

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of TCG St. Louis)
for Review and Reversal of North American Number)
Plan Thousands-Block Pooling Administrator's) Case No. _____
Decision to Withhold Numbering Resources.)

TCG ST. LOUIS' APPLICATION
AND MOTION FOR EXPEDITED TREATMENT

COMES NOW TCG St. Louis (“TCG”) and respectfully requests that the Commission issue an Order that reviews and reverses the decision of the North American Numbering Plan Thousands-Block Pooling Administrator, NeuStar, Inc. (“NANPA”), to withhold certain numbering resources from TCG.

The requested numbering resources are necessary to meet the needs of Midland States Bank (“Midland”) for one hundred (100) consecutive numbers to meet Midland’s expanding communications-related needs at its Chesterfield location. More specifically, the requested resources consist of one (1) thousands block, from which one hundred (100) consecutive numbers may be drawn from within (1) the 636 NPA, (2) the Chesterfield rate center, (3) any NXX, and (4) any XXXX range other than 0XXX, 18XX, 22XX, 23XX, 32XX, 42XX, 51XX, 62XX, 71XX, 72XX, 73XX, 75XX, 85XX and 9XXX, as explained in greater detail herein.

In support of this application, TCG states as follows:

1. TCG is a New York general partnership with its principal office at One AT&T Way, Bedminster, New Jersey, 07921. It may be contacted at the regular and electronic mail addresses and telephone and facsimile numbers of its attorneys, as set out under the signature block of this Application. TCG is an "alternative local exchange telecommunications company" duly authorized to provide "telecommunications service" within the State of Missouri, as each of

those phrases is defined in Section 386.020, RSMo, and it is authorized to do business in Missouri.¹.

2. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Leo J. Bub
Robert J. Gryzmala
Attorneys for TCG St. Louis
One AT&T Center, Room 3516
St. Louis, Missouri 63101

3. Midland, which offers a variety of personal and business banking services, consists of 15 branches. While most of Midland's branch facilities are located outside of Missouri, one is located at 17107 Chesterfield Airport Road in Chesterfield. According to the November 18, 2009, letter from Midland's IT Administrator, Ms. Lisa Waitkus (attached hereto as Exhibit A), Midland's communications-related needs are growing such that it has requested 100 consecutive Direct Inward Dial ("DID") numbers to accommodate its purchase of IP Flex service at two locations (one of which is Chesterfield), as well as the installation of a new Cisco phone system at the Chesterfield location.

4. TCG holds 2 blocks in the Chesterfield rate center. One of the blocks does not have sufficient consecutive numbers to satisfy Midland's request. The other block (the 9XXX block) will not accommodate Midland's dialing pattern. *See*, Exhibit A. TCG does not otherwise have sufficient numbering resources to meet Midland's needs.

5. Consequently, TCG requests that the Commission grant it numbering resources consisting of one (1) thousands block, from which one hundred (100) consecutive numbers may be drawn from within (1) the 636 NPA, (2) the Chesterfield rate center, (3) any NXX, and (4)

¹ In accordance with 4 CSR 240-2.060(1)(D) and (G), a copy of TCG's partnership agreement was filed with the Commission in Case No. 96-345. ,

any XXXX range other than 0XXX, 18XX, 22XX, 23XX, 32XX, 42XX, 51XX, 62XX, 71XX, 72XX, 73XX, 75XX, 85XX and 9XXX.

6. On November 10, 2009, TCG submitted a Thousands-Block Application Form, Part 1A, for the numbering resources assignment necessary to meet Midland's needs. A copy of the Application is attached hereto as Exhibit B. TCG completed the Application in accordance with the Industry Numbering Committee's Thousands-Block Pooling Assignment Guidelines and completed the necessary Months-to-Exhaust and Utilization Certification Worksheet, a copy of which is attached hereto as Exhibit C.

