

June 14, 2011

VIA ELECTRONIC MAIL AND HAND DELIVERY

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

Re: Cox Rhode Island, LLC Waiver Request For Number Block Release

Dear Luly:

On behalf of Cox Rhode Island Telcom, L.L.C., (“Cox”), this letter seeks a waiver of a denial by the Number Pooling Administrator (“NPA”) to release certain blocks of numbers for use by Cox’s customer, “Identity Theft 911”, a commercial customer of Cox (“Customer”).

Cox takes such action pursuant to Federal Communications Commission (“FCC”) rules, set forth at 47 C.F.R. 52.15(g)(3)(iv), and in accordance with the Rhode Island Public Utilities Commission (“Commission”) Orders governing similar requests by Cox. As the Commission has previously ruled, when the NPA denies the release of a necessary block of numbers, a carrier may appeal to the Commission for relief.¹ The Commission then reviews a company’s waiver request “on a case by case basis for reasonableness and to keep some control of the release of blocks.”² Because the Customer is anxious to receive these numbers, we respectfully request that the Commission address this waiver request as soon as practicable.

FACTUAL BACKGROUND

1. Cox has an existing contract with the Customer, Identity Theft 911, a commercial customer with corporate offices in Providence, R.I., to provide phone service. The Customer is implementing a new phone system to allow for each employee to receive a designated direct

¹ See In Re: Cox Rhode Island Telcom, L.L.C. Waiver Request for Number Block Release – Carey, Richmond & Viking Insurance, Docket No. 3702 (Nov. 8, 2005) and Docket No. 3607 (June 14, 2004) (“CRV Decision”)

² CRV Decision in Docket 3607 at 2.

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inward dialed number (“DID”). The customer has requested from Cox a contiguous block of 100 direct inward dial (DID) numbers. The Customer is structuring its dial plan to allow each department manager to have a “0” as the last digit and team leaders with a “5” as last digit.³

2. Because Cox did not have sufficient numbers available from its existing inventory to meet the customer request Cox applied to the Pooling Administrator on May 24, 2011 for a new block of numbers to accommodate this customer request for a contiguous block of 100 numbers.⁴

3. The Pooling Administrator rejected Cox’s request for certain blocks of numbers because Cox’s number. Cox’s current utilization for this rate center is 88.24 %, and its months to exhaust numbers out of this rate center is 22 months. The Pooling Administrator determined that Cox’s utilization and months to exhaust are not sufficient to allow for new numbers under the rules set by the Numbering Administrator.⁵

4. In order to minimize the unused numbers in the remaining block, Cox will return the remaining numbers from a new block to the Pooling Administrator.

STANDARD OF REVIEW

In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and the Pooling Administrator to handle numbering resource administration.⁶ If the NANPA or Pooling Administrator decides to withhold numbering resources from a carrier, the FCC has specifically authorized state commissions to overturn those decisions for reasonable cause documented herein. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R. § 52.15(g)(4), 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

³ Copy of Customer letter requesting specific numbers, dated May 24, 2011, is attached at Tab 1.

⁴ Copy of Cox’s application to the Pooling Administrator is attached at Tab 2.

⁵ Copy of the NPA rejection attached at Tab 3.

⁶ 47 C.F.R. § 52.15(a) states: “Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission.” 47 C.F.R. § 52.20(d) states: “The Pooling Administrator shall be a non-governmental entity that is impartial and not aligned with any particular telecommunications industry segment, and shall comply with the same neutrality requirements that the NANPA is subject to under this part.”

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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.** (emphasis added)

The FCC also clarified in the text of its Numbering Resources Order⁷ 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 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

⁷ *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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serve other customers without first meeting our growth numbering resource requirements.⁸

Lastly, FCC numbering policy is not intended to deny carriers the use of numbers for legitimate purposes such as the request by Cox in this petition. In issuing its Numbering Resource Optimization Order, released December 29, 2000 (and effective May 8, 2001)⁹ the FCC communicated the heart of its pro-competition policy when it stated:

“[w]e continue to develop, adopt and implement a number of strategies to ensure that the numbering resources of the North American Numbering Plan (NANP) are used efficiently, and that all carriers have the numbering resources they need to compete in the rapidly expanding telecommunications marketplace.”¹⁰

Applying this FCC guidance, the Rhode Island Commission has determined that a carrier may be granted a waiver from the Pooling Administrator’s decision when a Carrier has a utilization rate over 50% and a customer is requesting less than 10% of the block, with the remaining 90 % to be returned to the Pooling Administrator.¹¹ For example, in its CRV Decision, the Commission granted Cox a waiver from the NPA’s denial based on the fact that Cox’s utilization rate was at 51% and the unused 90 % of the block numbers were returned to the NPA for assignment to another carrier¹².

In this petition, Cox is now at utilization rate of 88 % and the Customer is only requesting 100 specific telephone numbers, which represents 10 % of the block that is being requested. If this waiver request is granted, Cox intends to return the unused numbers to the Pooling Administrator to preserve the numbering resource.

