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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF AN INVESTIGATION)
OF AN APPROPRIATE CERTIFICATION)
PROCESS FOR TELECOMMUNICATIONS)
COMPANIES THAT DO NOT PROVIDE)
BASIC LOCAL EXCHANGE SERVICE)

CASE NO. GNR-T-11-01

COMMENTS OF 360NETWORKS (USA) INC.

360networks (USA) inc. (360networks) hereby responds to the Idaho Public Utilities Commission's (Commission or ID PUC) Notice of Investigation, Notice of Modified Procedure, Order No. 32194 requesting comments addressing the need or purpose of a certification for telecommunications companies that provide local services other than basic local exchange service in Idaho. Specifically, the Commission solicits responses to the following questions:

1. Is certification by the Commission necessary for companies providing telecommunications services but not basic local exchange service?
2. If some sort of Commission certification is needed, what form or designation might it take?
3. What legal authority does the Commission have to issue certification that is not a Certificate of Public Convenience and Necessity?
4. What can the Commission do to ensure numbers are used efficiently by CLECs and other telecommunications providers?

DISCUSSION

Question No. 1: Is certification by the commission necessary for companies providing telecommunications services but not basic local exchange service?

In its Notice, the Commission explains that the background for this Investigation is its denial of a request by Time Warner Cable Information Services, LLC (TWCIS) for a Certificate of Public Convenience and Necessity (CPCN) authorizing it to provide telecommunications services because the Company was not planning to offer "basic local exchange service" as defined in Title 61, Idaho Code. "Basic local Exchange Service" means "the provision of access lines to residential and small business customers with the associated transmission of two-way interactive switched voice

communication within a local exchange calling area.”¹ In denying TWCIS’ request, the Commission observed that TWCIS advised that it would be operating as a *wholesale* local telecommunications provider in Idaho, not a *retail* provider. Thus, the Commission found that TWCIS would not be providing basic local exchange service itself but would be enabling other providers to do so and therefore, it was not appropriate under state law to grant its request. Order 31012 at p. 5 and Order No. 32059 at p. 9.

In the TWCIS orders referenced, the Commission acknowledges the rights of telecommunications carriers as defined by the 1996 federal Telecommunications Act, 47 USC Section 151 et seq. to provide telecommunications services in Idaho, including wholesale local telecommunications services. The denial was specifically based on a determination that under state law, TWCIS did not qualify for a CPCN since the state CPCN process is limited to retail basic local exchange providers. See Order 32059 at pp. 12-14. 360networks responds to the Notice with this background in mind and interprets the questions posed to relate to the “certification” of wholesale local exchange providers in Idaho.

In order to enter into interconnection agreements with Qwest, Verizon and CenturyTel, a CLEC is required by the incumbents to provide a certificate of authority from the Commission enabling it to do business as a CLEC in the state.² An Idaho specific CLEC certification is also required for a CLEC to obtain company codes that allow it to exchange information with other telecommunications providers for the proper routing and rating of telecommunications traffic transmitted between it and the rest of the industry.³ Furthermore, a CLEC is not able to obtain numbering resources in Idaho if it does not obtain written authorization from the Idaho PUC to provide local services here.⁴

It appears from the briefing and orders in the TWCIS docket that the Commission does not currently have a process in place to provide a written document demonstrating a wholesale carrier’s “authorization” to operate as a non retail local exchange carrier in Idaho. In order to exercise the above listed Section 251 rights, evidence of an “authorization” is required. Thus, if it is correct that no process exists today to address this issue, the undersigned recommends that the Commission adopt one.

Question No. 2: If some sort of Commission certification is needed, what form or designation might it take?

The Commission here in Idaho may adopt a process similar to that adopted by the Iowa Department of Commerce Utilities Board to award an alternative certificate to carriers that provide

¹ *Idaho Code* Section 62-603(1).

² See Exhibits A, B and C attached, web pages of Qwest, Verizon and CenturyTel instructing CLECs how to obtain interconnection.

³ See Exhibit D, NECA North American Company Code Assignment Procedures at pp. 1, 5 and 6.

⁴ See 47 C.F.R. Section 52.15(g)(2)(i).

wholesale telecommunications services in its state. In Iowa, "a utility must have a certificate of public convenience and necessity issued by the board before furnishing land-line local telephone service in this state."⁵ The Iowa Board determined that "land-line local telephone service" either "amounts to (or a substitute for) regular dial tone service, the traditional focus of the Board's regulation."⁶ This service is only one of several services that may be provided by a carrier under the federal Act to qualify a carrier as a local exchange carrier. To close the gap between state and federal law and allow competitive local telecommunications service providers seeking to provide services in Iowa to exercise their Section 251 and 252 rights, the Board established a separate "certification" process to be used by those local exchange carriers that do not meet the state CPCN requirement but enables the providers to exercise rights, privileges and obligations under the federal Act.⁷ The Board found that establishing this separate "certification" process was consistent with the state legislature's intent to require the Board to "exercise regulatory flexibility in a changing telecommunications environment."⁸

Question No. 3: What legal authority does the Commission have to issue certification that is not a Certificate of Public Convenience and Necessity?

The Wireline Competition Bureau of the FCC determined, "wholesale providers of telecommunications services are telecommunications carriers for the purposes of sections 251(a) and (b) of the Act, and are entitled to the rights of telecommunications carriers under that provision."⁹ In reaching this conclusion, the Bureau observed,

[O]ur decision today is consistent with and will advance the Commission's goals in promoting facilities-based competition as well as broadband deployment. Apart from encouraging competition for wholesale services in their own right, ensuring the protections of section 251 interconnection is a critical component for the growth of facilities-based local competition. Moreover, as the Commission has recognized most recently in the VoIP 911 Order, VoIP is often accessed over broadband facilities, and there is a nexus between the availability of VoIP services and the goals of section 706 of the Act. Furthermore, as the Petition and some commenters note, in that order the Commission expressly contemplated that VoIP providers would obtain access to and interconnection with the PSTN through competitive carriers. Therefore, we also rely on section 706 as a basis for our determination today that affirming the rights of wholesale carriers to interconnect for the purpose of exchanging traffic with VoIP

⁵ Iowa Code Section 476.29

⁶ Iowa Department of Commerce Utilities Board, Docket Nos. TCU-02-1, March 15, 2002 Order at p. 2.

⁷ See Iowa Department of Commerce Utilities Board, Docket Nos. TCU-02-1, TF-05-31, SPU-05-21.

⁸ See Docket No. TCU-08-07 Order in Lieu Of Certificate (Issued July 25, 2008) at p. 2.

⁹ Memorandum Opinion and Order, *In the Matter of Time Warner Cable Request for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection Under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP Providers*, WC Docket No. 06-55, 22 FCC Rcd 3513 (rel. March 1, 2007) at para. 1.

providers will spur the development of broadband infrastructure. We further conclude that such wholesale competition and its facilitation of the introduction of new technology holds particular promise for consumers in rural areas. (Footnotes omitted)¹⁰

Moreover, the Act and implementing FCC orders provide that the states play a critical role in promoting local competition.¹¹

Idaho state law gives the Commission the full power and authority to implement the federal Telecommunication Act of 1996, and to promulgate rules and/or procedures necessary to carry out the duties authorized or required by the Act.¹² The Commission may use this authority under both state law and the Act to promulgate a process to issue a written certificate to a wholesale provider of telecommunications services wishing to operate in its state.

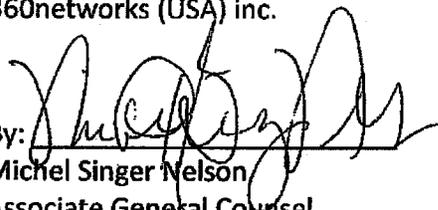
Question No. 4: What can the Commission do to ensure numbers are used efficiently by CLECs and other telecommunications providers?

