



Rebecca B. DeCook
Senior Attorney

Room 1575
1875 Lawrence Street
Denver, CO 80202
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June 27, 2003

Dale Hardy Roberts
Secretary of the Commission
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65101

FILED²
JUN 27 2003
Missouri Public
Service Commission

Dear Mr. Secretary:

Attached for filing with the Commission, please find the original and eight (8) copies of TCG St. Louis, Inc.'s Application and Motion for Expedited Treatment.

I thank you in advance for your cooperation in bringing this to the attention of the Commission.

Very truly yours,

Rebecca B. DeCook

Attachment
cc: All Parties of Record

FILED²

JUN 27 2003

Missouri Public
Service Commission

**Before the
Missouri Public Service Commission**

In the Matter of the Application of TCG)
St. Louis, Inc. For Review and Reversal)
Of North American Number Plan)
Administrator's Decision to Withhold)
Numbering Resources and Motion for)
Expedited Treatment)

Case No. _____

**TCG ST. LOUIS, INC.'S APPLICATION AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW TCG St. Louis, Inc. ("TCG") and files this verified Application, pursuant to 4 CSR 240-2.060, 4 CSR 240-2.080(16), and 47 C.F.R. 52.15(g)(4) and respectfully requests the Missouri Public Service Commission ("Commission") to issue an order that reviews and reverses the recent denial by NeuStar, Inc. ("NeuStar", "Pooling Administrator" or "PA") of TCG's Application for blocks of telephone numbers. In addition, TCG specifically requests that the Commission direct the PA to immediately release the requested blocks of telephone numbers to TCG so that TCG may provision the service requested by its customer. In support of its Application, TCG states as follows:

1. TCG St. Louis, Inc. is a competitive facilities-based telecommunications company duly incorporated and existing under and by virtue of the laws of the State of Delaware, authorized to do business in the State of Missouri as a foreign corporation. Its principal Missouri offices are currently located at 101 West McCarty, Ste 216, Jefferson City, MO 65101. TCG St. Louis, Inc. is an authorized provider of intrastate switched and non-switched local exchange and interexchange telecommunications services in Missouri under certificates granted and tariffs approved by the Commission.

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

Rebecca DeCook
AT&T Law Department
1875 Lawrence Street Suite 1575
Denver, Colorado 80202

J. Steve Weber
AT&T
101 W. McCarty, Ste 216
Jefferson City, MO 65101

3. A Missouri customer of TCG has requested that TCG provide a block of 2,500 consecutive numbers for its place of business in the Harvester rate center.

Attached hereto as Exhibit A is the customer's request with the customer's name redacted. TCG has developed a communications plan that the customer will implement, and consequently, the customer will assign all of the 2,500 numbers within 180 days of the numbers being made available by TCG to the customer's enterprise. The customer would like to begin using the new numbers as soon as they are available.

4. The Harvester rate center resides in the 636 Area Code and was converted to Number Pooling on October 2, 2002, as authorized by the FCC. Consequently, access to new telephone numbers by a Number Pooling carrier, such as TCG, is obtained by submitting such requests to the PA¹.

5. On June 18, 2003, TCG submitted a "Thousand Block Application Form Part 1A", and a "Months to Exhaust and Utilization Certification Worksheet – TN Level" ("MTE and Utilization") to the PA.² TCG requested three one-thousands-blocks of telephone numbers in a single NXX in the Harvester rate center were requested by TCG from the PA.

¹ The federal rules in 47 C.F.R. 52.15 set forth generally the responsibilities of NANPA and the PA under the heading "Central office code administration".

6. TCG submitted its application to the PA via the electronic PAS process, as required. Upon entering the MTE and Utilization information, TCG received an error message indicating the request would not process through the system without a state waiver.³ The PA applies the FCC rules and INC Guidelines. These rules and guidelines require that a block holder (e.g., TCG) that is requesting additional telephone numbers demonstrate that existing telephone numbers within the rate center will both exhaust within 6 months, and are at the 65% utilization level. The error message received by TCG indicated a failure by TCG to meet the MTE and Utilization level.

7. Although TCG has an adequate supply of telephone numbers to satisfy incremental requests without receiving a new block of numbers, TCG's existing telephone resources cannot satisfy its customer's specific need for a contiguous block of 2500 numbers.

8. In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and the PA to handle numbering resource administration.⁴ 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)(4), 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 Operating Company Number (OCN). The NANPA must notify the carrier in writing of its decision to

² A copy of the Part 1A and MTE worksheet are appended hereto as Exhibit B

³ A copy of the error message attached as Exhibit C.

⁴ 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."

