



PAETEC

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2010 APR 14 PM 2:55
PUBLIC UTILITIES COMMISSION

April 9, 2010

Luly Massaro
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

RE: Request for Waiver of NeuStar's Denial of PAETEC Communications, Inc.'s
Request for 1,000 Numbers to Serve a Large Customer

Dear Ms. Massaro:

The purpose of this letter is to seek a waiver of NANPA's (i.e., NeuStar's) decision to deny PAETEC Communications, Inc. ("PAETEC") request for 1000 contiguous numbers to permit PAETEC to offer service to a large customer in Pawtucket, RI. PAETEC takes such action pursuant to the Federal Communications Commission ("FCC") rules [47 C.F.R. 52.15(g)(3)(iv)].

I. Nature of Numbering Request

The customer, in meeting growing business concerns and an increase in employees, requested from PAETEC 1,000 contiguous numbers in a recognized Pawtucket exchange (e.g., 834), specifying that the range be 7000 – 7999. A copy of the customer's letter to PAETEC indicating the need for the activation of the numbers and the customer's specific plans is attached as Exhibit A.

PAETEC currently does not have the requested numbers in its inventory for the Pawtucket exchange. On March 31, 2010, PAETEC submitted a Central Office Code Assignment Request (Part 1a) to NeuStar, requesting the numbers to meet our customer's needs. PAETEC explained that it did not have the needed numbers available in its existing inventory in the Pawtucket rate center. Part 1a is attached as Exhibit B.

On March 31, 2010, NeuStar's Central Office Code Administrator denied the request on the grounds the PAETEC had not met the rate-center-based months-to exhaust ("MTE") criteria, as set forth by the FCC. This denial was based upon PAETEC's not meeting the

MTE requirements – notwithstanding PAETEC's inadequate numbering resources to satisfy this specific customer's request. A copy of the denial is attached as Exhibit C.

PAETEC submitted the MTE Certification Worksheet required by NeuStar, completed in accordance with the Industry Numbering Committees Central Office Code Assignment Guidelines to meet the customer's request. The MTE Certification is attached as Exhibit D.

PAETEC requested the telephone numbers from NeuStar because it did not have them in its supply of numbers for the Pawtucket rate center. Attached, as Exhibit E is a report from PAETEC's Code Administration group supporting the claim that this customer's request could not be satisfied with the existing numbering resources in that rate center. PAETEC considers Exhibits A through E to be highly competitively sensitive and requests that the Public Utilities Commission afford this information proprietary treatment because it contains customer-specific data and data relating to number utilization and forecasted growth in the Pawtucket rate center.

II. Request for Waiver of NeuStar's Central Office Code Denial

By way of this letter, PAETEC requests that the Public Utilities Commission overturn NeuStar's decision and order 1,000 consecutive telephone numbers be assigned to PAETEC's Boston switch to permit PAETEC to serve the customer. The Public Utilities Commission has the authority to take such action pursuant to the FCC's Numbering Resource Optimization ("NRO") *Third Report and Order and Second Order on Reconsideration* (FCC 01-362), released December 28, 2001, in CC Docket No. 96-98 and CC Docket No. 99-200 ("*Third NRO Order*").

In the *Third NRO Order, Appendix A, Final Rules, 52.15(g)(4)*, the FCC states:

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 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.

Further, the FCC states:

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.

Third NRO Order at 64. In accordance with the applicable FCC rules, PAETEC respectfully asks that the Public Utilities Commission grant this waiver request so that the PAETEC can continue to serve its customer.

Thank you for your assistance in this matter. If you have any questions, please feel free to contact me at (585) 340-2822.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith Messenger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Judith Messenger
Senior Manager – Public Policy & Regulatory

Enclosures

EXHIBIT A
Customer Letter



To whom it may concern:

In order to meet growing business demands Hasbro must have a contiguous block of 1000 DIDs in the following range: 401-XXX-7000 – 401-XXX-7999. This range is required to accommodate a significant increase in the number of employees while still complying with pre-established global dial plans. Your assistance in this critical business issue in an expedited manner is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "James McFarland".