No change to existing practice is required. Wholesale telecommunications providers requesting numbers from the North American Numbering Administrator have the same obligations as retail telecommunications providers under 47 C.F.R. Part 52. The wholesale provider extends the same obligations to any non-telecommunications provider customers through commercial agreements.

Dated this 28th day of March 2010.

Respectfully Submitted,

360networks (USA) inc.

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¹⁰ *Id.* at para. 13.

¹¹ See First Report and Order, *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98, FCC 96-325 (rel. August 8, 1996) at para. 133.

¹² Idaho Code Section 62-615.



Wholesale Markets

Getting Started As A CLEC

Linking Our Strengths With Yours

A number of steps must be completed for you to successfully interconnect with Qwest as a Competitive Local Exchange Carrier (CLEC). Qwest provides this checklist to define our joint activities and results (by responsibility owner), where information is obtained and the timeframe suggested to perform the activity, many of which can be done as you obtain your state certification(s) as well as in parallel with each other.

Fulfilling Regulatory and Industry Related Requirements



Wholesale Markets

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> Obtain certification as a telecommunications provider enabling you to do business as a CLEC. Secure unique Operating Company Number (OCN), Access Customer Name Abbreviation (ACNA) and Revenue Accounting Code (RAO) (if choosing Qwest as your RAO) identifiers for each state you will be operating as a CLEC. Create your E911 plan contacting the relevant Public Service Answering Point (PSAP) to negotiate a default Emergency Service Network (ESN) and establish default routing configurations for Automatic Number Identification (ANI). To provide your switch-based end-users numbers begin obtaining your NPA/NXX for each NPA you will be operating. Identify your Revenue Accounting provider for each state you will be operating as a CLEC. Note: Sales Executive assists with Centralized Message Distribution System (CMDS) hosting agreement if Qwest chosen as your Revenue Accounting provider. Determine Operator Services / Directory Assistance (OS/DA) provider, if applicable. Note: Separate agreement required if not within your Interconnect Agreement. Sales Executive will negotiate if applicable. Establish your initial Local Interconnection Service (LIS) forecast. 	<ul style="list-style-type: none"> State Public Utility Commission/Agency in state(s) you are operating as a CLEC. Step 2 of Getting Started as a Facility-Based CLEC: http://www.qwest.com/wholesale/clecs/lec_index.html OCN: National Exchange Carrier Association (NECA) 800-228-8597 ext 8249 or 973-884-8249 or http://www.neca.org/source/NECA_Home.asp ACNA & RAO: Telcordia 732-699-5281 or http://www.telcordia.com E911 & PSAP: http://www.qwest.com/wholesale/pcat/911.html NPA/NXX: http://www.qwest.com/wholesale/notice/npa_nxxProcess.html North American Numbering Plan Administration http://www.nanpa.com CMDS: http://www.qwest.com/wholesale/pcat/cmcmds.html Operator Services (OS): http://www.qwest.com/wholesale/pcat/opserv.html and Regional Directory Assistance Database (DA): http://www.qwest.com/wholesale/pcat/voicedirasst.html LIS: http://www.qwest.com/wholesale/pcat/lis.html Forecasting forms: http://www.qwest.com/wholesale/guides/forecasting.html 	<ul style="list-style-type: none"> Before Negotiations



Wholesale Markets

Initiating Interconnection Agreement Negotiations

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> Review Qwest's Negotiation Process flow and evaluate your options for creating your Qwest Interconnect Agreement. Initiate contact with Qwest to begin Interconnection Agreement Negotiations. <p>Qwest Responsibilities:</p> <ul style="list-style-type: none"> Qwest's Contract Negotiations Administrator assists you with initiating the Interconnection Agreement Negotiation process with Qwest. 	<ul style="list-style-type: none"> Step 3 in Getting Started as a Facility-Based CLEC: http://www.qwest.com/wholesale/clecs/clec_index.html Contact the Manager – Interconnection Agreements intagree@qwest.com by email, by telephone at 303-965-3029, or fax at 303-965-3527. 	<ul style="list-style-type: none"> Before Negotiations

Obtaining Sales Executive & Service Manager Contacts

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> No action required. <p>Qwest Responsibilities:</p> <ul style="list-style-type: none"> Sales Operations Manager requests Sales Executive and Service Manager assignments to establish your Qwest Account Team. Service Manager contacts you via telephone or email to provide your contact information. 	<ul style="list-style-type: none"> Assigned Sales Executive and Service Manager contacts can be obtained on Qwest Wholesale Information Tool (QWIT): http://www.qwest.com/wholesale/ccdb Account Team: http://www.qwest.com/wholesale/clecs/accountmanagers.html 	<ul style="list-style-type: none"> During Negotiations



Wholesale Markets

Completing Your Customer Questionnaire

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> • Submit our *Customer Questionnaire, complete all sections required prior to placing service orders. All subsequent sections must be completed and submitted prior to implementation or receiving contractually required reports. <p><i>*A Customer Questionnaire required even if your Interconnection Agreement is signed.</i></p> <p>Qwest Responsibilities:</p> <ul style="list-style-type: none"> • Service Manager assists answering your questionnaire questions and coordinating a meeting if necessary. • Service Manager obtains your Qwest assigned Facility-Based CLEC Identifier (ZCID) and provides your assignment to you. • Service Manager obtains and informs you of your provisioning and billing center assignments. 	<p>Required sections identified in the Customer Questionnaire: http://www.qwest.com/wholesale/clecs/newcustquestionnaire.html</p>	<ul style="list-style-type: none"> • During Negotiations • When you submit your Customer Questionnaire • Before you place your initial order
<p>If Qwest is your Operator Services / Directory Assistance (OS/DA) Services provider:</p> <p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> • Download and complete our OS/DA Questionnaire. • Send your Service Manager when your OS/DA questionnaire is complete. <p>Qwest Responsibilities:</p> <ul style="list-style-type: none"> • Service Manager will assist you with completing your OS/DA questionnaire. • When complete, Service Manager forwards your questionnaire to Qwest's OS/DA Implementation Manger. 	<ul style="list-style-type: none"> • OS/DA questionnaire can be found at: http://www.qwest.com/wholesale/pcat/ospsserv.html 	<ul style="list-style-type: none"> • 30-45 days prior to placing initial order



Wholesale Markets

Defining Your Network Point of Interconnection (POI)

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> • Refer to your Interconnection Agreement to determine your available POI options and establish a diagram of your proposed network. To assist us in understanding your network, your diagram should include: <ul style="list-style-type: none"> - Method of interconnection - Local calling area and NXXs - Your switch location(s) (CLLIs) - Qwest switch location(s) (CLLIs) - Number and type of LIS trunks - Trunking to Qwest's Tandems/end-offices - Ancillary Services (E911, Operator Services, etc.) 	<ul style="list-style-type: none"> • Your Qwest Interconnect Agreement • LIS Product Catalog (PCAT): http://www.qwest.com/wholesale/pcat/lis.html • Collocation general information and ordering forms can be found at: http://www.qwest.com/wholesale/pcat/collocation.html 	<ul style="list-style-type: none"> • 6 months before launch

