

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**August 8, 2017**

**IN RE:**

**CONCORD TELEPHONE EXCHANGE, INC.  
PETITION FOR EXPEDITED REVIEW OF  
GROWTH CODE DENIAL BY THE NUMBER  
POOLING ADMINISTRATOR**

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**DOCKET NO.  
17-00074**

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**ORDER APPROVING PETITION FOR EXPEDITED  
REVIEW OF GROWTH CODE DENIAL**

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This matter is before the Hearing Officer of the Tennessee Public Utility Commission (the “Commission” or “TPUC”), upon the *Concord Telephone Exchange, Inc. Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator* (“*Petition*”) filed by Concord Telephone Exchange, Inc. (“Concord” or the “Company”) on July 28, 2017.

Concord is a telecommunications public utility, subject to the jurisdiction of the Commission, that provides competitive local exchange telecommunications services in Tennessee, including the Concord Rate Center. In its *Petition*, Concord asserts that on or about July 14, 2017, it submitted an application to NeuStar, Inc. (“NeuStar”), the Number Pooling Administrator,<sup>1</sup> for the assignment of 3 thousand-blocks, consisting of 3000 consecutive numbers, in the 865-672 code for the Concord Rate Center. Concord requests these numbers in order to accommodate the request of its customer, Tennova Healthcare, for 3000 consecutive numbers in the Concord Rate Center for assignment to the Turkey Creek Medical Center and

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<sup>1</sup> NeuStar is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan (“NANP”). See 47 C.F.R. § 52.13(a), (b).

other medical offices located within the community.<sup>2</sup> Concord states that it does not have 3000 consecutive numbers in its current inventory of numbers to meet the request of Tennova Healthcare.<sup>3</sup> Concord further indicates that once Tennova Healthcare transitions to the new numbers, it will relinquish to Concord the majority of their existing numbers, which are nonconsecutive, so that such numbers can be distributed to other customers.<sup>4</sup> In addition, Concord asserts that its request consists of 3 thousand-blocks from pooling that TDS Telecom, the parent company of Concord, originally donated to the pool.<sup>5</sup>

NeuStar's Central Office Code (NXX) Assignment Guidelines ("NXX Guidelines") permit the assignment of additional codes only after an applicant demonstrates that its rate center has a 75% utilization rate and exhaustion of existing numbering inventory does not exceed six months.<sup>6</sup> At the time of Concord's code request, the Concord Rate Center had a utilization rate of approximately 69% and a months-to-exhaust ratio of approximately 20.95 months.<sup>7</sup> Therefore, because the rate center's current utilization rate and the months-to-exhaust ratio do not both meet the criteria in the NXX Guidelines, NeuStar denied Concord's application.<sup>8</sup>

The Federal Communications Commission ("FCC") has authorized the Commission to review NeuStar's decision to deny a numbering application.<sup>9</sup> The FCC has further stated that a state commission may overturn a decision of the Numbering Pooling Administrator when "a carrier demonstrates that it has received a customer request for numbering resources in a given

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<sup>2</sup> *Petition*, p. 3 (July 28, 2017).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See Alliance for Telecommunications Industry Solutions, *Central Office Code (NXX) Assignment Guidelines (COAG) Final Document*, ATIS 03-00051, § 4.3.1 (June 15, 2007).

<sup>7</sup> *Petition*, Exhibit B, p. 2 (July 28, 2017).

<sup>8</sup> The *Petition* includes a denial of the request indicating that the MTE and/or Utilization requirements are not met and that the request would require a state waiver. *Petition*, Exhibit C, p. 2 (July 28, 2017).

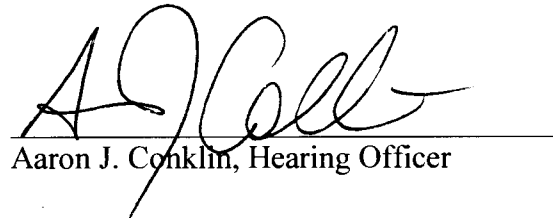
<sup>9</sup> *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, *Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 95-116, Third Report and Order and Second Order on Reconsideration*, CC Docket No. 99-200, 17 FCC 01-362, ¶ 48 (2001).

rate center that it cannot meet with its current inventory.”<sup>10</sup> Upon consideration of the facts contained in the record, the public interest, and the Commission’s charge to foster competition in the telecommunications industry,<sup>11</sup> the Hearing Officer agrees that Concord’s request should be approved.

**IT IS THEREFORE ORDERED THAT:**

1. The Number Pooling Administrator’s decision to deny Concord Telephone Exchange, Inc.’s application for additional numbering resources, as set forth in its *Concord Telephone Exchange, Inc. Petition for Expedited Review of Growth Code Denial by the Number Pooling Administrator* and discussed herein, is reversed.

2. The Number Pooling Administrator is directed to provide 3 thousand-blocks, consisting of 3000 consecutive numbers, to Concord Telephone Exchange, Inc. to meet the specific requirements of its customer, Tennova Healthcare, within the 865-672 code in the Concord Rate Center for Switch Identification No. CNCRTNXADS2.

  
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Aaron J. Conklin, Hearing Officer

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<sup>10</sup> *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, FCC 00-104, Appendix A, Final Rules § 52.15(g)(3)(iv).

<sup>11</sup> *See* Tenn. Code Ann. § 65-4-123.