

**ORIGINAL**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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**JAN 31 2002**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In the Matter of )  
)  
Number Resource Optimization )  
)  
Petition of e.spire Communications, Inc. )  
For Extension of Time to File )  
Numbering Resource Utilization )  
and Forecast Report, FCC Form 502 )

CC Docket No. 99-200

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**PETITION FOR EXTENSION OF TIME**

e.spire Communications, Inc. and its operating subsidiaries (collectively, "e.spire" or "Petitioner"), by its attorneys and pursuant to Section 1.3 of the rules of the Federal Communications Commission ("Commission"),<sup>1</sup> hereby respectfully request a temporary waiver of the February 1, 2002 deadline to file its Numbering Resource Utilization and Forecast Report, FCC Form 502 ("NRUF"). While preparing its NRUF report, e.spire personnel discovered that the data produced by e.spire's internal numbering management system contain significant inaccuracies. Although e.spire immediately gave the correction of these inaccuracies the highest priority, it has now become clear that e.spire will not be able to file an accurate NRUF report on February 1, 2002. Therefore, e.spire requests an extension of the upcoming filing deadline until March 15, 2002 so that e.spire will be able to verify its number utilization and forecast data and file an accurate NRUF Report.

The Commission's *Report and Order* on Numbering Resource Optimization requires carriers to report their actual and forecasted number usage on a semi-annual basis.<sup>2</sup> Pursuant to Section 52.15(f)(6) of the Commission's rules, a carrier must report its numbering

<sup>1</sup> 47 C.F.R. §1.3.

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forecast and utilization data with the North American Numbering Plan Administrator (“NANPA”) in NRUF Reports submitted on or before February 1 for the six-month period immediately preceding December 31, and on or before August 1 for the six-month period preceding June 30.<sup>3</sup> e.spire fully acknowledges its legal obligation to comply with the Commission’s reporting requirements and appreciates the importance of providing complete and accurate numbering utilization and forecast data to the Commission. Accordingly, e.spire intends to submit a complete and accurate NRUF Report to the Commission as soon as e.spire is able to verify its numbering utilization and forecast data.

e.spire is in the process of rectifying the deficiencies in its internal numbering management system that led to the inaccuracies in its numbering utilization and forecast data. e.spire first discovered the deficiencies in its internal numbering management system after it filed a petition for bankruptcy protection, pursuant to Chapter 11 of the United States Bankruptcy Code, in the U.S. Bankruptcy Court for the District of Delaware (“Bankruptcy Court”) on March 22, 2001.<sup>4</sup> As such, the difficulties that e.spire faces in revamping its internal numbering management system are compounded by the stringent financial constraints under which e.spire is currently operating as required by the Bankruptcy Court and by e.spire’s creditors. Specifically, stringent financial constraints have impaired e.spire’s ability expeditiously to complete the renovations necessary to ensure that e.spire’s internal numbering management system produces accurate numbering utilization and forecast data.

Notwithstanding e.spire’s diligent efforts to produce a complete and accurate NRUF Report in accordance with the Commission’s upcoming filing deadline, e.spire’s inability

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<sup>2</sup> *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, 15 FCC Rcd 7574 (rel. Mar. 31, 2000) (“*Report and Order*”).

<sup>3</sup> 47 C.F.R. § 52.15(f)(6).

to deliver accurate numbering utilization and forecast data persists. Accordingly, e.spire will be unable to affirm the accuracy of its NRUF Report on or before the upcoming February 1, 2002 filing deadline. e.spire anticipates that the renovations to its internal numbering management system necessary to affirm the accuracy of its numbering utilization and forecast data will be complete in the very near future, and e.spire commits to filing its complete and accurate NRUF Report no later than March 15, 2002.

A Commission rule may be suspended, revoked, amended or waived, for good cause shown, in accordance with Section 1.3 of the Commission's rules.<sup>5</sup> The Commission has granted temporary extensions of the NRUF filing deadline where a limited and specified amount of additional time is necessary to ensure the accuracy and completeness of an NRUF report. In this case, e.spire needs less than 45 additional days to ensure that its NRUF report is complete and accurate. Without an extension, e.spire will not be able to certify the accuracy of its NRUF report.<sup>6</sup> Accordingly, grant of e.spire's requested extension would serve the public interest and further the objectives of the Commission and the states in monitoring the use and allocation of numbering resources. Therefore, e.spire respectfully submits that it has demonstrated "good cause" for a temporary extension of time until March 15, 2002 to file its NRUF Report, particularly given its current Chapter 11 bankruptcy status and the resulting financial constraints.

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<sup>4</sup> *In re e.spire Communications Inc. et al., Chapter 11*, Case No. 01-974PJW (filed 3/22/2001).

<sup>5</sup> 47 C.F.R. § 1.3.

<sup>6</sup> *See Numbering Resource Optimization: Petition of Teligent, Inc. For Extension of Time to File the Numbering Resource Utilization/Forecast (NRUF) Report FCC Form 502*, Order, CC Docket No. 99-200, 16 FCC Rcd 14768 (rel. Jul. 31, 2001).

## CONCLUSION

e.spire Communications, Inc. and its operating subsidiaries respectfully request a temporary waiver of the February 1, 2002 deadline to file its Numbering Resource Utilization and Forecast Report, FCC Form 502 until March 15, 2002.

Respectfully submitted,



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