

August 24, 2015

VIA ELECTRONIC MAIL AND REGULAR MAIL

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

Re: Cox Rhode Island Telcom, 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, The StoneHouse Resort (in Little Compton, R.I.), 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 for their business requirements, we respectfully request that the Commission address this waiver request as soon as practicable.

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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FACTUAL BACKGROUND

Cox recently installed fifteen (15) business phone lines with the Customer to provide telecommunications services. However, this Customer requires that the numbers be capable of integrating with their current 4-digit dialing system. The numbers Cox has available for this customer, as installed, all have the first digit of the last 4 numbers of all 15 lines beginning with a "0." Unfortunately four digit dialing on this customer's system is not available with either a "0" or "9" as the first digit.³

1. Because Cox did not have sufficient numbers available from its existing inventory to meet the customer request Cox applied to the Pooling Administrator on August 20, 2015 for the new block of numbers to that would allow Cox to accommodate this customer request.⁴

2. On August 21, 2015, the Pooling Administrator rejected Cox's request for these blocks of numbers. 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 Cox's current utilization for this rate center (Little Compton) is 39.8 %, and its months to exhaust numbers out of this rate center, is 67.5 months.

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

³ Copy of Customer request is attached at Tab 1.

⁴ Copy of Cox's application to the Pooling Administrator, dated August 20, 2015, is attached at Tab 2.

⁵ Copy of the NPA rejection, dated August 21, 2015, is 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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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 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 serve other customers without first meeting our growth numbering

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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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

In this request filed on behalf of Cox, 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 two numbering blocks in the Little Compton rate center because they determined Cox’s utilization of its numbers in this rate center did not hit the requisite percent and/or months to exhaust thresholds.

Because Cox meets the standards set forth in the Commission’s past decisions and the FCC Rules and Orders, 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 blocks of numbers for immediate use to help this customer. Finally, if this waiver is granted, Cox plans to return the unused numbers in the block to the Pooling Administrator, once the new required numbers can be assigned to the customer.

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.

ADLER POLLOCK & SHEEHAN P.C.

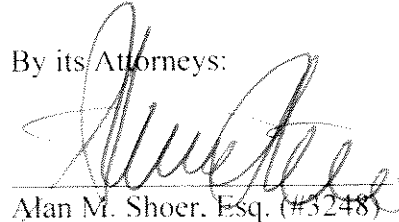
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Thank you for your prompt consideration of this matter. Should you have any questions or need additional information, please contact me at 401-274-7200.

Respectfully Submitted,

Cox Connecticut Telecom, LLC

By its Attorneys:



Alan M. Shoer, Esq. (#5248)
Adler Pollock and Sheehan P.C.
One Citizen's Plaza, 8th Floor
Providence, Rhode Island 02903-1345

Enclosures

1



19 August 2015

Ms. Shannon Brodeur
CCI – Northeast
Cox Business

Reference: Phone Service StoneHouse Resort

Dear Shannon:

As per my request, Cox installed 15 business phone lines at our new property, StoneHouse Resort in Little Compton, RI. I had requested the numbers be capable of integrating with our current 4 digit dialing system between IDC, Inc., OceanCliff Hotel & Resort, Regatta Place, and Goat Island Marina.

The first digit of the last 4 numbers of all 15 lines begins with a "0". It is my understanding 4 digit dialing is not available when there is a "0" or "9" as the first digit of the last 4 numbers.

I hereby request all 15 phones be changed immediately so as to be functional with our company's phone system.

Regards,

A handwritten signature in black ink, appearing to read 'Tucker Coffin', followed by a horizontal line extending to the right.

