DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL
WORKING FILE

FROM: DOUG COOLEY ELI-T-04-01

DATE: DECEMBER 26, 2003

RE: APPLICATIONS FOR WAIVERS TO ACQUIRE NEW NUMBERING RESOURCES IN BOISE.

BACKGROUND

On December 17, 2003, the Commission received requests for waivers from Electric Lightwave (ELI) and Time Warner Telecom (TWT), following denial of their Applications filed with the North American Numbering Plan Administrator (NANPA). In the earlier Applications to NANPA, both ELI and TWT requested telephone number blocks to meet the growing requirements of customers in Boise, Idaho.

In ELI's Application to NANPA, the Company requested two consecutive 1,000-blocks for use by its customer, Ada County. These blocks will be used to expand Ada County's system to include a Public Safety Complex, Juvenile Detention Center and Field Services building. ELI made the Application to NANPA because it does not have the specific 1,000-blocks Ada County requests. As required in its Application to NANPA, ELI completed a Month-To-Exhaust (MTE) worksheet indicating that ELI's numbering resources in the Boise rate center would exhaust in approximately 13 months. On November 18, 2003, NANPA denied ELI's NXX request on the grounds that ELI had not met the 6-month MTE criteria as set forth in the NANPA's guidelines for each rate center.

In TWT's Application to NANPA, the Company requested seven 1,000-blocks for use by its customer, Boise State University. These blocks will be used to meet the growing demand for numbers on BSU's campuses in Boise and in Nampa and will also help to maintain the 5-digit dialing pattern on BSU's network. TWT's Application was also rejected by NANPA because it did not meet the months-to-exhaust (MTE) estimate set forth in the Central Office Code Guidelines.

Both companies assert that NANPA's denial interferes with its ability to serve its customers within the state of Idaho.

STAFF ANALYSIS

Both TWT and ELI participate in thousand-block-pooling in the Boise rate center. While methods such as pooling and rate center consolidation help make number conservation efforts more effective, they are designed to extend the time it takes to exhaust (MTE) a rate center's number resources. According to FCC orders and numbering guidelines, carriers can appeal NANPA decisions of this nature to the appropriate state regulatory authority.[1] The Commission has granted similar waivers in the past for specific customer requests. (See Order No. 28769, Ricks College.)

RECOMMENDATION

Staff recommends that the requests for waivers sought by Time Warner Telecom and Electric Lightwave be granted so that these companies can serve the specific needs of Boise State University and Ada County. Staff also recommends that TWT and ELI continue to follow FCC numbering guidelines by assigning numbers in 1,000 blocks as demand requires before opening new 1,000 blocks within an assigned prefix. Further, Staff recommends that TWT and ELI remind its customers that unused 1,000 blocks will be returned to the NANPA within six months.

COMMISSION DECISION

Should the requests for waivers from Time Warner Telecom and Electric Lightwave be approved?

Doug Cooley

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[1] Number Optimization Order. CC Docket No. 99-200 and 96-98, FCC 00-104, rel. Mar. 31, 2000.