Establishing Your POI and LIS Trunking Site Activation Requirements

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> • In preparation for our Site activation meeting provide your Service Manager the following: <ul style="list-style-type: none"> - Network diagram identifying your Method of interconnections such as: <ul style="list-style-type: none"> • Mid-Span Meet Point of POI • Collocation • Entrance Facility (DS3 or above) - Initial LIS forecast - E911 plan and trunk requirements <p>Joint Responsibilities:</p> <ul style="list-style-type: none"> • Participate in LIS Site activation meeting to: <ul style="list-style-type: none"> - Review your Network Diagram - Verify initial LIS forecast and options for Interconnection with LIS Project Manager (LIS Project Manager will provide you a project number when you are ready to issue LIS Trunking orders.) - Sales Executive answers price questions - E911 Manager reviews plan and assists with requirements - State interconnect manager addresses local network issues - Service Manager coordinates post market launch activities <p>Meeting determines issues to address in future meetings.</p>	<ul style="list-style-type: none"> • LIS: http://www.qwest.com/wholesale/pcat/lis.html • Forecast: http://www.qwest.com/wholesale/guide/s/forecasting.html • E911: http://www.qwest.com/wholesale/pcat/911.html 	<ul style="list-style-type: none"> • After contract negotiations



Wholesale Markets

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>If Qwest is your Signaling System 7 (SS7) connectivity provider:</p> <p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> • Contact your Service Manager to request a meeting to discuss SS7 requirements as defined in your Interconnection Agreement. • Issue A link and SS7 facility orders after preorder meeting. <p>Qwest Responsibilities:</p> <ul style="list-style-type: none"> • Service Manager facilitates preorder meeting to discuss SS7 connectivity and Link Data Sheet requirements. 	<ul style="list-style-type: none"> • SS7: http://www.qwest.com/wholesale/pcat/csacss7.html 	<ul style="list-style-type: none"> • After site activation meeting
<p>If Qwest is your provider of these SS7 Database services:</p> <ul style="list-style-type: none"> - Line Information Data Base (LIDB) to provide accurate billing for calling cards for your end-users - 800 Data Base Access Service for 8XX toll-free service to originating end-users - Offer your end-users "Caller ID and Name" with InterNetwork Calling Name Service (ICNAM) <p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> • Contact your Sales Executive for possible Interconnection Agreement Amendment. • Contact your Service Manager to include SS7 database service on Link Data Sheet. <p>Qwest Responsibilities:</p> <ul style="list-style-type: none"> • Service Manager facilitates preorder meeting to discuss Link Data Sheet requirements. 	<ul style="list-style-type: none"> • LIDB: http://www.qwest.com/wholesale/pcat/lidb.html • 800 Data Base: http://www.qwest.com/wholesale/pcat/800.html • ICNAM: http://www.qwest.com/wholesale/pcat/icnam.html 	<ul style="list-style-type: none"> • After site activation meeting

Achieving E911 Interconnection Requirements



Wholesale Markets

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> • Provide E911 interconnection plan and trunk requirements if not covered during Site activation meeting. • Prepare and submit E911 T1 trunk orders. <p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> • Service Manager initiates Service Planning meeting to review E911 interconnection requirements, if necessary. • Service Manager coordinates E911 message trunk orders once your E911 T1 facility is ordered. 	<ul style="list-style-type: none"> • E911: http://www.qwest.com/wholesale/pcat/911.html 	<ul style="list-style-type: none"> • During or after site activation meeting • E911 T1 trunks one month prior to market launch • E911 message trunks after ordering T1 trunks



Wholesale Markets

Evaluating and Establishing OSS Connectivity

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> Evaluate access and tools to support your preorder, ordering, repair, billing functions with Qwest: (e.g., Interconnect Mediated Access (IMA GUI or Extensible Markup Language (XML), Customer Electronic Maintenance and Repair (CEMR), Directory Listing Inquiry (DLIS) Fiber data report Tool, etc). Request specifics concerning establishing dedicated access with Qwest from your Service Manager. <p>Qwest Responsibilities:</p> <ul style="list-style-type: none"> Service Manager obtains details on how to setup a Dedicated Access system-to-system interface via dedicated electronic method. Service Manager coordinates technical OSS connectivity setup meeting with you and our IT Implementation & Deployment Team. 	<ul style="list-style-type: none"> Overview of Qwest's Electronic Access and Tools can be found at: http://www.qwest.com/wholesale/clecs/electronicaccess.html 	<ul style="list-style-type: none"> 4 to 8 weeks prior to desired implementation date to establish files. NOTE: Connectivity for dedicated access requires addition time. Verify requirement during setup meeting.

Accessing Qwest's Operations Support Tools

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> Request access to Qwest tools completing and emailing forms to wholesale.servicesupportteam@qwest.com with "Digital Certificate" subject line: <ul style="list-style-type: none"> Dedicated access to IMA GUI or IMA XML. Complete an IMA System Administrator Setup Request form Digital Certificate access to requested tools <p>Qwest Responsibilities:</p> <ul style="list-style-type: none"> Wholesale Systems Security Administrator emails notification to you and your Service Manager. 	<ul style="list-style-type: none"> External User Access Request and IMA System Administrator Setup forms at: http://www.qwest.com/wholesale/clecs/electronicaccess.html Digital Certificate access information at: http://www.qwest.com/wholesale/systems/generalinfo.html 	<ul style="list-style-type: none"> 4-6 weeks prior to initial order 30 days prior to initial order or on request



Wholesale Markets

Participating in Change Management Process and Training Opportunities

Activities and Results	Where to Obtain Information	Timeframe Suggested
<p>CLEC Responsibilities:</p> <ul style="list-style-type: none"> Participating in Qwest's CMP (Change Management Process) 	<ul style="list-style-type: none"> Details on CMP can be found at: http://www.qwest.com/wholesale/cmp/index.html 	<ul style="list-style-type: none"> As you choose to participate
<p>Qwest's instructor-led, web-based and downloadable training opportunities are available to learn more about our products and services, how to use our Operations Support Systems, and how to do business with us.</p> <p>Joint Responsibilities:</p> <ul style="list-style-type: none"> Contact your Service Manager to request training information that will assist you with navigating our training web page. 	<ul style="list-style-type: none"> Select our course catalog at: http://www.qwest.com/wholesale/training 	<ul style="list-style-type: none"> As you choose to participate

Additional reference information is available at following web sites as desired:

External:

- Federal Communications Commission (FCC) <http://www.fcc.gov/>
- Alliance for Telecommunication Industry Solutions (ATIS) <http://www.atis.org>
- Telcordia - Exchange Carrier Code (ECC), Local Exchange Routing Guide (LERG) (at 732-699-6700), Common Language Location Identifier (CLLI) <http://www.telcordia.com>
- National Emergency Number Associations (NENA) <http://www.NENA.org>
- Number Portability Administration Center (NPAC) <http://www.NPAC.com>

Internal Qwest's Wholesale Interconnection:

- Wholesale Interconnection Products and Services <http://www.qwest.com/wholesale/pcat/index.html>
- Technical Publications <http://www.qwest.com/techpub/>
- Access Service Ordering Guidelines (ASOG) - Access Service Requests (ASRs) <http://www.qwest.com/wholesale/systems/asr.html>
- Local Service Ordering Guidelines (LSOG) - Local Service Requests (LSRs) <http://www.qwest.com/wholesale/clecs/isog.html>
- Interconnect Mediated Access (IMA) User Guide <http://www.qwest.com/wholesale/ima/gui/document.html>
- Wholesale Customer Contacts <http://www.qwest.com/wholesale/clecs/customercontacts.html>
- Escalation process <http://www.qwest.com/wholesale/clecs/exesclover.html>



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Verizon Global Wholesale \ Doing Business

Establish & Maintain Account for Local Services

Doing Business

Local

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Welcome to Verizon Wholesale Local Services. This section covers information you need to know about Verizon to begin doing business with Verizon and maintain your account information as your business changes and grows.

