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CC Docket No. 99-200
CC Docket No 95-116

RECEIVED

OCT 11 2005

Federal Communications Commission
Office of the Secretary

October 7, 2005

Mr. Thomas Navin
Chief
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Revised Petition for Temporary Waiver for Limited Disaster Recovery Trial

Dear Mr. Navin:

Time Warner Telecom (TWTC) and NeuStar, Inc. (NeuStar) hereby submit for your review and approval this Revised Petition for Temporary Waiver pursuant to Section 1.3 of the Commission's rules.¹ We submit this request in conjunction with ongoing work with staff of the New York State Department of Public Service (NYDPS) and conversations with various representatives of the Federal Communications Commission (FCC or the Commission).²

Background

No. of Copies rec'd 014
List A B C D E

¹ 47 C.F.R. Sec. 1.3.

² NeuStar and TWTC's original petition, which was granted by the Wireline Competition Bureau, requested a waiver to apply from September 18, 2005 to October 17, 2005. Letter to Mr. Thomas Navin, FCC, from Rochelle Jones, Time Warner Telecom, Kelsi Reeves, Time Warner Telecom, and Brent Struthers, NeuStar (Sept. 12, 2005). The petition was granted on September 29, 2005 (see attached). Due to unforeseen delays in preparing the facilities of TWTC's customer for this trial, the parties file the instant Revised Petition to extend the waiver period from November 7, 2005 to December 7, 2005.

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NeuStar has from time to time been approached by federal and state government agencies as well as telecommunications service providers to discuss the possibility of providing expertise and assistance in developing internal plans for emergency preparedness and disaster recovery. Several months ago, NeuStar was approached by the NYDPS along with TWTC to provide support in developing a possible local number portability disaster recovery trial. As part of TWTC's ongoing effort to ensure continuity of service in the event of a catastrophic service disruption or outage, TWTC is considering using number portability technology to restore service to customers. As part of the effort to define and refine its plans for Emergency Preparedness, TWTC with NeuStar and the active support of the NYDPS, propose to conduct a trial in November that would involve using local number portability (LNP) to move individual telephone numbers to alternate destinations. In particular, we seek this temporary authorization to transfer Central Office Codes (CO codes or NXXs), thousands blocks or, as needed, individual telephone numbers, between carriers and switching centers that, in some instances, involve rate center and interstate transfers.³

On September 29, 2005, the FCC granted the requested waiver to TWTC and NeuStar. The waiver expires on October 17, 2005. At the time of the granting of the waiver, the trial was scheduled to complete on October 14, 2005. On October 6, TWTC and NeuStar were informed that the facilities needed at the Florida location involved in the trial, those of Time Incorporated, would not be ready until November 4, 2005. The trial is being postponed until Time Inc. has readied their Florida facilities. By this revised petition, TWTC and NeuStar request that an additional waiver be granted from November 7, 2005 to December 7, 2005.

Discussion

Section 1.3 of the Commission's rules authorizes the FCC to waive its rules for good cause.⁴ Good cause exists to grant the requested waiver because the porting and code transferring activities we describe here would allow TWTC to strengthen its disaster recovery plans and ensure that they are prepared in the event of a catastrophe. As we have learned from the recent catastrophic impact of the Hurricane Katrina, LNP can play a role in disaster recovery when communications systems have been damaged. In this instance, TWTC proposes to use LNP to continue providing telephone service to one particular end user customer that, in the context of a simulated trial would otherwise be without service. NeuStar believes that LNP can support, in a flexible and quick fashion, disaster recovery planning for carriers and end users, particularly in instances where entire central offices and switches have been taken out of service.

In addition, precedent exists for the action proposed in this waiver request. In October 2001, the FCC recognized that using LNP to port outside of rate centers was a tool that should be available to users in lower Manhattan as they worked to recover and restore service following the terrorist attacks of September 11. In particular, on October 4, 2001, the Common Carrier Bureau granted a request for Emergency Waiver that permitted

³ See generally 47 C.F.R. Sections 52.15 *et. seq.*

⁴ See *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

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October 7, 2005

NeuStar to allow customers to use the Number Portability Administration Center (NPAC) to restore service.⁵

More recently, the FCC adopted an Order granting a temporary waiver on its own motion allowing carriers operating in Alabama, Louisiana and Mississippi, and the number administrators supporting them to port telephone numbers geographically outside of rate centers during this period of service disruption.⁶ In light of these events and the separate but equally important federal government wide focus on emergency preparedness, TWTC and NeuStar request swift action on this proposed waiver.

The proposed trial would be limited in scope and duration. The duration of the trial would be no longer than 72 hours. The initiation date of the trial will begin no earlier than the week of November 7, 2005. To provide the maximum flexibility associated with the actual initiation date, we request that this waiver be granted for a period of 30 days beginning November 7, 2005 and concluding on December 7, 2005. In the event that additional time is needed beyond this 30-day period, we will file with you another application for relief.

As with the *Post-9-11 Waiver* granted by the Bureau to NeuStar, to facilitate processing this request, we have provided a space below for you to indicate approval of this Petition for Temporary Waiver. In the alternative, we would be happy to work with you and the Bureau to develop an Order addressing this matter.