James McFarland

Manager – Network Communications

Hasbro, Inc.

EXHIBIT B
Part Ia

Pooling Administration System

ed.webber@paetec.com (SP)

Sign Out

Time : 04/05/2010 09:20:49 AM EDT

Printable Version

TBPAG Attachment 1 - March 18, 2007

- Individual Block Requests
- CO/NXX Code Requests
- Withdraw Pending Requests
- Confirm Resources In Service
- Donate Blocks
- Submit Forecast
- Search Forms
 - View Form
 - List Forms
- Reports
- User Profile

Thousands-Block Application Form - Part 1A

Tracking Number: **401-PAWTUCKET-RI-350358**
Individual Block Request

Type of Application: New Change Disconnect

GENERAL APPLICATION INFORMATION

1.1 Contact Information:

Block Applicant:

Company Name: **PAETEC COMM - RI**
 Headquarters Address: **600 Willowbrook Office Park**
 City, State, Zip: **Fairport, NY, 14450**
 Contact Name: **Edward Webber**
 Contact Address: **600 Willowbrook Office Park**
 City, State, Zip: **Fairport, NY, 14450**
 Phone: ~~585-~~ **340-2854** FAX: ~~585-~~ **368-2854** E-mail: **ed.webber@paetec.com**

Pooling Administrator:

Contact Name: **Dora Wirth**
 Contact Address: **1800 Sutter St**
 City, State, Zip: **Concord, CA, 94520**
 Phone: **925-363-8706** FAX: **925-363-7684**
 E-mail: **dora.wirth@neustar.com**

1.2 General Information:

Check one : No LRN needed LRN needed

NPA: 401 LATA: 130 OCN: ^{iv} 4029 Parent Company's OCN 4151

Number of Thousands-Blocks Requested : 1

Switching Identification (Switch Entity/POI) : ^v PRVDRIGRXAX

Pooling Administration System

City or Wire Center Name : _____ Rate Center: ^{vi}
PAWTUCKET
Rate Center Sub Zone: _____

1.3 Dates:

Date of Application: ^{vii} _____ Requested Block Effective Date: ^{viii}
03/31/2010 05/01/2010

By selecting this checkbox, I acknowledge that I am requesting the earliest possible effective date the Administrator can grant. Please note that this only applies to a reduction in the Administrator's processing time, however the request will still be processed in the order received.

Request Expedited Treatment? (See Section 8.6) Yes _____ No X

1.4 Type of Service Provider Requesting the Thousands-Block :

- a) Type of Service Provider : CAP OR CLEC (LEC, IXC, CMRS, Other)
- b) Primary type of service Blocks to be used for : Wireline
- c) Thousands-Block(s) (NXX-X) assignment Preference (Optional) _____
- d) Thousands-Block(s) (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) _____

1.5 Type of Request:

Initial block for rate center : Yes _____ If Yes , attach evidence of authorization and proof of capability to provide service within 60 days.

Growth block for rate center : Yes X If Yes , attach months to exhaust worksheet

By selecting this checkbox, I acknowledge that I am willing to accept a block in red and explicitly understand that the underlying CO code may not yet be activated in the PSTN and loaded in the NPAC on the block effective date.