To establish a wholesale relationship with Verizon, you will have to understand state and federal regulatory requirements and the tariffs under which you can purchase services from Verizon. Next, you will need to negotiate an interconnection agreement with Verizon, make yourself familiar with and obtain the appropriate industry codes, and will need to create and maintain a Local Services Profile via the [Customer Profile Self-Service Tool \(CPSST\)](#). You will need to establish connectivity and establish billing arrangements before being able to submit transactions to Verizon. Local Services Profile data must be submitted prior to requesting connectivity. As your needs may change and business grows, returning to this site will help ensure you are able to maintain the accuracy of your account.

After finalizing your agreement with Verizon, you will need to begin implementation of your network plans. Depending on your network considerations, you may require access to Poles, Conduits, Rights of Way and Joint User Agreements, or want to apply for collocation arrangements with Verizon. Finally, we will require regular forecasting input from you.

Once your relationship is established with Verizon, other sections of the web site will help you conduct day-to-day operations with us.

Requirements

Regulatory and Verizon requirements define what information is needed to do business with Verizon. Learn more about these requirements and industry codes by accessing the selections below.

[Regulatory Requirements](#)
[State Certification and Tariff Information](#)

[Verizon Requirements](#)
[Negotiating an Agreement](#)

[Account Security Requirements](#)

[Industry Codes and Contacts](#)

[Customer Profile Self-Service Tool \(CPSST\)](#)

[Billing and Connectivity Options](#)
[Establish System Connectivity](#)

[Establish Billing Arrangement](#)

Key Network and Services Decisions

The information below will assist you in making decisions about the network and services that may need to be cared for to begin doing business in the Verizon Region.

Determining how and what facilities need to be provided (by either Verizon or another provider) is a key driver to business decisions that need to be made to do business with Verizon. The steps that a CLEC will take to interconnect to the Verizon network depend heavily on the network facility decisions made by the CLEC.

Network

[Network Facility Decisions](#)

[Network Interconnections](#)

- [Facilities Based Interconnections](#)

Network Design Request Forms:

- [Verizon Operator Services Questionnaire](#)

- [LATA Presence Request Form - North](#)

- [LATA Presence Request Form - South](#)

- [LATA Presence Request Form - West](#)

- [Line Class Code Provisioning Form](#)

[Poles, Conduits and Rights of Way](#)

[Collocation](#)

[E911](#)

[Forecasting](#)
[Forecasting Overview](#)

[New York Sold House and Riser Assets](#)

Last Updated August 1998

A listing by general geographic area in the State of New York served by Verizon that provides the names of the original purchasers and the addresses to whom Verizon - New York (formerly New York Telephone) sold some or all of the Outside Plant Cable assets categorized in the accounting system as House and Riser facilities.

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[Northeast Area \(46k pdf file\) \(includes Albany, Schenectady, Glens Falls and Plattsburgh\)](#) 

[Queens \(39k pdf file\)](#) 

[Suffolk \(69k pdf file\)](#) 

[Westchester/Putnam/Rockland \(78k pdf file\)](#) 

[Western Area \(64k pdf file\) \(includes Buffalo, Olean\)](#) 

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State Certification and Tariff Information

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State

Public Utilities Commission (PUC) approval is required from the state utility commission in the state you want to do business. This approval will include a Certificate of Operating Authority. A contact number for your state Commission can be found in the local telephone directory or via the [NARUC](#).

Federal

The Federal Communications Commission (FCC) may impose various requirements on CLECs with regard to enforcement of the Telecommunications Act (Communications Act of 1934 as amended by the Telecommunications Act of 1996). Review the Federal tariffs to understand the Regulations, Rates and Charges.

See [Verizon Tariffs](#) for State and Federal Tariff information.

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Forms

Getting Started

To become a Facility Based or a Reseller CLEC within the CenturyLink territory, follow these steps:

[CLEC Issue Resolution](#)

Step 1

Obtain certification from the Public Utilities Commission in the state(s) where you plan to operate.

Get answers to [Frequently Asked Questions](#)

Step 2

Fill out the [Negotiation Request form](#) for the desired negotiations and e-mail it to the [CLEC Account Negotiation Team](#).

Step 3

Once CenturyLink receives the completed CLEC Negotiation Request form, you will be e-mailed a CLEC Interconnection Agreement template, a pricing list for each state requested, and a 160-day letter.

Step 4

Once both parties have signed the Interconnection Agreement, an account manager will be assigned as your contact within CenturyLink for implementation services. Please see the Customer Contact section of this site for more contact information.

Start-Up Forms

To establish billing accounts for Competitive Local Exchange Carriers (CLECs), the following eight forms and/or documents must be completed and submitted to CenturyLink. CLECs will not be able to process any Access Service Requests (ASRs) or Local Service Requests (LSRs) until these documents have been received, approved and processed by your Sales Manager; and the deposit requirements fulfilled.

Required documentation:

Please submit copies of your original of the following two items:

- Public Service Commission (PSC)/Public Utilities Commission (PUC) Certification - a copy of the letter received from the appropriate state commission is required.
- Operating Company Number (OCN) - a copy of the notification from the National Exchange Carrier Association (NECA) is required. If you have not yet applied for an OCN, you may contact NECA at 888-221-8322.

Required forms:

Download the following forms and email them to your Sales Manager. Additionally, provide hard copies of those documents requiring a signature (if electronic signature is not available).

Name	Description
Blanket Letter of Agency	Authorize CenturyLink to process LSRs. This form does not relieve the CLEC of securing and maintaining end user customer authorization.
Certificate of Exemption	Provide proof of Federal Excise tax exemption on Communications Services.
Bill Media or Change	Establish bill media preferences for invoices and/or daily usage files. The form is also used for billing address changes.
CLEC Checklist and Company Profile	Required to set up accounts and obtain CLEC services from CenturyLink.
CLEC Contact Number for Mis-Directed End	Contact list used by the CenturyLink business office when an end-user contacts CenturyLink instead of the CLEC.

Users	
<u>CLEC Porting Contacts</u>	Required for each new CLEC. Allows for timely communication/removal of roadblocks on LNP activations, porting delays and after hours LNP escalations.
<u>Local Service Forecast</u>	Required for each new CLEC or existing CLEC that wishes to become active in a new state to provide a local service forecast.
<u>Network Outage Notification/Waiver Outage</u>	Due to parity reporting, it is mandatory that all CLECs complete either the report request or the report waiver forms.
<u>Uniform Sales & Use Tax Certificate</u>	Provide proof of state and local sales tax exemption on Communication Services.

The following forms may be useful to you while purchasing services from CenturyLink.

Name	Description
<u>Bi-Directional Trunking Request</u>	Use this form to initiate the process to convert Reciprocal (RC12) and Local (RC14) trunks to Bi-directional (RC 18) trunks.
<u>Billing Dispute</u>	Notify CenturyLink of billing disputes.
<u>Collocation Application</u>	Establish a new collocation, augment a collocation, or decommission a collocation.
<u>Collocation Direct Cabling LOA</u>	Request for collocation co-carrier direct cabling.
<u>CSPRS Request</u>	Request user ID and password for access to CSPRS CLEC Performance Reports
<u>Contact Form</u>	Required to establish new contacts, change existing contacts, select types of notifications and reports each contact is to receive from CenturyLink Notice.
<u>Customer Service Records</u>	This form is used when seeking CenturyLink customer service records, and should only be used when records can not be obtained through the Integrated Request Entry System (IRES).
<u>Fiber Application</u>	This form is required to initiate the dark fiber application process with CenturyLink.
<u>EASE Access Request</u>	Request access to EASE. This system is used for processing electronic Local Service Requests (LSRs) and Access Service Requests (ASRs).
<u>EEL Criteria Certification Letter</u>	In addition to the qualifying service criteria, a CLEC must provide certification that it satisfies the service eligibility criteria for each new or converted circuit to obtain EELs.
<u>Facility Access/Photo ID</u>	Required to gain access to CenturyLink Property.
<u>Interconnection POI Profile</u>	Initiate discussions about planned interconnection trunk arrangements in areas where the CLEC and CenturyLink will exchange local traffic.
<u>Interconnection Trunk Forecast</u>	Required for each Point of Interconnection (POI). All trunks (local/intraLATA, reciprocal, interLATA and E911) required for each POI can be combined on one forecast report.
<u>Investigation Request Form</u>	Request an informal investigation into an issue. The Service Performance team generally works the customer investigation within 10 business days or less.
<u>Local Number Portability Bona Fide Request</u>	Request for porting a local telephone number.
<u>Quote Request</u>	Request transport and special access services.
<u>S25 Blanket Exemption</u>	Certifies that a Special Access Service purchased from CenturyLink is not interconnected with local exchange service.
<u>Scheduled Maintenance Request</u>	Request scheduled maintenance.
<u>Special Access Termination Plan</u>	Establish, change or extend a Special Access Premier Term Discount Plan.
<u>Special Access Revenue Volume Discount Plan Agreement</u>	Establish a Special Access Revenue Volume Discount Plan.
<u>Special Access</u>	Establish, change or extend a Special Access Term Discount

