K. Firestein
AOCN and Consultant for
Knology of Tennessee, Inc. dba WOW!
Internet, Cable and Phone

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY
TALLAHASSEE, FLORIDA**

In re: Petition of Knology of Tennessee, Inc. dba WOW! Internet,)
Cable and Phone for Review and Reversal of Neustar's Denial)
of Growth Numbering Resources in the Knoxville, TN Rate Center)

**KNOLOGY OF TENNESSEE, INC. dba WOW! INTERNET, CABLE AND PHONE
PETITION FOR REVIEW AND REVERSAL OF NEUSTAR'S DENIAL OR GROWTH
NUMBERING RESOURCES IN THE KNOXVILLE, RATE CENTER**

Knology of Tennessee, Inc. dba WOW! Internet, Cable and Phone ("Knology"), pursuant to rules adopted by the Federal Communications Commission ("FCC") for challenging determinations of the North American Numbering Plan Administration ("NANPA"), administered by Neustar, Inc. ("Neustar"), respectfully requests that the Tennessee Regulatory Authority ("Commission") grant expedited review and reversal of NANPA's denial of our growth code request.

In support of its petition, Knology says as follows:

1. Knology is a competitive telecommunications service provider regulated by the Commission under Docket 00-00058, as amended, and duly authorized to provide, among other services, local exchange telecommunications services in the State of Tennessee.
2. NANPA holds overall responsibility for the neutral administration of North American Numbering Plan ("NANP") numbering resources, whose responsibilities include assignment of NANP resources and coordination of area code relief planning and collection of utilization and forecast data. Neustar is an independent, non-governmental entity responsible for administering and managing the numbering resources and operates the authoritative directories that manage virtually all telephone area codes and numbers in the United States.

3. On November 11, 2013 Knology submitted a Part 1 growth code application for the Knoxville, TN rate center for the purpose of opening a new NPA-NXX for Local Routing Number (LRN) establishment purposes to support the installation of a new switch. A true and accurate copy of that application is attached as Exhibit "A". Knology submitted this request because it requires a specific and distinct LRN to support the routing of traffic on the new switch represented by CLLI Code KNVMTN50GT0.

4. On November 11, 2013, Knology's application was submitted in accordance with the current Central Office Code (NXX) Assignment Guidelines ("Guidelines") of the Alliance for Telecommunications Industry Solutions ("ATIS"), as posted at its website (<http://www.atis.org/inc/incguide.asp>) as of the date of this application. In pertinent part, the industry code assignment criteria for growth codes, Section 4.3, provides that:

The MTE form submitted must demonstrate that all of the numbers assigned to the code holder in the rate center will exhaust within six months. In the MTE calculation, SPs must include every code in the rate center, regardless of NPA.¹ An exception occurs in cases where a rate center is split among multiple NPAs due to a regulatory order by a state commission. Should that occur, the MTE calculation shall be based on only those codes in the rate center and particular NPA for which additional resources are being requested.

4.3.1 For additional codes for growth, each code holder will demonstrate that existing codes for the rate center will exhaust within 6 months and must supply supporting data using the "CO Code Assignment Months to Exhaust Certification Worksheet - TN Level" which covers:²

- 1) Telephone Number (TNs) Available for Assignment;*
- 2) Growth history for six months*
- 3) Projected demand for the coming 12 months; and*
- 4) The applicants must demonstrate that existing numbering resources for the rate center will exhaust within 6 months.³*

All applicants for growth numbering resources shall achieve a 75% utilization threshold for the rate center in which they are requesting growth numbering resources⁴.

¹ State commissions may have certain requirements as to the treatment of different types of grandfathered codes.

² 47 CFR § 52.15 (g) (3)

³ 47 CFR § 52.15 (g) (3) (iii)

The numbering resource utilization level shall be calculated by dividing all assigned numbers by the total numbering resources in the applicant's inventory and multiplying the result by 100. Numbering resources activated in the LERG Routing Guide within the preceding 90 days of reporting utilization levels may be excluded from the utilization calculation⁵.