Type of change(Mark **all** that apply)

- OCN:Intra-company ^{ix} Switching Id Part 1B
- OCN:Inter-company ^x Effective Date

Change block : Yes _____ If Yes , list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated Yes _____ No _____
- b) If Yes how many TNs are NOT available for assignment : _____
- c) Have all new Intra SP ports been completed in the NPAC Yes _____ No _____
- d) Has this block been protected from further assignment? Yes _____ No _____

Disconnect block : Yes _____ If Yes , list NPA-NXX-X _____

Remarks:

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) Pooling Administration Guidelines(ATIS-0300066) available on the ATIS web site

EXHIBIT C
NeuStar Denial

From: Webber, Edward
Sent: Wednesday, March 31, 2010 9:27 AM
To: Messenger, Judith (Judy)
Subject: FW: PAS - Pooling Administrator's Response/Confirmation for Tracking Number: 401-PAWTUCKET-RI-350358

From: dora.wirth@neustar.com [mailto:dora.wirth@neustar.com]
Sent: Wednesday, March 31, 2010 9:25 AM
To: Webber, Edward; Lainson, Barbara (Barb)
Cc: PA_Part3@neustar.biz
Subject: PAS - Pooling Administrator's Response/Confirmation for Tracking Number: 401-PAWTUCKET-RI-350358

NEUSTAR[®]
 Trusted to bring networks together

Pooling Administration System

Dated 31 March 2010

November 21, 2003
 ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
 TBPAG Part 3

Tracking Number : 401-PAWTUCKET-RI-350358

Date of Application: 03/31/2010 Effective Date: _____
 Date of Receipt: 03/31/2010 Date of Response: 03/31/2010

Service Provider Name: PAETEC COMM - RI
 (Telcordia™ LERG™
 Routing Guide) OCN: 4029

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

Dora Wirth Phone: 925-363-8706
 Signature of Pooling Administrator
Dora Wirth Fax: 925-363-7684
 Name (print)

Email: dora.wirth@neustar.com

NPA-NXX or NPA-NXX-X : _____

Block Assigned: _____

Block Reserved : _____

Block Reservation _____

Expiration Date : _____

Block/Code Modified : _____

Block/Code _____

Disconnected : _____

Block Contaminated(Yes or No) : _____

If Yes,enter the number of TNs contaminated : _____

Switch Identification(Switch Entity/POI): ¹

PRVDRIGRXAX

Rate Center:

PAWTUCKET

Rate Center Sub Zone:

X Form Complete, request denied.

Explanation:

DR-57: You do not meet the MTE and/or Utilization requirements, therefore this request for a new block is denied. You may proceed with requesting a State Waiver from the appropriate state commission using this Part 3 denial. If you are in disagreement with the disposition of this request, please refer to the Thousands-Block Number (NXX-X) Pooling Administration Guidelines for the appeals process.

Request withdrawn.

Explanation:

Assignment activity suspended by the administrator.

Explanation:

Remarks:

¹ This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the CLLI™ Location Identification code of the switching

entity/POI shown on the Part 1A form (Telcordia, LERG ROUTING Guide and CLLI are trademarks of Telcordia Technologies, Inc.)

EXHIBIT D
MTE

From: Webber, Edward
Sent: Thursday, March 25, 2010 9:25 AM
To: Messenger, Judith (Judy)
Subject: FW: Block of 1000 Numbers for 1027 Newport Ave.

Below is the MTE

We currently have 1478 numbers available.

Growth History, previous 6 months Approximation

Month 1	140
Month 2	0
Month 3	0
Month 4	0
Month 5	60
Month 6	110

MTE approximation

Month 1	1000
Month 2	0
Month 3	100
Month 4	0
Month 5	0
Month 6	0
Month 7	100
Month 8	0
Month 9	0
Month 10	100
Month 11	200

Month 12 100

EXHIBIT E
Code Administration Request



PAETEC

3/16/2010

To whom it may concern,

PAETEC requested one 1000 block of telephone numbers from NeuStar on 3/31/2010 to accommodate a request for Hasboro Inc. in the Pawtucket RI rate center. The Company needs 1000 consecutive numbers beginning with 7XXX which we currently do not have in our existing inventory. The initial request was rejected by NeuStar due to the fact that we did not meet the required 75% utilization in our current inventory. PAETEC is requesting a state waiver in order to satisfy the customer needs.

Thank you

Edward Webber
Code Administrator
585-340-2854
585-368-2854 (fax)