

**STATE OF NEW HAMPSHIRE  
BEFORE THE PUBLIC UTILITIES COMMISSION**

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**In the matter of the Implementation  
of CLEC FX and the Reassignment of  
Numbers to the CLEC POI**

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**DT 00-223**

**AGREEMENT  
REGARDING CLEC FX  
AND  
REASSIGNMENT TO THE POI**

On October 17, 2003, the New Hampshire Public Utilities Commission (Commission) issued Order No. 24,218, addressing motions for rehearing in this docket. That Order granted a rehearing on the issue of the appropriate treatment of VNXXs that cannot be reassigned to the relevant point of interconnection (POI) under the porting and pooling circumstances described in the Order.

The circumstances for Number Porting Issues are described in the Order at pp. 66-67. For Number Porting Issues:

...the process of reassigning NXXs to the CLEC POI may leave some number assignments in an undefined status. Customers may receive service using numbers that have been ported from Verizon to a CLEC, or from one CLEC to another. Not all CLECs providing services over these ported numbers may have received certification to provide FX service. For the purposes of this discussion, a CLEC who provides CLEC FX in the pertinent exchange shall be referred to as a 'qualified CLEC', while a CLEC who does not provide CLEC FX shall be referred to as a 'non-qualifying CLEC'.

It is possible that certain categories of telephone numbers that have already been ported from one carrier to another ("ported numbers") will be impossible to reassign to the POI. These include:

- i) ported numbers belonging to a Verizon exchange now in use by a non-qualifying CLEC;
- ii) ported numbers belonging to an exchange assigned to a qualified CLEC now in use by a non-qualifying CLEC; and
- iii) ported numbers belonging to an exchange assigned to a non-qualifying CLEC now in use by a qualified CLEC.

The circumstances for Number Pooling Issues are described in the Order at p.67-68 as follows:

Number pooling involves the assignment of thousands-blocks of numbers within an NXX to other carriers, such that multiple carriers may make use of a single NXX. The code holder

(the original carrier to whom the NXX was assigned) will have at least one block of numbers. The remaining blocks may be in one of four categories: (i) pooled but unassigned; (ii) assigned to a carrier but unused; (iii) assigned to a carrier and used for VNXX applications; or, (iv) assigned to a carrier and used for indisputably local customers.

Since thousands-blocks cannot be separately assigned to different rate centers, there are scenarios that must be considered, such as:

- i) when there are numbers in the NXX that are in use by physically-located customers; and
- ii) when blocks are used for VNXX applications by more than one non-qualified CLEC, that have POIs in different exchanges.

The Parties and Staff met to discuss methods of treating the NXXs described in Order No. 24, 218. As a result of the discussions, the Parties and Staff came to the conclusions contained herein. The Parties and Staff also agreed on certain clarifications regarding CLEC-FX service, also contained herein.

The Signatories to this Agreement agree as follows:

1. Definitions:

*Qualified CLEC:* A CLEC who has met the requirements for a Local Nexus in the relevant exchange, pursuant to Order No. 24,218.

*Non-Qualifying CLEC:* A CLEC that does not meet the requirements for a Local Nexus in the relevant exchange, pursuant to Order No. 24,218.

*Indisputably local customer:* Pursuant to Order No. 24,218, a customer with a physical presence in the geographic area associated by the incumbent carrier with the NXX.

*Colocation:* The arrangement between a CLEC and Verizon in accordance with Verizon's Tariff 84 (or similar arrangements with other ILECs) for the purpose of providing interconnection or access to unbundled network elements from a specific Central Office, pursuant to TAct §251(c)(6).

*Relinquishing Codes:* Returning codes or thousands-block(s) to the North American Numbering Plan Administrator or Pooling Administrator.

*Reassigning Codes:* Changing the V&H coordinates of a full 10,000 number code from the current rate center designation to the rate center associated with an appropriate CLEC POI.

2. The Parties and Staff agree that reassigning codes to the POI is a transition mechanism only.

a) As IANXX is implemented and qualified CLEC FX status is initially determined, carriers will either reassign codes to the POI or relinquish codes.

b) The opportunity to reassign codes to the POI expires after the transition period.

c) After the transition period, a carrier that loses its status as a qualified CLEC for an exchange must relinquish its code(s), block(s) and ported numbers in that exchange.

d) Reassignment to the POI will occur only when a CLEC is using a code for VNXX, and then only if the CLEC is not a qualified CLEC..

e) Reassignment to the POI will only occur once pooling and porting issues are addressed consistent with paragraphs 3 and 4 below.

3. The process of reassignment begins with an assessment of pooling issues. The Parties and Staff agree that when thousands-block number pooling affects whether a code may be reassigned to the POI, thousands-block number pooling reassignment issues will be resolved as follows:

a) Regardless of which carrier is the code holder, blocks containing numbers in use by an indisputably local customer will be ineligible for reassignment to a CLEC POI and will cause the entire NXX to be ineligible for reassignment. When this situation occurs, any non-qualifying CLEC with numbers in a block in that NPA NXX must discontinue service to its VNXX customers and relinquish its numbers in the exchange. The relinquishing CLEC must notify its customers according to the notification requirements in Puc 1304.03(d). If the relinquishing CLEC is the code holder, existing code assignment guidelines for designating a new code holder will apply. In the event there are working telephone numbers serving local customers in a block relinquished by a non-qualifying CLEC, the qualified CLEC with the largest number of customers in the block shall become the block holder.

b) When blocks are assigned to and used for VNXX applications by more than one non-qualifying CLEC whose POIs are in different exchanges, the full code will be reassigned to the POI of the CLEC with the largest number of customers (i.e., billing entities) with numbers assigned from the NXX in question. If that CLEC is not the code holder, existing code assignment guidelines for designating a new code holder will apply.

