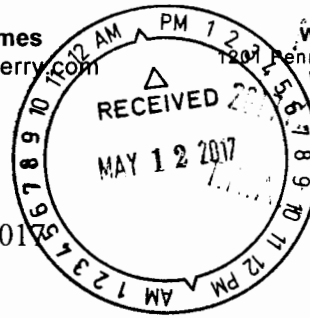


BASS BERRY + SIMS_{PC}

Nashville Office
150 Third Avenue South, Suite 2800
Nashville, TN 37201
(615) 742-6244

R. Dale Grimes
dgrimes@bassberry.com

Washington D.C. Office
1201 Pennsylvania Avenue NW, Suite 300
Washington, DC 20004
(202) 827-2961



May 12, 2017

Via Hand-Delivery

The Honorable Earl Taylor
Executive Director
Tennessee Public Utility Commission
c/o Sharla Dillon
502 Deaderick Street, Fourth Floor
Nashville, Tennessee 37243

17-00041

Re: *United Telephone Company's Petition for Expedited Review of Central Office Code Denial*

Dear Mr. Taylor:

Enclosed please find an original and five (5) copies of United Telephone Company's Petition for Expedited Review of Central Office Code Denial.

Please file the original and four copies of this material and stamp the additional copy as "filed." Then please return the stamped copy to me by way of our courier.

This material is also being filed today by way of email to the Tennessee Public Utility Commission Dockets and Records Manager, Sharla Dillon.

Should you have any questions concerning this matter, please do not hesitate to contact me at the email address or telephone number listed above.

With kindest regards, I remain

Very truly yours,

R. Dale Grimes

Enclosures

22932539.1

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

IN RE:

**UNITED TELEPHONE COMPANY PETITION
FOR EXPEDITED REVIEW OF GROWTH
CODE DENIAL BY THE NUMBER POOLING
ADMINISTRATOR**

DOCKET NO. _____

**PETITION FOR EXPEDITED REVIEW
OF CENTRAL OFFICE CODE DENIAL**

United Telephone Company, pursuant to rules adopted by the FCC for challenging determinations of the Number Pooling Administrator ("NeuStar"), petitions the Tennessee Public Utility Commission ("TPUC") for an expedited review of NeuStar's denial of United Telephone's application for use of central office code numbering resources in the 615 area code.

United Telephone respectfully shows TPUC as follows:

1. United Telephone is a telecommunications public utility regulated by TPUC providing intraLATA, local exchange telecommunications services in the Nolensville Rate Center.
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" 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. 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 May 3, 2017, United Telephone 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 615 Code for the Nolensville Rate Center. The request and worksheet are attached hereto as Exhibit "A".
8. The code assignment request was for 4,000 numbers in the 615 NPA (area code). United submitted this request in order to fulfill an order for a very large customer who has requested a significant block of contiguous DID numbers to support a new call center in United's service territory. As United Telephone did not have existing contiguous numbers to meet the customer's request, United Telephone is requesting that four (4) 1,000 block of numbers be assigned to it.
9. United Telephone's basis for requesting additional numbering codes is that it does not possess a non-contaminated existing block of numbers to allocate to this customer.
10. United Telephone 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.
11. At the time of the code request, the Nolensville Rate Center had a month to exhaust of approximately 1175.5 months.
12. Despite the fact that United Telephone's Rate Centers may not exhaust for 1175.5 months, United Telephone needs a substantial contiguous block of numbers to provide the numbers to a customer who has requested them.
13. On May 3, 2017, NeuStar's Central Office Code Administration denied the code assignment requests on the grounds that United Telephone had not met the 75% utilization criteria now set forth in the Central Office Code (NXX) Guidelines,

notwithstanding the fact that United Telephone does not have the numbering resources needed to provide the service required in connection with its new customer. The denial is attached hereto as Exhibit "B".

14. 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").
15. The TPUC has recognized its jurisdiction and authority to review NeuStar denials and to order the release of numbering resources to meet specific customer needs.
16. TPUC, and not the FCC, is the most appropriate body to address this appeal. As noted above, TPUC 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 TPUC. United Telephone believes that TPUC can more quickly address the numbering problem facing United Telephone, and, because time is of the essence, United Telephone believes it is appropriate to pursue this matter in the forum that can most quickly address the issue.
17. 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 its needs.

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 United Telephone to meet its customer needs 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 Tennessee Telephone's customers' needs, NeuStar is preventing these customers from obtaining the service of their choice from the carrier of choice, United Telephone.