Tucker Coffin, CFO

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TBPAG Attachment 1 - January 12, 2015

Thousands-Block Application Form - Part 1A

Tracking Number: 401-LTLCOMPTON-RI-869598
Individual Block Request

Type of Application: New Change Disconnect

GENERAL APPLICATION INFORMATION

1.1 Contact Information:

Block Applicant:

Company Name: COX RHODE ISLAND TELECOM INC
Headquarters Address: 6305-A Peachtree Dunwoody Rd
City, State, Zip: Atlanta, GA, 30329
Contact Name: Sandra Jones
Contact Address: 6305-A Peachtree Dunwoody Rd
City, State, Zip: Atlanta, GA, 30329
Phone: 404-269-7722 ☎ Fax: 404-269-1270 ☎ E-mail: NOC.TN@cox.com

Pooling Administrator: ⁱⁱ

Contact Name: John Auerbach
Contact Address: 1800 Sutter St. Ste. 780
City, State, Zip: Concord, CA, 94520
Phone: 925-363-8706 ☎ Fax: 925-363-7684 ☎
E-mail: john.auerbach@neustar.biz

1.2 General Information:

Check one : No LRN needed LRN needed ⁱⁱⁱ

NPA: 401 LATA: 130 OCN: ^{iv} 8778 Parent Company's OCN 7987

Number of Thousands-Blocks Requested : 1

Switch Identification (Switching Entity/POI) : ^v

WWWKRIDBDS0

Rate Center: ^{vi} LTLCOMPTON

1.3 Dates:

Date of Application: ^{vii} <u>08/20/2015</u>	Requested Block Effective Date: ^{viii} <u>09/20/2015</u>
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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) 401-592-2
- 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 _____ or 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 _____ or No _____
- d) Has this block been protected from further assignment: Yes _____ or 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 (<http://www.atis.org/inc>) or by contacting inc@atis.org as of the date of this application.

<u>Sandra Jones</u>	<u>Numbering Solutions Spec IV</u>	<u>08/20/2015</u>
Signature of Block Applicant	Title	Date

Instructions for filling out each Section of the Part 1A form:

Section 1.1 Contact information requires that Service Providers supply under "Block Applicant" the company name, company headquarters address, a contact within the company, an address where the contact person may be reached, in addition to the correct phone, fax, and e-mail address. The Pooling Administrator section also requires the Service Provider to fill in the Pooling Administrator's name, address, phone, fax and e-mail.

Section 1.2 Service Providers who need a thousands-block assignment or for an Location Routing Number (LRN) are required to fill in this section. If needed for an LRN, a CO Code Application needs to also be submitted to the PA. The Service Provider should supply the Numbering Plan Area (NPA); the Local Access Transport Area (LATA), which is a three-digit number that can be found in the iconectiv™ LERG™ Routing Guide. The Operating Company Number (OCN) assigned to the service provider and the OCN its parent company. An OCN is a four-character alphanumeric assigned by iconectiv Telecom Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification as well as the city or wire center name, rate center, rate center sub zone, homing tandem and CLLI™ tandem of the facilities based provider^{X1}. Explanations of these terms may be found in the footnotes.

Section 1.3 The date the Service Provider completes the application should be entered in this section, as well as the Effective Date of the requested thousands-block.

Section 1.4 Service Providers should indicate their type, e.g., local exchange carrier, competitive local exchange carrier, interexchange carrier, CMRS. They also indicate the primary type of business in which the numbering resource is to be used. Service

Appendix 3

January 12, 2015

MONTHS TO EXHAUST and UTILIZATION CERTIFICATION WORK SHEET - TN Level¹
(Thousands-Block Number Pooling Growth Block Request)

Tracking Number: 401-LTLCOMPTON-RI-869598

Date: Thursday, August 20, 2015

OCN: 8778

Company Name: COX RHODE ISLAND TELECOM INC

Rate Center: LTLCOMPTON

List all Codes NPA(s)-NXX(s) and Blocks NPA(s)-NXX-X(s)²: 401.592.0

Name of Block Applicant: Sandra Jones

Signature: Sandra Jones

Title: Numbering Solutions Spec IV
FAX No.: 404-269-1270

Telephone No.: 404-269-7722

E-Mail: NOC.TN@cox.com

A. Available Numbers: 540

B. Assigned Numbers: 398

C. Total Numbering Resources: 1000

D. Quantity of numbers activated in the past 90 days (increments of 1,000 or 10,000) and excluded from the Utilization calculation ³: 0

