

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

June 26, 2017

RE: Petition for Expedited Review of Growth
Code Denial by the Number Pooling
Administrator – Maryville Rate Center

Docket No. 17-00060

**PETITION OF TELEPORT COMMUNICATIONS OF AMERICA, LLC - TN
FOR REVIEW OF CENTRAL OFFICE CODE DENIAL**

Teleport Communications Of America, LCC – TN, (“TCAL”), pursuant to rules adopted by the Federal Communications Commission (“FCC”) for challenging the decision of the Number Pooling Administrator, NeuStar, Inc. (“NeuStar”), hereby petitions the Tennessee Regulatory Authority (“Authority”) to review NeuStar’s denial of TCAL’s application for an NPA-NXX-X in the Maryville Rate Center in order for TCAL to serve its customer.

1. TCAL is a competitive local exchange carrier certificated by the Authority providing telecommunications services in Tennessee.
2. NeuStar is an independent, non-governmental entity responsible for administering and managing numbering resources. See C.F.R. Section 52.13(a) and (b).
3. This petition is based upon FCC Rules found at 47 C.F.R. § 52.15(g)(3)(iv) and pursuant to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines (“TBPAG”) and the Central Office Code (NXX) Assignment Guidelines published by the Industry Numbering Committee (“INC”). On March 31, 2000, the FCC issued a Report and Order and Further Notice of Proposed Rule Making related to numbering resource optimization (“FCC Order No. 00-104”

or the “March Order”). On December 29, 2000, the FCC issued a Second Report and 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 00-249” or the “December Order”).

The Orders addressed issues and strategies relating to the efficient use of numbering.

4. In FCC Order No. 00-104 and FCC Order No. 00-429, the FCC announced rules and sought comments to implement uniform standards for numbering resources, to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of the North American Numbering Plan (“NANP”).

5. FCC Order No. 00-104 adopted a revised standard for assessing a carrier’s need for numbering resources by requiring carriers to report rate center based utilization to NeuStar. The FCC further required that to qualify for new numbering resources, applicants must prove that their existing inventory in the applicable rate center will exhaust within six months of the application.

6. In addition to the months-to-exhaust (“MTE”) threshold, the FCC also requires carriers to show rate center utilization of seventy-five percent (“75%”) to receive the additional numbering resources in said rate center. See FCC Order No. 00-249 at Paragraph 22; FCC Order No. 01-362 Paragraphs 50-52. Based upon the FCC’s Orders, carriers must meet both the six (6)-month MTE requirement and the utilization threshold on a rate center basis to obtain additional number resources. *Id.* at Paragraph 29.

7. On June 21, 2017, a TCAL customer, Asbury Communities, has requested 400 numbers in the Maryville rate center. The customer requested that the numbers be in the 8 block. A copy of the letter outlining the request is attached as Exhibit “A”. TCAL has developed

a plan that the customer will implement so that the requested 400 numbers will be assigned and activated within 180 days.

8. The Maryville Rate Center of the 865 Area Code converted to Number Pooling on August 14, 2002. Consequently, numbering resource acquisition by a Number Pooling carrier is through an interface with NeuStar².

9. On June 20, 2017, TCAL submitted a "Thousand Block Application Form Part 1A", and a "Months-to-Exhaust and Utilization Certification Worksheet – TN Level" to NeuStar for a thousand-block in the Maryville Rate Center to satisfy the customer request. A copy of this application is attached as Exhibit "B."

10. During the session via the Pooling Administration System ("PAS"), TCAL received an error message instructing to "Return to the Months to Exhaust Form", the request would not process through the system without a state waiver. The error message is included in Exhibit "B". NeuStar applies the FCC rules and INC Guidelines. Per Paragraphs 5 and 6, the Rules require that a block holder requesting growth resources demonstrate that existing resources within the rate center will both exhaust within six (6) months and meet the seventy-five percent (75%) utilization level. The error message indicated that the utilization threshold was NOT met.

11. Although TCAL has adequate telephone numbers to satisfy incremental requests for numbers without receiving a new block of numbers, TCAL's existing resources cannot satisfy this customer's specific need for 400 numbers in an 8 block. TCAL owns only 865-518-0. The

² The federal rules in 47 C.F.R 52.15 generalize responsibilities of NANPA and the Pooling Administrator under the heading "Central office code administration".

