

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
SPRINT COMMUNICATIONS COMPANY L.P.)
For an Order Overruling the Pooling)
Administrator's Denial of Sprint's)
Requested Numbering Blocks.)

DOCKET NO. 2007-0208

DECISION AND ORDER NO. 23707

Filed Oct. 11, 2007
At 11 o'clock A.M.

Karen Higashi.
Chief Clerk of the Commission

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

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Chief Clerk, Public Utilities
Commission, State of Hawaii.

Karen Higashi.

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_____)

Docket No. 2007-0208

Decision and Order No. **23707**

DECISION AND ORDER

By this Decision and Order, the commission grants SPRINT COMMUNICATIONS COMPANY L.P.'s ("Sprint") request to overturn the National Pooling Plan Administrator's ("Pooling Administrator") denial of Sprint's request for numbering resources in the Hilo, Lihue, and Wailuku rate centers.

I.

Background

On June 22, 2007, Sprint, a Delaware limited partnership authorized to provide intrastate telecommunications services in the State of Hawaii,¹ filed a request with the Pooling Administrator² for one thousand-block each in the Hilo,

¹See Decision and Order No. 13262, filed on May 17, 1994, in Docket No. 94-0005; Decision and Order No. 14868, filed on August 9, 1996, in Docket No. 96-0061.

²The Pooling Administrator and the North American Numbering Plan Administrator ("NANPA") administer the numbering resources in the United States. While the NANPA is generally responsible for central office code assignments, the Pooling Administrator focuses on the allocation and pooling of thousand-block numbers--both functions are provided by an organization named NeuStar,

Lihue and Wailuku rate centers. That day, on June 22, 2007, the Pooling Administrator denied Sprint's request on the grounds that Sprint was unable to satisfy the requirement that it have a minimum utilization rate of 75% or have less than a six-month inventory of numbers for the requested rate centers ("Number Utilization Requirements").

A.

Sprint's Request

On July 27, 2007, Sprint filed an application requesting that the commission overturn the Pooling Administrator's denial of Sprint's request for numbering resources, and that the commission issue an order directing the Pooling Administrator to assign the requested number blocks to Sprint ("Application").³ According to Sprint, it provides certain wholesale network administration services to Time Warner Cable Information Services (Hawaii), LLC ("TWCIS"), which provides Digital Phones Services, a Voice over Internet Protocol ("VoIP") service, in several Hawaii markets. As part of its services to

Inc. See In re MCI Metro Access Transmission Services, Inc., Docket No. 04-0166, Decision and Order No. 21325, filed on August 27, 2004, ("Docket No. 04-0166") at 1, n.1.

³Sprint served copies of the Application on the DIVISION OF CONSUMER ADVOCACY, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS ("Consumer Advocate"), an ex officio party to this docket pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules § 6-61-62.

TWCIS, Sprint obtains telephone numbering resources for use by TWCIS' VoIP customers.⁴

To obtain numbering resources, Sprint requests the necessary number of thousand-blocks to meet the anticipated demand in each rate center. In this instance, according to Sprint:

After obtaining and assigning some of these numbers to TWCIS subscribers, the Incumbent Local Exchange Carrier, Hawaiian Telcom, informed Sprint that these telephone numbers did not have a Sprint Local Routing Number ("LRN") associated with them; and, as a result, Hawaiian Telcom would be unable to complete local calls placed by TWCIS VoIP subscribers to Hawaiian Telcom subscribers (and, vice versa). More specifically, Hawaiian Telcom explained that, due to its LEC network structure, Sprint must obtain a LRN for each island in this state in which TWCIS subscribers wish to complete local calls.

Application at 4-5 (emphasis in original).

In support of its request, Sprint attached as Exhibit A to its Application a letter from TWCIS to demonstrate that it has a "specific and verifiable" customer request for numbering resources in the Hilo, Lihue and Wailuku rate centers. In addition, Sprint asserts that it worked closely with Hawaiian Telcom to identify various ways of setting up Sprint's network and numbering to ensure that TWCIS' VoIP customers are able to complete local calls in the Hilo, Lihue and Wailuku rate centers. Of the three options that Sprint explored with

⁴According to Sprint, TWCIS is not certified to obtain numbers from NANPA, and has chosen not to enter into an interconnection agreement with Hawaiian Telcom. Instead, TWCIS purchases interconnection to the public switched telephone network from Sprint on a wholesale basis. See Sprint's Response to CA-IR-1.

Hawaiian Telcom, only the option related to obtaining LRNs was supported by Hawaiian Telcom.⁵ In addition, Sprint states that it "will immediately donate superfluous thousand-blocks back to the Pooling Administrator."⁶

B.

