

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

RE:

Docket No. 19-00022

*Petition for Expedited Review of Growth Code
Denial by the Number Pooling Administrator –
Columbia Rate Center*

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

Teleport Communications of America, LLC – TN (“TCAL”), pursuant to rules adopted by the Federal Communications Commission (“FCC”) for challenging the decision of the Number Pooling Administrator, Somos, Inc. (“Somos”), hereby petitions the Tennessee Public Utility Commission (“TPUC”) to a review Somos’s denial of TCAL’s application for an NPA-NXX in the Columbia rate center in order for TCAL to serve its customer.

1. TCAL is a competitive local exchange carrier certificated by TPUC providing telecommunications services in Tennessee.
2. Somos 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 (“TBPA”) 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 00-429” or the “December Order”). On December 28, 2001, the FCC issued a Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 (“FCC 01-362”). 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 Somos. The FCC further required that to qualify for new numbering resources, applicants must prove that their existing inventory in the said 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 75% to receive the additional numbering resources in said rate center. See FCC Order No. 00-429 at Paragraphs 22-23; FCC Order No. 01-362 at Paragraphs 50-52. Based upon the FCC’s Orders, carriers must meet both the six-month MTE requirement and the utilization threshold on a rate center basis to obtain additional number resources. FCC Order No. 00-429 at Paragraph 29.

7. A TCAL customer, HCA - Information Technology & Services, Inc. dba Maury Behavioral Health, has requested 1000 consecutive numbers in the Columbia rate center. 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 1000 numbers will be assigned and activated within 180 days.

8. The Columbia rate center in the 931 Area Code converted to Number Pooling on November 7, 2003. Consequently, numbering resource acquisition by a Number Pooling carrier is through an interface with Somos².

9. On January 31, 2019 TCAL submitted a "Thousand Block Application Form Part 1A", and a "Months-to-Exhaust and Utilization Certification Worksheet – TN Level" to Somos for a thousand-block in the Columbia 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". Somos 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

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".

this customer's need for 1000 consecutive numbers. TCAL owns 931-505-7 and 931-981-6 with ~820 and ~50 available respectively.

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 Somos, 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 FCC Order No. 01-362 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 FCC Order No. 01-362: 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 TPUC’s review of Somos’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 TPUC to expeditiously review Somos's decision denying TCAL's request for additional numbering resources and order Somos to provide the requested numbers to meet the specific requirements of TCAL's customer.

Respectfully submitted,

FROST BROWN TODD LLC

By: _____
Joshua R. Denton (BPR No. 23248)
Kathryn R. Joy (BPR No. 036072)
150 Third Avenue South
Suite 1900
Nashville, TN 37201
(615) 251-5550
jdenton@fbtlaw.com

1151987

CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2019 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

Ms. Beth Sprague
Somos, Inc.
2411 Dulles Corner Park, Suite 250
Herndon, VA 20171
bsprague@somos.com

A handwritten signature in blue ink, appearing to read "Kathy Jay", with a stylized flourish at the end.

EXHIBIT A



1 Dell Parkway
Nashville, TN
37217

Hospital Corporation of America®

January 25, 2019

**HCA - Information Technology & Services, Inc.
DBA Maury Behavioral Health
1001 North James Campbell Blvd
Columbia, TN 38401**

AT&T TNAC,

This Letter of Intent represents a request by Maury Behavioral Health for a contiguous block of 1,000 new AT&T Telephone Numbers to be added to the IP Flexible Reach BVoIP Service. Maury Behavioral Health intends to order service in the COLUMBIA, TN rate center, on the STLSMO09GT3(P) switch, pending AT&T's successful completion of the required testing. Maury Behavioral Health intends to activate these numbers within 180 days from receipt of the numbers from AT&T.

Maury Behavioral Health currently has no technical number restrictions.

At its founding in 1968, Nashville-based HCA was one of the nation's first hospital companies. Today, we are the nation's leading provider of healthcare services, a company comprised of locally managed facilities that currently includes 179 hospitals and 120 freestanding surgery centers in 20 states and in the United Kingdom. HCA is currently employing approximately 249,000 employees, with 38,000 physicians and 87,000 nurses. Approximately four to five percent of all inpatient care delivered in the country today is provided by HCA facilities.

