



Martha S. Hogerty  
Public Counsel

State of Missouri

Bob Holden  
Governor

**Office of the Public Counsel**  
Governor Office Bldg. Suite 650  
P. O. Box 7800  
Jefferson City, Missouri 65102

Telephone: 573-751-4857  
Facsimile: 573-751-5562  
Relay Missouri  
1-800-735-2966 TDD  
1-800-735-2466 Voice

March 27, 2001

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

FILED<sup>3</sup>

MAR 27 2001

Missouri Public  
Service Commission

**Re: Case No. TO-2000-374**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case, please find the original and 8 copies of the **Office of the Public Counsel's Motion Requesting Investigation into Number Pooling Feasibility and Modification of the Implementation Dates for Area Code Relief in the 314 NPA**. I have on this date mailed, faxed, and/or hand-delivered the appropriate number of copies to all counsel of record. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Very truly yours,

Michael F. Dandino  
Senior Public Counsel

MFD:kh

cc: Counsel of Record

Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>  
MAR 27 2001  
Missouri Public  
Service Commission

In the Matter of the North American )  
Numbering Plan Administrator's Petition ) Case No. TO-2000-374  
for Approval of NPA Relief Plan for the )  
314 and 816 Area Codes )

**OFFICE OF THE PUBLIC COUNSEL'S MOTION REQUESTING  
INVESTIGATION INTO NUMBER POOLING FEASIBILITY AND  
MODIFICATION OF THE IMPLEMENTATION DATES FOR  
AREA CODE RELIEF IN THE 314 NPA**

Comes now the Office of the Public Counsel and respectfully requests the Public Service Commission of the State of Missouri to modify its order establishing the permissive and mandatory dates for implementation of the 314 NPA relief plan to postpone the schedule. Public Counsel also asks the PSC to investigate the feasibility for a state number pooling program in 314 prior to the national rollout. Public Counsel asks the PSC to delay implementing the new overlay NPA to take advantage of current number conservation measures and number pooling authority and capability to extend the life of the 314 NPA.

An analysis of available NXX codes in the 314 NPA shows that assignment to carriers has not occurred to the extent projected. In light of that development, the July 20, 2000 FCC order granting Missouri pooling authority in 314, and the outlook for the rollout of the national pooling project, it is reasonable and in the public interest to delay implementation of the new overlay code for as long as possible to extend the life of 314 and postpone the adverse consumer impact caused by NPA relief.

In support of its motion, Public Counsel states as follows:

1. Public Counsel has throughout this proceeding urged the PSC to delay implementing area code relief in 314 because the available codes and projected demand and number conservation measures could delay exhaust beyond the date projected by Neustar, Inc., the NANPA. Public Counsel asked the PSC not to put the consumers through the cost, confusion, and inconvenience of a new area code before it was needed. In the evidentiary hearing and in its briefs, Public Counsel urged conservation measures be vigorously pursued to extend the life of 314 to avoid implementing a new NPA prematurely. Public Counsel suggested that implementation of a relief plan be delayed until the threshold of 90 available codes remained. (Meisenheimer Direct, p. 30; Tr. 181-182; 328-329) Public Counsel's position remains unchanged. Public Counsel also strongly urges the PSC to investigate number pooling as a means to delay implementation of the 314 NPA relief plan in light of the advantages in inclusion in the national rollout. A floating schedule based on actual conditions is more in the public interest than a static date. Public Counsel believes that a state number pooling trial in 314 could be in the best interests of the consumers in 314 and in the public interest as a whole.

2. As of June 26, 2000, there were 160 NXXs available for assignment in 314. Public Counsel recommended that the final decision on the specific relief plan be stayed until the number of assignable codes fell below 90. (Meisenheimer Direct, Ex. 3, p. 31-32). The projected life of 314 was the 2<sup>nd</sup> quarter 2001, with a demand for codes of 10-13 per month and a supply of 180 available codes.

3. According to the information posted in March, 2001 on the NANPA website, there are now 145 codes available for assignment. Since the implementation of the FCC's conservation methods and the PSC's efforts to reclaim NXXs, the number of

available NXXs today has not been reduced at the rate anticipated. In 2001, NANPA has assigned 2 codes in January and 1 in February. The assignment of NXXs by month in 2000 was as follows:

J	F	M	A	M	J	J	A	S	O	N	D
11	7	11	9	3	8	17	9	3	4	9	1

At the end of 2000, 147 codes were available. NANPA has not revised its projected exhaust date since the April 2000 COCUS, notwithstanding the new data in the January and February, 2001 updates on available codes and usage. Based on this activity, Public Counsel believes that area code relief can be safely postponed.

4. The conservation effort designed to reclaim assigned, but unused codes, is meeting with success. In 2001, 7 codes have been recovered, with 12 recovered in February. The net number of available NXXs has changed slightly over this period.

The Commission was granted state pooling authority in 314 by the FCC so it can act on number pooling without the delay in petitioning the FCC. When it issued its Report and Order in this case, the PSC decided to wait for the national pooling rollout rather than conduct a state number pooling project in 314.

6. Given the number of remaining codes and the rate of use, the Commission should modify its order for the implementation of the 314 NPA relief plan to delay assignment of the overlay NPA NXXs. This would given the PSC an opportunity to investigate the feasibility and desirability of starting its own pooling plan and set the 314 NPA for favorable consideration for inclusion in the national number pooling rollout. Postponement of the present schedule is possible without putting the area at risk to

exhaust and still have a sufficient supply of NXXs and thousand-number blocks for pooling.

