



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

October 2, 2001

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

FILED³

OCT 02 2001

Missouri Public
Service Commission

Re: 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 for Correction and Clarification of the Order Delaying Implementation of 314 NPA and 816 NPA Overlay Relief Plan**. I have on this date mailed, faxed, and/or hand-delivered the appropriate number of copies to parties 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**

FILED³
OCT 02 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 FOR CORRECTION
AND CLARIFICATION OF THE ORDER DELAYING IMPLEMENTATION
OF 314 NPA AND 816 NPA OVERLAY RELIEF PLANS**

COMES NOW the Office of the Public Counsel (Public Counsel) and respectfully asks the Missouri Public Service Commission to make and enter its order correcting and clarifying its order delaying the implementation of the 314 NPA and 816 NPA overlay relief plans. Public Counsel wishes to point out to the Commission that a statement in the order incorrectly states Public Counsel's position regarding the use of available NXX codes as a threshold to trigger implementation of the relief plans.

On page 3 of the order, the PSC notes that Public Counsel filed suggestions in support of the industry recommendation that the implementation of the plans be postponed indefinitely. However, the Order incorrectly states the position of the Office of the Public Counsel: "In filing in support of the Committee's recommendation, the Public Counsel effectively abandoned a previous position advocating a trigger for implementing NPA relief based upon a set number of codes for assignment."

Public Counsel has not abandoned its position on the use of available NXX codes as the trigger for relief implementation. If area code relief is to be pursued and a schedule adopted, Public Counsel believes that this method is more reasonable and

flexible that the use of set calendar dates for implementation. Public Counsel has suggested this method since the commencement of this case. If code relief was necessary, then this device postponed it as long as the supply of NXX codes could satisfy the industry's request for codes.

Public Counsel's support of the indefinite delay was not and cannot be construed as an implied abandonment of its position on the use of available NXX codes as the criteria for code relief implementation. Public Counsel's support of the industry's recommendation to postpone the implementation indefinitely does not change Public Counsel's position on when to implement area code relief. Public Counsel recognized even before this proceeding that NANPA's code use estimates appeared to be well in excess of actual use and suggested that it might not be necessary to implement area code relief at all. This Office proposed that a trigger was a reasonable mechanism to wait and see if the overlay was needed. If code demand diminished in response to the FCC and Commission ordered number conservation efforts as Public Counsel predicted, a new overlay code could be postponed until it was needed. The PSC should note that the industry finally abandoned its efforts to force unneeded area codes on both 314 and 816 NPAs without a clear showing of immediate need for such action. As a result, the industry was willing to forego its proposed schedule of calendar dates for plan implementations and leave the schedule open. Public Counsel welcomed the industry's change of heart on the delay of implementation. Further, consistent with Ms. Meisenheimer's testimony, Public Counsel is poised to eventually ask the Commission to abandon the overlay decision in this case after number pooling is in place and even an outside chance for area code relief is eliminated. Throughout the entire NPA relief

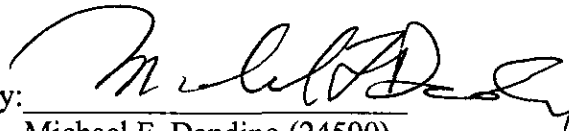
planning, Public Counsel strongly urged delay of the area code relief plans and the use of number conservation efforts to avoid a new area code. Public Counsel offered the available NXX code thresholds as a reasonable and flexible alternative to the rigid dates proposed by the industry. Public Counsel's position on this has not changed. Public Counsel was willing to support the indefinite delay suggested by the industry since it accomplished Public Counsel's chief goal: to avoid the cost and inconvenience to consumers of unneeded area code relief. This does not mean Public Counsel's NXX threshold plan is abandoned, but rather it means that the delay extends the time for number conservation to work. This threshold proposal is still on the table as a live proposal in response to any party that urges the Commission to pursue unnecessary relief. With its soundness well documented in the record, it stands as a valid avenue for implementation if for some reason NXX code exhaustion should accelerate. If the industry again suggests reestablishing implementation timetables for 314 and 816 NPAs, the industry and the Commission should be assured that Public Counsel will renew its call for the threshold triggers in lieu of fixed dates. If pooling has the effect the Public Counsel believes it will have on the numbering resources, no area code relief will be needed for the foreseeable future and the need for implementation, either by specific dates or available NXX codes thresholds, becomes a moot issue.

For these reasons, Public Counsel asks the PSC to enter its order correcting and clarifying its order delaying the implementation of the 314 NPA and 816 NPA overlay relief plans to correctly reflect Public Counsel's position regarding the use of available NXX codes as a threshold to trigger implementation of the relief plans.

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 2nd day of October, 2001 to the counsel of record on the attached service list.



Service List
Case No. TO-2000-374
October 2, 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

Lisa Creighton Hendricks
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