



Martha S. Hogerty
Public Counsel

State of Missouri

Mel Carnahan
Governor

Office of the Public Counsel
Harry S Truman Building
Suite - 250, 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

August 3, 2000

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

FILED²

AUG 03 2000

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 **Motion Requesting Commission to Petition FCC for Number Pooling Authority in 816 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

FILED²

AUG 03 2000

Missouri Public
Service Commission

In the Matter of the North American)
Numbering Plan Administrator's Petition)
For Approval of NPA Relief Plan for the)
314 and 816 Area Codes)

Case No. TO-2000-374

**MOTION REQUESTING COMMISSION TO PETITION
FCC FOR NUMBER POOLING AUTHORITY IN 816 NPA**

Comes now the Office of the Public Counsel and respectfully requests the Public Service Commission of the State of Missouri to petition the Federal Communications Commission for authority to conduct number pooling in the 816 NPA to the same extent the FCC granted the PSC 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).

In its original petition filed on November 1, 1999, the PSC requested authority to conduct state trials. *Missouri Public Service Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures in the 314, 417, 573, 636, 660 and 816 Area Codes*, NSD File No. L-99-90). On March 30, 2000, the FCC issued its *Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking*, 15 FCC Rcd 7574 (2000), herein referenced as *NRO Order March 30th*) that set out specific criteria an NPA should have to be considered a candidate for number pooling.

In compliance with the *NRO Order March 30th*, the Commission submitted supplemental evidence on April 27, 2000 to amend its petition to demonstrate that the 314 NPA met the three specific criteria. The FCC grant of authority on July 20th was

specific to the 314 code and to any subsequent relief code assigned in 314. The FCC said that the Commission had demonstrated that: (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. Because of the lapse of time since the PSC's original request in November, 1999, coupled with the FCC's limitation of Missouri's pooling authority to the 314 NPA, the PSC's practical ability to postpone NPA exhaust in 314 and 816 is diminished.

To address that problem, Public Counsel asks that the PSC immediately file a petition with the FCC to request expedited authority to conduct pooling trial in 816 prior to a trial in 314. This should be done now since time is of the essence. Public Counsel urges the PSC not to postpone this action until it makes its final decision in this case. The last request for authority took over eight months to process, a delay that Missouri cannot suffer again and still be able to effectively respond to the numbering problem.

Public Counsel suggests to the PSC that in support of its request, the PSC should advise the FCC that the 816 NPA at present meets two of the three criteria to qualify for pooling trials. The 816 NPA services the Kansas City metropolitan area, part of Kansas City Kansas MSA, the 28th largest MSA. The 816 NPA has a remaining lifespan of more than one year.

The PSC should advise the FCC that special circumstances exist to allow pooling in 816 even though it does not currently meet the third criteria of jeopardy. The FCC's numbering orders have provided for "special circumstance" as a basis for qualification. Although the 816 NPA is not yet in jeopardy, the evidence shows that 816's numbering

resources are limited. Pooling could substantially reduce the rate at which these resources are depleted. If the goal of pooling is the efficient use of numbering resources to postpone the cost, inconvenience, and confusion caused by area code relief, then 816 seems an appropriate NPA to conduct a pooling trial. This pooling could make a substantial impact on NXX exhaust and NPA relief. Assuming NANPA's current estimated exhaust dates, pooling in 816 is more likely to provide beneficial relief in a Missouri metropolitan area than in 314. The lack of an NPA in jeopardy is not a totally disqualifying factor for number pooling. The FCC granted authority to Washington, Nebraska, Oregon, and Utah to conduct trials in an NPA not currently in jeopardy.

For the foregoing reasons, Public Counsel asks the PSC to immediately petition the FCC for number pooling authority in 816 consistent with the same authority granted to it in the 314 NPA.

Respectfully submitted,

OFFICE OF THE 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 or faxed this 3 day of August to the attached service list of the counsel of record:



Service List
Case No. TO-2000-374
August 3, 2000

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 West McCarty Street
Suite 215
Jefferson City, MO 65101

W. R. England, III
Brydon, Swearingen & 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

Linda K. Gardner
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