⁵ See Authorization of Jeffrey Carlisle, Senior Deputy Chief, Common Carrier Bureau, FCC (October 4, 2001) (the *Post 9/11 Waiver*). In addition, the Common Carrier Bureau approved a request for emergency waiver from Allegiance Telecom of New York, and Allegiance Telecom of NJ, *In the Matter of Numbering Resource Optimization, Allegiance Telecom of New York, Inc., and Allegiance Telecom of New Jersey, Inc. Emergency Request for Waiver to Accommodate Telecommunication Customers in Lower Manhattan*, CC Docket No. 99-200, NSD File No. L-01-151 (DA 01-2232) (September 25, 2001) (the "Allegiance Emergency Waiver"). The *Allegiance Emergency Waiver* granted a request from Allegiance "to use geographic portability to accommodate customers due to the national disaster that occurred on September 11, 2001." *Id.* at para. 1.

⁶ *In the Matter of Telephone Number Portability, Numbering Resource Optimization*, CC Docket No. 95-116 and CC Docket No. 99-200, respectively, *Order* (September 1, 2005).

Mr. Thomas Navin
October 7, 2005

We appreciate your attention to this matter and your continued assistance for our activities in the ongoing effort to support carriers and government agencies working to put complete, flexible and effective disaster recovery plans in place. If you have any questions or concerns regarding this request, please feel free to contact any of the undersigned at the numbers included below.

Sincerely,



ss/Kelsi Reeves

Rochelle Jones
Regional Vice President Regulatory
Time Warner Telecom
(212) 364-7319 (o)
(917) 597-1395 (m)

Kelsi Reeves
Vice President Federal Government Affairs
Time Warner Telecom
(703) 549-5565 (o)
(703) 869-1526 (m)

Ss/Brent Struthers

Brent Struthers
Director
State Regulatory Affairs
(202) 533-2698 (o)
(202) 262-7043 (m)

Cc: Donald Stockdale
Jeremy Marcus
Narda Jones
Cheryl Callahan
Sanford Williams
Pam Slipakoff
Timothy Peterson
Kenneth Moran
New York Department of Public Service
Florida Public Service Commission

Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 10, and 251 (e) of the Communications Act of 1934, as amended, 47 U.S.C Sections 154 (i), 160, 251 (e), and Section 1.3 of the Commission's regulations, 47 C.F.R. Section 1.3, that the revised petition for Temporary Waiver filed by NeuStar, Inc. IS GRANTED to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

GRANTED

OCT 11 2005
Julia A. Trach
WIRELINE COMPETITION BUREAU

NEUSTAR

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September 12, 2005

Mr. Thomas Navin
Chief
Wireline Competition Bureau
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Petition for Temporary Waiver for Limited Disaster Recovery Trial

Dear Mr. Navin:

Time Warner Telecom (TWTC) and NeuStar, Inc. (NeuStar) hereby submit for your review and approval this Petition for Temporary Waiver pursuant to Section 1.3 of the Commission's rules.¹ We submit this request in conjunction with ongoing work with staff of the New York State Department of Public Service (NYDPS) and conversations with various representatives of the Federal Communications Commission (FCC or the Commission).

Background

NeuStar has from time to time been approached by federal and state government agencies as well as telecommunications service providers to discuss the possibility of providing expertise and assistance in developing internal plans for emergency preparedness and disaster recovery. Several months ago, NeuStar was approached by the NYDPS along with TWTC to provide support in developing a possible local number portability disaster

¹ 47 C.F.R. Sec. 1.3.

Mr. Thomas Navin
September 12, 2005

recovery trial. As part of TWTC's ongoing effort to ensure continuity of service in the event of a catastrophic service disruption or outage, TWTC is considering using number portability technology to restore service to customers. As part of the effort to define and refine its plans for Emergency Preparedness, TWTC with NeuStar and the active support of the NYDPS, propose to conduct a trial in September that would involve using local number portability (LNP) to move individual telephone numbers to alternate destinations. In particular, we seek this temporary authorization to transfer Central Office Codes (CO codes or NXXs), thousands blocks or, as needed, individual telephone numbers, between carriers and switching centers that, in some instances, involve rate center and interstate transfers.²

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In addition, precedent exists for the action proposed in this waiver request. In October 2001, the FCC recognized that using LNP to port outside of rate centers was a tool that should be available to users in lower Manhattan as they worked to recover and restore service following the terrorist attacks of September 11. In particular, on October 4, 2001, the Common Carrier Bureau granted a request for Emergency Waiver that permitted NeuStar to allow customers to use the Number Portability Administration Center (NPAC) to restore service.⁴

More recently, the FCC adopted an Order granting a temporary waiver on its own motion allowing carriers operating in Alabama, Louisiana and Mississippi, and the number administrators supporting them to port telephone numbers geographically outside of rate

² See generally 47 C.F.R. Sections 52.15 *et. seq.*

³ See *WAT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

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³ *In the Matter of Telephone Number Portability, Numbering Resource Optimization*, CC Docket No. 95-116 and CC Docket No. 99-200, respectively, *Order* (September 1, 2005).

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Pam Slipakoff
Timothy Peterson
Kenneth Moran
New York Department of Public Service
Florida Public Service Commission

Mr. Thomas Navin
September 12, 2005

Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 10, and 251 (e) of the Communications Act of 1934, as amended, 47 U.S.C Sections 154 (i), 160, 251 (e), and Section 1.3 of the Commission's regulations, 47 C.F.R. Section 1.3, that the petition for Temporary Waiver filed by NeuStar, Inc. IS GRANTED to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

GRANTED

SEP 29 2005
Julie A. Nash
WIRELINE COMPETITION BUREAU