4. After pooling issues have been addressed, the process of reassignment will continue by assessing porting issues. The Parties and Staff agree that when ported numbers affect whether a code may be reassigned to the POI, porting issues will be resolved as follows:

a) For ported numbers belonging to a Verizon exchange or to an exchange assigned to a qualified CLEC now in use by a non-qualifying CLEC, the non-qualifying CLEC must discontinue service to its VNXX customers and relinquish its numbers in the exchange. The non-qualifying CLEC must notify its customers according to the notification requirements in Puc 1304.03(d).

b) For ported numbers in a block of an NPA NXX assigned to a non-qualifying CLEC now in use by a qualified CLEC, in addition to relinquishing its numbers and notifying its customers (if any) as described above, the non-qualifying CLEC will no longer be the code or block holder. Existing code assignment guidelines for designating a new code or block holder will apply.

5. The Parties and Staff agree that, pursuant to Order No. 24,218, establishing the Local Nexus requires the provision of local service as defined in Puc 1306.02 to an indisputably local customer. The provision of DSL without local service is not sufficient to qualify as a Local Nexus, even if the CLEC is colocated with Verizon.

6. All carriers with existing POIs as of the effective date of this Agreement may maintain their current NXX blocks assigned to the rate center of their existing POIs.

7. The Parties and Staff agree that carriers shall have a six-month timeframe from the effective date of the Order approving this Agreement to establish its Local Nexus in areas they currently serve. In the future, a CLEC intending to provide service in an area will be given six months to establish its Local Nexus before its code assignment is jeopardized, but the CLEC cannot offer CLEC FX service in that exchange until its Local Nexus is established. During this six month period, the CLEC will be in “qualification pending” status.

8. The signatories agree that the timetable for CLEC FX implementation will include the following benchmarks:

From the date the Commission Order becomes final and non-appealable (OED)

OED + 3 weeks	Commission determines qualified CLEC status and posts qualified CLECs, non-qualifying CLECs, and qualification pending CLECs by NXX blocks to website.
OED +3 weeks	Porting to non-qualifying LECs ends (qualification pending CLECs can receive ported numbers for indisputably local customers but not for CLEC FX customers).
OED + 6 weeks	Commission assesses pooling issues and identifies NPA NXXs which may be reassigned subject to assessment of porting issues.
OED + 8 weeks	Carriers report numbers assigned to local customers from the NPA NXXs identified by the Commission
OED +12 weeks	Commission publishes list of NPA NXXs to be reassigned or relinquished.
OED + 16 weeks	Non qualifying CLECs notify customers of discontinuation of service
OED +16 weeks	All carriers notify customers of rating change associated with NPA NXX reassignment
OED +20 weeks	Non-qualifying CLEC end user service is discontinued
OED + 20 weeks	VNXX ends

9. The Parties and Staff agree that they have not resolved, nor does this Stipulation address the issue on hold pursuant to the moratorium agreement during the pendency of this proceeding, of

the price Verizon will charge for Third Party Transport (TPT) of traffic between CLECs and ITCs. The rates for TPT shall be subject to tariffs approved after notice and opportunity for hearing. (See Order No. 24,218 p 77). The moratorium shall remain in effect until such rates are approved.

10. Although other issues may arise in the future, Staff and the Parties agree that the paragraphs above address all known technical feasibility, time frame and cost (other than TPT) issues for implementation of CLEC FX. To the extent unforeseen issues arise in the future, the Parties and Staff agree to engage in negotiations in a good faith effort towards resolution.

11. The signatories agree that this stipulation is a negotiated settlement involving the following issues on rehearing pursuant to Order No. 24,218: the technical feasibility, time frames, and costs for implementing IANXX, and the appropriate treatment of VNXXs that cannot be reassigned to the relevant Point of Interconnection. If any modifications or conditions are made to this stipulation, each of the signatories must be given the right to be placed in the position in this proceeding that it was in prior to entering into this stipulation. This stipulation is without prejudice to positions taken by the parties in other proceedings and in other states and shall not constitute precedent with respect to any and all such matters. The parties' willingness to resolve the relevant issues in this rehearing by way of stipulation is without waiver of rights with respect to these matters in other proceedings or in other states. The signatories agree that signing the Stipulation does not constitute approval of, or precedent for, any particular issue in this proceeding other than those specified herein.

Respectfully submitted,

**Agreement Regarding Clec FX And Reassignment To The POI**

**Signatories**

\_\_\_\_\_ date

by \_\_\_\_\_  
E. Barclay Jackson, Esq.  
for the Staff of the Commission