12/1/2010

CenturyLink Wholesale

[Term Discount Plan](#)

[Plan Agreement](#)

[SIG and MSAG Data Extract Request](#) Request street information within CenturyLink service areas.

[Traffic Study Request](#)

Request traffic studies.

[Tower Floor Space Lease Application](#) Used to request collocation or the rearrangement of radio frequency equipment at specific locations. Also used to request lease floor space in an CenturyLink building.

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*North American
Company Code
Assignment Procedures*

NECA

North American Company Code Assignment Procedures

1.0 Introduction

A Company Code is a unique four-character alphanumeric code that identifies providers of telecommunications service. The T1.251-2001 (second) standard, Section 3.3, refers to this code as an alphanumeric Company Code. The T1.251-2001 (second) designates NECA as the Maintenance Agent of this code set.

Under the T1.251-2001 (second) standard, NECA assigns Company Codes to telecommunications service providers for unique identification. The Company Code is used in mechanized systems throughout the industry to facilitate the exchange of information. Applications of the Company Code may include, but are not limited to:

- NECA Tariff FCC No. 4
- Routing and Rating Purposes
- Industry recognized guidelines including Access Service Requests (ASR), Multiple Exchange Carrier Access Billing (MECAB), Small Exchange Carrier Access Billing (SECAB), Carrier Access Billing Systems (CABS), Exchange Message Interface (EMI) and Exchange Message Record (EMR).
- Interexchange Carrier systems used to audit Exchange Access bills.
- FCC Form 502 (North American Numbering Plan Numbering Resource Utilization/Forecast Report).

Company Codes are used for the exchange of information among intercompany and/or public use. Company Codes will **not** be assigned for the exclusive use of internal company operations.

2.0 Background

NECA became the source for the assignment of Company Codes in 1984 after becoming the tariff filing agent and the administrator of the revenue distribution pools and the administrator of the wire center and interconnection database formerly operated by AT&T.

Over the years the assignment of Company Codes has evolved to include, but is not limited to: Incumbent Local Exchange Carriers (ILECs), Facilities-based Competitive Local Exchange Carriers (CLECs), Unbundled Local Exchange Carriers (ULECs),

Competitive Access Providers (CAPs), Local Exchange Resellers, Interexchange Carriers (ICs), IP-enabled service Providers (IPES), Wireless and PCS entities.

All Incumbent Local Exchange Carriers (members of NECA) are required to obtain a Company Code and populate their wire center and interconnection data in Tariff No.4. In early 1996, upon receiving authorization from the Federal Communications Commission (FCC), NECA began to include Competitive Local Exchange Carrier (CLEC) data, at the carriers' option, in Tariff No.4 for a cost-based fee.

This cost-based fee also applies to NECA members to the extent they offer service outside of traditional serving territories without obtaining a waiver from the FCC. Carriers needing a Company Code and/or those wishing to participate in the tariff should refer to the NECA website at www.neca.org.

Disclaimer:

These guidelines are developed in conjunction with industry bodies such as NRRIC and OBF and are produced, published and distributed by NECA. The purpose of these guidelines is to inform the industry of the assignment procedures for obtaining Company Codes.

NECA reserves the right to revise or cancel this document for any reason, including but not limited to, conformance with standards promulgated by various agencies, technological changes or the reflection of changes in the design of any equipment, techniques or procedures described or referred to herein or to conform with the rules and orders of the Federal Communications Commission (FCC) or other governmental authority.

3.0 Assignment Principles

3.1 Structure/Format

A Company Code is a unique four-character alphanumeric code (NXXX) assignable to all telecommunications service providers. For purposes of this document N=0-9 and X=0-9 or A-Z.

Company Codes are assigned at two levels: State/Area specific (See Section 3.3 below for more information) and Overall.

Company Codes are assigned for each type of service a company provides. Separate and distinct codes are required for incumbent local exchange carriers, facilities-based certified local exchange carriers, unbundled local exchange carriers, local exchange resellers, competitive access providers, interexchange carriers, IP-enabled service providers, Wireless and PCS carriers.

Companies offering more than one type of service are required to obtain multiple codes, regardless if a separate legal entity is created.

3.2 Historical Assignment Procedures

Historically, prior to July 1, 1996, Company Codes were assigned unofficially from a specific series of numbers, based on the type of service provided or the nature of the entity, i.e. 5000 State Specific codes for Regional Bell Operating Companies (RBOCs), 9000 Overall codes for RBOCs, 6000 for Wireless carriers, etc.

In an effort to delay the eventual exhaustion of all numeric (NNNN) Company Codes and avoid going to alphanumeric codes for as long as possible, NECA (as Maintenance Agent) began transitioning away from this unofficial designation in June of 1996. As a result, companies were assigned codes from any series of numbers regardless of nature of entity or service provided.

Notification of this change was made in mid-1996 to the Data Integrity Group (DIG) – now referred to as the Network Rating & Routing Information Committee (NRRIC) -, to the Industry Carriers Compatibility Forum (no longer in existence, as of January 1997) and to the Ordering and Billing Forum.

Re-claimed Company codes will not be re-used. (see Section 6.0)

3.3 Assignment Requirements

As a general rule, Company Code assignments may be needed as a result of mergers/acquisitions or other legal transaction, e.g formation of new company

3.3.1 Incumbent LEC codes – The Incumbent Company Code Request form can be located on the NECA website:

https://www.neca.org/cms400min/NECA_Templates/BusinessSolutionsInterior.aspx?id=1947

To obtain a Company Code, the following information must be forwarded to your NECA Member Service Manager:

- Merger/Acquisition Agreement or a legal description of the transaction
- Letter signed by the officer of each exchange carrier stating the effective date of the transaction and requesting that NECA amend its record to reflect the transaction
- State Commission Approval (if required)
- FCC Approval (if required)

- **Tariff No.4 Wire Center Information** (Name of exchanges, CLLI Codes, name of individual who will have update authority)
- **Number of Access Lines**
- **Statement concerning the intent to participate in NECA's pools** (Traffic Sensitive, Common Line and End User)
- **Articles of Incorporation**
- **Company Structure** (EC commonly controlled, affiliated with another EC or an independent)
- **Issuing Carrier Contact Information** (Tariff No.4 and Tariff No.5)
- **Signed letter, on company stationery, requesting that NECA assigns a new and/or expires existing company codes**

NECA requires a minimum 60-day notice of a transaction and a minimum of 30 days, following receipt of all approved documents, before a transaction will be reflected in the tariffs (Tariff No.4 and Tariff No.5).

