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March 26, 2001

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

FILED³

MAR 26 2001 *mh*

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 Number Pooling and Modification of the Implementation Dates for Area Code Relief in the 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**

FILED

MAR 26 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
NUMBER POOLING AND MODIFICATION OF THE IMPLEMENTATION
DATES FOR AREA CODE RELIEF IN THE 816 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 issued on February 15, 2001 establishing the permissive and mandatory dates for implementation of the 816 NPA relief plan and to take steps to commence a state number pooling program. Public Counsel asks the PSC to delay implementing the new overlay NPA in order to take advantage of current number conservation measures and number pooling authority and capability to extend the life of the 816 NPA.

An analysis of available NXX codes in the 816 NPA shows that assignment to carriers has not occurred to the extent projected. In light of that development, the March 14, 2001 FCC order giving Missouri pooling authority in 816 as well as 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 816 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 816 because the available codes and projected demand

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made the exhaust date remote and number conservation measures could further delay exhaust. Public Counsel asked the PSC not to put the consumers through the cost, confusion, and inconvenience of a new area code before the appropriate time. The industry's recommended overlay of 816 was premature. Public Counsel encouraged the PSC to seek authority for pooling in 816 in August, 2000 shortly after the FCC granted authority in 314. In the evidentiary hearing and in its briefs, Public Counsel urged conservation measures be vigorously pursued to extend the life of 816 to avoid implementing a new NPA prematurely. Public Counsel's position remains unchanged; it again strongly urges the PSC to adopt number pooling as a means to delay implementation of the 816 NPA relief plan. Public Counsel believes that a state number pooling trial would be in the best interests of the consumers in 816 and of the public.

2. As of June 26, 2000, there were 174 NXXs available for assignment in 816. Exhaust was not projected for almost 2.4 years (without number conservation). The 816 NPA is not in "jeopardy." Public Counsel recommended that the final decision on the specific relief plan be stayed until the number of assignable codes fell below 100. (Meisenheimer Direct, Ex. 3, p. 31-32). The projected life of 816 was the first quarter of 2002 (Tr. 76) with a demand for codes of 7 per month and a supply of 174 available codes (Tr. 116; 113).

3. According to the information posted in March, 2001 on the NANPA website, there are now 175 codes available for assignment. This NPA is still not in a "jeopardy" status so there is no limit on the number of NXXs that can be assigned each month. Since the implementation of the FCC's conservation methods and the PCS's efforts to reclaim NXXs, the number of available NXXs now is almost the same as it was

at the time of the relief hearing. In 2001, NANPA has assigned 4 codes in January and 3 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 |
| 4 | 4 | 3 | 3 | 2 | 19 | 22 | 2 | 3 | 4 | 1 | 2 |

At the end of 2000, 176 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 postponed for a total of nearly three years.

4. The conservation effort designed to reclaim assigned, but unused codes, is meeting with success. In 2001, 30 codes have been recovered, with 12 recovered in February. The net number of available NXXs has changed slightly over this period.

5. The Commission requested state pooling authority in 816 at the FCC as suggested by Public Counsel so it could act on number pooling without the delay inherent in petitioning the FCC. However, 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.

6. Given the number of remaining codes and the rate of use, the Commission should modify its order for the implementation of the 816 NPA relief plan to delay assignment of the overlay NPA NXXs. This would given the PSC an opportunity to start its own pooling plan and set the 816 NPA for favorable consideration for inclusion in the national number pooling rollout. Postponement 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. In its *Order Approving the 816 NPA Relief Implementation Plan and Directing Filing*, February 15, 2001, the PSC said at page 2:

"The Commission notes that it specifically reserved authority in its R&O to substitute an NPA in the national rollout schedule for thousands-block number pooling. Should code utilization rates for the 816 and 975 NPA moderate or numbering resources be utilized more effectively as the result of number pooling or other optimization strategies, the Commission may consider on its own motion or on the motion of a party, extending the implementation dates for the permissive and mandatory dialing periods."

8. 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). On March 14, 2001, the FCC granted Missouri's application for number conservation authority in 816, stating:

2. The Missouri Commission requests authority to implement thousands-block number pooling in the 816 NPA. Based upon the information in the record, we delegate to the Missouri Commission the authority to implement a thousands-block number pooling trial in the 816 NPA. The Missouri Commission's filing demonstrates that the 816 NPA meets two of the three specific criteria articulated in the *Numbering Resource Optimization First Report and Order*: (1) the 816 NPA has a remaining life span of at least a year; and (2) the 816 NPA encompasses one of the largest 100 MSAs. However, the 816 NPA is not currently in jeopardy. The Missouri Commission states that "special circumstances" warrant a grant of authority to implement thousands-block number pooling. The Missouri Commission believes that, although it already has delegated authority to implement pooling in the 314 NPA, initiating pooling in the 816 NPA first would be more effective due to the rapid depletion of numbering resources there. In addition, as one commentor notes, the Missouri Commission plans to implement a new area code overlay (975 NPA) in the 816 NPA (effective on February 16, 2002). Such action further evidences the Missouri Commission's concern over depleting numbering resources in the 816 NPA. We agree with the Missouri Commission that thousands-block number pooling could greatly benefit the 816 NPA by extending the life of that NPA as well as the overlay area code, and therefore grant the Missouri Commission the authority to implement a thousands-block number pooling trial in the 816 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.

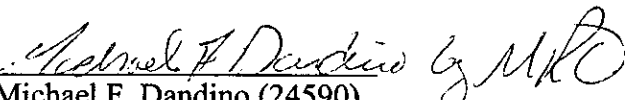
9. On March 22, 2001, the Staff filed a report to the PSC on the FCC's Pooling Order of March 14, 2001. The report notes that the FCC is in the process of evaluating bids for the national pooling administrator with an award expected within a month. Thereafter, the administrator will have two months to 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.

10. The Staff is reviewing the feasibility of proceeding to implement a thousands-block number pooling trial in the NPA and intends to file an additional report on April 6, 2001. Public Counsel suggests that there is no good reason to delay a state trial. 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 816. 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 100 remaining available codes to trigger activation of the relief plan.

For these reasons, Public Counsel moves the PSC to make and enter its order modifying its order of February 15, 2001 by delaying the effective dates of the permissive and mandatory dialing periods for the 816 NPA relief plan and to commence the process for a 816 number pooling project.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed via U. S. Mail postage prepaid on this 26th day of March, 2001 to the counsel of record on the attached service list.



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