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 that the carrier has complied with the reporting and numbering resource application requirements herein. The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies. (Emphasis added.)**

In addition, the FCC through the INC Guidelines provides that appropriate regulatory authorities may review the PA's decision to deny a request for numbering resources. *See* Industry Numbering Committee's Thousands-Block Number (NXX-X) Pooling Administration Guidelines ("TBPA"), Sections 3.7 and 12(c).

9. The FCC has also clarified in a recent Numbering Resource Optimization Order⁵ that carriers may now appeal to states the use of a "safety valve" mechanism (paragraphs 57-66). As is noted in the following, the FCC contemplated the need to, and gave states the ability to, respond when a denial of access to numbering resources failed to consider 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. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center. States may not accommodate requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers. Any numbering resources granted for this reason may be initially activated only to serve the requesting customer for whom the application was made. If the customer request is withdrawn or declined, the requesting carrier must return the numbering resources to the NANPA or Pooling

⁵ *In the Matter of Numbering Resource Optimization, et al.*, CC Docket Nos. 99-200 and 96-98, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 ("Third NRO").

Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements.⁶

10. An essential aspect of the "safety valve" provision is the accelerated response needed to comply according to the FCC's order. 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.⁷

11. Accordingly, pursuant to 47 C.F.R. 52.15(g)(4), the Thousands-Block Number (NXX-X) Pooling Administration Guidelines and the Central Office Code (NXX) Assignment Guidelines published by the Industry Numbering Committee ("INC"),⁸ TCG seeks the Missouri Commission's expeditious reversal of NANPA's decision to withhold the numbering resources requested by TCG, as TCG is unable to satisfy the numbering needs requested by its customer and cannot provision the services requested by this customer without such action by the Commission. As demonstrated above, the FCC permits such assistance from the Missouri Commission in order to meet specific customer demands.

⁶ *Id.* at ¶ 64.

⁷ *Id.* at ¶ 66.

⁸ INC Guidelines may be found at the following Internet link:
<http://www.atis.org/atis/clc/INC/Incdocs.htm>

12. This Commission has previously overturned NANPA's decision to withhold numbering resources in similar situations in an expeditious manner. *See Order Granting Additional Numbering Resources, In the Matter of the Application of GTE Midwest Incorporated d/b/a Verizon Midwest For Review and Reversal of North American Number Plan Administrator's Decision To Withhold Numbering Resources*, Case No. TO-2002-481, June 20, 2002 and *Order Granting Additional Number Resources*, Case No. IO-2003-0318, April 1, 2003.

13. Any communications with the PA in this matter may be brought to the attention of the Pooling Administrator responsible for pooling in the state of Missouri:

Ms. Andrea Velilla, Pooling Administrator
NeuStar, Inc.
1800 Sutter Street, Suite 780
Concord, CA 94502
(925) 363-7650
email: andrea.velilla@neustar.biz

14. TCG does not have any pending or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment, or decision has occurred within three (3) years of the date of this Application.

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

16. TCG requests that the Commission act upon this Application within 10 business days as recommended by the FCC, or as soon thereafter as is possible, as TCG is unable to satisfy the numbering needs of its customer without the requested relief and, therefore, cannot provide the services requested by this customer without such an exception. This pleading was filed promptly after it was determined that NANPA would require a decision from the Commission before releasing the numbering resources.

WHEREFORE, based on the foregoing, TCG respectfully requests that the Commission expeditiously overturn NANPA's previous determination denying TCG access to three one-thousand number blocks in a single NPA-NXX in the Harvester rate center within 10 business days, as recommended by the FCC or as soon thereafter as is possible, and instruct NANPA to release the numbering resources necessary to satisfy the request submitted by TCG for its Missouri local exchange customer.

Respectfully submitted this 27th day of June, 2003.

TCG ST. LOUIS, INC.

Respectfully submitted,



Rebecca B. DeCook Colorado #014590
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Denver, CO 80202
(303) 298-6357 FAX: (303) 298-6301
decook@att.com

J. Steve Weber MO Bar #20037
101 W. McCarty, Ste. 216
Jefferson City, MO 65101
Tel: 573-635-5198
Fax: 573-635-9442
jsweber@att.com

ATTORNEYS FOR AT&T
COMMUNICATIONS OF THE
SOUTHWEST, INC.

CERTIFICATE OF SERVICE BY MAIL

A true and correct copy of the foregoing was served upon the parties identified on the following service list on this 27th Day of June, 2003 by US mail.