4.3.2 To replenish the inventory pool, the PA shall complete and send the "Thousands-Block Number Pooling Months to Exhaust Certification Worksheet – 1000-Block Level [Thousands-Block Number (NXX-X) Pooling Administration Guidelines, Appendix 4] to the Co Code Administrator. The PA will demonstrate that existing thousands-blocks for the rate center will exhaust within 6 months⁶ and will have documented and be prepared to supply supporting data to the CO Code Administrator in the form of:

- 1) Thousands-blocks available for assignment;*
- 2) Growth history of thousands-blocks, or equivalent information, for the past 6 months; and*
- 3) Projected demand for thousands-blocks in the next 12 months⁷.*

The PA shall retain the "Thousands-Block Number Pooling Months to Exhaust Certification Worksheet – 1000-Block Level [Thousands-Block Number (NXX-X) Pooling Administration Guidelines, Appendix 4] in the event of an audit or regulatory initiative and forward a copy to the CO Code Administrator.

The PA when forwarding an application to the CO Code Administrator for an NXX Code to a) satisfy the needs of an SP's single customer requiring 10,000 consecutive TNs, or b) be assigned for LRN purposes, will certify the need by providing the CO Code Administrator a copy of the "Thousands-Block Number Pooling Months To Exhaust Certification Worksheet - TN Level" [Thousands-Block Number (NXX-X) Pooling Administration Guidelines, Appendix 3] that is supplied to the PA by the requesting SP in accordance with the Thousands-Block Number (NXX) Pooling Administration Guidelines which covers:

- 1) Telephone numbers (TNs) available for assignment;*
- 2) Incremental growth history of new TNs for the past 6 months (does not include ported TNs);*
- 3) Projected incremental demand for TNs in the next 12 months⁸; and*
- 4) Utilization threshold level for the rate center in which growth numbering resources are being requested.*

The PA must supply all certification information to the CO Code Administrator.

4.3.3 An additional code(s) is necessary for distinct routing, rating, or billing purposes (e.g., Calling Party Pays).⁹ Applicant must provide the CO Code Assignment Months

⁴ 47 CFR § 52.15 (h)

⁵ 47 CFR § 52.15 (g) (3) (i) and (ii)

⁶ FCC 00-104, ¶ 189

⁷ 47 CFR § 52.15 (g) (3) (i)

⁸ 47 CFR § 52.15 (g) (3) (i)

To Exhaust Certification Worksheet – TN Level and utilization data by rate center as stated in Section 4.3.1.¹⁰

4.3.4 An additional code(s) is necessary for other reasons. The applicant must provide an explanation of why existing assigned resources cannot satisfy this requirement. Applicant must provide the CO Code Assignment Months To Exhaust Certification Worksheet – TN Level and utilization data by rate center as stated in Section 4.3.1.¹¹

On November 11, 2013, Pooling Administration denied Knology's request on the grounds that Knology did not meet the rate center based MTE criterion or the seventy five percent (75%) rate center utilization threshold requirement before receiving additional numbering resources in a given rate center, as set forth in the FCC's *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, CC Docket Nos. 96-98 and 99-200, In the Matter of Numbering Resource Optimization and Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, FCC 00-429 (rel. Dec. 29, 2000)*. See also 47 C.F.R. §§ 52.15(g)(3)(iii) and (h). That denial is attached hereto as Exhibit "B".

Both the FCC's rules and the Guidelines provide that state regulatory authorities have the power and authority to review NANPA's decision to deny a request for numbering resources. See 47 C.F.R. § 52.15(g)(4) ("The carrier may challenge the NANPA's decision to the appropriate state regulatory commission.") see also Central Office Code Assignment Guidelines § 12.2.

7. The FCC has determined the need for a "safety valve" process that allows carriers that do not meet the rate center MTE and utilization criteria to obtain additional numbering

⁹ Any additional information that can be provided by the code applicant may facilitate the processing of that application.

¹⁰ 47 CFR § 52.15 (g) (3) (i)

¹¹ 47 CFR § 52.15 (g) (3) (i)

resources and has delegated authority to the state commissions to hear claims that a safety valve should be applied when specific requests for numbering resources have been denied by NANPA or the Numbering Pool Administrator. *Third Report and Order and Second Order On Reconsideration*, CC Docket Nos. 96-98, 99-200 and 95-116, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and the Telephone Number Portability, FCC 01-362 (rel. Dec. 28, 201)(“FCC 01-362”).

8. This Commission has previously recognized its jurisdiction and authority to review NANPA and Neustar denials and to order the release of numbering resources to meet LRN demands for other carriers, despite their inability to satisfy the required MTE and utilization criteria.

9. NANPA’s decision violates the intent and requirement of the FCC and the Commission in allowing carriers access to numbering resources to meet the required standards of portability in the network, and NANPA’s denial of numbering resources interferes with Knology’s ability to best serve its existing customers and its potential customers.

