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Your Confirmation Number is: '2001228015594 ' 1

Date Received: Feb 28 2001

Docket: 99-200

Number of Files Transmitted: 1

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Implementation of the	)	
Local Competition	)	CC Docket No. 96-98
Provisions of the	)	
Telecommunications Act of 1996	)	
	)	
Petitions for Delegated Authority	)	
Tennessee	)	NSD File No. L-01-277
	)	
	)	

TENNESSEE REGULATORY AUTHORITY'S REPLY COMMENTS

On February 15, 2001, the Tennessee Regulatory Authority (the "TRA" or "Authority") received a copy of Comments filed by Sprint Corporation ("Sprint") with the Federal Communications Commission (the "Commission" or "FCC") in response to the petitions of certain states seeking delegated authority to either implement number conservation measures or expand existing delegated authority in additional area codes. In its Comments, Sprint voices objections to the requests of five (5) states, specifically launching an attack on the TRA's petition to the Commission for authority to implement interim 1K pooling in the 615 area code. The TRA hereby files its Reply and respectfully requests the Commission to reject Sprint's attempt to impede number conservation measures in Tennessee and to act expeditiously in approving the TRA's petition for an interim pooling trial in the 615 NPA.

Background

Tennessee, like other states, has dealt repeatedly with telephone numbering issues. Since 1996 Tennessee has had to implement three (3) new area codes. The constant addition of new area codes is not only confusing but also costly to consumers as well as to the telecommunications industry.

In recognition of the telephone numbering problems in Tennessee, the TRA has taken specific action designed to implement long-term solutions for area code relief. Throughout this process, the TRA has solicited and obtained the assistance of the telecommunications industry and the public. The prime cause of the need for new area codes is the under-utilization of telephone numbers assigned to telecommunications service providers. While the TRA has not in every instance accepted the Industry's recommendation on the method of area code relief, the TRA has faithfully fulfilled its obligation to ensure that numbering resources are available to telecommunications service providers and has acted in a timely manner in approving area code relief. The TRA has taken steps to delay the depletion of the 615 area code and therefore has temporarily deferred a relief decision for the 615 area code due to the numbers remaining until exhaust. Nevertheless, the continuous depletion of numbering resources demonstrates the need to find a solution to the numbering problems, other than merely adding new area codes.

The TRA has made every effort to obtain the Industry's input on numbering issues. On February 1, 1999, the Authority commissioned the Tennessee Telecommunications Association ("TTA") to form a Number Conservation Task Force ("Task Force") to research options and make recommendations relative to measures that may be taken for numbering resource conservation.[1] The Task Force's findings were delivered to the TRA on December 30, 1999 and

[1] The Task Force is composed of both wireline and wireless carriers and Authority Staff. The National Regulatory Research Institute ("NRRI") assisted the Task Force with a number utilization study.

included the recommendation that number pooling be implemented in Tennessee when the 3.0 version of pooling software is released by NeuStar.[2] Sprint was a member of this Task Force and, at that time, advocated that the TRA implement 1K block number pooling.

Prior to the issuance of the Task Force's Report, the Directors of the TRA unanimously resolved, on October 12, 1999, to petition the Commission for authority to implement number conservation measures, including, but not limited to, thousands-block pooling and NXX code reclamation. In conjunction with this action, on October 15, 1999, the TRA issued a Request to all affected and relevant Tennessee telecommunications service providers, including cooperatives, to consider taking voluntary measures toward area code conservation, including, but not limited to, voluntarily reviewing their numbering inventories and voluntarily returning non-utilized or otherwise dormant NXX codes to the North American Numbering Plan Administrator ("NANPA").[3]

Later, at an Authority Conference held on December 7, 1999, the Directors of the TRA voted unanimously to request NANPA to conduct a meeting of all telecommunications service providers in Tennessee for the purpose of developing an industry voluntary allocation plan for NXX code assignment in the 615 and 901 area codes.[4] The objective of the voluntary plan would be to extend the life of both the 615 and 901 area codes until the fourth quarter of 2003 by ensuring a steady and consistent allocation of NXX codes per month within the two area codes. The Directors further requested NANPA to report to the TRA the developments concerning the industry voluntary allocation plan. At the Authority Conference held on February 1, 2000,

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[2] *Report and Recommendations of the Number Conservation Task Force to the Tennessee Regulatory Authority*, December 30, 1999, p. 21.