Company Code assignments will not become effective until all conditions of the sale/formation of a new company are finalized and NECA received confirmation from all participants.

3.3.2 Non ILEC codes (CLEC, ULEC, CAP, IC, IPES, Resellers Wireless and PCS) – The following information is required to obtain a Company Code assignment:

- **Company Code Online Request at**
https://www.neca.org/cms400min/NECA_Templates/BusinessSolutionsInterior.aspx?id=1947

- **Legal documentation** (e.g. Articles of Incorporation, State Registration, etc) as proof of existence and to reflect the telecommunications service provider's legal name

AND

- **For CLEC, ULEC, Competitive Access Provider and Local Reseller service** – a copy of the certification by the state Public Utilities Commission
- **For Interexchange Carrier** – Documents may vary from state to state. A copy of the state Public Utilities Commission's approval is required when the state commission regulates the interexchange

carrier/reseller service. If the service is not regulated by the state commission, the required document may vary. Therefore, please contact the Company Code Administrator at ccfees@neca.org or 973-884-8249.

- For IPES service – proof of service and customers, e.g., interconnection agreements (or evidence of an interconnection order pursuant to an approved tariff) and contractual agreements with end-used customers or regulatory administration approval, if applicable
- For Wireless or PCS service – a copy of the company's FCC radio/PCS license
- For Wireless and PCS Resellers – a copy of the interconnection agreement with the wireless carrier

CLEC and ULEC codes are assigned by state. Codes for CAP, IC, IPES, Local Reseller, Wireless and PCS services are assigned on a national basis.

Standard code requests will be processed within ten (10) business days of receipt of required documents and/or payment (if by check). Express code requests will be processed within three (3) business days of receipt of required documents and/or payment (if by check).

3.3.3 State/Area specific and Overall Company Code Assignments

At the request of the Ordering and Billing Forum (OBF), state specific Company Codes became mandatory in 1987.

For those entities that participate in NECA's Tariff No.4, Company Code assignments are made based upon company operations. RBOC, ILEC, CLEC and ULEC companies operating in multiple states are assigned an Overall Company Code as well as a unique Company Code for each state.

Company Codes for NECA non-member companies participating in Tariff No.4 are also assigned based on company operations. However, based on legal entity status, state and/or area specific codes may be assigned. For instance, a company may have different legal entities in several parts of one state. However, these codes may all be "tied" to one "company name" i.e., ABC Tel (Overall) is legally incorporated as ABC Tel of San Francisco (area specific) and ABC Tel of San Diego (area specific).

Overall Company Codes uniquely identify each legally incorporated operating entity or official company name that other legal entities might

be associated with (see above paragraph). A state/area specific company code is a unique code assigned for each state/area in which the company operates. For companies that first operate in a single state and then expand operations to other states/areas, an Overall and additional state specific Company Codes will be assigned.

The Overall Company Code will be assigned automatically with the second state specific Company Code. There is no fee associated with the assignment of an Overall code.

For companies participating in Tariff No.4, all data must be listed with the ASEC/state specific Company Code. No data can be associated with the Overall code.

3.3.4 Assignment of a New Category

In the event that an applicant determines that the type of service provided does not fit under an existing category, the applicant may access the New Company Code Category Request form at:

https://www.neca.org/cms400min/NECA_Templates/BusinessSolutionsInterior.aspx?id=1947

Criteria for requesting a new company code category and the process for submitting the request are provided on the form.

3.4 Fees for Company Code Assignment

Effective July 1, 2003: The fee for the assignment of a Company Code is \$250 per code (standard processing) and \$400 per code (express processing). This fee applies to all companies that request a new code.

Payment must accompany each request for a new code assignment and must be submitted via a credit card payment through the online process or by check/money order made payable to "NECA" and sent to Mellon Bank. The name of the company that is requesting the code should be noted on the reference or memo line of the check/money order.

Invoices are **not** issued for Company Code requests.

4.0 Responsibilities of Company Code Applicant/Holder

- 4.1** The Company Code applicant/holder shall adhere to the following guidelines when requesting a Company Code. This includes following assignment procedures such as using the online request form and providing all necessary supporting document in an accurate, complete and timely manner.
- 4.2** It is the responsibility of the Company Code applicant to review the need for a Company Code and to determine if the company already has a Company Code assigned that could be used for the identified need. If a new Company Code is required, the Company Code applicant must complete the online application form and supply NECA with the required documentation.
- 4.3** The Company Code holder is responsible for providing NECA with information relative to updating the data supporting the original assignment. This includes changes in the contact information and/or company name changes. Requests to update the contact and corporate information must be made on the company's letterhead and to include a handwritten signature.

4.4 Update/Modification of Existing Company Codes

4.4.1 Name Change

In the event of a name change of the legal entity assigned to the Company Code, the Company Code holder must notify NECA in writing of the change. A signed letter, on company letterhead, requesting the name change must be submitted to NECA, along with supporting legal documentation, i.e. Amended Articles of Incorporation, Articles of merger, Purchase Agreement.

4.4.2 Mergers

In the event of a merger of two or more existing legal entities (with the name of one retained), the surviving legal entity must notify NECA in writing of the merger. A signed letter, on company letterhead, must be submitted along with supporting legal documentation, i.e. Articles of Merger, Purchase Agreement.

In the event that the surviving legal entity does not have a previously assigned Company Code but a Company Code is assigned to the non-surviving legal entity, the code assigned to the non-surviving legal entity will be used and updated with the new legal entity name.

In the event that the surviving legal entity does not have a previously assigned company code but multiple codes had been assigned to the non-surviving entity, the survivor will determine if a new Company Code is required or if an existing code should be updated with the name of the surviving legal entity.

In the event that the surviving legal entity does have a previously assigned Company Code, the code will continue to be assigned to the surviving legal entity.

If the merger of two or more legal entities result in significant new billing arrangements, a new Company Code should be assigned.

4.5 Expansion of coverage area or service offered

In the event that a legal entity expands its coverage area or services offered beyond the limits of previously assigned Company Codes, new code(s) should be requested through the online system.

4.6 Bankruptcies

In the event that bankruptcy-related proceedings have an impact on previously assigned codes, NECA should be notified by the company/companies involved. A signed request on company letterhead along with supporting legal documentation should be forwarded to NECA to have necessary changes made.

4.7 Reassignment of Company Codes

Previously assigned Company Codes that are no longer being used and have been designated as expired will not be reassigned unless required to prevent code exhaustion.

5.0 Responsibilities of Company Code Administrator

- Provide an industry procedure (these Company Code Assignment Procedures) for obtaining new and modifying existing Company Codes
- Track the receipt of requests for Company Codes
- Make assignments on a first-come, first-serve basis
- Process the request as follows, upon receipt of the required documentation accompanying the request (see Section 3.3 above)
- Assign the next available Company Code(s) in accordance with the Company Code assignment principles
- Determine if requests for specific Company Codes are in compliance with Company Code assignment principles (see Section 3.0 above)
- Respond to the requestor within ten (10) business days of receipt of the request, either by providing the assigned Company Code(s) or by requesting more information
- Develop, maintain and publish a listing of Company Codes and their officially chartered names
- Provide services and materials under reasonable and non-discriminatory terms
- Notify the developer of the standard at least two (2) years prior to any anticipated exhaust of the Company Code sets.

6.0 Company Code Conservation/Reclamation

Assignment of Company Codes (either numeric or alphanumeric) is undertaken with the following objectives:

- To efficiently and effectively administer/manage a limited resource through Company Code conservation
- To delay the eventual exhaustion of Company Codes which would require the development and implementation of a new Company Code numbering assignment format

The Company Code Administrator will track and monitor Company Code Assignments. Ongoing practices which foster conservation may include the following conducting

periodic audits of Company Codes assigned to verify their use is consistent with these procedures.