18. Notwithstanding its need for an NNX to serve its customers, United Telephone's analysis indicates that United Telephone will be unable to meet the months-to-exhaust and utilization threshold at the rate center level in time to obtain adequate numbering resources to serve these customers absent relief from TPUC. This situation will result in United Telephone's inability to serve this new customer.

CONCLUSION

For the reasons articulated above, United Telephone respectfully urges TPUC to direct NeuStar to provide the requested 4,000 numbers to United Telephone to enable United Telephone to meet the requirements of its new customer in order that it may receive the service of its choice from the provider of their choice to meet its telecommunications needs.

WHEREFORE, United Telephone requests:

1. That TPUC review the decision of the NeuStar to deny Tennessee Telephone's request for additional numbering resources; and
2. That TPUC direct NeuStar to provide the requested blocks of numbers to United Telephone to enable service to the relocating customer in the Nolensville Rate Center.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "R. Dale Grimes", is written over a horizontal line.

R. Dale Grimes (TN Bar No.: 6223)
Bass, Berry & Sims PLC
150 Third Avenue, S, Ste 2800
Nashville, Tennessee 37201
Telephone: 615.742.6244

EXHIBIT A

Tracking Number: **615-NOLENSVL-TN-1012522**Thousands-Block Application Form - Part 1A
Revised: January 4, 2016**Individual Block
Request**Type of Application: ☒ New ☐ Change ⁱ ☐ Disconnect

General Application Information

1.1 Contact Information:

Block Applicant:

Company Name: **UNITED TELEPHONE COMPANY DBA UNITED COMMUNICATIONS**Headquarters Address: **P O Box 38**City: **Chapel Hill** State: **TN** ZIP: **38034**Contact Name: **Tommy Welch**Contact Address: **P O Box 38**City: **Chapel Hill** State: **TN** ZIP: **38034**Phone: **931-364-4324** Fax: **931-364-4370**E-mail: **twelch@utcoffice.net**Pooling Administrator:ⁱⁱContact Name: **John Auerbach**Contact Address: **1800 Sutter St. Ste. 780**City: **Concord** State: **CA** ZIP: **94520**Phone: **925-363-8706** Fax: **925-363-7684**E-mail: **john.auerbach@neustar.biz**

1.2 General Information:

Check one : No LRN needed _____ LRN neededⁱⁱⁱ: _____NPA: **615** LATA: **470** OCN^{iv}: **0581** Parent Company's OCN **0581**Number of Thousands-Blocks Requested : **4**Switch Identification (Switching Entity/POI^v): **CPHLTNXADS2**

Rate Center^{vi}: NOLENSVL

1.3 Dates:

Date of Application^{vii}: 05/03/2017

Requested Effective Date^{viii}: 06/03/2017

Requested Expedited Treatment? (See Section 8.6) Yes X No _____

Expedited Explanation:

✓ 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.

1.4 Type of Service Provider Requesting the Thousands-Block :

- a) Type of Service Provider : Incumbent Local Exchange Carrier (ILEC) (LEC, IXC, CMRS, Other)
- b) Primary Type of Service Blocks to be used for : Wireline
- c) Thousands-Block(s) (NXX-X) assignment preference (Optional) 615-819-3 615-819-7 615-819-8 615-819-9
- 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 : Yes _____ 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

✓ By selecting this checkbox, I acknowledge that I am willing to accept a block in red and explicitly understand that the underlying CO code may not yet be activated in the PSTN and loaded in the NPAC on the block effective date.

Type of change (Mark all that apply)

☐ OCN: Intra-company^{ix} ☐ Switching Id ☐ Part 1B

☐ OCN: Inter-company^x ☐ Effective Date

Change block : Yes _____ If Yes, list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated: Yes _____ No _____

- b) If Yes how many TNs are NOT available for assignment : _____
- c) Have all new Intra SP ports been completed in the NPAC: Yes _____ No _____
- d) Has this block been protected from further assignment: Yes _____ No _____

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

Remarks: **For a Customer call center**

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 available on the ATIS web site (www.atis.org/inc) or by contacting inc@atis.org as of the date of this application.