[3] *Request to All Affected Telecommunications Service Providers and Cooperatives in Tennessee to Take Voluntary Area Code Conservation Measures,* issued on October 15, 1999 in TRA Docket No. 99-00784.

[4] *Request to North American Numbering Plan Administrator to Develop an Industry Voluntary Allocation Plan and to Provide Periodic Reports to the Tennessee Regulatory Authority on NXX Code Requests*, TRA Docket No. 99-00784, December 10, 1999.

NANPA reported to the TRA that the telecommunications industry could not reach an agreement to institute a voluntary NXX code allocation plan.

Notwithstanding the TRA's actions to improve utilization of the State's numbering resources, two of Tennessee's area codes, 901 and 615, were declared to be in jeopardy by NANPA. On March 15, 2000, NANPA informed the TRA that it had declared the 901 area code in jeopardy. On July 14, 2000, the TRA was advised by NANPA that it had declared the 615 area code in jeopardy. To address the jeopardy status in the most critical area code, the TRA acted on August 15, 2000, after a series of public hearings, to relieve the 901 area code by geographically splitting the existing area code and assigning a portion to the newly created 731 area code.

The TRA's Petition Requesting Delegated Authority from the Commission

On November 16, 1999, the TRA filed a petition with the Commission seeking additional delegated authority to implement numbering conservation measures. The TRA's petition made specific reference to both the 901 and 615 NPAs which at that time were near exhaust.[5] Specifically, the TRA requested that the Commission delegate authority to the TRA to: enforce current and new numbering allocation standards; maximize the efficiency of number use practices within NXX codes by setting fill rates and by requiring utilization surveys; reclaim unused and reserved NXX codes and portions of those codes; order number utilization and forecast reporting and audit such reporting; and implement mandatory thousands-block number pooling.[6] In addition to the conservation measures requested in its petition, the TRA is currently investigating Rate Center Consolidation. In continuing to address long term solutions to the

[5] *Petition of the Tennessee Regulatory Authority for Additional Delegated Authority to Implement Numbering Conservation Measures*, FCC NSD File No. L-99-94 (November 16, 1999), pp. 2-3.

telephone numbering problems through conservation measures, the Authority has now become actively involved with NANPA for NXX Reclamation as authorized by the FCC's Order.[7]

On March 31, 2000, the Commission issued its *Numbering Resource Optimization, Report and Order and Further Notice Of Proposed Rule Making (CC Docket No. 99-200, FCC 00-104)* (March 31, 2000) (hereinafter referred to as the "*Numbering Resource Optimization Order*"). The Commission's *Numbering Resource Optimization Order* set forth three requirements that states must satisfy before the Commission would consider their petitions for delegated authority to implement number conservation measures. The Commission stated in that Order:

> Each petition must demonstrate that: 1) that an NPA in its state is in jeopardy, 2) the NPA in question has a remaining life span of at least a year, and 3) that NPA is in one of the largest 100 MSAs, or alternatively, the majority of wireline carriers in the NPA are LNP-capable.[8]

As to those petitions for delegated authority on file with the Commission, the Order provided as follows:

> To the extent that the pending state petitions do not demonstrate that the state possesses the criteria we require for future delegations of pooling authority, the state commission must supplement its existing filing with the Common Carrier Bureau within 30 days of release of this *Report and Order*.[9]

On March 17, 2000 NANPA declared the 901 area code in jeopardy. On April 24, 2000, the TRA supplemented its Petition by providing information which demonstrated that the 901 NPA satisfied all of the criteria set forth in the Commission's March 31, 2000 *Numbering Resource Optimization Order*.

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[6] *Petition of the Tennessee Regulatory Authority for Additional Delegated Authority to Implement Numbering Conservation Measures,* FCC NSD File No. L-99-94 (November 16, 1999).
[7] Report and Order and Further Notice of Proposed Rule Making, FCC 00-104, In the Matter of Number Resource Optimization, CC Docket No. 99-200, March 31, 2000, Para. 237 ("*Numbering Resource Optimization Order*").
[8] *Numbering Resource Optimization Order,* Para. 170.
[9] *Numbering Resource Optimization Order,* Para. 170.