Returning these numbers of a block will meet the objectives outlined by the Commission in the CRV Decision to preserve Rhode Island available telephone numbers, thus preserving the

⁸ *Id.* at ¶ 64.

⁹ *In the Matter of Numbering Resource Optimization, et al.*, CC Docket Nos. 99-200 and 96-98, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 89-200 (rel. Dec. 29, 200) (“*FCC 00-429 Second NRO*”) (available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-00-429A1.doc.)

¹⁰ *Id.* at ¶ 1.

¹¹ CRV Decision in Docket 3607 at 2.

¹² CRV Decision in Docket 3607 at 2, 3.

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401 area code.¹³ It will maximize number conservation and further preserve the area code, while allowing Customer a choice in competitive carriers.

It is clear that all necessary elements are present to allow the Commission adequate evidence for the overturning of NPA's denial. First, Cox has demonstrated that it has received a customer request for numbering resources that it cannot meet with its current inventory. Second, Cox has demonstrated need by documenting in writing that it has a customer request and has demonstrated proof of utilization. Third, Cox made the appropriate application to NPA. Fourth, NPA denied Cox's request for a one-thousand block in the Coventry rate center because Cox's utilization of its numbers in this rate center did not hit the requisite percent and months to exhaust thresholds.

Because Cox meets the standards set forth in the Commission's past decisions, Cox respectfully requests this waiver from the Pooling Administrator's denial of Cox's Request for Number Block Release. Granting this waiver will result in the release of new NPA NXX block of numbers for immediate use to help this customer.

Thank you for your prompt consideration of this matter. Should you have any questions or need additional information, please contact me at 401-274-7200.

Respectfully Submitted,

Cox Connecticut Telecom, LLC

By its Attorneys:



Alan M. Shoer, Esq.

Bar No. 3248

Adler Pollock and Sheehan P.C.

One Citizen's Plaza

Providence, Rhode Island 02903-1345

AMS/dll
Enclosures
573566_1.doc

¹³ CRV Decision in Docket 3607 at 3.

Heather Hynes
Cox Business
3rd Floor
9 James P. Murphy Ind Hwy
West Warwick, RI 02893

5/25/2011

Heather,

With regard to our request for a contiguous block of 100 DID's, we are implementing a new PRI along with a new phone system at our corporate office in Providence. This office has been expanded both in the number of employees and departments. As part of this expansion project we are implementing a new phone system and dial plan that will allow for each employee to have a DID. In addition we are looking for a new main number for the Providence office that ends in 00 or 000. Finally we are structuring the dial plan to allow each department manager to have a 0 as the last digit and team leads with 5 as the last digits. Other department members will be assigned the other numbers within the range.

Please expedite this request as our new phone system is scheduled for installation within the next 30 days.

Finally let me say that we spend over \$10K with Cox Business every month would expect your cooperation in this request.

Sincerely,



Scott Frazee
Vice President of IT

Jones, Sandra (CCI-Atlanta)

From: Robinson, Donnice (CCI-Oklahoma City)
Sent: Tuesday, May 24, 2011 12:47 PM
To: NOC TN Admin
Cc: Longley, Tamura (CCI-Oklahoma City); Rosales, Darrell (CCI-Oklahoma City)
Subject: FW: Providence Block Request.

Attachments: identity theft- signed[1].pdf



identity theft-
signed[1].pdf ...

This contract to is be attached with request 107

Donnice Robinson
Telephony Support Supervisor
405-600-6664 OFC
405-409-7036 Cell

-----Original Message-----

From: Longley, Tamura (CCI-Oklahoma City)
Sent: Tuesday, May 24, 2011 10:54 AM
To: NOC TN Admin
Cc: Robinson, Donnice (CCI-Oklahoma City)
Subject: Providence Block Request.

I am sending the signed customer contract requesting a state waiver so that we can assign this customer 100 seq. DID block.

~Thank You~
Tammi Longley
~Telephone Support Specialist III ~
(405)605-1000 option #2

If you have any comments regarding the service I have provided to you, please contact my supervisor at Donnice.Robinson@cox.com

-----Original Message-----

From: tnadmin@cox.com [mailto:tnadmin@cox.com]
Sent: Tuesday, May 24, 2011 10:53 AM
To: Longley, Tamura (CCI-Oklahoma City)
Subject: TN Administration - Block Request Alert

New Block Request Submitted Successfully at Tue May 24 11:52:39 EDT 2011
Tracking Number for the Request is [107]

Please note: This e-mail message is for notifications only.
Please do not reply to this message as this mailbox is not monitored for incoming messages.
For any help please contact the TN Administration TCC Group.

