

October 17, 2005

VIA ELECTRONIC MAIL AND HAND DELIVERY

Luly Massaro
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: Cox Rhode Island, LLC Waiver Request For Number Block Release

Dear Luly:

On behalf of Cox Rhode Island Telcom, L.L.C., ("Cox"), this letter seeks a waiver of a denial by the Number Pooling Administrator ("NPA") to release certain blocks of numbers for Carey, Richmond & Viking America, a commercial customer of Cox ("Customer"). In submitting this waiver request to the Rhode Island Public Utilities Commission ("Commission"), Cox notes that when the NPA denies the release of a necessary block of numbers, a carrier may appeal to the Commission for relief.¹ The Commission then reviews a company's waiver request "on a case by case basis for reasonableness and to keep some control of the release of blocks."² Because the Customer is anxious to receive these numbers, we respectfully request that the Commission address this waiver request as soon as practicable.

FACTUAL BACKGROUND

1. Cox has an existing contract with the Customer, an insurance agency in business since 1961 and located in Portsmouth, Rhode Island, to provide phone service.

¹ See In Re: Cox Rhode Island Telcom, L.L.C. Waiver Request for Number Block Release – Carey, Richmond & Viking Insurance, Docket No. 3607 (June 14, 2004) ("CRV Decision") (Attached as Tab 1). See also In Re: Cox Rhode Island Telcom, L.L.C. Waiver Request for Number Block Release – Toray Plastics of America, Docket No. 3567 (November 21, 2003) ("Toray Plastics Decision") (Attached as Tab 2).

² Toray Plastic Decision at 2; CRV Decision at 2.

2. Customer has specifically requested 5 telephone numbers in any blocks other than blocks starting with NPA NXX 0000, NPA NXX 1000, NPA NXX 3000 and NPA NXX 9000.

3. Cox has only one 1,000 block in the applicable rate center which is NPA NXX 0000.

4. NPA NXX 0000 does not meet Customer's needs because its existing dialing pattern requires it to incorporate matching new blocks of numbers into the company's already existing dialing plan.

5. The Pooling Administrator rejected Cox's request for certain blocks of numbers because Cox's number utilization is 67%, which is below the FCC required level of 75%.

6. In order to minimize the unused numbers in the remaining block, Cox will return the remaining numbers within whatever block is assigned to Cox to the Pooling Administrator, as contamination of the block would be less than 10%.

STANDARD OF REVIEW

The Commission has determined that a carrier may be granted a waiver from the Pooling Administrator's decision when a Carrier has a utilization rate over 50% and a customer is requesting less than 10% of the block, with the remaining 90 % to be returned to the Pooling Administrator³. In its CRV Decision, the Commission granted Cox a waiver from the NPA's denial based on the fact that Cox's utilization rate was at 51% and the unused 90 % of the block numbers were returned to the NPA for assignment to another carrier⁴. In the case at bar, Cox is now at utilization rate of 67% and the Customer is only requesting 5 telephone numbers, which represents less than 10 % of the block. Cox intends to return the unused numbers to the Pooling Administrator to preserve the numbering resource.

Returning 90% of a block will meet the objectives outlined by the Commission in the Toray & CRV Decisions to preserve Rhode Island available telephone numbers, thus preserving the 401 area code⁵. It will maximize number conservation and further preserve the area code, while allowing Customer a choice in competitive carriers.

Because Cox meets the standards set forth in the Commission's past decisions, Cox respectfully requests this waiver from the Pooling Administrator's denial of Cox's Request for Number Block Release. Granting this waiver will result in the release of NPA NXX 2000, 4000 or 5000 block of numbers (if available) for immediate use.

³ CRV Decision at 2.

⁴ CRV Decision at 2, 3.

⁵ Toray Decision at 1; CRV Decision at 3.

ADLER POLLOCK & SHEEHAN P.C.

Thank you for your prompt consideration of this matter. Should you have any questions or need additional information, please contact me at 401-274-7200.

Very Truly Yours,



Craig L. Eaton (#5515)
Attorney for Cox Rhode Island Telcom, L.L.C.

CLE/is

Cc. Steve Frias, Commission Counsel

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Pooling Administration System

 [sandra.gore@cox.com](#) (SP)

[Sign Out](#)

Months to Exhaust and Utilization Certification Worksheet - TN Level (Continued)

Your utilization calculates to **66.700 percent**. The FCC requires a utilization of **75.000 percent**.

