

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

In the Matter of the Application of Teleport)	
Communications of America, LLC)	
for Review and Reversal Of North American)	Case No. _____
Number Plan Thousands-Block Pooling)	
Administrator's Decision to Withhold Numbering)	
Resources)	

TELEPORT'S APPLICATION

Teleport Communications of America, LLC ("Teleport"), an affiliate of AT&T Corp., respectfully requests¹ the Commission issue an Order reviewing and reversing NANPA's² denial of 1,000 consecutive numbers Teleport requested to meet the City of Lee's Summit's expanding telecommunications needs.

In support of this Application, Teleport states:

1. Teleport is a Delaware limited liability company with headquarters at One AT&T Way, Bedminster, New Jersey 97921. 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. Teleport is authorized to do business in Missouri.³ Teleport is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide

¹Teleport files this verified Application pursuant to 4 CSR 240-2.060, 4 CSR 240-37.040 and 47 CFR 52.15(g)(3)(iv).

² The North American Numbering Plan Thousands-Block Pooling Administrator, NeuStar, Inc., shall be referred to in this filing as "NANPA."

³ In accordance with 4 CSR 240-2.060(1) and (G), a certified copy of Teleport's Certificate of Registration as a Foreign Limited Liability Company, issued on June 7, 2012, by the Missouri Secretary of State was filed with the Commission on August 1, 2012, in Case No. TA-2013-0040. Teleport presently does not transact business in Missouri under any fictitious name.

"telecommunications service" within the State of Missouri, as each of those phrases is defined in Section 386.020, RSMo.⁴

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

Leo J. Bub
Attorney for Teleport Communications of America, LLC
909 Chestnut Street, Room 3558
St. Louis, Missouri 63101

3. The City of Lee's Summit's telecommunications needs have expanded. The City seeks to migrate its legacy voice services to a Session Initiation Protocol ("SIP") based unified communications system. As part of this technology upgrade, the City not only seeks to port 1,500 existing numbers, but also acquire an additional 1,000 block of consecutive number to meet its growing requirements. *See* March 6, 2015, letter from Steve Marsh, Chief Technology Officer of the City of Lee's Summit (Exhibit A).

4. Teleport has researched the available numbering resources in the Lee's Summit rate center and has determined that it cannot meet The City's needs. Teleport holds four thousands-blocks in the Lee's Summit rate center. None of these blocks has more than 200 available numbers. Therefore, Teleport does not have sufficient numbers to meet the customer's request.

5. Consequently, Teleport requests that the Commission grant it numbering resources consisting of one (1) thousands block.

6. On March 11, 2015, Teleport submitted a Thousands-Block Application Form, Part 1A, for the numbering resources assignment necessary to meet the City's needs (Exhibit B).

⁴ Teleport received a certificate of service authority to provide basic local, nonswitched local, and interexchange telecommunications services in the State of Missouri from the MoPSC on August 28, 2012, in Case No. TA-2013-0040.

Teleport 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 (Exhibit C).

7. On March 11, 2015, NANPA denied the request on the grounds that Teleport had not met the utilization threshold. (Exhibit D)

8. Teleport respectfully asks the Commission to overturn NANPA's decision to withhold numbering resources. This Commission has overturned NANPA's decision to withhold numbering resources in several cases and Teleport 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 regulatory commission and a state commission may choose to affirm or overturn NANPA's decision to withhold numbering resources.⁵ 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 resource application requirements herein."⁶ Moreover, the FCC determined that states may overturn NANPA's decision to withhold numbering 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

⁵ 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).

⁶ *Id.*

numbering resources in a given rate center that it cannot meet with its current inventory.⁷

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.”⁸ 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.”⁹

11. Further, this Application complies with 4 CSR 240-37.040. Teleport has attached hereto its “Months-to-Exhaust Worksheet” indicating the utilization for the Lee’s Summit 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. (Exhibit C). Teleport 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. (Exhibit E - HC). Finally, Teleport 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 240-37.040(1)(A)3. (Exhibits B and D, respectively). These materials and the instant Application demonstrate a verifiable need for the numbering resources requested herein. In connection with this request, Teleport has exhausted all other available remedies designed to conserve numbering resources. 4 CSR 240-37.040(1)(A)4.

⁷ 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).

⁸ *Id.*

⁹ *Id.* at paragraph 66.

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

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

14. The City has explained that these numbers are needed in order to complete the upgrade of its current communications system, and meet its expanding telecommunication needs. *See*, Exhibit A.

WHEREFORE, Teleport respectfully requests that the Commission overturn NANPA's previous determination in this matter and instruct NANPA to release the numbering resources described herein. Teleport further requests that if such specific resources are not available when the Commission issues its order, the Commission should direct NANPA to provide such resources as are available to meet the numbering resource needs of The City.

Respectfully submitted,

TELEPORT COMMUNICATIONS OF AMERICA, LLC

By: 

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CERTIFICATE OF SERVICE

Copies of this document and all attachments thereto were served on the following by e-mail on March 24, 2015.

A handwritten signature in blue ink, appearing to read 'Leo M'.

Leo J. Bub

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CITY OF JEFFERSON CITY

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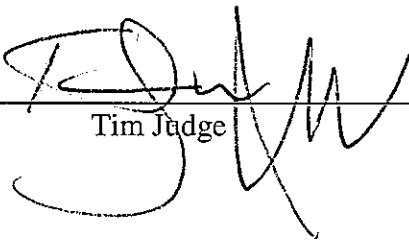
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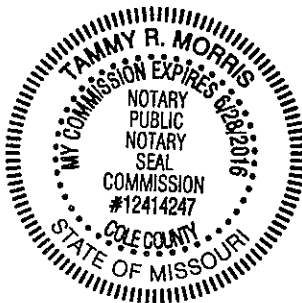
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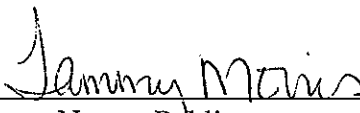
I, Tim Judge, in accordance with 4 CSR 240-2.060(1)(M), first being duly sworn upon my oath, hereby verily state that I am over the age of twenty-one years, sound of mind, and am authorized to act on behalf of Teleport Communications of America, LLC regarding the foregoing document. I have read the document to which this Verification is appended. The facts contained therein are true and correct according to best of my knowledge, information and belief.



Tim Judge

Sworn and subscribed to before me this 24th day of March, 2015.





Notary Public