List
Excluded
Code(s) or
Block(s):

	Month #1	Month #2	Month #3	Month #4	Month #5	Month #6	Month #7	Month #8	Month #9	Month #10	Month #11	Month #12
--	----------	----------	----------	----------	----------	----------	----------	----------	----------	-----------	-----------	-----------

E. Growth History - Previous 6	<u>0</u>	<u>2</u>	<u>13</u>	<u>16</u>	<u>2</u>	<u>17</u>						
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months⁴

F. Forecast
 - Next 12 months⁵ 8 8 8 8 8 8 8 8 8 8 8 8

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6):8.0

H. Months to Exhaust⁶ = $\frac{\text{Numbers Available for Assignment to Customers(A)}}{\text{Average Monthly Forecast(G)}}$

<u>Block Requested</u>	<u>Available Numbers</u>	<u>Months To Exhaust</u>
1	540	67.50

I. Utilization⁷ = $\frac{\text{Assigned Numbers(B)}}{\text{Total Numbering Resources(C)-Excluded Numbers(D)}} \times 100 = \underline{\underline{39.8}}$

Explanation: _____

¹A copy of this worksheet is required to be submitted to the Pooling Administrator when requesting additional numbering resources in a rate center. For auditing purposes, the applicant must retain a copy of this document.

²Report on all resources for the requested geographic area, including newly acquired blocks/codes.

³Quantity of numbers activated in the past 90 days is based on blocks and/or codes received from the administrator and shall be reported in increments of 1,000 or 10,000 TNs (e. g.: 2 blocks received=2,000 and 1 code received =10,000).

⁴Net change in TNs no longer available for assignment in each previous month, starting with the most distant month as Month #1, and Month #6 as the current month.

⁵Forecast of TNs needed in each following month, starting with the most recent month as Month #1.

⁶To be assigned an additional thousands-block (NXX-X) for growth, "Months to Exhaust" must be less than or equal to 6 months. (FCC 00-104, section 52.15 (g) (3) (iii)).

⁷Newly acquired numbers may be excluded from the Utilization calculation (FCC 00104, section 52.15 (g)(3)(ii))

TN ADMINISTRATION
Block Request ID 724

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	LTLCOMPTON
Rate Center Sub Zone	
Switch Identification	WWWKRIBDS0
City or Wire Center Name	
Date of Application	2015-08-20 17 21 48 0
Request Expedited Treatment	NO
Requested Effective Date	09-20-2015

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	4014202
Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any	
Type of Request	
Remarks	

Months to Exhaust and Utilization Certification Worksheet	
Codes List NPA(s)-NXX-X(s)	401 592 0
Available Numbers	540
Assigned Numbers	398
Total Numbering Resources	1000
Quantity Activated in last 90 days	0
List Excluded Code(s) or Block(s)	

Growth History - Previous 6 Months

Month 1 - 0	Month 2 - 2	Month 3 - 13
Month 4 - 16	Month 5 - 2	Month 6 - 17

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

Months to Exhaust and Utilization	
Average Monthly Forecast	8
Months to Exhaust	67.5
Utilization Percentage	39.8 %

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

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Pooling Administration System

• Sign Out

🏠 Sandra.jones@cox.com (SP)

Time 08/21/2015 11:58:20 AM EDT

Printable Version

Attachment 3

January 12, 2015
ATIS-0300066.at3

Pooling Administrator's Response/Confirmation TBPAG Part 3

Tracking Number: 401-
LTLCOMPTON-RI-
869598

Date of Application: 08/20/2015 Effective Date: _____
Date of Receipt: 08/20/2015 Date of Response: 08/20/2015

Service Provider Name: COX RHODE ISLAND TELECOM INC
(iconectiv™ LERG™
Routing Guide) OCN: 8778
Parent Company OCN: 7987

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) *

WWWKRIBDS0

Rate Center

LTLCOMPTON

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
