

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.