7. The FCC granted the PSC number conservation authority in the 314 NPA on July 20, 2000 in the case styled *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-2000 (DA 00-1616) stating:

35. The Missouri Commission requests the authority to implement thousands-block number pooling in Missouri. The Missouri Commission supplemented its initial filing with information concerning the 314 NPA. The Missouri Commission's supplemental filing demonstrates that the 314 NPA meets the three specific criteria articulated in the *Numbering Resource Optimization Order*: (1) the 314 NPA is in jeopardy; (2) the 314 NPA has a remaining life span of at least a year; and (3) the 314 NPA encompasses the City of St. Louis, one of the largest 100 MSAs. We, therefore, delegate to the Missouri Commission the authority to implement thousands-block number pooling in the 314 NPA. We grant this authority to the Missouri Commission subject to the conditions and safeguards set forth above. This grant of thousands-block number pooling authority extends to any new area code implemented to relieve an existing area code in which pooling is taking place.

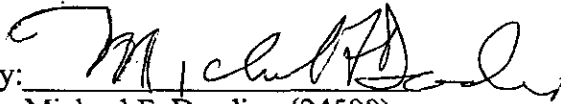
8. On March 22, 2001, the Staff filed a report to the PSC on the FCC's Pooling Order of March 14, 2001 granting the PSC authority for state number pooling and other conservation measures in 816. The report notes that the FCC is in the process of evaluating bids for the national pooling administrator with an award expected within a month. Thereafter, the administrator will have two months to develop a rollout schedule with another month for FCC review and approval and nine months to begin implementation. So within a year, a national pooling plan should be a reality. It is vital that Missouri position itself to be in the first phase of the rollout. To that end, Missouri must take those steps to gain priority by embracing the selection criteria. Even if it is not selected as part of the national rollout, a state pooling trial will advance number conservation and efficient use of numbering resources.

9. The Staff is reviewing the feasibility of proceeding to implement a thousands-block number pooling trial in the 816 NPA and intends to file an additional report on April 6, 2001. Public Counsel suggests that the PSC should direct the Staff to include a report on the feasibility and analysis of conducting a pooling trial in 314 and the postponement of the current implementation schedule. There are benefits to proceeding now. Sources within the numbering industry has advised OPC staff that the expense for a state administrator and numbering program is not prohibitive. The commencement of a trial will place Missouri for more favorable treatment for inclusion in the national rollout than states that have sat back and done nothing. But most significantly, pooling can extend the life of 314. The entire goal of conservation and pooling is to give greater life to NPAs. Rather than just pressing on with a relief plan oblivious to the facts on code usage, the PSC should revise the implementation schedule to set a threshold of 90 remaining available codes to trigger activation of the relief plan.

For these reasons, Public Counsel moves the PSC to delay the effective dates of the permissive and mandatory dialing periods for the 314 NPA relief plan and to direct the Staff to study and report on the feasibility for a 314 number pooling project.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL  
MARTHA S. HOGERTY  
PUBLIC COUNSEL

By:   
Michael F. Dandino (24590)  
Senior Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102  
(573) 751-4857  
(573) 751-5559  
Fax (573) 751-5562  
email: mdandino@mail.state.mo.us

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was mailed via U. S. Mail postage prepaid on this 9 day of March, 2001 to the counsel of record on the attached service list.

  
Michael F. Dandino

Service List  
Case No. TO-2000-374  
March 27, 2001

General Counsel  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City MO 65102

James F. Mauze/Thomas E. Pulliam  
Ottsen, Mauze & Leggat  
Midvale Building  
112 South Hanley  
St. Louis, MO 63105

James M. Fisher/Larry W. Dority  
Attorney at Law  
101 Madison  
Suite 400  
Jefferson City, MO 65101

W. R. England, III  
Brydon, Swearngen & England P.C.  
P.O. Box 456  
Jefferson City, MO 65102-0456

Paul S. DeFord  
Lathrop & Gage  
2345 Grand Boulevard, Suite 2500  
Kansas City, MO 64108

Peter Mirakian, III/Wendy E. DeBoer  
Spencer, Fane, Britt & Browne, LLP  
1000 Walnut Street, Suite 1400  
Kansas City, MO 64106

Edward J. Cadieux/Carol Keith  
Gabriel Communications, Inc.  
16090 Swingley Ridge Road  
Chesterfield, MO 63006

Kenneth L. Judd  
Southwestern Bell Wireless  
13075 Manchester Road 100N  
St. Louis, MO 63131

Cheryl Tritt/Kimberly Wheeler/Lee Adams  
Morrison & Foerster, LLP  
2000 Pennsylvania Ave. NW Ste. 5500  
Washington DC 20006

Craig S. Johnson  
Andereck, Evans, Milne, Peace & Baumhoer  
301 E. McCarty  
P. O. Box 1438  
Jefferson City, MO 65102

Paul G. Lane/Leo J. Bub/Anthony Conroy/  
Mimi B. MacDonald  
Southwestern Bell Telephone Company  
One Bell Center, Room 3520  
St. Louis, MO 63101-1976

Stephen Minnis  
Sprint Missouri, Inc.  
5454 W. 110th Street, 10th Floor  
Overland Park, KS 66211

Kevin K. Zarling  
AT&T Communications  
919 Congress, Suite 900  
Austin, TX 78701

Carl J. Lumley  
Curtis, Oetting, Heinz, Garrett & Soule  
130 S. Bemiston, Suite 200  
Clayton, MO 63105

Mark W. Comley  
Newman, Comley & Ruth, P.C.  
601 Monroe Street, Suite 301  
Jefferson City, MO 65101

Martin C. Rothfelder  
The Rothfelder Law Office  
625 Central Avenue  
Westfield, NJ 07090