In the periodic audits, the Administrator will expect to review at least the following information to demonstrate that the Company Codes are being used properly:

- Assure that the assignment requirements in Section 3.3 are being adhered to
- Assure that the Company Code holder's responsibilities in Section 4.0 are being adhered to

Audit results may be used to accomplish the following:

- Identify and recommend specific corrective actions that may be necessary, e.g., modification to the Company Code assignment procedures
- Reclamation of Company Codes no longer in use (see Section 3.2)

7.0 Maintenance of Guidelines

It may be necessary to review and modify these Company Code Assignment Procedures periodically to meet changing circumstances. At a minimum, a yearly review should be done by NECA. The right to change information contained within these procedures is the responsibility of NECA.

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: INTRADO COMMUNICATIONS INC.	DOCKET NO. TCU-02-1
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**ORDER DENYING APPLICATION FOR CERTIFICATE
(WITHOUT PREJUDICE)**

(Issued March 15, 2002)

On January 8, 2002, Intrado Communications Inc. (ICI), filed with the Utilities Board (Board) an application for a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29(1) (2001). The Board identified ICI's application as Docket No. TCU-02-1.

ICI requests a certificate in order to provide intrastate local exchange telecommunications services on a statewide basis. However, ICI's specific proposal at this time relates only to aggregation and transportation of emergency calls using its "9-1-1 SafetyNet" services in Iowa. (Application, page 1.) ICI does not intend to provide local dial tone exchange services or long-distance toll (interexchange) services in Iowa. (Application, page 6.) ICI requests a certificate in order to obtain interconnection and collocation agreements with other local exchange service providers. (Application, page 1.)

Pursuant to § 476.29, "a utility must have a certificate of public convenience and necessity issued by the board before furnishing land-line local telephone service

in this state." For purposes of § 476.29, a "utility" is defined as "any person . . . furnishing communications services to the public for compensation," see § 476.1.

Based on the information in ICI's application, the services ICI proposes to offer do not appear to be the type of service intended to be regulated under chapter 476. ICI's proposed offering does not amount to (or substitute for) regular dial-tone services, the traditional focus of the Board's telecommunications regulation. Therefore, based upon the information in ICI's application, the Board finds that ICI is not proposing to offer services that would cause it to be a "utility" for purposes of § 476.29. Accordingly, the Board will deny the application, without prejudice to re-filing if ICI proposes in the future to furnish services regulated by the Board.

In order to provide its proposed 9-1-1 SafetyNetSM services, ICI states that it requires interconnection and collocation agreements with other local exchange service providers. (Application, page 1). While ICI's proposed services do not qualify for certification under the Board's rules, based on the information in ICI's application, ICI appears to be a "telecommunications carrier" as defined in 47 U.S.C. § 153(44), and, therefore, entitled to all rights enjoyed by telecommunications carriers under 47 U.S.C. § 251. On this basis, ICI may enter into interconnection, collocation, and resale agreements with LECs pursuant to 47 U.S.C. § 251, and the Board's denial of ICI's application should not adversely affect ICI's ability to do so.

DOCKET NO. TCU-02-1
PAGE 3

Because ICI is a telecommunications carrier under the federal statute, it is also necessary that ICI register with the Board pursuant to 199 IAC 22.23(3). ICI should do so before providing its proposed services in Iowa.

IT IS THEREFORE ORDERED:

The application for certificate of public convenience and necessity filed on January 8, 2002, by Intrado Communications Inc. and identified as Docket No. TCU-02-1 is denied, without prejudice.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 15th day of March, 2002.

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: LEVEL 3 COMMUNICATIONS, LLC	DOCKET NO. TF-05-31 (TCU-99-1)
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ORDER IN LIEU OF CERTIFICATE

(Issued June 20, 2005)

On April 26, 2005, Level 3 Communications, LLC (Level 3), filed with the Utilities Board (Board) a request for reconsideration of the Board's "Order Rejecting Tariff and Denying Certificate" issued April 7, 2005. In the April 7 order, the Board rejected Level 3's proposed tariff without prejudice and denied Level 3's application for a certificate of public convenience and necessity, also without prejudice.

In support of its request for reconsideration, Level 3 states that its proposed service, for which a tariff was filed, is appropriately a retail service and that the Board relied upon a narrow reading of the term "to the public" when determining that Level 3's provision of wholesale services to other retail providers did not appear to amount to sufficient sales to the public so as to "clothe the operation with a public interest." Level 3 also states that the Board should have provided Level 3 with alternative language in its April 7 order that provided Level 3 with protections equal to those provided by a certificate.

On May 13, 2005, the Board granted Level 3's request for reconsideration in order to explore Level 3's request for alternative language. Based on the record as

of that date, it appeared Level 3's proposed service offerings would be unlike most certificated telecommunications carriers in Iowa, as Level 3 does not intend to provide retail local exchange service directly to end-use customers. However, the Board indicated that this difference did not necessarily mean that an alternative approach is unavailable or undesirable.

Accordingly, the Board scheduled a technical conference between Board staff, Level 3, and the Consumer Advocate Division of the Department of Justice (Consumer Advocate) on May 17, 2005, to discuss the nature of Level 3's proposed service offering, the public interest, and possible alternative language. The technical conference was open to the public and the discussions held at the conference are summarized in the following paragraphs.

Level 3 seeks to provide various products, services, and facilities in Iowa in order to facilitate the provision of voice telephony services by way of Voice-over Internet Protocol (VoIP). The Board rejected Level 3's proposed tariff for these services pursuant to Iowa Code § 476.29, which provides that "a utility must have a certificate of public convenience and necessity issued by the board before furnishing land-line local telephone service in this state." For purposes of § 476.29, a "utility" is defined as "any person . . . furnishing communications services *to the public* for compensation," see § 476.1. Based on the information in Level 3's application, the Board concluded that the services Level 3 proposes to offer do not appear to be the type of service intended to be regulated under a § 476.29(1) certificate.

In Level 3's motion for reconsideration, it asserted three alternatives for reconsideration which were more fully developed in the motion but which are summarized here: (1) that the Board should provide a more expansive reading to the phrase "to the public" that would permit Level 3 a traditional certificate; (2) that Iowa Code § 476.29(2) provides a safety valve that allows certification of non-standard carriers; or (3) if the Board denies Level 3 a certificate, it should issue such a denial with language like that in the Board's prior Intrado order,¹ ensuring that the absence of a certificate does not create unintended barriers to entry such as the inability to obtain numbering resources or interconnection.

On May 13, 2005 the Board granted Level 3's motion for reconsideration, saying that "[b]ased on the record to date, it appears Level 3's proposed service offerings are unlike most certificated telecommunications carriers in Iowa, as Level 3 does not intend to provide retail local exchange service directly to end-use customers."² As the Board also stated in that order, however, "this does not necessarily mean that an alternative approach is unavailable or undesirable."

At the technical conference, various alternatives were discussed. The most promising of these is the idea that the Board modify its order denying Level 3's

¹ In re: Intrado Communications Inc., Docket No. TCU-02-1 (Mar. 15, 2002) (denying certificate but ensuring Intrado the benefit of all rights under 47 U.S.C. § 251).

² In re: Level 3 Communications, LLC, "Order Granting Reconsideration and Setting Technical Conference," Docket No. TF-05-31 (TCU-99-1) (May 13, 2005).

certificate to include language modeled after the Board's order in the Intrado case, granting Level 3 the emoluments of a certificate in lieu of the certificate itself.

