

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

October 22, 2021

IN RE:)	
)	
PETITION OF TELEPORT COMMUNICATIONS OF)	DOCKET NO.
AMERICA, LLC - TN FOR REVIEW OF GROWTH)	21-00121
CODE DENIAL)	

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 October 15, 2021.

TCAL is a telecommunications public utility subject to the jurisdiction of the Commission that provides local exchange service and exchange access service in the State of Tennessee. In its *Petition*, TCAL asserts that on or about September 5, 2021, it submitted an application to SomosGov, Inc. (“Somos”), the Number Pooling Administrator¹ for the opening of a new code to be opened in the Springfield rate center, which at the time of application had no blocks (zero inventory). TACL asserts that it requires one (1) 1,000 block of consecutive numbers in the 615

¹ Somos is an independent non-governmental entity that is responsible for administering and managing the North American Numbering Plan (“NANP”) upon the expiration of the contract on December 31, 2018 with NeuStar to provide these services. *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 (“NANP”) and the Pooling Administrator (“PA”) 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](https://docs.fcc.gov/public/attachments/DOC-354567A1.pdf) (October 16, 2018).

area code for the Springfield Rate Center. TCAL requested these numbers in order to fulfill an order for a customer, F&M Bank, who requested 50 consecutive numbers in the Springfield Rate Center that are not in the format NPA-NXX-0 or NPA-NXX-9.² TCAL indicates in its *Petition* that while it has adequate telephone numbers to satisfy incremental requests for numbers without receiving a new block of numbers, it does not have existing resources in its inventory to satisfy the customer's request for fifty (50) consecutive numbers not in a 0 or 9 block.³

Somos' 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 Springfield Rate Center had a utilization rate of approximately 26.2% and a months-to-exhaust ratio of approximately 8.411 months.⁵ Therefore, because the rate center's current utilization rate and months-to-exhaust ratio do not both meet the criteria in the NXX Guidelines, Somos denied TCAL's application.⁶

The Federal Communications Commission ("FCC") has authorized the Commission to review Somos' 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

² *Petition*, pp. 1, 3 & Exh. A (October 15, 2021).

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. 4 & Exh. B (October 15, 2021).

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).

TCAL previously submitted a *Petition for Review of Central Office Code Denial* relative to three (3) Thousand Blocks in the Springfield Rate Center on October 14, 2021.⁹ An order was issued on TCAL's 21-00118 *Petition* directing the Number Pooling Administrator to provide three (3) 1,000 blocks of consecutive numbers to TCAL.¹⁰ Based upon the relief granted upon the 21-00118 *Petition* and TCAL's assertions concerning the zero inventory in the Springfield Rate Center in the present *Petition*, the Hearing Officer finds that it is probable that the order issued in Docket No. 21-00118 opened the new code requested in the current *Petition*. The Hearing Officer further finds that TCAL's *Petition* requests the issuance of one (1) 1,000 block not in the 9 or 0 block.¹¹ Communications between Commission Staff and a representative of the Petitioner in Code Administration, submitted in the docket record, indicates an agreement to cancel the *Petition* in this docket and to submit a request to Somos for 4 blocks to satisfy the request in Docket No. 21-00118 and the present docket.¹²

Additional correspondence from the counsel for Petitioner indicates that Somos requires an order in the current docket authorizing the fourth 1,000 block.¹³ Upon consideration of the facts contained in the record, the public interest, and the Commission's charge to foster competition in the telecommunications industry,¹⁴ the Hearing Officer agrees that TCAL's request for one (1) 1,000 block not in the 9 or 0 block should be approved.

⁹ *In re: Petition of Teleport Communications of America, LLC – TN for Review of Growth Code Denial*, TPUC Docket No. 21-00118, *Petition of Teleport Communications of America, LLC – TN for Review of Central Office Code Denial* (October 14, 2021) (“21-00118 *Petition*”).

¹⁰ *In re: Petition of Teleport Communications of America, LLC – TN for Review of Growth Code Denial*, TPUC Docket No. 21-00118, *Order Approving Petition for Review of Central Office Code Denial* (October 14, 2021).

¹¹ The Hearing Officer notes for the record that the order in TPUC Docket No. 21-00118 and the present docket will result in the direction to provide a total of four (4) 1,000 blocks to TCAL.

¹² Email Correspondence Between John Hutton and Rowena Brown Re: Agreement of Cancellation for Tracking Number 615-Springfield-TN-1555588 (October 15, 2021).

¹³ Email Correspondence Between Aaron Conklin, Hearing Officer, Ms. Brown, and Mr. Goolsby Re: Commission Staff and Ms. Brown Agreement of Cancellation for Tracking Number 615-Springfield-TN-1555588 (October 22, 2021).

¹⁴ *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 of Teleport Communications of America, LLC – TN for Review of Central Office Code Denial* and discussed herein, is reversed.

2. The Number Pooling Administrator is directed to provide one (1) 1,000 block of consecutive numbers, not in the 9 or 0 block, to Teleport Communications of America, LLC - TN to meet the specific requirements of its customer within the 615 area code in the Springfield Rate Center for Switch Identification No. NSVLTNWMWMD.



Aaron J. Conklin, Hearing Officer