7. On November 10, 2009, NANPA denied the request on the grounds that TCG had NOT met the utilization threshold. A copy of that decision is attached hereto as Exhibit D.

8. TCG respectfully requests that the Commission's overturn NANPA's decision to withhold numbering resources. This Commission has overturned NANPA's decision to withhold numbering resources in several cases and TCG respectfully submits that it should likewise do so here.

9. Under existing procedures, NANPA has asserted that it is required to accept or reject an application for resources based solely on FCC criteria. However, the FCC's March 31, 2000, Order in its Number Resource Optimization docket states that a carrier may challenge a resource denial before the appropriate state commission and a state commission may choose to affirm or overturn NANPA's decision to withhold numbering resources.² Thus, the Commission has the authority to "affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering

² Report and Order and Further Notice of Proposed Rule Making, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, Appendix A; *see also*, 47 CFR 52.15(g)(3)(iv).

resource application requirements herein.”³ Moreover, the FCC determined that states may overturn NANPA’s decision to withhold resources from the carrier where there is a verifiable need for the carrier to satisfy a specific customer request:

We also agree with WinStar that a carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier’s inability to satisfy a specific customer request. We therefore clarify that states may also grant relief if 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.⁴

10. The FCC further explained in its March 31, 2000, Order that a “[c]arrier may demonstrate such a need by providing the state with documentation of the customer request and current proof of the utilization in the rate center” and that states “may grant requests for customers seeking contiguous blocks of numbers.”⁵ Moreover, although the FCC declined to establish a specific timeframe for states to act on these requests, the FCC indicated “in most instances, 10 business days from receipt of request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests.”⁶

11. Further, this Application complies with 4 CSR 240-37.040. TCG has attached hereto its “Months-to-Exhaust Worksheet” indicating the utilization for the Chesterfield rate center encompassing both the preceding six months and projected monthly utilization for the next twelve months. 4 CSR 240-37.040(1)(A)1. *See*, Exhibit C. TCG has also attached hereto its most recently-filed FCC Form U1 of Form 502 for this rate center. 4 CSR 240-37.040(1)(A)2. *See*, Exhibit E(HC). Finally, TCG attaches copies of its originally-filed request to NANPA (i.e., its Thousands-Block Application Form, Part 1A) and NANPA’s denial of that request. 4 CSR

³ *Id.*

⁴ Third Report and Order and Second Order on Reconsideration, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., December 12, 2001, paragraph 64; *see also*, 47 CFR 52.15(g)(4).

⁵ *Id.*

⁶ *Id.* at paragraph 66.

240-37.040(1)(A)3. *See*, Exhibits B and D, respectively. These materials and this application demonstrate a verifiable need for the numbering resources requested herein. In connection with this request, TCG has exhausted all other available remedies designed to conserve numbering resources. 4 CSR 240-37.040(1)(A)4.

12. TCG has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involves retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application.

13. TCG does not have any annual report or assessment fees that are overdue in Missouri.

14. TCG seeks expedited relief due to its particular needs, and requests that the Commission act on this Application within ten (10) business days. Midland's letter emphasizes the timing of its planned installation as January 2010, which necessitates the need for expedited relief.⁷ (Exhibit A). In order to accommodate Midland's needs, the Commission must issue its order expeditiously, so that TCG will have sufficient time to file a new request with NANPA for the release of the numbering resources to TCG described herein. TCG filed this request for expedited treatment as soon as it could have. Specifically, TCG filed this pleading after NANPA rejected TCG's request for numbering resources on November 10th and TCG determined that it was not feasible to implement a technological alternative.

WHEREFORE, TCG St. Louis respectfully requests that the Commission overturn NANPA's previous determination in this matter within ten (10) business days and instruct NANPA to release the numbering resources described herein to meet the telecommunications needs of Midland States Bank.

⁷ In keeping with 4 CSR 240-37.050(3), TCG commits to place the numbering resources in service as soon as practicable.

