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October 28, 2004

Ms. April Mulqueen, Esquire
Assistant Director
Telecom Division
Massachusetts Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: D.T.E. 01-33 - Request for Waiver of NANPA's Denial of CTC Communications Corp.'s Request for Five Consecutive 1,000 Number Blocks to Meet a Specific Customer Need

Dear April:

The purpose of this letter is to seek a waiver of NANPA's (*i.e.*, NeuStar) decision to deny CTC Communications Corp.'s ("CTC" or "Company") requests for five consecutive 1,000 number blocks to permit CTC to continue to meet the needs of a large business customer. CTC takes such action pursuant to Federal Communications Commission ("FCC") rules [47 C.F.R. 52.15(g)(3)(iv)].

I. NATURE OF NUMBERING REQUEST

One large client, a customer of CTC, requested 5,000 consecutive numbers within the 617 NPA for telecommunications services that CTC provides from its XXXX point of interface for the XXXX rate center.[1] The customer, a large, medical facility, requested five consecutive 1,000 number blocks to obtain the necessary additional DID numbers needed for new facilities and employees, to alleviate the burden on their current telecommunications facilities, and to improve the internal and external dialing facility.

As a result of their growth and of problems with their current phone system and dialing arrangements, the customer indicates that they need 5,000 consecutive DID numbers in the 617 NPA.[2]

On October 15, 2004, CTC submitted a Central Office Code (NXX) Assignment Request (a "Part ." form) to the NANPA (NeuStar), with the restrictions outlined by the customer. CTC completed this application in accordance with the Industry Numbering Committee's Central

[1] CTC considers the customer's name proprietary and trade secret information. Accordingly, to keep this information confidential, CTC is not revealing the name of this customer in this letter.
[2] The specific requirements and justification is described in a letter from the customer, enclosed with this request.

Office Code (NXX) Guidelines and submitted the necessary Months to Exhaust and Utilization Certification Worksheet.[3]

CTC requested the five consecutive 1000 number blocks from NeuStar because it did not have the needed numbers available in its existing inventory. If the customer cannot get the needed numbers from CTC, it will be forced to seek service from another carrier.

NeuStar denied CTC's request because CTC did not meet the Federal Communications Commission's ("FCC") utilization requirement for the XXXX rate center. The denial of CTC's request was based on NeuStar's understanding of the applicable FCC rules and related INC Guidelines. These rules and guidelines require that a block or code holder requesting growth resources demonstrate that existing resources within the rate center will both exhaust within six months, and meet the 70 percent utilization level. NeuStar calculates utilization for CTC's request at less than the 70 percent required.

CTC considers the customer name and data relating to CTC's number utilization and forecasted growth in the rate center to be highly competitively sensitive and requests that the Department afford proprietary treatment to the attached customer request letter and the Months to Exhaust and Utilization Certification Worksheet.

II. REQUEST FOR WAIVER OF NANPA'S NXX CODE DENIAL

By way of this letter, CTC requests that the Department overturn NeuStar's decision and order that 5000 consecutive telephone numbers in the 617 area code be assigned to CTC's Cambridge point of interface for the XXXX rate center to permit CTC to serve the Customer. The Department 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.

[3] A copy of the Months to Exhaust and Utilization Certification Worksheet that CTC submitted to NANPA on October 15, 2004 is attached.

> 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:

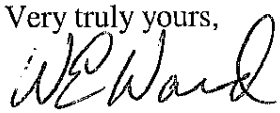
> We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center.

Third NRO Order at 64. In accordance with applicable FCC rules, CTC respectfully asks that the Department grant this waiver request on an expedited basis, and direct NeuStar to assign CTC the five consecutive 1000 number blocks so that CTC can continue to serve this Customer.

A copy of this waiver request letter, without proprietary attachments, has been sent to all parties on the D.T.E. 01-33 Service List.

Thank you for your assistance in this matter. Please contact me at 781-622-2037 or Betty Kilcoyne at 781-622-2071 if you have any questions concerning this request.

Very truly yours,



William E. Ward
Manager of Regulatory Affairs

Enclosures

cc: Mary L. Cottrell, Secretary [Public Version and Motion for Protective Treatment only]
Michael Isenberg, Esq., Telecommunications Director [Public Version and Motion for Protective Treatment only]
Service List DTE 01-33 [Public Version and Motion for Protective Treatment only]