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September 18, 2000

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102

FILED

SEP 18 2000

Missouri Public
Service Commission


RE: *North American Numbering Plan*
Case No. TO-2000-374

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter are the original and eight (8) copies of the Brief of GTE Midwest Incorporated d/b/a Verizon Midwest. A copy of the foregoing Brief has been hand-delivered or mailed this date to all parties of record.

Thank you for your attention to this matter.

Sincerely,



James M. Fischer



/jr
Enclosures

cc: Parties of Record

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

FILED²
SEP 18 2000

Missouri Public
Service Commission

In the Matter of the Petition of the North)	
American Numbering Plan Administrator,)	
on Behalf of the Missouri Telecommunications)	Case No. TO-2000-374
Industry, for Approval of NPA Relief Plan for)	
the 314 and 816 Area Codes.)	

**BRIEF OF GTE MIDWEST INCORPORATED
d/b/a VERIZON MIDWEST**

COMES NOW GTE Midwest Incorporated d/b/a Verizon Midwest ("VERIZON") and respectfully submits the following Brief to the Missouri Public Service Commission ("Commission"):

I. Procedural History

On December 17, 1999, the North American Numbering Plan Administrator, NeuStar, Inc. (NANPA), filed a pleading requesting that the Commission approve a "retroactive" all services overlay relief plan¹ for the 314 Numbering Plan Area (NPA) and a single all services overlay relief plan for the 816 NPA. NANPA stated that it is a neutral third party NPA Relief Planner for Missouri and acts on behalf of the Missouri telecommunications industry including current and prospective telecommunications carriers within the state of Missouri. NANPA stated that the recommended relief plan was developed through industry consensus and that the industry requests the Commission's approval of its plan and its recommended implementation schedule no later than March 1, 2000.

¹ The term "retroactive overlay" describes providing area code relief by erasing the boundary between two NPAs normally created by a previously ordered area code split. This creates a new area code with the combined boundary of the two or more previous area codes. (Ex No. 9, p. 6)

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On December 27, 1999, the Staff of the Missouri Public Service Commission (Staff) requested that the Commission allow it to file a recommendation on or before February 11, 2000, so that it would have sufficient time to investigate and prepare a recommendation. The Office of the Public Counsel (Public Counsel) also requested in a pleading filed December 29, 1999, that it be allowed until February 11, 2000, to file its recommendation and response to the petition. In its pleading, the Public Counsel requested that notice be given to the public and to state and local government officials in the St. Louis and Kansas City metropolitan areas, and that an intervention period be set. Public Counsel also requested that evidentiary and public hearings be held. Finally, Public Counsel requested that the Commission establish a technical committee including representatives of the interested parties similar to the process used in Cases TO-98-212, TO-95-289, and TO-96-1.

On January 5, 2000, the Commission issued its Order and Notice of Petition directing notice of the petition, setting response dates for the Staff and for the Public Counsel, and setting an intervention date of February 4, 2000.

On February 3, 2000, the Commission issued its Order and Notice Directing Filing of Proposed Procedural Schedules directing Staff to file a proposed procedural schedule by February 14, 2000, and providing NANPA and the Public Counsel an opportunity to provide suggestions regarding the proposed procedural schedule.

On February 14, 2000, the Public Counsel filed its response to the petition. On February 15, 2000, the Staff filed its response to the petition and included a proposed procedural

schedule. Staff indicated that Public Counsel and NANPA consented to the proposed procedural schedule.

Pursuant to its Notice issued on January 5, 2000, the Commission received several applications to intervene. Gabriel Communications of Missouri, Inc. (Gabriel), the Missouri Independent Telephone Group (Telephone Group), CyberTel Cellular Telephone Company and CyberTel RSA Limited Partnership, d/b/a Ameritech CellularTM (Ameritech Cellular), Birch Telecom of Missouri, Inc. (Birch), Sprint Missouri, Inc. (Sprint local), Sprint Communications Company L.P. (Sprint long distance), and Sprint Spectrum L.P. d/b/a Sprint PCS (Sprint PCS), collectively referred to as "Sprint," Nextlink Missouri, Inc. (Nextlink), GTE Midwest Incorporated (Verizon), AT&T Communications of the Southwest, Inc. (AT&T), and Southwestern Bell Telephone Company (SWBT) filed applications to intervene in the proceeding.

On March 1, 2000, the Commission issued its Order Adopting Procedural Schedule, Granting Interventions, and Issuing Protective Order in which the Commission adopted a procedural schedule, granted all requests for intervention, and issued a protective order in this matter.

On March 14, 2000, the Staff filed a Motion to Modify Procedural Schedule for itself and the parties to this proceeding. The Staff indicated that the parties anticipated an imminent order by the Federal Communications Commission addressing number pooling and other issues relevant to this case. The Staff and parties proposed modifications to the procedural schedule

which would allow the parties to address the anticipated order in their evidentiary and legal presentations to the Commission.