Respectfully submitted,


TCG ST. LOUIS

BY 

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St. Louis, Missouri 63101
314-235-6060 (tn)/314-247-0014 (fax)
robert.gryzmala@att.com

CERTIFICATE OF SERVICE

Copies of this document and all attachments thereto were served on the following by e-mail on November 24, 2009.

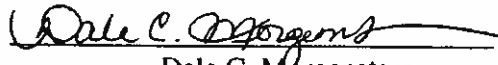

Robert J. Gryzmala

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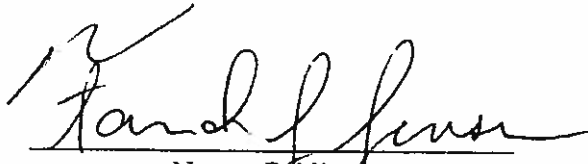
Public Counsel
Michael F. Dandino
Office Of The Public Counsel
P.O. Box 7800
Jefferson City, MO 65102
opcservice@ded.mo.gov
mike.dandino@ded.mo.gov

VERIFICATION

I, Dale C. Morgenstern, in accordance with 4 CSR 240-2.060(1)(M), first being duly sworn upon my oath, hereby state that I am over the age of twenty-one years, sound of mind, and Area Manager - Regulatory of AT&T Services, Inc. I am authorized to act on behalf of Teleport Communications Group – St. Louis regarding the foregoing document. I have read the document to which this verification is appended. The facts contained therein are true and correct according to best of my knowledge, information and belief.


Dale C. Morgenstern

Sworn and subscribed to before me this ²³~~19~~th day of November, 2009.


Notary Public

FARRAH J. JENSEN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec. 20, 2010

11-18-09

Exhibit A

Midland States Bank
17107 Chesterfield Airport Rd., Suite 160
Chesterfield, MO 63005



AT&T Number Administration/Code Administration;

This Letter of Intent represents a request by Midland States Bank for 100 numbers for IP Flex BVOIP. Midland States Bank intends to order service, in the CHESTERFLD rate center, on the CRVCMOGMDS0 switch pending AT&T's successful completion of the required testing. Midland States Bank intends to activate these numbers within 180 days from AT&T's receipt of the numbers.

Midland States Bank currently has an existing network configuration and therefore technical restrictions exist in the following blocks.

Block 0 (0000-0999): Dial zero internally gets you to the operator in Effingham, IL

Block 1 (1000-1999): Customer cannot do 18XX DIDs because those are already being used at a branch in Effingham, IL

Block 2 (2000-2999): Customer cannot do 22XX and 23XX, being used at another branch today

Block 3 (3000-3999): Customer cannot do 32XX being used at another branch today

Block 4 (4000-4999): Customer cannot do 42XX being used at another branch today

Block 5 (5000-5999): Customer cannot do 51XX being used at another branch today

Block 6 (6000-6999): Customer cannot do 62XX being used at another branch today

Block 7 (7000-7999): Customer cannot do 71XX, 72XX, 73XX or 75XX, being used at another branch today

Block 8 (8000-8999): Customer cannot do 85XX being used at another branch today

Block 9 (9000-9999): Dialing 9 will get you and outside line and they will use 4 digit dialing btwn offices

Midland States Bank is a growing bank with over 15 branches. We will be installing IP Flex over the existing PNT network at two of the locations. We will need a block of 100 consecutive DIDs. Midland will be installing a new Cisco phone system in Chesterfield in the 1st week of January 2010. Therefore, these additional numbers are needed asap for the IP Flex installation to coordinate with the install of the new PBX.

Sincerely,

A handwritten signature in cursive script that reads "Lisa J. Waitkus".

