

November 22, 2016

VIA ELECTRONIC MAIL and FEDERAL EXPRESS

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, University Orthopedics, Inc. (in Providence, 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 contracted with an existing business Customer to provide additional telecommunications services. However, this Customer requires that the new numbers be capable of integrating with their current 4-digit dialing system. The Customer is requesting sequential numbers for their internal PBX phone system. The numbers Cox has available for this customer all have the first digit of the last 4 numbers of the 200 requested numbers beginning with a "0." The four digit dialing on this customer's PBX phone system is not available with a "0" 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 November 15, 2016 for the new block of numbers to that would allow Cox to accommodate this customer request.⁴

2. On November 15, 2016, 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 (Providence) is 89.12%, and its months to exhaust numbers out of this rate center, is 13.00 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:

³ Copy of Customer request is attached at Tab 1.

⁴ Copy of Cox's application to the Pooling Administrator, dated November 15, 2016, is attached at Tab 2.

⁵ Copy of the NPA rejection, dated November 15, 2016, 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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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 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

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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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.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 Providence 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 Telcom, LLC

By its Attorneys:

A handwritten signature in blue ink, appearing to read "Alan M. Shoer", is written over a horizontal line.

Alan M. Shoer, Esq. (#3248)
Adler Pollock and Sheehan P.C.
One Citizen's Plaza, 8th Floor
Providence, Rhode Island 02903-1345

Enclosures

cc: Robert Howley, Cox *(via e-mail)*

Tab 1

JUSTIN M. FERRARA, M.D.
JOSH K. SONG, M.D.

*Clinical Instructor
Division of Hand Surgery
Brown Medical School*

*Medical Office Center/Suite 200
2 Dudley Street
Providence, RI 02905*

*Office: (401) 457-2168
Fax: (401) 851-8955*

UNIVERSITY ORTHOPEDICS, INC.

*Michael G. Ehrlich, M.D.
Roy K. Aaron, M.D.
Edward Althaus, M.D.
W. Lloyd Barnard, M.D.
Theodore A. Blaine, M.D.
Christopher L. Blum, M.D.
Manuel B. DaSilva, M.D.
Christopher W. DiGiuseppe, M.D.
Craig P. Eberon, M.D.
Paul D. Fiala, M.D.
Gary M. Ferguson, M.D.
John A. Friedlich, M.D.
Andrew Green, M.D.
Michael J. Hulsan, M.D.
Julia A. Katarincic, M.D.
Richard S. Lombard, M.D.
Phillip R. Lucas, M.D.
James O. Maher, III, M.D.
Mark A. Palumbo, M.D.
Alexander P. Robertson, M.D.
Robert M. Seabury, M.D.
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Richard M. Tereb, M.D.
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ORTHOPEDIC RESEARCH

*Rubor Bolgen, Ph.D.
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David Spindler, Ph.D., Sc.M.
Chengqi Sun, Ph.D.
Xiao-juan Sun, M.D.
Shao Wang, M.D.
Zhongke Wang, Ph.D.
Lei Wei, M.D., Ph.D.
Xu Yang, M.D., Ph.D.*



Cathy,

University Orthopedics, Inc. are requesting an additional 200 block of DIDs due to significant company growth over the next year and upcoming years. We are currently building four new locations and adding 5 new providers over the next 12 months. The 200 consecutive numbers will allow us to have one cohesive presence which will allow patients easier access to their providers.

Thank you,

Mark Nealley
IT Director

University Orthopedics, Inc.
1 Virginia Ave., Suite 100
Providence, RI 02905

Tab 2

Tracking Number: **401-PROVIDENCE-RI-958455**Thousands-Block Application Form - Part 1A
Revised: January 4, 2016**Individual Block
Request**Type of Application: ☒ New ☐ Change ⁱ ☐ Disconnect

General Application Information

1.1 Contact Information:

Block Applicant:

Company Name: **COX RHODE ISLAND TELECOM INC**
Headquarters Address: **6305 Peachtree-Dunwoody**
City: **Atlanta** State: **GA** ZIP: **30328**
Contact Name: **Evelyn Allen**
Contact Address: **6305 Peachtree-Dunwoody**
City: **Atlanta** State: **GA** ZIP: **30328**
Phone: **404-269-8562** Fax: **404-269-1270**
E-mail: **evelyn.allen@cox.com**

Pooling Administrator:ⁱⁱ

Contact Name: **John Auerbach**
Contact Address: **1800 Sutter St. Ste. 780**
City: **Concord** State: **CA** ZIP: **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 neededⁱⁱⁱ: _____

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}: PROVIDENCE

1.3 Dates:

Date of Application^{vii}: 11/15/2016

Requested Effective Date^{viii}:
12/16/2016

Requested Expedited Treatment? (See Section 8.6) Yes ____ No X

☐ 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.

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) 4014435

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* ☐ Effective Date

Change block : Yes _____ If Yes, list NPA-NXX-X _____

1.6 Block Return :

- a) Is this block Contaminated: Yes _____ 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 _____ No _____
- d) Has this block been protected from further assignment: Yes _____ 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 (www.atis.org/inc) or by contacting inc@atis.org as of the date of this application.