Maryville industry pool does not currently have an 8 block and so a new code will need to be opened. TCAL will take the 8 block, to serve Asbury Communities and return the other 9 blocks to the pool,

12. As a result of the denial for additional numbering resources, TCAL is unable to provide the telecommunications services requested by its customer.

13. In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and NeuStar, as the Pooling Administrator, to handle numbering resource administration.³ If a numbering resource administrator withholds numbering resources from a carrier, the FCC has specifically authorized state Commissions to overturn those decisions for reasonable cause. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R.

§52.15 (g) (3) (iv), which states:

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an OCN. The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory Commission. The state Commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.

Id. (Emphasis supplied).

³ 47 C.F.R. § 52.15(a) states: "Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission." 47 C.F.R. § 52.20(d) states: "The Pooling Administrator shall be a non-governmental entity that is impartial and not aligned with any particular telecommunications industry segment, and shall comply with the same neutrality requirements that the NANPA is subject to under this part."

The FCC also clarified in the FCC Order No. 00-249 Order that carriers may appeal to states using a “safety valve” mechanism (paragraphs 57-66). The FCC contemplated the need for, and gave structure to states to respond when denials failed to consider a “specific customer request”.

14. An essential aspect of the “safety valve” provision is the accelerated response that is provided for in the FCC’s Order: States should act upon such a request in most instances in 10 business days, as noted by the FCC.

Finally, we recognize that in many instances, the failure to address a request for additional numbering resources can impair a carrier’s ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety valve as expeditiously as possible. Although we do not establish a specific time limit for states to act on these requests, we believe that, in most instances, 10 business days from receipt of a request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests. If a state does not reach a decision on a safety valve request within a reasonable timeframe, carriers may submit such requests to the Commission for resolution. In addition, carriers may appeal to the Commission safety valve decisions made by states, and we delegate authority to the Common Carrier Bureau to review such petitions as expeditiously as possible.

Id. at Paragraph 66.

15. TCAL seeks the Authority’s review of NeuStar’s decision to withhold resources from it on the grounds that it: (1) violates the orders and rules of the FCC which grant carriers access to numbering resources to meet specific customer demands upon a sufficient showing of need and (2) interferes with TCAL’s ability to serve its customer. As the FCC has stated, “Under no circumstances should consumers be precluded from receiving telecommunications services of

their choice from providers of their choice for want of numbering resources.” FCC Order No. 00-429 at Paragraph 61. By refusing to grant numbering resources to meet this customer’s needs, the decision prevents the customer from obtaining the service of its choice from its carrier of choice, TCAL.

Relief Sought

For these reasons, TCAL respectfully requests the TRA to expeditiously review NeuStar’s decision denying TCAL’s request for additional numbering resources and order NeuStar to provide the requested numbers to meet the specific requirements of TCAL’s customer.

Respectfully submitted,

GULLETT, SANFORD, ROBINSON & MARTIN

By: 
Joshua R. Denton
150 Third Avenue South
Suite 1700
Nashville, TN 37201
(615) 244-4994
identon@gsrm.com

1171489

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2017 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

John Auerbach
NeuStar/NANPA
46000 Center Oak Place
Sterling, VA 20166
john.auerbach@neustar.biz



**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**REQUEST OF TELEPORT COMMUNICATIONS
OF AMERICA, LLC - TN ("TCAL") FOR EXPEDITED
REVIEW OF CENTRAL OFFICE CODE DENIAL
ASBURY COMMUNITIES**

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DOCKET NO.

**ORDER APPROVING REQUEST OF TELEPORT COMMUNICATIONS OF
AMERICA, LLC ("TCAL") FOR EXPEDITED REVIEW OF GROWTH CODE DENIAL AND REVERSING
CENTRAL OFFICE CODE DENIAL**

This matter came before the Tennessee Regulatory Authority ("TRA" or the "Authority" for consideration of the *Petition for Expedited Review of Central Office Code Denial* filed by Teleport Communications Of America, LLC - TN ("TCAL"). After consideration of the facts contained in the record and the applicable law, the TRA approves the request of TCAL and reverses the Pooling Administrator's denial of TCAL's request for additional numbering resources.