On July 14, 2000 NANPA informed the TRA that it had declared the 615 area code in jeopardy. On July 20, 2000, the Commission released *FCC Order DA 00-1616*, granting delegated authority to state regulatory commissions (hereinafter referred to as the "*Order Delegating Authority*"). On August 10, 2000, the TRA supplemented its petition for authority for the 615 area code. Because the Commission had issued its *Delegated Authority Order* in the interim, the TRA requested that the 615 NPA be added to the July 20, 2000 delegated authority for number pooling in the 901 area code. The TRA's request was specifically based on the 615 area code having met the demonstrated requirements established by the Commission's *Numbering Resource Optimization Order*. The TRA's August 10, 2000 filing stated the following:

By this letter the Tennessee Regulatory Authority is filing additional supplemental information to its Petition for Delegated Authority, as required by the Order, for the NPA 615 to demonstrate that this Tennessee NPA also meets the three required conditions. The demonstrations required by the Order are listed below:

1. Tennessee must demonstrate that an NPA within the state is in jeopardy.

On July 14, 2000, NeuStar (the North American Numbering Plan Administrator ("NANPA")) informed the industry and the Tennessee Regulatory Authority that NPA 615 was in jeopardy (Exhibit A), and implemented interim jeopardy procedures on July 16, 2000. It was determined on August 10, 2000, that final jeopardy procedures would be implemented on September 1, 2000.

2. Tennessee must demonstrate that the NPA in question has a remaining life span of at least a year.

As reported by NANPA in [its] 2000 Central Office Code Utilization Survey ("COCUS") and NPA Exhaust Analysis, May 23, 2000 Update (Exhibit B), Tennessee's NPA 615 has a projected exhaust date of the second quarter of 2002 (2002 2Q). When final jeopardy procedures are put into effect on September 1, 2000, NPA 615 will have a new projected exhaust for the first quarter 2002 (2002 1Q).

3. Tennessee must demonstrate that the NPA is in one of the largest 100 MSAs, or alternatively, the majority of wire line carriers in the NPA are LNP capable.

The Nashville calling area is within the NPA 615. As listed in FCC 96-286, CC-Docket No. 95-116, July 2, 1996, Appendix D, Nashville, Tennessee is listed as number 51 of the top 100 Metropolitan Statistical Areas ("MSAs") (Exhibit C).

The above information demonstrates that Tennessee's NPA 615 meets the three requirements as set forth by the Federal Communications Commission in its Report and Order and Notice of Further Rule Making for Numbering Resource Optimization (Docket FCC 00-104 CC 99-200).

The Tennessee Regulatory Authority therefore respectfully requests expeditious consideration and approval for the addition of Tennessee's 615 to its FCC's July 20, 2000, approved Petition for Delegated Authority and be authorized to implement number conservation measures, specifically thousand-block pooling, in that NPA.[10]

In its *Delegated Authority Order*, the Commission granted, in part, Tennessee's Petition for Additional Delegated Authority, specifically approving the TRA's request to implement thousands-block pooling.[11] In delegating authority to implement 1K pooling trials to a number of states, including Tennessee, the FCC recognized:

> Numbering resource optimization measures are necessary to address the considerable burdens imposed on society by the inefficient use of numbers; thus, we have enlisted the state regulatory commissions to assist the FCC in these efforts by delegating significant authority to them to implement certain measures within their local jurisdictions.[12]

The Commission noted further,

> Although we are giving the state commissions tools that may help to prolong the lives of existing area codes, the state commissions continue to bear the obligation of implementing area code relief when necessary, and we expect the state commissions to fulfill this obligation in a timely manner.[13]

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[10] TRA letter dated August 10, 2000, *Supplemental Information to the Matter of the Tennessee Regulatory Authority Petition for Additional Delegated Authority to Implement Numbering Conservation Measures* (CC Docket No. 99-200), pp. 2-3.

[11] *Order*, FCC, DA 00-1616, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, July 20, 2000, Para. 47 ("*Delegated Authority Order*").

[12] *Delegated Authority Order*, July 20, 2000, Para. 10.