Select One Option and Submit

- Return to the Months To Exhaust Form
- Discard all the information provided for the request and start with a fresh Part 1A
- State Waiver Option



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: COX RHODE ISLAND TELCOM, LLC :
WAIVER REQUEST FOR NUMBER BLOCK : DOCKET NO. 3607
RELEASE – CAREY, RICHMOND & VIKING :
INSURANCE :

REPORT AND ORDER

On May 13, 2004, Cox Rhode Island Telcom, L.L.C. (“Cox”), filed a request with the Public Utilities Commission (“Commission”) for a waiver from the denial by the North American Number Pooling Administrator (“NANPA”) of Cox’s request to release certain blocks of numbers for Cox’s customer, Carey, Richmond & Viking Insurance (“the Customer”). Specifically, Cox had requested 9 numbers in thousands blocks that do not begin with NPA NXX 0000, 1000, 3000 or 9000. Cox has been assigned the thousand block NPA NXX 0000. The Customer is expanding the business and would like to have direct inward dial numbers (“DID’s”) that will match the current four digit internal extensions. The DIDs cannot begin with zero because the internal phone system is set up to send all callers who hit zero to the switchboard.

In Docket No. 3567, Order No. 17622 (issued December 1, 2003), Cox had a customer seeking specific blocks of numbers. The customer was seeking to install a DID system and further, to have the new numbers match the old extensions, thus prompting a request for specific blocks which Cox did not already have. In that case, Cox did not have a 70% utilization rate on its assigned blocks, but rather, only had a 51% utilization rate on the remaining numbers it had available for customers.

The request in Docket 3567 was an issue of first impression for the Commission. The Commission noted that the purpose of the utilization percentage is to conserve

unused numbers in order to extend the life of the NPA. In light of the importance of conserving numbers and preserving the NPA, the Commission set initial minimum standards that must be met by a carrier in order for the Commission to consider a request for a waiver. The Commission found that a carrier must have a utilization rate over 50% and must have a customer ready, willing and able to utilize at least 60% of the numbers within the requested blocks either immediately, or in the very near future. This in no way was meant to suggest that the Commission will automatically approve every request that meets these minimum standards. The Commission stated that it must review each request on a case by case basis for reasonableness and to keep some control on the release of blocks. Furthermore, if the Commission found that its ruling in Docket No. 3567 resulted in an influx of waiver requests, the Commission reserved its right to tighten the minimum standards in order to protect the NPA.

In this instance, Cox's current utilization of its block is at 51%, so Cox meets the first standard. However, the Customer only requires nine numbers from a thousand number block not beginning with NPA NXX 0000, NPA NXX 1000, NPA NXX 3000 or NPA NXX 9000. Therefore, Cox does not meet the second standard. However, Cox has made an argument regarding why it should be granted the waiver nonetheless. Cox has indicated that because the customer is requesting less than 10% of a block, Cox can return the remaining numbers to the Pooling Administrator (NANPA) for assignment to another carrier. Return of 90% of the block will prevent stranding a large amount of unused numbers.

Cox has maintained that this will meet the objectives outlined by the Commission in Order No. 17622 because it will maximize the number conservation within the block

and will further preserve the NPA, while allowing the customer a choice of competitive carriers.

After reviewing Cox's request on a case-specific basis, the Commission finds that although Cox has not met the threshold set forth in Order No. 17622 (issued December 1, 2003), Cox does have a 51% utilization level, has a customer desiring to do business with Cox and take numbers immediately, and has agreed to return the unused numbers to the Pooling Administrator, the Commission will allow the waiver request for the release of an available block of numbers, other than NPA NXX 0000, 1000, 3000 or 9000. Cox shall file with the Commission a copy of the Part 4 (certifying numbers in service) and a copy of the Block Donation Form (certifying return of a block) that it will need to file with NANPA. Return of the block shall be made within 30 days of commencing service with the customer.

The Commission again cautions that carriers should make every effort to work with customers to avoid the need to seek a waiver, maximizing on the utilization of the numbers to which the carrier is assigned. The Number Pooling Rules are in place to conserve the 401 area code. In this case, Cox was assigned a number block that begins with zero. This causes problems with internal phone systems and is viewed as a somewhat unique situation.

Accordingly, it is

(17870) ORDERED:

1. That Cox's request for a waiver from the denial of the release of a thousand block other than the following NPA NXX 0000, NPA NXX 1000, NPA NXX 3000, and NPA NXX 9000 is granted.

