

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

January 9, 2019

IN RE:

PETITION FOR EXPEDITED REVIEW OF
GROWTH CODE DENIAL BY THE NUMBER
POOLING ADMINISTRATOR –
KNOXVILLE RATE CENTER

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DOCKET NO.
19-00005

ORDER APPROVING PETITION FOR
EXPEDITED REVIEW OF NEUSTAR'S DENIAL OF APPLICATION
FOR NUMBERING RESOURCES

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (the "Commission" or "TPUC"), upon the *Petition of MCImetro Access Transmission Services Corp. for Expedited Review of NeuStar's Denial of Application for Numbering Resources* ("Petition") filed by MCImetro Access Transmission Services Corp. ("MCImetro" or the "Company") on January 7, 2019.

MCImetro is a telecommunications public utility subject to the jurisdiction of the Commission that provides local exchange telecommunications services in the State of Tennessee, as the successor-in-interest of Brooks Fiber Communications of Tennessee, Inc. In its *Petition*, MCImetro asserts that on or about November 2, 2018, it submitted an application to NeuStar, the Number Pooling Administrator,¹ for the assignment of one (1) 1000 block of numbers in the 865

¹ NeuStar is an independent non-governmental entity that was responsible for administering and managing the North American Numbering Plan ("NANP") until expiration of its contract on December 31, 2018. *See* 47 C.F.R. § 52.13(a), (b). Effective January 1, 2019, the FCC selected Somos to serve as the North American Numbering Plan Administrator and the Pooling Administrator under separate one-year bridge contracts while the FCC works to consolidate these functions into a single entity under a long term contract through a competitive bidding process. *FCC Press Release*, <https://docs.fcc.gov/public/attachments/DOC-354567A1.pdf> (October 16, 2018).

area code for the Knoxville Rate Center. MCImetro requested these numbers in order to fulfill an order for a customer who requested a block of 500 consecutive numbers to support cellular sales in a large growth area.² MCImetro indicates in its *Petition* that it does not have 500 consecutive numbers in its inventory to satisfy the customer's request.³

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.⁴ At the time of MCImetro's code request, the Knoxville Rate Center had a utilization rate of approximately 92.1% and a months-to-exhaust ratio of approximately 6.65 months.⁵ Therefore, because the rate center's current utilization rate and months-to-exhaust ratio do not meet the criteria in the NXX Guidelines, NeuStar denied MCImetro's application.⁶

The Federal Communications Commission ("FCC") has authorized the Commission to review NeuStar's decision to deny a numbering application.⁷ 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 rate center that it cannot meet with its current inventory."⁸ Upon consideration of the facts contained in the record, the public interest, and the Commission's charge to foster competition in

² *Petition*, p. 1 (January 7, 2019).

³ *Id.* at 2.

⁴ See Alliance for Telecommunications Industry Solutions, *Central Office Code (NXX) Assignment Guidelines (COCAG) Final Document*, ATIS 03-00051, § 4.3.1 (June 15, 2007).

⁵ *Petition*, p. 2 (January 7, 2019).

⁶ *Id.*, & Exh. 4.

⁷ *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).

⁸ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, FCC 00-104, Appendix A, Final Rules § 52.15(g)(3)(iv).

the telecommunications industry,⁹ the Hearing Officer agrees that MCImetro's request should be approved.

IT IS THEREFORE ORDERED THAT:

1. The Number Pooling Administrator's decision to deny MCImetro Access Transmission Services Corp.'s application for additional numbering resources, as set forth in its *Petition for Expedited Review of NeuStar's Denial of Application for Numbering Resources* and discussed herein, is reversed.

2. The Number Pooling Administrator¹⁰ is directed to provide one (1) 1000 block of numbers to MCImetro Access Transmission Services Corp. to meet the specific requirements of its customer within the 865 area code in the Knoxville Rate Center for Switch Identification No. KNVLTNIIDS0.



Aaron J. Conklin, Hearing Officer

⁹ See Tenn. Code Ann. § 65-4-123.

¹⁰ Although NeuStar was the number pooling administrator at the time of the denial of the request for the block, Somos is the numbering pooling administrator that will fulfill the directive of this order, due to the change in contract vendor effective January 1, 2019.