Consumer Advocate's Position

On September 7, 2007, the Consumer Advocate filed its Statement of Position informing the commission that it does not object to the commission's approval of Sprint's requests to overrule the Pooling Administrator's denial of Sprint's request for number blocks and issue an order directing the Pooling Administrator to assign the requested number blocks to Sprint ("CA Statement of Position"). According to the Consumer Advocate, Sprint has demonstrated a verifiable need for the new NXXs and has exhausted other available remedies. The Consumer Advocate asserts that granting Sprint's request would promote competition in the State's telecommunications industry, and would thus be in the public interest. In addition, according to the Consumer Advocate, Sprint is not attempting to abuse the waiver process or hoard numbers; and a commission waiver would be consistent with similar waivers previously granted by the commission on a case-by-case basis. Therefore, the Consumer Advocate does not oppose Sprint's requests, provided that "only the one thousandth block, where the

⁵See Sprint's Response to CA-IR-3.

⁶Application at 7.

requested LRN (ten-digit number) is assigned, be retained by [Sprint], and all other numbering resources in the new NXXs be returned by Sprint to the [Pooling Administrator]."⁷ To validate compliance, the Consumer Advocate recommends that Sprint provide the commission and the Consumer Advocate with copies of its filing related to the return of these other numbering resources to the Pooling Administrator.

II.

Discussion

The Federal Communications Commission has charged state commissions with the authority to affirm or overturn denials of number resources. Section 52.15(g)(4) of Title 47 of the Code of Federal Regulations states:

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an Operating Company Number (OCN). The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.

⁷CA Statement of Position at 7-8.

47 C.F.R. § 52.15(g)(4) (2005) (emphasis added).

Here, the commission finds that Sprint has sufficiently demonstrated that it has a verifiable need for the numbering resources and that it has exhausted all other remedies. Sprint received a request by TWCIS for numbering resources in the Hilo, Lihue and Wailuku rate centers, and, given the Pooling Administrator's denial of Sprint's request for numbering resources, Sprint's request for commission review and reversal of the Pooling Administrator's decision is its only recourse. Sprint, moreover, represents that it will return the unneeded thousand-blocks to the Pooling Administrator for other carrier assignments, which mitigates any concern over "hoarding" of numbering resources.

Based on the foregoing, the commission concludes that Sprint's request to overturn the Pooling Administrator's denial of Sprint's request for numbering resources in the Hilo, Lihue, and Wailuku rate centers, should be granted. As such, the Pooling Administrator is directed to allocate to Sprint the requested number blocks; provided that only the one thousandth block, where the requested LRN is assigned, be retained by Sprint, and all other numbering resources in the new NXXs be returned by Sprint to the Pooling Administrator. In addition, Sprint shall provide the commission and the Consumer Advocate with documentation that it returned the excess numbering resources to the Pooling Administrator.

III.

Orders

THE COMMISSION ORDERS:

1. Sprint's request to overturn the Pooling Administrator's denial of Sprint's request for numbering resources in the Hilo, Lihue, and Wailuku rate centers, is granted.

2. The Pooling Administrator's denial of Sprint's June 22, 2007 request for new NXXs in the Hilo, Lihue, and Wailuku rate centers is overturned; provided that only the one thousandth block, where the requested LRN is assigned, is retained by Sprint, and all other numbering resources in the new NXXs are returned by Sprint to the Pooling Administrator.

3. Sprint shall provide to the commission and the Consumer Advocate documentation that it returned the excess numbering resources to the Pooling Administrator.

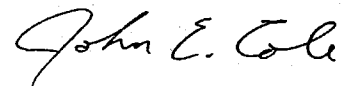
4. This docket is closed, unless otherwise ordered by the commission.


DONE at Honolulu, Hawaii

OCT 11 2007


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By: 
Carlito P. Caliboso, Chairman

By: 
John E. Cole, Commissioner

By: 
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:


Stacey Kawasaki Djou
Commission Counsel

2007-0208.eh

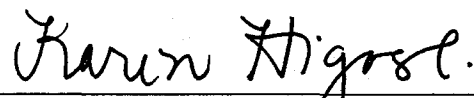
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 23707 upon the following Petitioners, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI
EXECUTIVE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

STEPHEN H. KUKTA
DIRECTOR AND ATTORNEY
STATE REGULATORY WEST REGION
SPRINT NEXTEL
201 Mission Street, Suite 1400
San Francisco, CA 94105

J. DOUGLAS ING
PAMELA J. LARSON
WATANABE ING & KOMEIJI LLP
999 Bishop Street, 23rd Floor
Honolulu, HI 96813



Karen Higashi

DATED: OCT 11 2007