Based on the discussion at the technical conference, the Board concludes that the approach taken in Intrado is consistent with the General Assembly's intent in Iowa Code § 476.95, which requires that the Board exercise regulatory flexibility in a changing communications environment. This approach allows the Board to ensure Iowa is not denied the benefits of innovative approaches, while taking a careful, individualized look at each such set of facts and tailoring relief so as to ensure consumers and the public interest are protected. It upholds the Board's precedent as to the requirements for an actual certificate of public convenience and necessity, while ensuring the absence of a certificate does not keep new providers out of the market.

The Board has denied certificates to carriers like Level 3 and Intrado because § 476.29 does not contemplate issuance of a certificate for wholesale telecommunications services. The public purposes served by issuing a certificate to a carrier, however, may not be limited to retail services. Generally speaking, certificates are useful because they:

- (a) identify carriers offering land-line local service in Iowa and the appropriate contact points for those carriers for purposes of service and other communications;

(b) define the service territory in which land-line local telephone service is offered, which allows the Board to "assure that all territory in the state is served by a local exchange utility" (§ 476.29(11)) and defines the utility's "obligation to serve all eligible customers within the utility's service territory" (§476.29(5)); and

(c) give the carriers the clear authority to obtain telephone numbering resources for use in providing local service in defined geographic areas.

In this setting, in which Level 3 proposes to offer wholesale services to carriers that may not be required to obtain a certificate pursuant to § 476.29, it appears that issuing an equivalent authorization to Level 3 will benefit the public interest by serving the same general functions as a certificate does for a retail service provider. This question was examined in greater detail at the technical conference.

Part of that examination included the capabilities of Level 3's network as compared to the capabilities that a retail service provider is required to offer. To this end, the Board notes that at the technical conference Level 3 stipulated that its network is fully capable of number porting and pooling, that it is capable of providing 911 and E911 functionality subject to limitations based on the mobility of the end-user's VoIP-enabled customer premise equipment, that it will cooperate with the Board in resolving consumer complaints involving entities for whom Level 3 is facilitating the provision of telecommunications services, and that Level 3 will not use telephone numbering resources obtained pursuant to this order to provide dial-up

ISP-bound non-voice traffic using a Virtual NXX architecture until such time as this Board, the Federal Communications Commission, or any court of competent jurisdiction in Iowa issues a final ruling, no longer subject to appeal, that such use of numbers is permitted.

Based on these representations, the Board's own investigation, and the discussion at the technical conference, the Board finds it in the public interest to provide a means for Level 3 to provide its requested services in Iowa. While the Board finds Level 3's proposed services do not qualify for certification under § 476.29, Level 3 appears to be situated similarly to Intrado and should be authorized to obtain telephone numbering resources in its own name for use in providing the services it has described in its proposed tariff. Thus, both as a right enjoyed under section 251 and pursuant to the "safety valve" provisions in 47 C.F.R. § 52.15(g)(4), the Board states that this Order entitles Level 3 to numbering resources upon proper application to the North American Numbering Plan Administrator.

Thus, based on the record in this proceeding, including the information gathered at the May 17, 2005, technical conference, the Board tentatively concludes that it should affirm its decision to deny Level 3's application for a certificate, but at the same time the Board should issue Level 3 an order in lieu of certificate that will allow Level 3 all of the same rights, privileges, and obligations that are associated with possession of a certificate. Moreover, because the Board is not issuing an actual certificate to Level 3, the Board will not approve Level 3's proposed tariff, but it

will accept the filing on an informational basis as a description of Level 3's proposed telecommunications service offerings in Iowa. Level 3 will be expected to maintain the tariff in an up-to-date status, even though it is only informational, because it is worthless if it is not accurate.

The Board is describing this as a tentative conclusion because of the somewhat unusual procedures used in this docket. It is possible that Level 3 or Consumer Advocate may object to the terms and conditions of this order. Accordingly, the Board will delay the effectiveness of this decision to allow the parties ten days to file objections.

Finally, the Board takes note of the fact that while this matter has been pending, at least one other company has filed an application for certificate and proposed tariff describing services that appear to be similar to Level 3's proposed offering. Thus, it is possible that the new approach to certification represented by this order may become more common. It is also possible that the Board, having gained experience with this new approach, will conclude it is not really in the public interest. In either event, or for any other appropriate reason, the Board may commence a rule making proceeding to consider adopting rules of general application for telecommunications utilities that offer wholesale services. If so, the action the Board is taking in this docket will be subject to any and all such future rules.

IT IS THEREFORE ORDERED:

1. The Board's denial of Level 3 Communications, LLC's application for a certificate of public necessity and convenience is affirmed, but is modified as stated herein to ensure that this order in lieu of a certificate provides Level 3 with all of the rights, privileges, and obligations associated with a certificate of public convenience and necessity issued pursuant to Iowa Code § 476.29, all subject to complaint, investigation, and any rules the Board may adopt in the future.

2. The effective date of this order is delayed by ten days to allow the parties to this proceeding an opportunity to file objections to this order. If no objections are filed, then this order shall become effective without further action of the Board. If objections are filed, the effective date of this order shall continue to be delayed pending further order of the Board.

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20th day of June, 2005.

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MOMENTUM TELECOM, INC.	DOCKET NO. TCU-08-7
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ORDER IN LIEU OF CERTIFICATE

(Issued July 25, 2008)

On May 15, 2008, Momentum Telecom, Inc. (Momentum), filed with the Utilities Board (Board) an application for an order in lieu of a certificate of public convenience and necessity. In support of its application, Momentum states that it proposes to offer switching and interconnection services to cable providers or other wholesale customers. Momentum states that it intends to utilize an order in lieu of certificate to interconnect with incumbent local exchange carriers (ILECs) and that Momentum's wholesale customers would then offer competitive voice services to their retail consumers in the ILECs' service territories. Momentum also states that it intends to use an order in lieu of certificate to obtain telephone numbering resources from the North American Numbering Plan Administrator (NANPA).

Momentum requests an order from the Board in lieu of a certificate similar to orders issued to Level 3 Communications, LLC (Level 3), on June 20, 2005, in TF-05-31, and to Sprint Communications Company L.P. (Sprint) on March 3, 2006, in Docket No. SPU-05-21. The Board notes that the issuance of such an order would provide Momentum with essentially all of the rights and privileges of a certificate

holder, other than authorization to offer land-line local telephone service in Iowa. Momentum's application has been identified as Docket No. TCU-08-7 and no objections to the application have been received.

The Board has reviewed the application and supporting information filed by Momentum and finds that the wholesale business plan described therein is similar to that of Level 3 and Sprint. The Board recognizes that for a telecommunications provider to obtain telephone numbering resources from the NANPA, the rules of the Federal Communications Commission require that such a carrier be authorized to provide service in the state where the carrier seeks numbering resources.¹ The Board finds that Momentum appears to be situated similarly to Sprint and Level 3 and should be authorized to exercise interconnection rights under 47 U.S.C. § 251 and to obtain telephone numbering resources in its own name for use in providing the services it has described in its application. Therefore, the Board will grant the request and issue this order in lieu of a certificate. The Board finds this action is consistent with the General Assembly's intent as expressed in Iowa Code § 476.95, which requires that the Board exercise regulatory flexibility in a changing telecommunications environment.

IT IS THEREFORE ORDERED:

The Board will grant the request filed by Momentum Telecom, Inc., and issue this order in lieu of a certificate to provide Momentum Telecom, Inc., with sufficient rights, privileges, and obligations associated with a certificate of public convenience

¹ See 47 C.F.R. § 52.15(g)(2)(i).

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and necessity issued pursuant to Iowa Code § 476.29 and 47 U.S.C. § 251 to enable Momentum to provide wholesale services as proposed in its application filed May 15, 2008, all subject to complaint, investigation, and any rules the Board may adopt in the future.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Margaret Munson
Executive Secretary, Deputy

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 25th day of July, 2008.