Sincerely,

A handwritten signature in black ink that reads 'Lisa S. Maclay'.

Consulting Telecom Analyst
1 Dell Parkway
Nashville, TN 37217
615-344-6656
lisa.maclay@hcahealthcare.com

EXHIBIT B

Tracking Number: 931-COLUMBIA-TN-1139408

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: TELEPORT COMMUNICATIONS AMERICA, LLC - TN
Headquarters Address: 5001 EXECUTIVE PARKWAY 3W200L
City: San Ramon State: CA ZIP: 94583
Contact Name: Rowena Brown
Contact Address: 5001 EXECUTIVE PARKWAY 3W200L
City: San Ramon State: CA ZIP: 94583
Phone: 925-543-1526 Fax: 925-355-9268
E-mail: rb2548@att.com

Pooling Administrator:ⁱⁱ

Contact Name: Margaret Harrell-Simington
Contact Address: 1800 Sutter Street, Suite 780
City: Concord State: CA ZIP: 94520
Phone: 925-420-0346 Fax: 925-420-0377
E-mail: mharrell-simington@somos.com

1.2 General Information:

Check one : No LRN needed _____ LRN neededⁱⁱⁱ: _____

NPA: 931 LATA: 470 OCN^{iv}: 114F Parent Company's OCN 7125
Number of Thousands-Blocks Requested : 1
Switch Identification (Switching Entity/POI^v): NSVLTNWMWMD
Rate Center^{vi}: COLUMBIA

1.3 Dates:

Date of Application^{vii}: 01/31/2019 Requested Effective Date^{viii}: 03/11/2019

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

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 : CAP OR CLEC (LEC, IXC, CMRS, Other)
b) Primary Type of Service Blocks to be used for : Other
c) Thousands-Block(s) (NXX-X) assignment preference (Optional) 931-777-6 NON CONTAMINATED BLOCK

- 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 ☒ 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:

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.

Rowena Brown

Signature of Block Applicant

Senior Network Specialist

Title

01/31/2019

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 /POI.

^{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.

^xSelect 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: 931-COLUMBIA-TN-1139408

Date: Thursday, January 31, 2019 OCN: 114F Company Name: TELEPORT COMMUNICATIONS AMERICA, LLC - TN

Rate Center: COLUMBIA

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)²: 931-505-7 931-981-6

Name of Block Applicant: Rowena Brown Signature: Rowena Brown

Title: Senior Network Specialist Phone: 925-543-1526- Fax: 925-355-9268

E-Mail: rb2548@att.com

A. Available Numbers: 878

B. Assigned Numbers: 1108

C. Total Numbering Resources: 2000

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ³: 0

List Excluded Code(s) or Block(s):

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12
E. Growth History - Previous 6 months ⁴	<u>0</u>	<u>0</u>	<u>19</u>	<u>14</u>	<u>24</u>	<u>0</u>						
F. Forecast - Next 12 months ⁵	<u>1010</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6): 176.667

H. Months to Exhaust⁶ =
$$\frac{\text{Numbers Available for Assignment to Customers (A)}}{\text{Average Monthly Forecast (G)}}$$

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
<u>1</u>	<u>878</u>	<u>4.97</u>

I. Utilization⁷ =
$$\frac{\text{Assigned Numbers (B)}}{\text{Total Numbering Resources (C)-Excluded Numbers (D)}} \times 100 = \underline{55.4}$$

Explanation: _____

- ¹ A 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.
- ² Report on all resources for the requested geographic area, including newly acquired blocks/codes.
- ³ Quantity 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).
- ⁴ Net 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.
- ⁵ Forecast of TNs needed in each following month, starting with the most recent month as Month 1.
- ⁶ To 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)).
- ⁷ Newly acquired numbers may be excluded from the Utilization calculation (47 CFR § 52.15 (g)(4)(ii))

If yes, enter the number of TNs contaminated (1-1000):

Switch Identification (Switching/POI)²:

NSVLTNWMWMD

Rate Center:

COLUMBIA

☒ 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:

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

²This 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.

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

RE:

Docket No. _____

*Petition for Expedited Review of Growth Code
Denial by the Number Pooling Administrator –
Columbia Rate Center*

**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 Public Utility Commission ("TPUC") 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, TPUC 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 Columbia rate center served by switch identification STLMO09GT3.