Tommy Welch

Director Of Regulatory & IT

05/03/2017

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 Technologies, Inc. dba iconectiv (iconectivTM) LERGTM Routing Guide^{xi}. The Operating Company Number (OCN) assigned to the service provider and the OCN of its parent company. An OCN is a four-character alphanumeric NECA-assigned Company Code or a four-character alphanumeric identifier assigned by the iconectivTM Telecom Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification. 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 or VoIP. Also indicate the primary type of business in which the numbering resource is to be used. Service Providers 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.

Section 1.6 Service Providers must indicate the updated/current information in regards to contaminated TNs on the block they are returning to the pool. Blocks with over 10% contamination (101 TNs or more) shall not be returned to the pool except when a service provider is exiting the market or is exchanging a block that was identified as being over 10% contaminated. If the block being returned is over 10% contaminated, the PA shall seek a new block holder. If question c and/or d have a response of No, the request for return shall be denied.

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

Footnotes:

- ⁱIdentify the type of change(s) in Section 1.5.
- ⁱⁱThe Pool Administrator is available to assist in completing these forms.
- ⁱⁱⁱA 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).
- ^vThis is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character CLLITM Code of the switch /POL.
- ^{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} Select if you are the current Block Holder.
- ^x Select if you are not the current Block Holder
- ^{xi} Common Language[®] and Telcordia[®] are registered trademarks and CLLITM, LERGTM Routing Guide and iconectivTM are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.

Thousands-Block Number Pooling Administration Guidelines (TBPAG) - Appendix 3

Revised: January 4, 2016

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level¹
(Thousands-Block Number Pooling Growth Block Request)Tracking Number: 615-NOLENSVL-TN-1012522Date: Wednesday, OCN: 0581 Company Name: UNITED TELEPHONE COMPANY DBA
May 3, 2017 UNITED COMMUNICATIONSRate Center: NOLENSVLList all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)²: 615-941 615-776Name of Block Applicant: Tommy Signature: Tommy Welch
WelchTitle: Director Of Regulatory & IT
4370Phone: 931-364-4324-Fax: 931-364-E-Mail: twelch@utcoffice.netA. Available Numbers: 11755B. Assigned Numbers: 8079C. Total Numbering Resources: 20000D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ³: 0List
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 months ⁴	8	19	15	6	14	5
--	---	----	----	---	----	---

F. Forecast

- Next 12 months⁵ 10 10 10 10 10 10 10 10 10 10 10 10

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6): 10.0

H. Months to Exhaust⁶

=

Numbers Available for Assignment to Customers (A)

Average Monthly Forecast (G)

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
1	11755	1175.50
2	12755	1275.50
3	13755	1375.50
4	14755	1475.50

I.

Utilization⁷

=

Assigned Numbers (B)

X 100 =

40.395

Total Numbering Resources (C)-Excluded
Numbers (D)

Explanation: We have a customer that has requested 3500 numbers for a call center and we do not have any blocks of numbers to give

¹A 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.

²Report on all resources for the requested geographic area, including newly acquired blocks/codes.

³Quantity 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).

⁴Net 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.

⁵Forecast of TNs needed in each following month, starting with the most recent month as Month 1.

⁶To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (47 CFR § 52.15 (g) (4) (iii)).

⁷Newly acquired numbers may be excluded from the Utilization calculation (47 CFR § 52.15 (g)(4) (ii))

EXHIBIT B

Thousands-Block Number Pooling Administration Guidelines
(TBPAG) - Part 3

Revised: January 4, 2016

Pooling Administrator's Response/Confirmation

Tracking Number : 615-NOLENSVL-TN-1012522

Date of Application: 05/03/2017 Effective Date: _____
 Date of Receipt: 05/03/2017 Date of Response: 05/03/2017

Service Provider Name: UNITED TELEPHONE COMPANY DBA UNITED COMMUNICATIONS

(LERGTM Routing Guide¹) OCN: 0581

Parent Company OCN: 0581

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

John Auerbach Phone: 925-363-8706
 Signature of Pooling Administrator
John Auerbach Fax: 925-363-7684
 Name (print)
 Email: john.auerbach@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 (1-1000): _____

Switch Identification
(Switching/POI)²: _____

CPHLTNXADS2

Rate Center: _____

NOLENSVL

☒ 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 Administrator.

Explanation:

Remarks:

¹ Telcordia® is a registered trademark and LERG™ Routing Guide and iconectiv™ are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.

² This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the Common Language® Location Code (CLLI™ Code) of the switching entity/POI shown on the Part 1A form. Common Language® is a registered trademark and CLLI is a trademark and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.