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**Proprietary Version:
Confidential and Proprietary Materials Included**

February 13, 2008

BYUPS

Ms. Luly Massaro
Commission Clerk
Rhode Island Public Utilities Commission ("RIPUC")
89 Jefferson Boulevard
Warwick, RI 02888

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PUBLIC UTILITIES COMMISSION

**In re: Request for Waiver of NANPA's Denial of One Communications'
Request for 300 DID Number Block to Meet a Specific Customer Need**

Dear Clerk Massaro:

CTC Communications Corp. d/b/a/ One Communications ("One Communications" or "ONE") hereby requests that the Rhode Island Public Utilities Commission ("RIPUC" or the "Commission") issue a waiver of Neustar's ("NeuStar", "Pooling Administrator" or "PA") decision to deny ONE's request for two hundred (200) numbers to meet the specific needs of a customer requesting additional numbering resources. One Communications takes such action pursuant to the Federal Communications Commission ("FCC") rules [47 C.F.R. 52.15(g)(3)(iv)].

Background and Nature of the Numbering Request

The One Communications customer identified in the attached confidential material, has requested that One Communications provide it with a DID block of numbers in range 401 xxx – 1500 to 1699 for use by the customer in the Providence, Rhode Island rate center.¹ The customer has indicated that it needs phone numbers in this block to function with its' PBX systems.

One Communications has developed a communications plan that the customer will implement, and consequently, the customer will assign the numbers as soon as One Communications makes them available. The customer requires numbering resources from the requested blocks to meet its service goal.

¹ A copy of the customer letter is appended. One Communications asks the Commission to treat the information contained therein as confidential, especially in light of the FCC's new Customer Proprietary Network Information ("CPNI") rules that went into effect on or about December 8, 2008, and which put a duty to protect private customer information on telecommunications carriers.

This request is based on the Federal Communications Commission (“FCC”) Rules found at 47 C.F.R. 52.15(g)(3)(iv) and pursuant to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines and the Central Office Code (NXX) Assignment Guidelines published by the Industry Numbering Committee (“INC”).²

On February 8, 2008, One Communications 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 for a thousand number block in the Providence rate center³. The PA applies the FCC rules and INC Guidelines. These rules and guidelines require that a block holder requesting growth resources demonstrate that existing resources within the rate center will both exhaust within 6.0 months, and meet the 75% utilization level. The forms indicate that the utilization rate was at 72.143%.

1. Request for Waiver of NeuStar’s Numbering Resource Denial

One Communications requests that the Commission overturn the PA’s decision and order the requested blocks be assigned to One Communications on behalf of its customer. Although One Communications has an adequate supply of telephone numbers to satisfy incremental requests for numbers, One Communications’ existing telephone resources cannot satisfy the customer’s specific need. There is only one block in the Providence rate center that presently has the requested range of numbers.

In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and the PA to handle numbering resource administration. 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)(3)(iv), 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 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

² These guidelines may be found on the INC web site: <http://www.atis.org/inc/docs.asp>

³ A copy of the Part 1A and MTE worksheet are appended. One Communications asks the Department to treat the information contained therein as confidential by the Commission, especially in light of the FCC’s new Customer Proprietary Network Information (“CPNI”) rules that went into effect on or about December 8, 2008, and which put a duty to protect private customer information on telecommunications carriers.

withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein.

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 INC TBPAG Sections 3.7 and 12(c).

The FCC also clarified in the text of a recent NRO Order⁴ that carriers may now appeal to states using a "safety valve" mechanism (paragraphs 57-66). As is noted in the following, the FCC contemplated the need for, and gave structure to states to respond when denials failed to consider a "specific customer request":

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

It is clear that all necessary elements are present to allow the Commission adequate evidence for the overturning of NeuStar's denial. First, One Communications made the appropriate application to the PA. Second, the PA rejected One Communications' request for growth codes in the Providence rate center because One Communications' utilization of its numbers in this rate center did not meet the requisite percentage.

Accordingly, One Communications respectfully requests that the Commission

⁴ *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").

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grant this waiver and direct NeuStar to assign to One Communications the blocks of numbers required to meet the customer's need.

If you need anything further, please contact me directly at 781 – 522 – 8732 or via email at: RWheeler@OneCommunications.com. Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Richard Wheeler". The signature is written in black ink and is positioned above the printed name.

Richard Wheeler, Esq.
Director of Regulatory Compliance

Enclosures