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June 7, 2006

BY OVERNIGHT AND ELECTRONIC MAIL

Ms. April Mulqueen, Esquire
Assistant Director
Telecommunications 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 Month to Exhaust Requirement and Request for 1000 Number Block to Meet a Specific Customer Need

Dear Ms. Mulqueen,

CTC Communications Corp. (CTC) hereby requests that the Department of Telecommunications and Energy ("Department") issue a waiver of the Neustar, Inc.'s ("NeuStar", "Pooling Administrator" or "PA") decision to deny CTC's request for 1,000 numbers to meet the specific needs of a customer requesting additional numbering resources. CTC 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 CTC customer identified in the attached confidential material, has requested that CTC provide it with a 1000 DID numbers for use by its employees in the company's Shrewsbury, Massachusetts facility.[1]

CTC has developed a communications plan that the customer will implement, and consequently, the customer will assign the numbers as soon as CTC makes them available. The customer requires a full thousand number block to meet its service goal.

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]

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[1] A copy of the customer letter is appended. CTC asks the Department to treat the information contained therein as confidential.

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

On June 5, 2006, CTC 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 Shrewsbury rate center[3].

During the online session with the Pooling Administration System ("PAS"), CTC received an error message indicating the request would not process through the system without a state waiver.[4] 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 error message indicated the utilization level was not met.

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

CTC requests that the Department overturn the PA's decision and order the requested blocks be assigned to CTC on behalf of its customer. Although CTC has an adequate supply of telephone numbers to satisfy incremental requests for numbers, CTC's existing telephone resources cannot satisfy the customer's specific need. Moreover, this request will not have an adverse impact on overall numbering resources as the number pool for the Shrewsbury rate center currently reflects 20 available thousands-blocks. Consequently, this request can be accommodated by current number pool inventory.

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

[3] A copy of the Part 1A and MTE worksheet are appended. CTC asks the Department to treat the information contained therein as confidential by the Department.

[4] A copy of the error message is appended to the Part 1A/MTE worksheet. CTC asks the Department to treat the information contained therein as confidential by the Department.

> 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 Order[5] 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 Department adequate evidence for the overturning of NeuStar's denial. First, CTC made the appropriate application to the PA. Second, the PA rejected CTC's request for a growth code in the Shrewsbury rate center because CTC's utilization of its numbers in this rate center did not meet the requisite percentage.

Accordingly, CTC respectfully requests that the Department grant this waiver and direct NeuStar to assign to CTC the blocks of numbers to meet the customer's need.

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[5] *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").

Thank you for your assistance in this matter.

Respectfully submitted,

Pamela L. Hintz

Enclosures
cc: Mary L. Cottrell, Secretary
Michael Isenberg, Director of Telecom Division
D.T.E. 01-33 Service List