Rebecca B. DeCook

Office of Public Counsel
PO Box 7800
Jefferson City, MO 65102

General Counsel
PO Box 360
Jefferson City, MO 65102

Exhibit A

April 25, 2003

Subject: Request for 2,500 AT&T DID Numbers

Dear Sir or Madam:

I am writing on behalf of _____ concerning our request for 2,500 DID numbers, to be used on the two new _____ PrimePlex 11 circuits also included in this order. We desire all 2,500 out of the CRVCMOGMDS0 switch and in consecutive order. Circuits to be completed approximately 120 days after switch completion is done. Please accept this request immediately so ordering of the AT&T service can continue today.

Thank you,

RECEIVED
AT&T Corp. Legal - Denver

JUN 23 2003

OV-NIT _____	PRO SER _____
MESS _____	REG MAIL _____
INTER-DF _____	FAX _____
Other _____	Initials <u>PAW</u>

Exhibit B

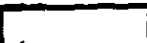


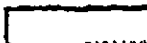


Pooling Administration System

drothrock (SP)

Sign Out

Part 1A**Type of Application : New****1.1 Contact Information :***Note: If any of the contact info is incorrect, edit your user profile.***Block Applicant :****Company Name AT&T LOCAL****Headquarters Address** One AT&T Way**City** Bedminster**State** NJ**Zip** 07921**Contact Name Mr Debbie C Rothrock****Contact Address 900 RT 202/206 NORTH****City BEDMINSTER****Zip 07921****State NJ****Telephone (908) 234-4285 Ext. 100****Fax (908) 234-8044****E-mail drothrock@att.com****Pooling Administrator :****Contact Name Ms Andrea Velilla****Contact Address 1800 Sutter St. Ste. 780****City Concord****Zip 94520****State CA****Telephone (925) 363-7650****Fax (925) 363-7681****E-mail andrea.velilla@neustar.biz****1.2 General Information****LRN Needed No****NPA 636****LATA** 520**OCN 7218-TC ST LOUIS****AOCN** 7125**Parent Company OCN** 7125**Number of Thousands-Blocks Requested** 3**Switch Identification (Switching Identity/POI)** CRVCMOGMDS0**City or Wire Center Name** CRVCMOGM**Rate Center HARVESTER****Rate Center Sub Zone**

1.3 DatesDate of Application **Wednesday, June 18, 2003**Requested Block Effective Date **14 Jul 2003**Request Expedited Treatment ☐ Yes ☒ No**1.4 Type of Service Provider Requesting the Thousands-Block**a) Type of Service Provider * **CAP OR CLEC**b) Primary type of service Blocks to be used for * **Wireline**

c) Thousands-Block(s) (NPA-NXX-X) assignment preference Click here to see the available blocks in the pool.			
d) Thousands-Block(s) (NPA-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) **N/A****1.5 Type of Request**Initial block for rate center ☐ YesGrowth block for rate center ☒ YesChange block **N/A**Disconnect block **N/A**

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) Polling Administration Guidelines INC 99-0127-023

Pooling Administration System

drothrock (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level

Date **Wednesday, June 18, 2003**OCN **7218**Company Name **AT&T LOCAL**Rate Center **HARVESTER**List all Codes NPA(s)-NXXs and Blocks NPA(s)-
NXX-X(s)

636-585

Name of Block Applicant **Mr Debbie C Rothrock**Title **SUPERVISOR**Telephone Number **(908) 234-4285 Ext. 100**Fax Number **(908) 234-8044**E-Mail **drothrock@att.com**A. Available Numbers * **4787**B. Assigned Numbers * **5203**C. Total Numbering Resources * **10000**D. Quantity of numbers activated in the past 90
days and excluded from the Utilization
calculation ***0**

List excluded Code(s) or Block(s)

E. Growth History - Previous 6 months² *

Month 1	597	Month 2	0
Month 3	0	Month 4	0
Month 5	0	Month 6	0

F. Forecast - Next 12 months³

Month 1	3000	Month 2	0
Month 3	0	Month 4	0
Month 5	0	Month 6	0
Month 7	0	Month 8	0
Month 9	0	Month 10	0
Month 11	0	Month 12	0

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) 500.000

H. Months to Exhaust⁴ (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested	A. Available Numbers	H. Months to Exhaust
1	4787	9.574
2	5787	11.574
3	6787	13.574

I. Utilization⁵ (Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100

52.030

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. 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.
3. Forecast of TNs needed in each following month, starting with the most recent month as Month #1.
4. To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, § 52.15 (g)(3)(iii)).
5. Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii)).

Exhibit C

Pooling Administration System

 drothrock (SP)

[Sign Out](#)

Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Your utilization calculates to 52.030 percent, while your State requires a utilization of 65.000 percent.

Select One Option and Submit

- ☒ Return to the Months To Exhaust Form
- ☐ Discard all the information provided for the request and start with a fresh Part 1A
- ☐ State Waiver Option