[13] *Delegated Authority Order*, July 20, 2000, Para. 11.

In its *Delegated Authority Order*, the Commission states further that it did not rule on a number of aspects of the states' petitions, including Tennessee's petition, because "the *Numbering Resource Optimization Order* has already addressed these specific numbering resource optimization measures."[14] The measures referred to in the *Numbering Resource Optimization Order* include: reclamation of unused or reserved NXX codes, industry reporting requirements and utilization forecasting, sequential number assignments, facilities readiness, and fill rates. The *Numbering Resource Optimization Order* establishes that 1K Pooling be accomplished in accordance with the Industry Numbering Committee ("INC") Guidelines,[15] and that unused 1000 blocks, as well as 1000 blocks with less than ten percent (10%) contamination, be donated by pooling carriers to the number pooling administrator.[16] In addition, the *Numbering Resource Optimization Order* calls for Sequential Number Assignment by carriers unless the carrier can demonstrate to the state that a new block needs opening to fulfill a customer's request.[17]

In its *Delegated Authority Order*, the Commission specified that "state commissions with thousands-block number pooling authority are responsible for thousands-block number pooling administration" and that "[t]his responsibility includes the selection of a thousands-block number Pooling Administrator to allocate thousands-blocks to carriers within the area in the state where pooling is implemented..."[18] The Commission has previously established preliminary guidelines for pooling and any state that is granted additional delegated numbering authority to conduct

[14] *Delegated Authority Order*, July 20, 2000, Para. 5.
[15] *Numbering Resource Optimization Order*, March 31, 2000, Para. 183.
[16] *Numbering Resource Optimization Order*, March 31, 2000, Para. 191.
[17] *Numbering Resource Optimization Order*, March 31, 2000, Paras. 234 and 235.
[18] *Delegated Authority Order*, July 20, 2000, Para. 20.

interim pooling must comply with the national guidelines in such a manner that the transition will be seamless when the national roll-out occurs.[19]

Action taken by the Tennessee Regulatory Authority on September 26, 2000

At an Authority Conference held on September 26, 2000, the TRA rendered decisions which addressed five (5) issues inherent in exercising the delegated authority to implement interim thousand-block number pooling: (1) selection of an interim Pooling Administrator; (2) selection of pooling software to be used; (3) mandatory reclamation of under-used thousand number blocks; (4) treatment of pooling costs and (5) establishment of an implementation date.

In its *Delegated Authority Order*, the Commission delegated to the TRA the authority to select a pooling administrator for Tennessee which will be responsible for organizing and implementing the pooling trial. Upon being delegated the additional authority, the TRA began the process of selecting an interim state Pooling Administrator. The TRA acknowledges that the selection of a pooling administrator will be superceded when the Commission selects the national pooling administrator. Telcordia Technologies ("Telcordia") agreed to conduct Tennessee's interim pooling trial within the 901 and 615 area codes, until the national pooling administrator is selected by the Commission, without imposition of costs. The TRA found that the selection of Telcordia would be in the public interest because Telcordia possesses the knowledge and expertise to act as the pooling administrator and Tennessee consumers will not incur interim pooling administrative costs. Consequently, the TRA appointed Telcordia as the interim Pooling Administrator for Tennessee.

As to the selection of pooling software, the TRA found the use of 3.0 version software is more suitable for number pooling trials. Following the recommendation of the Task Force, the

[19] *Numbering Resource Optimization Order*, March 31, 2000, Para. 14.

TRA determined using 3.0 version of the pooling software to be in the public interest and adopted 3.0 version for use in implementing number pooling.

For 1K Pooling to achieve its purpose of conserving telephone numbers, the TRA recognized that under-used 1000 number blocks should be returned to the pooling administrator. Number utilization study results reported by the TTA in December 1999 revealed that 582 one thousand number blocks existed in the 615 area code having less than ten percent (10%) contamination.[20] Using the national standard of 10 percent (10%) contamination,[21] the TRA determined that all telecommunications service providers capable of local number portability, not exempted by the FCC, should return to the interim Pooling Administrator all 1K number blocks where the assignment of numbers within a 1K block is equal to or less than 10 percent (10%).

