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Confidential and Proprietary Materials Omitted**

December 30, 2005

**BY OVERNIGHT DELIVERY AND ELECTRONIC MAIL**

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

Re: D.T.E. 01-33 – Request for Waiver of the FCC's Utilization Requirements for  
Growth Numbering Resources 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 NANPA's month to exhaust requirement and grant CTC's request for two (2) one-thousand blocks, which are required to meet a customer's specific needs for additional numbering resources. CTC takes such action pursuant to the Federal Communications Commission ("FCC") rules [47 C.F.R. 52.15(g)(3)(iv)].

**1. NATURE OF NUMBERING REQUEST**

The CTC customer identified in the attached confidential material has requested that CTC provide end users located within the Commonwealth with the ability to access the customer's voice information services.<sup>1</sup> In order to comply with the Department's blocking requirement applicable to Local Exchange Carriers (LECs) whose networks are used for voice information services, such as those offered by the customer identified in Attachment A, CTC requires two (2) thousand number block assignments, both of which should be assigned from Information Provider (IP) Central Office Codes types.

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<sup>1</sup> CTC considers the customer's name proprietary information. Accordingly, to keep this information confidential, CTC is not revealing the name of its customer in this letter.

CTC's customer has an immediate need to migrate its voice information services on to CTC's platform and to make use of numbers assigned from the requested blocks for purposes of providing consumers with access to such voice information services as soon as the numbers are available for consumption. In order for CTC to a) comply with the Department's blocking policy that require the designation of a specific exchange code in each LATA, and b) accommodate the customer's desire to furnish service on a state-wide basis, CTC requires a block assignment for each LATA.<sup>2</sup>

However, in conversations that the Company has had with NANPA, the Company has been advised that it would not be able to obtain the additional numbering resources it requires to serve this customer without a waiver granted by the Department.

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

Under 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"), the Department has the authority to overturn NANPA's decision to deny numbering resources. Accordingly, CTC requests that the Department grant CTC its requested waiver and order Neustar to assign CTC the requested blocks.

In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and the PA to handle numbering resource administration. If NANPA denies a carrier's numbering resource request, 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).

In Third Numbering Resource Optimization ("NRO") Order the FCC clarified 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 additional numbering assignments in response to "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. *Third NRO Order at 64.*

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<sup>2</sup> A copy of the customer letter in which the customer expresses its desire to provide service on a state-wide basis is included in the confidential material. CTC requests that the Department treat the information contained therein as confidential.

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CTC's current inventory of available numbers is insufficient for purposes of compliance with the Department's blocking policy in the context of provisioning this customer's service. Accordingly, CTC respectfully requests the Department to grant this waiver and direct NeuStar to assign to CTC the two (2) one-thousand number blocks requested to meet the customer's specific need.

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

Please feel free to contact me with any questions regarding the request. Your consideration in this matter is appreciated.

Respectfully submitted,

Pamela L. Hintz

Enclosures

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