Lisa Waitkus
It Administrator

TBPAG Attachment 1 - March 19, 2007

Thousands-Block Application Form - Part 1A

Tracking Number: 636-CHESTERFLD-
MO-325683
Individual Block
Request

Type of Application: ☒ New ☐ Change ☐ Disconnect

GENERAL APPLICATION INFORMATION

1.1 Contact Information:

Block Applicant:

Company Name: TELEPORT CO ST LOUIS

Headquarters Address: One AT&T Way

City, State, Zip: Bedminster, NJ, 07920

Contact Name: Luke Riga

Contact Address: One AT&T Way

City, State, Zip: Bedminster, NJ, 07920

Phone: 908-234-6795 FAX: 908-234-8044 E-mail: lriga@att.com

Pooling Administrator: ⁱⁱ

Contact Name: Genevieve Bettiga

Contact Address: 1800 Sutter St

City, State, Zip: Concord, CA, 94520

Phone: 925-363-7652 FAX: 925-363-7683

E-mail: genevieve.bettiga@neustar.biz

1.2 General Information:

Check one : No LRN needed ☒ LRN needed ⁱⁱⁱ ☐

Parent Company's OCN

NPA: 636 LATA: 520 OCN: ^{iv} 7125
7218

Number of Thousands-Blocks Requested : 1

Switching Identification(Switch Entity/POI) : ^v
CRVCMOGMDS0

City or Wire Center Name : _____ Rate Center: ^{vi}
CHESTERFLD
 Rate Center Sub Zone: _____

1.3 Dates:

Date of Application: ^{vii} 11/10/2009 Requested Block Effective Date:
^{viii} 12/11/2009

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.

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

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 : Wireline
- c) Thousands-Block(s) (NXX-X) assignment Preference (Optional) _____
636-681-5
- 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 X 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 * 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 (<http://www.atis.org/inc>) or by contacting inc@atis.org as of the date of this application.

Luke Riga

Signature of Block Applicant

Manager 11/10/2009

Title 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 TelcordiaTM LERGTM Routing Guide. The Operating Company Number (OCN) assigned to the service provider and the OCN its parent company. An OCN

MTE Block

Page 1 of 2

Appendix 3

May 16, 2008

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level¹
(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: 636-CHESTERFLD-MO-325683Date: 11/10/2009OCN: 7218Company Name: TELEPORT CO ST LOUISRate Center: CHESTERFLDList all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s): 636-681(A, 1, 2)Name of Block Applicant: Luke RigaSignature: Luke RigaTitle: ManagerTelephone No.: 908-234-6795FAX No.: 908-234-8044E-mail: lriga@att.comA. Available Numbers: 295B. Assigned Numbers: 1457C. Total Numbering Resources: 2000D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ²: 0

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

Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month	Month
#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	

E. Growth
History -
Previous 6
months³

<u>-1</u>	<u>-1</u>	<u>264</u>	<u>68</u>	<u>0</u>	<u>-8</u>
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November 21, 2003
 ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
 TBPAG Part 3

Tracking Number : 636-
 CHESTERFLD-MO-
 325683

Date of Application: 11/10/2009 Effective Date: _____
 Date of Receipt: 11/10/2009 Date of Response: 11/10/2009

Service Provider Name: TELEPORT CO ST LOUIS
 (Telcordia TM LERG TM Routing Guide) OCN: 7218

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Genevieve Bettiga Phone: 925-363-7652

Signature of Pooling Administrator

Genevieve Bettiga Fax: 925-363-7683

Name (print)

Email: genevieve.bettiga@neustar.biz

NPA-NXX or NPA-
 NXX-X : _____

Block Assigned: _____

Block Reserved : _____

Block Reservation
 Expiration Date : _____

Block/Code Modified : _____

Block/Code
 Disconnected : _____

Block Contaminated(Yes or No) : _____

If Yes,enter the number of TNs contaminated : _____

Switch Identification(Switch Entity/POI): ¹ CRVCMOGMDS0

Rate Center: CHESTERFLD

Rate Center Sub Zone: _____

☒ **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.

EXHIBIT E

IS

HIGHLY CONFIDENTIAL

IN ITS ENTIRETY