

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of)  
SANDWICH ISLES )  
COMMUNICATIONS, INC. )  
For an Order Overturning the )  
North American Numbering Plan )  
Administrator's Denial of an )  
Application for Growth Numbering )  
Resources. )  
\_\_\_\_\_ )

DOCKET NO. 02-0085

ORDER NO. 20047

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

2003 FEB 26 P 3:52

RECEIVED

Filed Feb. 26, 2003  
At 9:30 o'clock A .M.

Karen Higashi.  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.  
K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of)	)	
	)	
SANDWICH ISLES	)	Docket No. 02-0085
COMMUNICATIONS, INC.	)	
	)	Order No. 20047
For an Order Overturning the	)	
North American Numbering Plan	)	
Administrator's Denial of an	)	
Application for Growth Numbering)	)	
Resources.	)	
_____	)	

ORDER

I.

By a petition filed on April 12, 2002, SANDWICH ISLES COMMUNICATIONS, INC. (Sandwich Isles) requests that the commission overturn the North American Numbering Plan Administrator's (NANPA) denial of its application for a new central office code to serve its existing and future customers on the leeward side of the island of Oahu. Sandwich Isles appears to have filed its request under a Federal Communications Commission (FCC) order granting the commission authority to affirm or overturn NANPA's denial of a carrier's numbering resource request. In re Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, Adopted March 17, 2000 and Released March 31, 2000, FCC 00-104.

Copies of the petition were served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). On April 29, 2002, the Consumer Advocate served Sandwich Isles with information requests (IRs).

On May 24, 2002, Sandwich Isles filed responses to the IRs. The only parties to this docket are Sandwich Isles and the Consumer Advocate.<sup>1</sup>

## II.

On October 24, 2002, an Amended Stipulation for an Order to Temporarily Suspend Proceedings was filed (Amended Stipulation).<sup>2</sup> In the Amended Stipulation, the parties acknowledged that: (1) the FCC has required Hawaii to be in compliance with the national thousands-block pooling rollout schedule (number pooling requirement); and (2) Hawaii is required to complete the number pooling requirement by December 20, 2002.<sup>3</sup> Among other things, the parties stipulated to take no further action regarding Sandwich Isles' petition in this docket until

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<sup>1</sup>On May 10, 2002, the parties filed a proposed stipulation for a protective order for the commission's review and consideration. On May 22, 2002, Protective Order No. 19356 was issued.

<sup>2</sup>The Amended Stipulation corrected a typographical error contained in a prior stipulation filed on October 17, 2002 (prior stipulation). The prior stipulation referenced a date of February 20, 2002, rather than February 20, 2003. In all other respects, the representations and terms of the Amended Stipulation appeared to mirror those of the prior stipulation, thus, we treated the Amended Stipulation as a replacement of the prior stipulation.

<sup>3</sup>The parties also informed the commission that they met on September 6, 2002, to discuss the possibility of Sandwich Isles' needs being met without commission action. On that date, the Consumer Advocate agreed to withhold the filing of its prepared Statement of Position (SOP) until Sandwich Isles determines whether or not its needs can be satisfied under the number pooling requirement. Sandwich Isles believed that it should be able to obtain its desired central office code number through the number pooling requirement, however, it was unwilling to withdraw the petition in this docket at that time.

February 20, 2003.<sup>4</sup> By Order No. 19754, filed on October 30, 2002, the commission approved the Amended Stipulation, filed on October 24, 2002, in its entirety.

On February 20, 2003, the parties filed a Second Amended Stipulation for an Order to Temporarily Suspend Proceedings (Second Amended Stipulation). In the Second Amended Stipulation, the Commission is informed that Sandwich Isles has not completed its work with NANPA and that it requests additional time to make its final determination as to whether its numbering resource requirements can be met without pursuing the petition in this docket. We are also informed that the Consumer Advocate does not object to Sandwich Isles' request for additional time. Accordingly, the parties stipulate to the following:

1. The parties agree to take no further action with regards to the petition in this docket until April 22, 2003;
2. That on or before April 22, 2003, Sandwich Isles will advise the Consumer Advocate and the Commission in writing whether or not it intends to withdraw its petition; and
3. If Sandwich Isles decides to pursue the petition in this docket, the Consumer Advocate

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<sup>4</sup>The parties also agreed that: (1) on or before February 20, 2003, Sandwich Isles will inform the commission and the Consumer Advocate, in writing, whether or not it intends to withdraw the petition in this docket; and (2) the Consumer Advocate will proceed with the filing of its SOP, upon notification that Sandwich Isles intends to pursue its petition in this docket, and thereafter, the petition will proceed through the "normal course" before this commission.

shall file its SOP, and this proceeding will move forward.

### III.

Upon review, the commission finds good cause to approve the parties' Second Amended Stipulation in its entirety to, among other things, suspend Sandwich Isles' petition in this docket until on or about April 22, 2003. Based on the parties' representations, Sandwich Isles should be given the additional time to determine whether or not its numbering resource needs can be satisfied under current federal requirements. Given the circumstances of this case, the new deadline of April 22, 2003, for Sandwich Isles to make its determination does not appear to be unreasonable. In light of the above, however, if Sandwich Isles elects to pursue the petition in this docket, the commission finds it reasonable to require the Consumer Advocate to file its SOP within five days of the filing date of Sandwich Isles' written notification of its intent to pursue the petition.

Based on the above, the commission concludes that the Second Amended Stipulation filed on February 20, 2003, should be approved in its entirety. Additionally, the commission concludes that if Sandwich Isle elects to pursue the petition in this docket, the Consumer Advocate should be required to file its SOP within five days of the filing date of Sandwich Isles' written notification of its intent to pursue the petition.

IV.

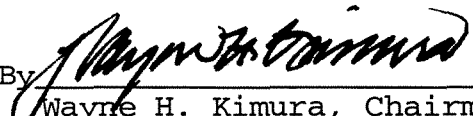
THE COMMISSION ORDERS:

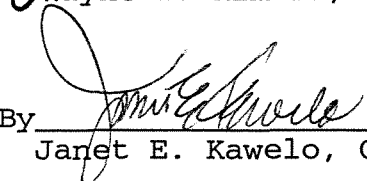
1. The parties' Second Amended Stipulation filed on February 20, 2003, is approved in its entirety.

2. If Sandwich Isles elects to pursue the petition in this docket, the Consumer Advocate shall file its SOP within five days of the filing date of Sandwich Isles' written notification of its intent to pursue the petition.

DONE at Honolulu, Hawaii this 26th day of February, 2003.


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

By (RECUSED)  
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

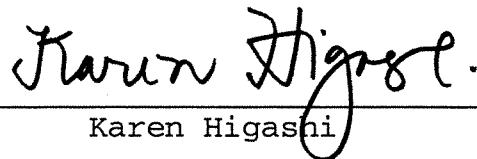
  
Ji Sook Kim  
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 20047 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
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Karen Higashi

DATED: February 26, 2003