2. Cox shall file with the Commission a copy of the Part 4 (certifying numbers in service) and a copy of the Block Donation Form (certifying return of a block) that it will need to file with NANPA.
3. Return of the block shall be made within 30 days of commencing service with the customer.

EFFECTIVE AT WARWICK, RHODE ISLAND ON JUNE 10, 2004
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON
JUNE 14, 2004.

PUBLIC UTILITIES COMMISSION

Elia Germani, Chairman

*Kate F. Racine, Commissioner

Robert B. Holbrook, Commissioner

* Commissioner Racine did not participate in the decision.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: COX RHODE ISLAND TELCOM, LLC :
WAIVER REQUEST FOR NUMBER BLOCK : DOCKET NO. 3567
RELEASE - TORAY PLASTICS OF AMERICA :

REPORT AND ORDER

On November 3, 2003, Cox Rhode Island Telcom, L.L.C. ("Cox"), filed a request with the Public Utilities Commission ("Commission") for a waiver from the denial by the North American Number Pooling Administrator ("NANPA") of Cox's request to release certain blocks of numbers for Cox's customer, Toray Plastics of America ("Toray"). Specifically, Cox had requested 1,800 numbers in specific thousands blocks beginning with NPA NXX 2000, 3000, and 4000.¹

Because Cox's utilization rate (the percentage of numbers within the blocks currently assigned to Cox that are in service) is at fifty-one percent (51%), which is 19% below Rhode Island's required 70% utilization rate, Cox's request for the specific blocks was denied. In other words, Cox is not allowed, unless granted a waiver by the Commission, to obtain new blocks of numbers unless at least 70% of the numbers assigned to it are in use. The purpose of this rule is to preserve Rhode Island's available telephone numbers, thus preserving the 401 area code (or "NPA").

According to an attachment to Cox's filing, Toray is ready, willing and able to utilize 60% of the numbers as soon as they are made available to Cox. Toray currently has a PBX system whereby a person calls a main number and is connected to a Toray representative via a four digit extension. Toray desires to allow for direct dialing to its representatives using the four digit extensions. In other words, if a Toray representative

¹ Within the NPA NXX, Cox only has the thousands blocks beginning with 0000 and 7000 assigned to it.

is currently assigned the extension 2345, that representative's direct number will end in 2345. In response to Commission data requests, Cox indicated that the numbers it is seeking are not currently assigned to someone else. Furthermore, Cox will put 1,800 of the 3,000 requested numbers into service immediately.

This is an issue of first impression for the Commission. As noted above, the purpose of the utilization rate is to conserve unused numbers in order to extend the life of the NPA. In light of the importance of conserving numbers and preserving the NPA, the Commission must set initial minimum standards that must be met by a carrier in order for the Commission to even consider a request for a waiver. In this case, Cox has a utilization of over 50% and it has a customer who is ready, willing and able to utilize at least 60% of the requested numbers as soon as they are available to Cox. The other 40% will be available for Cox to assign to either Toray, if it needs additional lines, or to other customers.

The Commission adopts these standards as the minimum that must be met in order for the Commission to consider a request for a waiver. A carrier must have a utilization rate over 50% and must have a customer ready, willing and able to utilize at least 60% of the numbers within the requested blocks either immediately, or in the very near future. This in no way is meant to suggest that the Commission will automatically approve every request that meets these minimum standards. The Commission must review each request on a case by case basis for reasonableness and to keep some control on the release of blocks. For example, if a carrier files a petition seeking 10 thousands blocks and will only put 6,000 numbers in place, leaving 4,000 numbers not in use, the Commission may very well find that it is unreasonable to have the equivalent of four

blocks not in use when a carrier's utilization rate is below 70%. Furthermore, if the Commission finds that this ruling results in an influx of waiver requests, the Commission reserves its right to tighten the minimum standards in order to protect the NPA.

Because Cox's application has satisfied the minimum standards adopted today, the Commission approves Cox's request for a waiver from the denial of the release of the requested thousands blocks in question.

Accordingly, it is

(17622) ORDERED:

1. That Cox's request for a waiver from the denial of the release of the three requested thousands blocks in question is granted.

EFFECTIVE AT WARWICK, RHODE ISLAND ON NOVEMBER 21, 2003
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON
DECEMBER 1, 2003.

PUBLIC UTILITIES COMMISSION

Elia Germani, Chairman

Kate F. Racine, Commissioner

Robert B. Holbrook, Commissioner