IT IS THEREFORE ORDERED THAT:

1. The Pooling Administrator's decision to deny TCAL's request for additional numbering resources is reversed as stated herein.
2. The Pooling Administrator is ordered to assign request for the Maryville Rate Center served by switch identification KNVLTNBHDS0.

EXHIBIT A

6/21/17

Asbury Communities Inc.
20030 Century Blvd.
Suite 300
Germantown, MD 20874

AT&T TNAC:

This Letter of Intent represents a request by Asbury Communities for 400 telephone numbers for AT&T B-VoIP Service. Asbury Communities intends to order service, in the MARYVILLE, TN rate center. Pending AT&T's successful completion of the required testing, Asbury Communities will activate the numbers within 180 days of the effective date of the code/block.

Asbury Communities currently has an existing network configuration and therefore technical requirements exist in the following blocks.

Block 0 (0000-0999):	
Block 1 (1000-1999):	
Block 2 (2000-2999):	
Block 3 (3000-3999):	
Block 4 (4000-4999):	
Block 5 (5000-5999):	
Block 6 (6000-6999):	
Block 7 (7000-7999):	
Block 8 (8000-8999):	
Block 9 (9000-9999):	
Block 7 (7000-7999):	
Block 8 (8000-8999):	NOT 8300-8399
Block 9 (9000-9999):	

Asbury Place at Maryville (2648 Sevierville Rd, Maryville, TN 37804) is a Continuing Care Retirement Community. The community has an on premise phone system and supplies dial tone to both residents of the community and the associates who work there. The community is undergoing construction, adding 3 new buildings to be completed in October 2017. As a part of the construction, we will be providing telephone service to more residents and associates. We will also be assigning telephone numbers to existing associates who currently do not have direct inward dialing numbers.



Bill Burns
Manager, Infrastructure
Unified Communications
W: 301-250-2039 C: 240-832-3037

Code Part1A

Central Office Code Assignment Guidelines (COCAG)
Central Office Code (NXX) Assignment Request-Part 1

Revised: January 4, 2016

Tracking
Number: 865-MARYVILLE-TN-1022637Full NXX: Pool
ReplenishmentType of Application: ☒ New ☐ Change¹
☐ Delete

1.0 GENERAL INFORMATION

1.1 Contact Information:

Code Applicant:Company/Entity
Name: TCG MIDSOUTH, INC. - TNHeadquarters
Address: One AT&T WayCity, State, Zip: Bedminster, NJ, 07921Contact Name: Tammy BryantContact
Address: 368 Old Main StreetCity: Asbury State: NJ ZIP: 08802Phone: 908-537-0179 Fax: 210-
893-
2281E-mail: tbryant@att.comCode Administrator:²Name: Patricia SoderlandAddress: 21575 Ridgeway CircleCity: Sterling State: VA ZIP: 20166Phone: 571-434-5348 Fax: 571-
434-
5502NXX:³ LATA: 4741.2 NPA: 865 OCN:⁴ 114F Parent Company's
OCN(s) 7126

Switching Identification (Switching Entity/POI)

⁵ KNVLTNBHDS0Locality/City/Wire Center: KNVLTNBHDS0

Code Part1A

Rate
Center:⁶MARYVILLE
Tandem Homing
Homing Tandem Operating Co.⁷:BELLSOUTH CLLI^{TM8}:KNVL TNWH93T

1.3 Dates

Date of Application:06/20/2017 Requested Effective Date:^{9,10}
08/25/2017

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 ☒

Expedite Documentation must be provided if "Request Expedite" = Yes
Expedited Explanation:

1.4 a) Type of Company/Entity Requesting Code (LEC, IC, CMRS, Other): CAP OR CLEC

b) Type of service (e.g., Cellular - Type 2): Wireline

c) Code Assignment Preference (Optional) 866-xxx-8

d) Codes that are undesirable, if any _____

e) Type of Change (Mark all that apply)

OCN-Intra-company¹¹ Switching Id Rate Center
Tandem Homing CLLI

OCN-Inter-company¹² Effective Date LATA Extend
Reservations

1.5 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

Code Part1A

1.6 NPA Jeopardy Criteria Apply: Yes No

1.7 Code request for new service (Explain): _____

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:

NEED AN 8 BLOCK

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/inc/incguides.asp>) as of the date of this application¹⁴.

