

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

January 15, 2019

IN RE:

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

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DOCKET NO.
19-00006

ORDER APPROVING PETITION FOR
REVIEW OF CENTRAL OFFICE CODE DENIAL

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (the “Commission” or “TPUC”), upon the *Petition of Teleport Communications of America, LLC-TN for Review of Central Office Code Denial* (“*Petition*”) filed by Teleport Communications of America LLC-TN (“TCAL” or the “Company”) on January 9, 2019.

TCAL is a telecommunications public utility subject to the jurisdiction of the Commission that provides local exchange telecommunications services in the State of Tennessee. In its *Petition*, TCAL asserts that on or about December 19, 2018, it submitted an application to NeuStar, the Number Pooling Administrator,¹ for the assignment of one (1) Code (10,000 numbers) in the 615/629 area code for the Smyrna Rate Center. TCAL requested these numbers in order to fulfill an order for a customer who requested a block of 3,000 numbers to serve

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).

Stonecrest Medical Center, with the remaining numbers to be used for pool replenishment.² TCAL indicates in its *Petition* that it does not have 3,000 numbers available in its inventory to satisfy the customer's request, currently only having 1,140 numbers available across two blocks.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 TCAL's code request, the Smyrna Rate Center had a utilization rate of approximately 42.05% and a months-to-exhaust ratio of approximately 509 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 TCAL'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 the telecommunications industry,⁹ the Hearing Officer agrees that TCAL's request should be approved.

² *Petition*, p. 3 & Exh. A, (January 9, 2019).

³ *Id.* at 4.

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

⁵ *Petition*, p. 3 & Exh. B, (January 9, 2019).

⁶ *Id.*

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).

⁹ See Tenn. Code Ann. § 65-4-123.

IT IS THEREFORE ORDERED THAT:

1. The Number Pooling Administrator's decision to deny Teleport Communications of America, LLC-TN's application for additional numbering resources, as set forth in its *Petition for Review of Central Office Code Denial* and discussed herein, is reversed.

2. The Number Pooling Administrator¹⁰ is directed to provide one (1) Code (10,000 consecutive numbers) to Teleport Communications of America, LLC - TN to meet the specific requirements of its customer within the 615/629 area code in the Smyrna Rate Center for Switch Identification No. NSVLTNWMWMD.



Aaron J. Conklin, Hearing Officer

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.