

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Fidelity Communication Services I, Inc. and Fidelity Communication Services II, Inc., for Review and Reversal of the North American Number Plan Thousands-Block Pooling Administrator's Decision to Withhold Numbering Resources

Case No. - - - - -

Fidelity Communication Services I, Inc. and Fidelity Communication Services II, Inc.
APPLICATION AND MOTION FOR EXPEDITED TREATMENT

Fidelity Communication Services I, Inc., OCN 3275 and Fidelity Communications Services II, Inc. OCN 3356; hereinafter referred to as "FCS I and FCS II" files this application pursuant to 4 CSR 240-2.060, 4 CSR 240- 2.080, 4 CSR 240-28.016, and 47 C.F.R. § 52.15(g)(3)(iv), and respectfully requests that the Missouri Public Service Commission ("Commission") issue an order, on an expedited basis, that reviews and reverses the recent decision of the North American Numbering Plan Thousands-Block Pooling Administrator ("PA") to withhold certain numbering resources from FCS I and FCS II.

The requested numbering resources are necessary to eliminate the routing and rating issues associated with the Local Routing Number (LRN) not being in FCS I and FCS II'S inventory. Back in September of 2004, FCS I and FCS II donated several blocks of numbers back to the PA. Three of the blocks containing LRNs were included in the donation. In May 2019 one of the blocks was acquired by Peerless Network. In July 2019 we received notice from our CABs vendor, RVW, Inc. that the Embarq files were considerably smaller than normal. For example, the previous month the file was 261KB and now it is only 16KB. The smaller file relates to a lower volume of minutes being received and billed. We worked with Peerless Network and explained the issue and they returned the block back to the PA. We have tried to get the numbering resources back from the PA but we do not meet the Months-to-Exchange Worksheet requirements.

In support of its Application, FCS I and FCS II states as follows:

1. FCS I and FCS II is a Missouri corporation with its principal office at 64 North Clark Street, Sullivan, MO 63080. It may be contacted via its Vice President of Finance and/or their Consultant reflected in Paragraph 3 below.

2. FCS I and FCS II is duly authorized to conduct business in Missouri.¹ FCS I and FCS II is a "local exchange telecommunications company," and "public utility" certificated by this Commission and duly authorized to provide "telecommunications service" within the state of Missouri, as each of these terms is defined in Section 386.020, RSMo.

3. In addition to the undersigned, all correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Carla J. Cooper
Vice President of Finance
Fidelity Communication Services I, Inc. and
Fidelity Communication Services II, Inc.
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¹ A certified copy of FCS I's Certificate of Certificate of Authority from the Missouri Secretary of State was filed with the Commission on November 22, 1999 in Case No. TA-2000-191. FCS II's Certificate of Certificate of Authority from the Missouri Secretary of State was filed with the Commission on November 30, 1999 in Case No. TA-2000-229 and FCS I Certificate of Good Standing from the Missouri Secretary of State, filed with the Commission on September 16, 2019 and the FCS II Certificate of Good Standing from the Missouri Secretary of State, filed with the Commission on September 13, 2019.

4. As mentioned above, this Application is prompted by FCS I and FCS II's plan and desire to capture all minutes they are entitled to receive and create CABS billing and receive compensation for switching. Without the LRN's in the proper switch this hinders the routing of the call and thus the rating of the minutes. This plan requires the return of the blocks of numbers the LRNs have been assigned in, back to FCS I and FCS II's inventory with their respective "A" record codes responsible for default routing. The rates centers and blocks involved are; Rolla 573-426-0, Bourbon, 573-679-0 and St. James, 573-899-0.

5. On August 22, 2019 a request to the PA for the blocks in Bourbon and St. James was submitted. On September 6, 2019, a request to the PA for the Block for Rolla was submitted, along with the necessary Months to Exhaust (MTE) and Utilization Certification Work Sheet. A true and correct copy of each of FCS I and FCS II's requests, Part 1A, MTE and Part 3 are attached hereto as Exhibit A. The accompanying months-to-exhaust worksheet, which is trade secret and confidential, is attached hereto as Confidential Exhibit B. As required by 4 CSR 240-28.016, FCS I and FCS II's FCC Form UI of Form 502, which is also trade secret and confidential, is attached as Confidential Exhibit C.

6. On August 22, 2019, the PA denied the request for Bourbon and St. James and on September 6 for Rolla on the grounds that FCS I and FCS II had not met the utilization and/or months-to-exhaust criteria established by the Federal Communications Commission ("FCC"). A true and correct copy of the PA's decision for all three exchanges is attached hereto as Exhibit D.

7. FCS I and FCS II seeks the Commission's direction to overturn the PA's decision to withhold numbering resources, as FCS I and FCS II has now exhausted all other available remedies designed to conserve numbering resources. The Commission has previously overturned decisions of the PA upon facts similar to those in this Application.

8. A state commission may overturn the PA's decision based on the commission's determination that the carrier has demonstrated a verifiable need for the requested numbering resources and has exhausted all other available remedies.

9. In this case, FCS I and FCS II requires the blocks the Local Routing Numbers are in to be in their numbering inventory on their switch to prevent routing and rating issues.

10. FCS I and FCS II respectfully requests that the Commission act upon this Application within ten (10) business days. FCS I and FCS II has acted expeditiously to file for the requested relief, and the FCC has recognized the importance of timely state commission action:

[W]e recognizes that in many instances, the failure to address a request for additional numbering resources can impair a carriers' ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety valve as expeditiously as possible. Although we do not establish a specific time limit for states to act on these requests, we believe that, in most instances 10 business days from receipt of a request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests.²

11. This Application satisfies the requirements of 4 CSR 240-28.016 by providing all required documentation outlined therein.

12. FCS I and FCS II does not have any pending or final unsatisfied judgments or decisions against it from any state or federal agency, which involves customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application.

13. FCS I and FCS II does not have any annual report or assessment fees that are overdue in Missouri.

14. FCS I and FCS II seeks expedited treatment and requests that the Commission act on this request within ten (10) business days, so that FCS I and FCS II will have enough time to file a new request with the PA for the release of the numbering resources described herein.

²See 12/28/01 @ ¶ 66

WHEREFORE, FCS I and FCS II requests that the Commission overturn the PA's previous determination in this matter within ten (10) business days and instruct the PA to release the numbering resources necessary to meet FCS I and FCS II's routing and rating issues.

Respectfully submitted,



Carla J. Cooper

Vice President of Finance
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and Fidelity Communication Services
II, Inc. 64 N. Clark Street
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Dated: September 14, 2019

CERTIFICATE OF SERVICE

Copies of the foregoing Application and all attachments thereto were served on the following by e-mail on September 26, 2019.

Carla J. Cooper
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STATE OF MISSOURI)
) SS
COUNTIES OF PHELPS AND CRAWFORD)

VERIFICATION

I, Carla J. Cooper, in accordance with 4 CSR 240-2.060(I)(M) and first being duly sworn upon my oath, hereby state that I am over the age of twenty-one, am of sound mind, am the Vice President of Finance for FCS I and FCS II's and am authorized to act on its behalf. I have read the foregoing document to which this Verification is appended, and the facts contained therein are true to the best of my knowledge, information and belief.

Carla Cooper
Carla J. Cooper

Subscribed and sworn to before me
this 16 day of September 2019.

Jessica L. Carollo
Notary Public



JESSICA L. CAROLLO
My Commission Expires
January 16, 2022
Franklin County
Commission #12384890