11. Knology has demonstrated that it cannot meet the industry MTE and utilization criteria through its existing inventory and has requested that its application be handled in an expedited manner. Knology respectfully requests the Commission waive the formal notice for this application and issue its order directing Neustar to open a new NPA-NXX in the Knoxville rate center for the purpose of establishing a LRN. This is consistent with the FCC’s guidelines on an expedient process for states considering waiver requests, which notes that in most instances, ten (10) business days from receipt of a safety valve request is sufficient time to review and act upon a request. FCC 01-362 at ¶ 66.

WHEREFORE, Knology respectfully requests that the Commission issue an order reversing NANPA's decision denying Knology's application for a full code for purposes of establishing a LRN, and grant the requested relief on an expedited basis.

Respectfully submitted this 11th day of November, 2013.

A handwritten signature in cursive script, reading "Terri K. Firestein", is written over a horizontal line.

Terri K. Firestein
AOCN and Consultant for
Knology of Tennessee, Inc. dba WOW!
Internet, Cable and Phone
Cell: 301-788-6889
tfireccg@myactv.net

EXHIBIT A

PART 1 NEUSTAR POOLING ADMINISTRATION CODE APPLICATION

Central Office Code (NXX) Assignment Request
Part 1 December 9, 2005

Tracking
Number: **865-KNOXVILLE-TN-685674**

Full NXX: LRN

Type of Application:	New	Change	Delete
	1		

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:

Company/Entity Name: KNOLOGY OF TENNESSEE, INC.

Headquarters
Address: 1241 OG Skinner Drive

City, State, Zip: West Point ,GA ,31833

Contact Name: **Terri Firestein**

Contact Address: 10806 Garrison Hollow Road

City,State,Zip: **Clear Spring, MD, 21722**

Phone: **301-842-1437** FAX: **301-842-1439**
mail: **tfireccg@myactv.net**

E-

Code Administrator: ²

Name: **Michael Ortega**

Address: **46000 Center Oak Plaza**

City,State,Zip: **Sterling ,VA ,20166**

Phone: **571-434-5348** FAX: **571-434-5502**

1.2 NPA: 865 0066 NXX: ³ 0066 LATA: 474 OCN: ⁴
Parent Company's OCN(s) 0066

Switching Identification(Switch Entity/POI) ⁵
KNVMTN50GT0

Locality/City/Wire Center: **Rate Center: ⁶**
KNOXVILLE

Homing Tandem Operating Co: ⁷ Tandem Homing CLLI
Neutral Tandem ⁸:KNVOTNTN00T

1.3 Dates: Date of Request Effective Date: ⁹ ¹⁰

Application: 11/12/201301/17/2014

By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

Request Expedited Treatment? Yes _____ No X1.4 a) Type of company/entity requesting the code: CAP OR CLEC
(LEC, IC, CMRS, Other)b) Types of service: Wireline (e.g., Cellular - Type 2)

c) Code Assignment Preference (Optional) _____

d) Codes that are undesirable, if any _____

e) Type of change (Mark all that apply)OCN-Intra-company¹¹ Switching Id Rate Center
Tandem Homing CLLIOCN-Inter-company¹² Effective Date LATA Extend
Reservation1.5 Type of Request (Initial, growth, etc.) Growth

If an initial code, attach (1) evidence of certification and (2) proof of ability to place code in service within 60 days. If a growth code, attach months to exhaust worksheet.

Pooling Indicator: ¹³ Yes No

1.6 NPA Jeopardy Criteria Apply: Yes No

1.7 Code request for new service (Explain): NEED NEW LRN FOR A NEW SWITCH

1.8 It is the code applicant's responsibility to arrange input of Part 2 information into BIRRDS. The 45-calendar day nationwide minimum interval cut-over for BIRRDS will not begin until input into BIRRDS has been completed.

Comments:

I hereby certify that the above information requesting an NXX code is true and accurate to the best of my knowledge and that this application has been prepared in accordance with Central Office Code (NXX) Assignment Guidelines posted to the ATIS Web Site (<http://www.atis.org/atis/clc/inc/incdocs.htm>) as of the date of this application: ¹⁴

Terri Firestein

Signature of Code Applicant

Sr **11/12/2013**
Director
 Title Date

¹ Identify type and reason for change(s) in Section 1.4(e).

² A list of the current Code Administrator(s) who can provide assistance in completing this form is available upon request from NANPA.

³ The NXX field is required for any code request in which there is a change or the NXX is being returned.

⁴ 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 may contact NECA (800-228-8597) to be assigned a Company Code (s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignment should direct questions regarding appropriate OCN usage to the TelcordiaTM Routing Administration (TRA) on 732-699-6700.