Tammy Bryant

Signature of Code Applicant

Sr. Specialist - Network Support

Title

06/20/2017

Date

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

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

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

⁴Operating 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 iconectiv Telcordia™ Routing Administration (TRA) on 732-699-6700.

⁵This is an 11 character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character Common Language[®]

MTE Block

Thousands-Block Number Pooling Administration Guidelines (TBPA) - 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: 865-MARYVILLE-TN-1022637Date: Tuesday, June 20,
2017OCN: 114FCompany Name: TCG MIDSOUTH, INC.,
TNRate Center: MARYVILLEList all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)²: 865-518-A,0Name of Block Applicant: Tammy BryantSignature: Tammy BryantTitle: Sr. Specialist - Network Support
893-2281Phone: 908-537-0179-Fax: 210-E-Mail: tbryant@att.comA. Available Numbers: 260B. Assigned Numbers: 738C. Total Numbering Resources: 1000D. 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 0
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	
<u>6</u>	<u>1</u>	<u>26</u>	<u>19</u>	<u>24</u>	<u>7</u>							

MTE Block

E. Growth
History -
Previous 6
months⁴

F. Forecast
- Next 12
months⁵

413 13 13 13 13 13 13 13 13 13 13 13

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6): 79.667

H. Months
to Exhaust⁶
=

Numbers Available for Assignment to
Customers (A)

Average Monthly Forecast (G)

Block Requested
1

Available Numbers
260

Months To Exhaust
3.264

I.
Utilization⁷
=

Assigned Numbers (B)

X 100 = 73.8

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

Explanation: _____

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.

MTE Block

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))

BRYANT, TAMMY

From: john.auerbach@neustar.biz
Sent: Tuesday, June 20, 2017 3:08 PM
To: BRYANT, TAMMY
Cc: PA_Part3@neustar.biz
Subject: 865-MARYVILLE-TN-1022637 DENIED PAS - Part 3 Confirmation

Dated 20 June 2017

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

Revised: January 4, 2016

Pooling Administrator's Response/Confirmation

Tracking Number : 865-MARYVILLE-TN-1022637

Date of Application: 06/20/2017 Effective Date: _____
Date of Receipt: 06/20/2017 Date of Response: 06/20/2017

Service Provider Name: TCG MIDSOUTH, INC. - TN
(LERG™ Routing Guide¹) OCN: 114F
Parent Company OCN: 7125

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:KNVLTNBHDS0

Rate Center:

MARYVILLEX 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 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.

Form U1 - UTILIZATION REPORTING FORM (FOR NON-RURAL PRIMARY CARRIERS)

>>> Please See The Instructions Before Completing This Form <<<

☐ Check this box if the data on this form replaces the data on a previously submitted form.

Go To The

Check the Data

Parent Company Name	2600 CAMINO RAMON
Service Provider Name	ROOM 2S750G
Company Address	SAN RAMON
Address 2	CA
City	94583
State	Linda F Richardson
Zip	925-901-8302
Contact Name	925-355-9268
Contact Tel #	LR3262@att.com
Fax #:	
E-mail	

Parent Company OCN	0005937974
Service Provider OCN	CAP or CLEC
Service Provider FRN	
SP Service Type	

All Changes to Parent Company Name, Service Provider Name, Address, Contact Information, OCN(s), FRN and Service Type must be made on the Company Info page.

Numbering Resource Utilization For Each 1K Block												
NPA-NXX	X	Rate Center Abbreviation	Assigned	Intermediate	Reserved	Aging	Admin	Donated to Pool?	Notes/Assignee	Available	Utilization	Errors/Messages
865-518	0	MARYVILL 392	0	4	127	1				476	39.20%	
865-518	1	MARYVILL 0	0	0	0	0	X			1000	Donated	
865-518	2	MARYVILL 0	0	0	0	0	X			1000	Donated	
865-518	3	MARYVILL 0	0	0	0	0	X			1000	Donated	
865-518	4	MARYVILL 0	0	0	0	0	X			1000	Donated	
865-518	5	MARYVILL 0	0	0	0	0	X			1000	Donated	
865-518	6	MARYVILL 0	0	0	0	0	X			1000	Donated	
865-518	7	MARYVILL 0	0	0	0	0	X			1000	Donated	
865-518	8	MARYVILL 0	0	0	0	0	X			1000	Donated	
865-518	9	MARYVILL 0	0	0	0	0	X			1000	Donated	