Evelyn Allen

NIM Analyst Sr

11/15/2016

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 Telcordia Technologies, Inc. dba iconectiv (iconectiv™) LERG™ Routing Guide^{xi}. The Operating Company Number (OCN) assigned to the service provider and the OCN of its parent company. An OCN is a four-character alphanumeric NECA-assigned Company Code or a four-character alphanumeric

identifier assigned by the iconectivTM Telecom Routing Administration (TRA). In addition, the number of thousands-blocks requested should be supplied. The Switch Identification. 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 or VoIP. Also indicate the primary type of business in which the numbering resource is to be used. Service Providers may indicate their preference for a particular thousands-block, e.g., 321-9XXX, or indicate any thousands-blocks that may be undesirable, e.g., 321-6XXX.

Section 1.5 Service Providers indicate the type of request. Initial requests are for first applications for thousands-blocks in a rate center, growth for additional thousands-blocks in a rate center in which the applicant already has numbering resources, and provide the required evidence as ordered by the FCC.

Section 1.6 Service Providers must indicate the updated/current information in regards to contaminated TNs on the block they are returning to the pool. Blocks with over 10% contamination (101 TNs or more) shall not be returned to the pool except when a service provider is exiting the market or is exchanging a block that was identified as being over 10% contaminated. If the block being returned is over 10% contaminated, the PA shall seek a new block holder. If question c and/or d have a response of No, the request for return shall be denied.

The thousands-block applicant certifies veracity of this form by signing their name, and providing their title and date.

Footnotes:

ⁱIdentify the type of change(s) in Section 1.5.

ⁱⁱThe Pool Administrator is available to assist in completing these forms.

ⁱⁱⁱA CO Code application will also need to be submitted to the PA.

^{iv}Operating Company Number (OCN) assignments must uniquely identify the applicant. Relative to CO Code assignments, NECA-assigned Company Codes may be used as OCNs. Companies with no prior CO Code or Company Code assignments should contact NECA (800 524-1020) to be assigned a Company Code(s). Since multiple OCNs and/or Company Codes may be associated with a given company, companies with prior assignments should direct questions regarding appropriate OCN usage to TRA (732-699-6700).

^vThis is an eleven-character descriptor of the switch provided by the owning entity for the purpose of routing calls. This is the 11 character CLLITM Code of the switch /POI.

^{vi}Rate Center name must be a tariffed Rate Center.

^{vii}Acknowledgment and indication of disposition of this application will be provided to applicant within seven calendar days from the date of receipt of this application. An incomplete form may result in delays in processing this request.

^{viii} Please ensure that the NPA-NXX of the LRN to be associated with this block (s) is/will be active in the PSTN prior to the effective date of the block(s).

^{ix} Select if you are the current Block Holder.

^{*} Select if you are not the current Block Holder

^{xi} Common Language[®] and Telcordia[®] are registered trademarks and CLI[™], LERG[™] Routing Guide and iconectiv[™] are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.

TN ADMINISTRATION

Block Request ID 899

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	WWWKRIDBS0
City or Wire Center Name	
Date of Application	2016-11-14 16:19:56.0
Request Expedited Treatment	NO
Requested Effective Date	12-15-2016

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	4014435
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)	401.228.3, 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, 401.430.1, 401.430.2, 401.430.3, 401.430.4, 401.430.7, 401.430.8, 401.432.6, 401.432.7, 401.437.6, 401.437.8, 401.443.2, 401.443.4, 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, 401.680.4, 401.680.5, 401.680.7, 401.680.8, 401.714.0, 401.808.6, 401.865.6, 401.919.5,

Available Numbers	1625
Assigned Numbers	49016
Total Numbering Resources	55000
Quantity Activated in last 90 days	0
List Excluded Code(s) or Block(s)	

Growth History - Previous 6 Months		
Month 1 - 0	Month 2 - 535	Month 3 - 0
Month 4 - 0	Month 5 - 55	Month 6 - 164

Forecast - Next 12 Months			
Month 1 - 125	Month 2 - 125	Month 3 - 125	Month 4 - 125
Month 5 - 125	Month 6 - 125	Month 7 - 125	Month 8 - 125
Month 9 - 125	Month 10 - 125	Month 11 - 125	Month 12 - 125

Months to Exhaust and Utilization	
Average Monthly Forecast	125
Months to Exhaust	13.0
Utilization Percentage	89.12 %

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

Tab 3

Thousands-Block Number Pooling Administration Guidelines
(TBPAG) - Part 3

Revised: January 4, 2016

Pooling Administrator's Response/Confirmation

Tracking Number : 401-
PROVIDENCE-RI-
958455

Date of Application: 11/15/2016 Effective Date: _____
Date of Receipt: 11/15/2016 Date of Response: 11/15/2016

Service Provider Name: COX RHODE ISLAND TELECOM INC

(LERGTM Routing
Guide¹) 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 (1-1000): _____

Switch Identification (Switching/POI)²: WWWKRIDBDS0

Rate Center:

PROVIDENCE

☒ 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 Administrator.

Explanation:

Remarks:

¹ Telcordia[®] is a registered trademark and LERG[™] Routing Guide and iconectiv[™] are trademarks and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.

² This is an eleven-character descriptor provided by the owning entity for the purpose of routing calls. This must be the Common Language[®] Location Code (CLLI[™] Code) of the switching entity/POI shown on the Part 1A form. Common Language[®] is a registered trademark and CLLI is a trademark and the Intellectual Property of Telcordia Technologies, Inc. dba iconectiv.