⁵ This is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the eleven-character TelcordiaTM COMMON LANGUAGE CLLITM Location Identification of the applicant's switch or POI. (Telcordia and CLLI are trademarks and COMMON LANGUAGE is a registered trademarks of Telcordia Technologies, Inc.)

⁶ Rate Center name must be a tariffed Rate Center associated with toll billing.

⁷ Applies to any code applicant connecting to the Public Switched Telephone Network via a tandem owned by a different carrier.

⁸ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLITM Location Identification Code of the switching entity/POI, and is the same on Part 2, Form 1, Page 2 of 2.

⁹ Code applicants should request an effective date that is at least 66 calendar days from the submission of this form. It should be noted that interconnection arrangements and facilities need to be in place prior to activation of a code. Such arrangements are outside the scope of these guidelines.

- ¹⁰ Requests for code assignment shall not be made more than six months prior to the requested effective date.
- ¹¹ Select if you are the current Code Holder
- ¹² Select if you are not the current Code Holder
- ¹³ The Applicant will indicate "YES" if the NXX being requested will be used for thousands-block number pooling and will leave this field blank if it is not.
- ¹⁴ An incomplete form may result in delays in processing this request.

Appendix 3

May 16, 2008

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

Tracking Number: 865-KNOXVILLE-TN-685674Date: 11/12/2013OCN: 0066Company Name: KNOLOGY OF TENNESSEE, INC.Rate Center: KNOXVILLEList all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s): 865-357Name of Block Applicant: Terri FiresteinSignature: Terri FiresteinTitle: Sr DirectorTelephone No.: 301-842-1437FAX No.: 301-842-1439E-mail: tfireccg@myactv.netA. Available Numbers: 3483B. Assigned Numbers: 6517C. Total Numbering Resources: 10000D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ²: 0

List
Excluded
Code(s) or
Block(s):

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

E. Growth
History -
Previous 6
months³

<u>11</u>	<u>0</u>	<u>0</u>	<u>12</u>	<u>33</u>	<u>4</u>
-----------	----------	----------	-----------	-----------	----------

F. Forecast
- Next 12 months⁴ 16 30 47 55 69 72 89 100 112 123 135 147

G. Average Monthly Forecast (Sum of months 1-6 (Part F above) divided by 6): 48.167

H. Months
to Exhaust⁵ $\frac{\text{Numbers Available for Assignment to Customers(A)}}{\text{Average Monthly Forecast(G)}}$
=

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
1	3483	72.311

I. Utilization⁶ $\frac{\text{Assigned Numbers(B)} - \text{Excluded Numbers (D)}}{\text{Total Numbering Resources(C)-Excluded Numbers(D)}} \times 100 =$
= 65.17

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 Quantity of numbers activated in the past 90 days is based on blocks and/or codes received from the administrator and shall be reported in increments of 1,000 or 10,000 TNs (e. g.: 2 blocks received=2,000 and 1 code received =10,000).

³ 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.

⁴ Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁵ 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, section 52.15 (g) (3) (iii)).

⁶ Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

EXHIBIT B

PART 3 NEUSTAR POOLING ADMINISTRATION CODE APPLICATION DENIAL

T Firestein (tfireccg@myactv.net) - Tue, 11/12/13 16:07:54 -0500

Show Full Headers | Print | Close Printer View

From: genevieve.bettiga@neustar.biz
To: tfireccg@myactv.net
Cc: PA_Part3@neustar.biz
Subject: PAS - Pooling Administrator's Response/Confirmation for TrackingNumber: 865-KNOXVILLE-TN-685674
Date: Tue 11/12/13 03:50 PM

Pooling Administration System

Dated 12-November-2013

November 21, 2003

Attachment 3

ATIS-0300066.at3

Pooling Administrator's Response/Confirmation
TBPAG Part 3

Tracking Number : 865-
KNOXVILLE-TN-
685674

Date of Application:	11/12/2013	Effective Date:	
Date of Receipt:	11/12/2013	Date of Response:	11/12/2013

Service Provider Name:	KNOLOGY OF TENNESSEE, INC.
(Telcordia TM LERG TM Routing Guide) OCN:	0066
Parent Company OCN:	0066

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 :

Block Contaminated(Yes or No) :

If Yes,enter the number of TNs
contaminated :

Switch Identification(Switch Entity/POI):

¹

KNVMTN50GT0

Rate Center:

KNOXVILLE

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 code 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.)

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