As to a cost recovery plan, the Commission's *Numbering Resource Optimization Order* provides that states authorized to implement interim pooling trials shall determine the method of recovery of all pooling costs.[22] Such recovery is governed by Section 251 of the Act which states that any recovery mechanism shall be competitively neutral.[23] The TRA determined that addressing Tennessee specific pooling costs at such a time when pooling is implemented will provide the TRA with additional time to ascertain the Commission's position as to cost recovery on the national level. In addition, the TRA determined that addressing costing issues at the present time could slow the implementation of number pooling, thereby impacting area code relief for the 615 area code. The TRA found that cost recovery for interim pooling would be

[20] *Report and Recommendations of the Number Conservation Task Force to the Tennessee Regulatory Authority*, December 30, 1999, Attachment 2, p. 36.
[21] The FCC found that "donation of thousands-block with up to a ten percent contamination threshold has the potential to add significant numbering resources in areas where thousands-block number pooling has been implemented." *Numbering Resource Optimization Order*, March 31, 2000, Para. 191.
[22] *Numbering Resource Optimization Order*, March 31, 2000, Para. 171.
[23] *Numbering Resource Optimization Order*, March 31, 2000, Para. 200.

addressed in a separate proceeding and directed TRA Staff to work with the telecommunications industry to develop a schedule for addressing interim 1K pooling cost recovery.

In its *Report and Recommendation of the Number Conservation Task Force to the Tennessee Regulatory Authority*, the Task Force recommended that an implementation date be made part of the Authority's number pooling order.[24] In determining a date for the commencement of number pooling, the TRA considered the jeopardy status of the 901 and the 615 area codes and the fact that the 3.0 version of pooling software would become available during the first quarter of 2001. Furthermore, the TRA determined that an implementation date must fit within the FCC's limitation on pooling trials, i.e., that not more than three (3) Numbering Plan Areas ("NPAs") should be implemented within each Numbering Plan Area Code ("NPAC") region per quarter.[25] The TRA found that as a result of action previously taken by the TRA to reduce depletion of the 901 area code, implementation of 1K Pooling in the 901 area code was not as urgent as in the 615 area code. The TRA determined that number pooling in the 901 area code should be implemented not later than thirty (30) days prior to the mandatory dialing date for the new 731 area code. The TRA also found that the earliest date for implementing number pooling in the 615 area code should be March 1, 2001, contingent upon NeuStar releasing 3.0 version software prior to that implementation date. On February 6, 2000, the TRA determined to extend the implementation date to May 4, 2001 at the request of BellSouth.

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[24] *Report and Recommendation of the Number Conservation Task Force to the Tennessee Regulatory Authority*, December 30, 1999, page 25.
[25] *Numbering Resource Optimization Order*, March 31, 2000, Para. 159.

Sprint's Comments

In its Comments filed on February 12, 2001, Sprint alleges that the TRA's petition fails to meet the criteria for interim pooling trials in NPAs as established in the Commission's *Numbering Resource Optimization Order* of March 31, 2000. Sprint also asks the Commission to "confirm that the recent Tennessee Pooling Order is inconsistent with its delegated authority."[26] Sprint asserts that the TRA "appears unwilling to adopt an area code relief order" and belittles the actions of the TRA by remarking that "the Tennessee Commission [sic] still has not found time to adopt a relief plan for the 615 NPA."[27] In closing, Sprint strays from its comments addressing the 615 NPA and urges the Commission to "promptly withdraw *all delegated authority* from the Tennessee PUC [sic] and expeditiously adopt the overlay plan that industry has recommended" if the TRA does not adopt a relief plan for the 615 NPA by May 1, 2001.[28]

The Tennessee Regulatory Authority's Reply to Sprint's Comments

Contrary to the accusations of Sprint, the TRA has not and will not use its authority to conduct interim pooling trials to bypass its obligation to provide area code relief. Sprint's remarks concerning the status of the 615 NPA and the TRA's actions in attempting to provide relief thereto demonstrate that Sprint lacks a clear understanding of the situation as it exists in Tennessee. The TRA specifically addresses Sprint's remarks as to Tennessee in the discussion that follows.

1. The status of Tennessee's 615 NPA satisfies the Commission's three criteria for approval of authority to implement an interim pooling trial.

