

**STATE OF NORTH CAROLINA
NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY
RALEIGH**

DOCKET NO. TMC-9, Sub 4

In the Matter of Petition of Yadkin)
Telephone Membership Corporation for) **PETITION FOR REVIEW**
Review of Neustar’s Denial of)
Application for Numbering Resources)

Yadkin Telephone Membership Corporation (“YadTel”), by and through its undersigned counsel, petitions the North Carolina Rural Electrification Authority (the “Authority”) to reverse the recent denial by Neustar, Inc. (“Neustar”), acting as the Pooling Administrator (“PA”), of a request for additional numbering resources required in order to meet the needs of a customer in East Bend, North Carolina.

In support of this petition YadTel shows the Authority as follows:

1. YadTel is a telephone membership corporation and an incumbent local exchange company providing telecommunications services to the public, including local and long distances calling services, in various parts of North Carolina, including the East Bend rate center.
2. The Number Pooling Administrator, Neustar, is an independent, non-governmental entity that is responsible for administering and managing the numbering resources in Number Planning Areas (“NPAs”) where number pooling has been implemented.
3. YadTel currently serves a large business that is in the process of adding an additional facility. As a result of the upcoming expansion of its operations, this customer is in need of a thousand block of numbers (336-835-7XXX) to maintain consistency in numbering throughout its service footprint.

4. On March 31, 2000, the Federal Communications Commission (“FCC”) issued a *Report and Order and Further Notice of Proposed Rule Making* related to numbering resource optimization (“*00-104 Order*”).¹

5. The goal of the FCC’s *00-104 Order* was to implement uniform standards governing requests for telephone numbering resources to increase efficiency in the use of existing telephone numbers and to avoid further exhaustion of existing numbers under the North American Numbering Plan.

6. In its *00-104 Order*, the FCC adopted revised Industry Numbering Committee (“INC”) guidelines (“Guidelines”) for assessing a carrier’s need for numbering resources. As part of this process, carriers are required to report rate-center-based utilization rates to the Number Pooling Administrator (“NANPA”). The FCC further required applicants seeking to obtain new numbering resources to establish that the existing inventory in the applicant’s rate center will be exhausted within six months of the date of the application. Under existing procedures, Neustar, as the PA, is required to accept or reject an application for numbering resources based solely on FCC criteria.

7. The FCC found that a shift to a “rate center” basis for determining the need for new numbering resources would “more accurately reflect how numbering resources are assigned” and allow “carriers to obtain numbering resources in response to specific customer demands.” *00-104 Order* at ¶ 105.

8. Under earlier procedures, waivers or exceptions were granted where carriers could demonstrate customer hardships or inequities. However, under the existing mechanism, the NANPA now only considers the number of months to exhaust for the entire rate center. The

¹ *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, FCC 00-104, Report and Order and Further Notice of Proposed Rulemaking (rel. March 31, 2000).

current process for obtaining relief sometimes results in decisions that are contrary to the public interest and does not necessarily preserve the efficient use of telephone numbers or postpone dates of exhaust.

9. In the *00-104 Order*, the FCC also directed the industry and the NANPA to comply with the INC Thousands-Block Number Pooling Guidelines (“Pooling Guidelines”) in implementing pooling trials.

10. Under these Pooling Guidelines, to obtain growth related numbering allocations a carrier must pass the same test as specified in INC Guidelines (referenced in paragraph 5 above) by demonstrating that the carrier’s existing numbering resources for the rate center will exhaust within six months.

11. Given the need described above, on April 24, 2019, YadTel submitted a request for a single “thousands” block of numbers to Neustar in order to address the needs of YadTel’s customer. On April 24, 2019, Neustar denied YadTel’s request on the grounds that it failed to meet the FCC’s utilization requirement. CONFIDENTIAL Exhibit A to this Petition, which is filed under seal, is a copy of Neustar’s denial of YadTel’s request.

12. The NANPA’s denial of YadTel’s request impairs YadTel’s ability to serve this customer. This situation is in direct conflict with one of the FCC’s stated goals, which is to ensure that all carriers have the numbering resources they need to compete in the rapidly growing telecommunications marketplace.²

13. FCC rules permit carriers to challenge a numbering resource denial by the PA before the appropriate state regulatory commission and grants state commissions jurisdiction to affirm or

² *FCC 00-104* ¶ 1.

overturn the PA's decision to withhold numbering resources³. Such authority is meant to provide "flexibility to direct the NANPA or Pooling Administrator to assign additional numbering resources to carriers that have demonstrated a verifiable need for additional numbering resources outside of [certain] specifically enumerated instances."⁴

14. The Pooling Guidelines provide that the appropriate regulatory authority has the power and authority to review a decision by Neustar to deny a carrier's request for numbering resources (See INC Thousands-block number pooling administration guidelines ¶3.7, ¶12(c)). Because the FCC delegated authority to the Authority to implement number conservation measures in North Carolina, as the state regulatory commission for North Carolina telephone membership corporations, the Authority is the appropriate regulatory authority to address this petition.

15. YadTel respectfully requests that the Authority reverse Neustar's April 24, 2019, decision. YadTel further respectfully requests that the Authority act on this request for waiver in a timely manner consistent with the FCC's Third Report and Order and Second Order On Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, which note that in most instances 10 business days from receipt of a safety valve request is sufficient time to review and act upon a request.

WHEREFORE, Yadkin Telephone Membership Corporation requests that the Authority:

1. Enter an Order overturning Neustar's decision denying YadTel's request for additional numbering resources and directing Neustar to assign a full NXX to YadTel for the use of its customer as described above; and

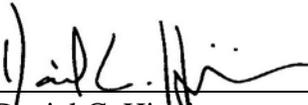
2. For such other and further relief as the Authority deems just and proper.

³ See 47 C.F.R. § 52.15(g)(3)(iv).

⁴ *Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order and Second Order on Reconsideration*, FCC 01-362, 17 FCC Rcd 252, ¶ 61 (2001).

Respectfully submitted, this the 11th day of June, 2019.

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