Thank you

Jones, Sandra (CCI-Atlanta)

From: john.auerbach@neustar.biz
Sent: Wednesday, May 25, 2011 3:34 PM
To: NOC TN Admin
Cc: PA_Part3@neustar.biz
Subject: PAS - Pooling Administrator's Response/Confirmation for Tracking Number: 401-PROVIDENCE-RI-446773

Pooling Administration System

Dated 25-May-2011

November 21, 2003
ATIS-0300066.at3

Attachment 3

Pooling Administrator's Response/Confirmation
TBPAG Part 3

Tracking Number : 401-
PROVIDENCE-RI-
446773

Date of Application: 05/25/2011 Effective Date: _____
Date of Receipt: 05/25/2011 Date of Response: 05/25/2011

Service Provider Name: COX RHODE ISLAND TELECOM INC

(Telcordia™ LERG™
Routing Guide) OCN: 8778

NPAC SOA SPID : _____

Pooling Administrator Contact Information:

John Auerbach Phone: 925-363-8706

Signature of Pooling Administrator

John Auerbach Fax: 925-363-7684

Name (print)

Email: john.auerbach@neustar.biz

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

WWWKRIBDS0

Rate Center:

PROVIDENCE

Rate Center Sub Zone:

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.)

neustar

Pooling Administration System

 Sandra.jones@cox.com (SP)• Sign Out

Time : 05/25/2011 03:33:13 PM EDT

-  Individual Block Requests
 -  New Block Request
 -  New Block Reservation
 -  Assign/Cancel/Extend Reservation
 -  Block Modification
 -  Multiple Block Modification
 -  Block Disconnect
 -  Saved Block Requests
 -  Modify Pending Request
 -  Copy Block Request
-  CO/NXX Code Requests
-  Withdraw Pending Requests
-  Confirm Resources In Service
-  Donate Blocks
-  Submit Forecast
 -  Create/Modify Forecast
-  Search Forms
 -  View Form
 -  List Forms
-  Reports
-  User Profile

Your request has been successfully submitted.
The Tracking Number for the request is: **401-PROVIDENCE-RI-446773**

[Return to Inbox](#) [View Forms](#)

Question? Email us
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[Legal Notice](#)

TN ADMINISTRATION

Block Request ID 107

OCN	8778
NPA	401
NPA Relief	
LATA	130
Parent Company OCN	8778
Quantity of Blocks Requested	1
If requesting more than one block, Do you want multiple effective dates?	NO
If requesting more than one block, Do you want multiple switches?	NO
Rate Center	PROVIDENCE
Rate Center Sub Zone	
Switch Identification	WWWKRIDBDS0
City or Wire Center Name	
Date of Application	2011-05-24 11:52:38.0
Request Expedited Treatment	NO
Requested Effective Date	06-06-2011

Type of Service Provider Requesting the Thousands-Block	
Type of SP	CLEC
Primary type of Service Blocks to be used for	WIRELINE
Thousands-Block(s) (NPA-NXX-X) Assignment preference	4016804
Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any	
Type of Request	
Remarks	We are aware that we are not at MTE and a state waiver is needed. I am emailing a copy of the signed contract. Customer is wanting a 100 seq. DID block. In Providence we do not have a 100 seq tns.

Months to Exhaust and Utilization Certification Worksheet

Codes List NPA(s)-NXX-X(s)	401.228.3, 401.228.6, 401.228.7, 401.228.8, 401.270.0, 401.270.1, 401.270.2, 401.270.3, 401.270.4, 401.270.5, 401.270.6, 401.270.7, 401.270.8, 401.270.9, 401.369.7, 401.383.0, 401.383.1, 401.383.2, 401.383.3, 401.383.4, 401.383.5, 401.383.6, 401.383.7, 401.383.8, 401.383.9, 401.415.8, 401.432.6, 401.432.7, 401.437.6, 401.437.8, 401.490.0, 401.533.9, 401.572.3, 401.632.0, 401.632.4, 401.649.4, 401.654.4, 401.654.5, 401.654.6, 401.680.5, 401.680.7, 401.680.8, 401.714.0, 401.808.6, 401.865.6, 401.919.5,
Available Numbers	1685
Assigned Numbers	40589
Total Numbering Resources	46000
Quantity Activated in last 90 days	0
List Excluded Code(s) or Block(s)	

Growth History - Previous 6 Months		
Month 1 - 0	Month 2 - 0	Month 3 - 0
Month 4 - 169	Month 5 - 285	Month 6 - 0

Forecast - Next 12 Months			
Month 1 - 75	Month 2 - 75	Month 3 - 75	Month 4 - 75
Month 5 - 75	Month 6 - 75	Month 7 - 75	Month 8 - 75
Month 9 - 75	Month 10 - 75	Month 11 - 75	Month 12 - 75

Months to Exhaust and Utilization	
Average Monthly Forecast	75
Months to Exhaust	22.47
Utilization Percentage	88.24 %

Part 1B	
Will Block be activated by NPAC ?	NO
Service Provider NPAC SOA SPID	7661
LRN	
Remarks	