[26] Sprint's Comments, (February 12, 2001), p. 11.
[27] Sprint's Comments, (February 12, 2001), p. 12.
[28] Sprint's Comments, (February 12, 2001), p. 12. (Emphasis supplied.)

In its Comments, Sprint makes the statement that "...some states are now wanting to implement "interim" pooling even though their NPAs meet few or none of the criteria that the Commission has established."[29] Sprint's statement is inaccurate regarding Tennessee's petition. The 615 NPA meets the Commission's three part test.

On July 20, 2000, when the Commission released its *Order Delegating Authority*, Tennessee's 615 NPA already met all three additional requirements outlined by the Commission's *Number Resource Optimization.* Through its filing of August 10, 2000, the TRA notified the Commission that the 615 NPA met all criteria necessary to be included in the delegation of authority to Tennessee. Addressing Sprint's comments, the following is an outline of the supplemental information contained in the TRA's August 10, 2000 filing which specifically complies with the Commission's requirements:

(1) *An NPA in the petitioner state is in jeopardy.*

The 615 NPA was declared to be in jeopardy by NANPA on July 14, 2000.

(2) *The NPA in question has a life expectancy of one year.*

At the time jeopardy was declared by NANPA, the 615 area code was projected to exhaust by the second quarter of 2002 (2Q2002").

(3) *The NPA is in one of the largest 100 MSAs.*

The MSA for the 615 NPA is Nashville, Tennessee which is listed as number 51 of the top 100 MSAs in FCC 96-286, CC Docket No. 95-116, July 2, 1996, Appendix D.

As of this date Tennessee's 615 NPA continues to meet all requirements established by the Commission's three step test.

While it is unclear from the Comments whether Sprint recognizes that the 615 NPA meets the MSA and jeopardy status requirements, Sprint does incorrectly assert that Tennessee's

[29] Sprint Comments, (February 12, 2001), p. 4.

615 NPA fails to meet the one-year life span requirement. In its comments, Sprint lists Tennessee's 615 NPA as one of the "[f]ive...NPAs included within the pending petitions [that] do not meet the one-year life span requirement."[30] Sprint's statement is inaccurate and should not be applied to Tennessee's 615 NPA.

The NANPA projects the exhaust date for 615 NPA to be second quarter 2002 (2Q2002), but recent reductions in the demand for NXXs may in fact extend the life expectancy of 615 NPA beyond the projected exhaust date, as explained below. On August 10, 2000, NANPA established the 615 NPA final jeopardy procedures by industry consensus. Sprint participated in establishing these procedures. The Industry agreed to the assignment of no more than ten (10) NXX codes per month. NANPA conducted a 615 NPA Jeopardy Status Conference Call on February 9, 2001 during which it was decided that the assignment of ten (10) NXXs per month would be continued. Sprint and the TRA Staff participated on this most recent Conference Call.

During the February 9, 2001 Conference Call, NANPA provided information that there were 171 Central Office Codes remaining for assignment in the 615 area code and explained that the average code assignment over the six (6) month period from August, 2000 through January, 2001, was 6 NXXs per month. On February 27, 2001, a NANPA Industry Meeting was held at the TRA to discuss the development of pooling environment jeopardy procedures in the 615 area code. At that meeting, which was attended by a representative of Sprint, NANPA announced that the 615 area code now has 176 Central Office Codes available for assignment. NANPA further announced that a cumulative total of 37 Central Office Codes would be available for assignment in the month of March. Consensus was reached on the procedures to be used by NANPA and the Tennessee Interim Pooling Administrator in the 615 area code pooling

[30] Sprint's Comments, (February 12, 2001), p. 8.

environment. Through its participation in the NANPA Conference Calls and meetings, Sprint should know that its representations regarding the life expectancy of the 615 NPA are not accurate.

