

REDACTED

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**CONFIDENTIAL
MATERIAL
IN COMM FILE**

Via Hand Delivery

April 23, 2014

NHPUC APR23'14 PM 4:31

Debra A. Howland
Executive Director & Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

Re: Confidential Request for Waiver of NeuStar's Denial for Numbering Resources

Dear Ms. Howland:

Northern New England Telephone Operations LLC d/b/a FairPoint Communications - NNE ("FairPoint") represents that the material provided herein and in the enclosed Exhibits are marked "Confidential and Proprietary Information" and pertain to the provision of competitive services; set forth trade secrets or other confidential information falling within scope of RSA 91-A:5 and PUC Rule 201:4(5); and are not general public knowledge or published elsewhere. FairPoint has taken measures to prevent dissemination of the information in the ordinary course of business. Pursuant to PUC 203.08, FairPoint represents that a motion for confidentiality will be filed in advance of any hearing on these issues, if any. The following submission contains highly confidential information.

FairPoint Communications hereby seeks a waiver of NeuStar's decision to deny its request for [REDACTED]

[REDACTED]

[REDACTED] FairPoint takes such action pursuant to Federal Communications Commission ("FCC") Rule 47 C.F.R. 52.15(g)(3)(iv).

I. NATURE OF NUMBERING REQUEST

[REDACTED] requested [REDACTED] telephone numbers in the [REDACTED] rate center/exchange area. These additional numbers are needed to support the service delivery of a Primary Rate Interface ("PRI") to accommodate [REDACTED]. Exhibit A, an April 14, 2014 letter from [REDACTED] to FairPoint affirms [REDACTED] requires these numbers [REDACTED]

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FairPoint requested the numbers from NeuStar because it did not, and does not, have inventory within its supply of numbers in the [REDACTED] rate center to meet [REDACTED] requirements. On April 15, 2014, FairPoint submitted a Thousand Block Assignment Request (a "Part 1A" form) to NeuStar asking for [REDACTED] sequential numbers in the [REDACTED] rate center. A copy of the Part 1A form is attached as Exhibit B. In addition to the Part 1A form, FairPoint filled out and submitted the necessary Months-to-Exhaust Certification Worksheet ("MTE"). Attached as Exhibit C is the MTE for FairPoint's [REDACTED] rate center.

On April 15, 2014, NeuStar's Pooling Administrator denied the Company's request on the grounds that FairPoint had not met the rate-center based MTE and/or the utilization requirements set forth by the FCC – notwithstanding the fact that FairPoint does not have the numbering resources needed to satisfy this specific customer request, as explained above. This decision denying FairPoint the block for [REDACTED] is attached as Exhibit D.

FairPoint considers Exhibits A through D to contain confidential and competitively sensitive information. FairPoint therefore requests, as aforementioned, that the New Hampshire Public Utilities Commission (the "Commission") afford these Exhibits, as well as this Letter itself, confidential treatment because they contain specific data relating to FairPoint's number utilization and forecasted growth in the [REDACTED] rate center.

II. REQUEST FOR WAIVER OF NEUSTAR'S DENIAL

By way of this letter, FairPoint requests that the Commission overturn NeuStar's decision and order that [REDACTED] numbers be assigned to FairPoint for [REDACTED]. The Commission has the authority to take such action pursuant to the FCC's Numbering Resource Optimization *Report and Order and Further Notice of Proposed Rule Making* (FCC 00-104), released March 31, 2000 in CC Docket No. 99-200 ("*NRO Order*"). In the *NRO Order*, the FCC states that a carrier may challenge a North American Numbering Plan Administration ("NANPA") decision to the appropriate state regulatory commission and the "state regulatory commission may affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein." *NRO Order, Appendix A, Final Rules 52.15(g)(3)(iv)*.

In Section 52.15(g)(3)(iii) of the aforementioned Final Rules, the FCC states:

All service providers shall maintain no more than a six month inventory of telephone numbers in each rate center or service area in which it provides telecommunications service.

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However, by following the above Rule out of context of the FCC's full R&O and *without exception*, NeuStar is actually violating the second of the FCC's stated goals:

Section 251(e) of the Communications Act of 1934 (Communications Act), as amended, grants this Commission plenary jurisdiction over the North American Numbering Plan (NANP) and related telephone numbering issues in the United States. In fulfilling this statutory mandate, we have identified two primary goals. One is to ensure that the limited numbering resources of the NANP are used efficiently, to protect customers from the expense and inconvenience that result from the implementation of new area codes, some of which can be avoided if numbering resources are used more efficiently, and to forestall the enormous expense that will be incurred in expanding the NANP. *The other goal is to ensure that all carriers have the numbering resources they need to compete in the rapidly growing telecommunications marketplace.*

NRO Order, ¶ 1 (emphasis added; footnotes deleted).

The Commission has the authority to review NeuStar decisions and reverse them when appropriate. Indeed on June 19, July 9, and August 16, 2001, the Massachusetts Department of Telecommunications and Energy issued Letter Orders overturning NeuStar's denial of codes/blocks Verizon MA had requested to serve Harvard University, Partners Healthcare/Massachusetts General Hospital, and the University of Massachusetts-Dartmouth respectively. Other state commissions have taken similar action. These include, but are not limited to the following: the Oregon Public Utility Commission, where on March 6, 2001 overturned NANPA's rejection of two (2) exchange codes that Verizon requested for its customer, Intel; the North Carolina Utilities Commission, which on April 16, 2001, granted BellSouth's petition for review of a NANPA decision that denied it two (2) codes for Corning, Inc. and Guilford County government; and the Florida Public Service Commission, which on May 21, 2001, overturned NANPA's denial of a code ending in a "4" that Bell South had requested to meet a specific customer request that could not be fulfilled by the carrier's existing inventory of numbers. More recently, and native to New Hampshire, the Commission overturned a NeuStar denial of a FairPoint request, made on behalf of its customers, [REDACTED] and the [REDACTED]. NeuStar denied the requests in all of these cases because the customer's carriers, Verizon, BellSouth and FairPoint were not within six (6) months of exhausting their numbering resources in each of the rate centers for which they were requesting codes.

In the case of the [REDACTED] request – as was true in Massachusetts, Oregon, North Carolina and Florida, among others, having more than six (6) months' worth of numbering resources does not change the fact that FairPoint simply cannot meet its customer's request without securing specific numbers not available in the Company's existing inventory of numbers.

FairPoint hereby requests that the Commission reverse NeuStar's decision to withhold numbering resources from FairPoint on the grounds that the decision violates the intent and requirements of the FCC in allowing carriers access to numbering to meet specific customer demands upon a sufficient showing of need. The Pooling Administrator's denial of numbering resources also interferes with the

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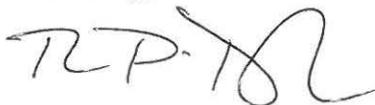
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FairPoint's ability to serve its customers. Neither FairPoint nor [REDACTED] should be put in this position. Accordingly, FairPoint's request for waiver should be granted.

Finally, FairPoint respectfully asks that the Commission grant this waiver request on an expedited basis. This is necessary because [REDACTED] needs to have the numbers activated as soon as possible for use beginning May 8, 2014.

Please feel free to contact me should you have any questions regarding this submission. I can be reached at 603.656.8102 or by email at Ryan.Taylor@fairpoint.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'R.P. Taylor', with a stylized flourish at the end.

Ryan P. Taylor