

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: AT&T WAIVER REQUEST FOR :
NUMBER BLOCK RELEASE : DOCKET NO. 4154
RHODE ISLAND AIR NATIONAL GUARD :

REPORT AND ORDER

I. OVERVIEW

On March 11, 2010, AT&T filed a request with the Public Utilities Commission (“Commission”) for a waiver from the denial by the North American Number Pooling Administrator (“NANPA”) of AT&T’s request to release certain blocks of numbers for AT&T’s customer, Rhode Island Air National Guard (“the Customer”). The Customer requested 1000 telephone numbers specifically in the North Kingstown rate center in order to accommodate a new unit moving from Coventry and having them integrate into an existing and complex direct inward dial and on-base internal network configuration. The Customer needs the specific numbers requested so that its telecommunications systems will be compatible with Department of Defense regulations. Therefore, in order to meet the Customer’s needs, AT&T had requested a thousand block that begins with 401-NXX 3000. AT&T did not have the necessary block, only having a 9000 block, and was denied by NANPA on the basis that it had a 0.3% utilization rate, below the FCC’s 75% threshold.

II. RELEVANT HISTORY OF COMMISSION’S WAIVER ORDERS

In Docket No. 3567, Order No. 17622 (issued December 1, 2003), Cox Communications 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 No. 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.

However, the Commission has exercised discretion in cases where a carrier's proposal would not strand a large portion of numbers. In Docket No. 3607, the customer required less than 10 percent of a block. Cox met the Commission's first standard regarding utilization rate but not the second standard of numbers to be put into service. However, Cox indicated that because the customer is requesting less than 10 percent of a block, Cox could return the remaining numbers to the Pooling Administrator (NANPA) for assignment to another carrier, thus preserving the blocks. Return of 90% of the block would prevent stranding a large amount of unused numbers. Although Cox did not meet the threshold set forth in Order No. 17622 (issued December 1, 2003), Cox did have a 51% utilization level, had a customer desiring to do business with Cox and take numbers immediately, and had agreed to return the unused numbers to the Pooling Administrator, the Commission allowed the waiver request for the release of an available block of numbers, other than NPA NXX 0000, 1000, 3000 or 9000. Cox was required to 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 needed to file with NANPA. Return of the block was to be made within 30 days of commencing service with the customer. Cox complied with the Commission's Order.

III. COMMISSION FINDINGS

In order for a carrier to receive an additional block of numbers, the Federal Communications Commission ("FCC") has determined that the carrier must have a 75 percent utilization rate. AT&T's current utilization rate in the North Kingstown Rate Center is 0.3 percent. Therefore, it does not meet the FCC's requirement. Furthermore, it does not meet the Commission's standard. However, AT&T meets the Commission's second standard because it has a Customer ready, willing and able to utilize all of the numbers immediately or in the very near future. In addition, this customer requires the entirety of a specific block of numbers because of Department of Defense requirements, not simply for convenience. Finally, because the Customer requires the entire block of numbers, there will be no numbers from the block wasted, further reducing AT&T's utilization rate. Therefore, the Commission will allow the waiver request for the release of one available block of numbers in the North Kingstown exchange beginning with 3000 in the 401-NXX.

The Commission again cautions that carriers should make every effort to work with customers to avoid the need to seek a waiver and maximize the utilization of the numbers to which the carrier is assigned. The Number Pooling Rules are in place to conserve the 401 area code. However, in this case, a Customer is under constraints out of its control and requires the specific block of numbers.

Accordingly, it is

(19935) ORDERED:

1. That AT&T's request for a waiver from the denial of the release of one thousand blocks beginning with 3000 in any North Kingstown exchange (401-NXX) is granted.

EFFECTIVE AT WARWICK, RHODE ISLAND ON MARCH 17, 2010
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON
MARCH 22, 2010.

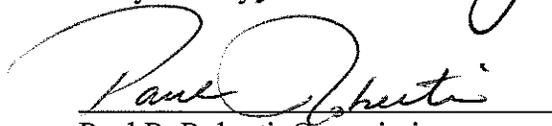
PUBLIC UTILITIES COMMISSION



*Elia Germani, Chairman



Mary E. Bray, Commissioner



Paul R. Roberti, Commissioner

Chairman Germani concurs but is unavailable for signature.