2. Sprint's comments about the TRA's December 12, 2000 Pooling Order are not well founded.

On December 12, 2000, the TRA issued its Number Pooling Order for the 901 and 615 NPAs. The TRA fully acknowledges the Commission's plenary authority over numbering issues and expressly recognized the Commission's jurisdiction in its November 16, 1999 Petition, its August 10, 2000 supplemental filing, and its January 5, 2001 request to the Commission. The TRA was acting with the understanding that because delegated numbering authority had already been granted for one NPA (the 901 area code), it need only supplement its Petition to demonstrate that the 615 area code complied with the three criteria. This supplemental information was provided to the Commission in the TRA's August 10, 2000 filing. The TRA was not aware that the August 10, 2001 filing would be considered as a separate petition for authority and, that following the TRA's January 5, 2001 request for expedited treatment, the August 10, 2000 filing would be subject to public comment.

The TRA has not taken any steps to enforce the March 1, 2001 implementation date in the 615 NPA. In fact, on February 6, 2001, the TRA granted BellSouth's request for an extension until May 4, 2001. Realizing that its additional authority has yet to be granted from the Commission, the TRA has begun exploring whether the Industry would voluntarily agree to implement pooling in the 615 NPA. Of great significance is the fact that during a Conference Call on February 15, 2001, hosted by Tennessee's Interim Pooling Administrator, the Industry reached consensus to *voluntarily* implement pooling in the 615 area code on May 4, 2001.

The TRA rendered its oral decision implementing 1000 Number Block Pooling at a regularly scheduled Authority Conference held on September 26, 2000. The Order reflecting that decision was not entered until December 12, 2000. Sprint offered no objections or opposition to the TRA's decision after the Conference. Even after the Pooling Order was entered on December 12, 2000, Sprint voiced no objections or opposition to the TRA. Further, Sprint did not raise any concerns about the Pooling Order to the TRA Staff during any of the meetings it attended. Sprint made no mention of its objections until it filed its Comments with this Commission on February 12, 2001.

In addition to objecting to the TRA's Pooling Order, Sprint makes the following statement in its Comments,:

> The December 12, 2000 Order is also problematic as applied to the 615 NPA. Although the Tennessee PUC [sic] has authority to implement pooling in this NPA, this authority is conditioned on the PUC's adoption of a cost recovery plan.[31]

Sprint then quotes from the Commission's *Delegated Authority Order*: "[S]tates conducting their own pooling trials must develop their own cost recovery mechanisms for the joint and carrier-specific costs for implementing and administering pooling within their states."[32] Sprint applies its own interpretation of the Commission's language by asserting that the TRA's delegated authority "is conditioned" upon adopting a cost recovery plan. The TRA finds nothing in the Commission's orders requiring the state regulatory agency to adopt immediately a cost recovery plan simultaneously with the adoption of a number pooling implementation plan. Sprint's comments assert that such a requirement should be imposed on the state of Tennessee

[31] Sprint's Comments, (February 12, 2001), p. 12.
[32] Sprint's Comments, (February 12, 2001), p. 12, n. 28 (quoting from the FCC's *Delegated Authority Order,* Para. 21.)

but also ignore the efforts of the TRA in working diligently toward adopting a cost recovery plan.

Through its actions taken on September 26, 2000, the TRA made a selection of an interim Pooling Administrator. The TRA has worked closely with this Pooling Administrator to ensure that affected carriers will not incur pooling administrator costs in the implementation of pooling in the 901 and 615 NPAs. The TRA understands, nevertheless, that there may be some pooling implementation carrier costs, but has decided to treat these costs similar to the Commission's Number Portability methodology.[33]

The Commission requires the states to develop their own cost recovery mechanisms for implementing pooling trials. The Commission does not specify when the mechanisms be established, but leaves the sequence up to the states. This position is reasonable for carrier-specific costs in order see what actual costs are incurred before putting the recovery mechanism in place. The Commission's decision to defer this timing decision to the States provides an efficient means for establishing a cost recovery mechanism.

3. Sprint's comments that Tennessee "appears unwilling to adopt an area code relief order"[34] are inaccurate and completely disregard the record of the Tennessee Regulatory Authority's efforts regarding area code relief.

The TRA is in complete agreement and has acted consistent with the Commission's position that number conservation measures can not exclude or be a substitute for unavoidable and timely area code relief. The TRA's actions with regard to relief in the 615 area code evidence the TRA's commitment to this position.

On June 1, 1999, the TRA was notified by the North American Numbering Plan Administration that 615 NPA was projected to exhaust by the fourth quarter 2000 ("2Q2000"),

[33] *First Report and Order on Telephone Number Portability*, CC 95-116, FCC 96-286,¶¶ 3-6 (July 2, 1996).

and relief planning began with the industry planning meeting on July 27, 1999. On August 31, 1999, the TRA was officially notified of the results of that planning meeting. On September 14, 1999, the TRA directed its Staff to conduct public meetings to commence the planning and decision-making process required for area code relief. On October 15, 1999, the TRA requested 615 and 901 NPAs code-holding carriers to review their number inventory and return any unused NXXs. Several carriers voluntarily returned several NXX codes in the 615 NPA. The TRA carried out all of the necessary tasks and, by the fourth quarter 1999, all planning and information gathering had been completed for the Authority to make a decision on the best relief strategy to implement for relieving the 615 area code. Notwithstanding the careful actions of the TRA, a series of unexpected events took place.

On December 2, 1999, NANPA notified the Authority "...that a reduction in the demand for central office (CO) codes and recent reclamation of codes in the 615 NPA could easily delay the exhaust of this NPA for several years...[t]he result is the 615 area code is now projected to exhaust in the first quarter of 2003"[35] NANPA proposed a new timeline for relief implementation, recommending that the TRA delay its relief strategy decision until mid-November 2001. Sprint received a copy of this notice.

To further complicate the 615 NPA situation, NANPA later notified the TRA on July 14, 2000, that 615 NPA was in jeopardy. With this jeopardy notification, Tennessee's 615 NPA met the three requirements established by the Commission for consideration of delegated authority. Shortly thereafter, the TRA supplemented its petition to the Commission for the delegated authority required to implement thousand block number pooling in 615 NPA.

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[34] Sprint's Comments, (February 12, 2001), p. 12.
[35] NeuStar letter dated December 2, 1999, Re: Relief of the Tennessee 615 area code

Notwithstanding its request for delegated authority to implement number pooling, the TRA has worked diligently toward the adoption of an area code relief plan should one become necessary. As stated above, NANPA has announced that the 615 area code now has 176 Central Office Codes available for assignment. NANPA further announced that a cumulative total of 37 Central Office Codes would be available for assignment in the month of March. If this trend of NXX assignment continues, in addition to Tennessee's reclamation efforts, the life expectancy of the 615 area code could be extended.

The TRA asserts that, taking into account the current jeopardy procedures of allocating ten (10) NXX codes per month, the average assignments of six (6) NXX codes per month over the past six (6) months assignment; the projected life expectancy of the 615 area code to 2Q2002, and the 176 NXX codes that are available, the TRA is acting reasonably in not ordering area code relief for 615 NPA at this time. Sprint puts forth no solid public policy reason or legal justification for asking the Commission to revoke the authority it has delegated to the TRA.

Conclusion

The Commission and the states must continue to work together to resolve the thorny issues surrounding numbering problems. The TRA agrees with the Commission that 1K block number pooling is one of the most valuable mechanisms for correcting the inefficient legacy number allocation method, and that number pooling can substantially extend the time before area code relief becomes necessary. The TRA has worked hard and has achieved substantial progress toward improving conservation of Tennessee's numbering resources. The TRA has moved quickly, in accordance with Commission guidelines, to deal with the legacy problems of telephone number utilization and assignment. Tennessee is poised and ready to immediately implement interim number pooling in the 615 NPA in the event that the Commission approves

the TRA's petition. Because of the preliminary work already accomplished by the TRA, interim number pooling can be implemented in the 615 NPA within weeks of the Commission's approval of the TRA's petition.

Finally, the TRA asserts that Sprint has not fully and accurately represented in its Comments the TRA's record on number conservation and area code relief. For the above stated reasons, the TRA asks the Commission to reject Sprint's Comments and expeditiously approve the TRA's request of additional delegated authority in Tennessee's 615 NPA.

Respectfully submitted,

Tennessee Regulatory Authority

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February 28, 2001

CERTIFICATE OF SERVICE

I, J. Richard Collier, hereby certify that on this 28th day of February 2001, I served a copy of the foregoing Tennessee Regulatory Authority's Reply Comments by U.S. first-class mail to the following persons:

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