On March 31, 2000, the FCC issued its report and order In the Matter of Numbering Resource Optimization, CC Docket No. 99-200. On July 20, 2000, the FCC issued its order In the Matter of Numbering Resource Optimization, CC Docket Nos. 99-200 and 96-98(NRO). The NRO addressed the various petitions for additional delegated authority filed by several state utility regulatory commissions, including the Missouri Public Service Commission. The NRO granted the Missouri Public Service Commission interim authority to institute certain numbering resource optimization measures.

Local hearings were held in this matter in St. Louis, Chesterfield, and O'Fallon on April 24, 2000, and in Kansas City, St. Joseph and Blue Springs on May 3, 2000.

On July 21, 2000, the Commission issued its Notice and Order Directing Responses and Filing of Supplemental Position Statements. The Commission noted that the Commission had previously requested the input of the parties in this proceeding regarding the implementation of this delegated authority and its effect on the need for and type of area code relief considered in this case. Because of the timing of the FCC Order, the Commission modified the procedural schedule to allow the parties an opportunity to address the implications and implementation of the delegated authority granted in the NRO.

On July 24, 2000, the various parties filed their respective position statements.

In addition to the filing of position statements on July 24, 2000, the parties were given the opportunity to file supplemental position statements with suggestions regarding the Commission's implementation of the NRO no later than July 27, 2000. The Commission Staff,

Public Counsel, Southwestern Bell and AT& T filed supplemental position statements on July 27, 2000.

On July 27 and 28, 2000, the Commission directed its Staff to file in this case, a copy of its petition to the FCC that presented the Commission's request for additional delegated authority and to file a listing or other exhibit identifying the 100 largest MSAs. The Commission Staff complied with these directives on July 28, 2000.

Evidentiary hearings were on held on July 31, and August 1, 2000, in Jefferson City, Missouri.

On August 3, 2000, the Public Counsel filed its motion requesting the Commission to petition the FCC for number pooling authority in the 816 NPA to the same extent the FCC granted the Commission authority in the 314 NPA on July 20, 2000. SWBT filed a response to the Public Counsel's motion on August 11, 2000. SWBT supported implementation of national number pooling but opposed a state number pooling trial in the 816 NPA. SWBT argued that the state could not implement a trial in a sufficient time period preceding national number pooling to obtain significant benefits, that Missouri's requirements might be inconsistent with later national requirements, and that the costs of a state pooling trial would be unnecessarily burdensome in light of pending national number pooling.

The Commission's Staff responded on August 14, 2000. Staff was supportive of Public Counsel's motion. Staff indicated that the Commission should petition to obtain number pooling authority for the 816 NPA so that the Commission would have the option of a state trial in the event that the FCC is not able to keep to its original timetable for national number pooling. If implementation of national number pooling is delayed, the Staff indicated that a state pooling trial in the 816 NPA could be undertaken sufficiently in advance of national number pooling to

justify the costs in relation to the benefits of conserving numbering resources in the 816 NPA. Staff suggested that if FCC authority is obtained, the Commission should begin certain preparations for number pooling, such as preparing and soliciting requests for proposals for a pooling administrator. By Order issued on August 22, 2000, the Commission held that it would be prudent and in the public interest to petition the FCC for number pooling authority in the 816 NPA. It therefore directed the Commission Staff prepare and file a petition or supplemental petition with the Federal Communications Commission requesting a grant of authority for a state number pooling trial in the 816 NPA. The General Counsel was also directed to submit appropriate information and suggestions supporting the petition as the Federal Communications Commission may require and as would support a favorable decision.

II. Issues to be Resolved by the Commission

On July 19, 2000, the Commission Staff, on behalf of the parties to this proceeding, filed a Proposed List of Issues, Order of Witnesses, and Order of Cross-examination. This pleading identified two major issues to be addressed by the Commission. Verizon's Initial Brief will summarize its position on the identified issues:

- A. What, if any, action should the Commission take regarding number conservation (*i.e.*, number pooling, sequential number assignments, etc.) in the following NPAs: 1) 314 and 2) 816?**

Verizon's Position

With the release of the FCC NRO order, Verizon submits that there is little specific action required on the part of the Commission concerning number conservation. The order has defined the timeframe and procedures for reclamation of NXXs and has defined sequential number assignment procedures. Verizon would encourage the investigation of rate center consolidation in the 816 NPA where it can be done without impacting customer rate and dialing scopes.

With regard to number pooling, it is recognized that the Commission has recently received approval from the FCC to implement a trial. Verizon supports number pooling where it can be shown to provide a benefit. (Ex No. 9, p. 19) The use of pooling in conjunction with the implementation of a retroactive overlay could preclude the necessity of a third area code being required. (Ex No. 9, p. 6) Therefore, if the Commission desires to implement a pooling trial in advance of the national rollout by the FCC, Verizon recommends that the Commission establish a technical industry committee to provide recommendations concerning the deployment of pooling and the associated issues that will need to be addressed. This technical committee should answer the following questions:

1. Will pooling provide sufficient relief of the NPAs in Missouri to justify its deployment as a trial?
2. If the answer to the first question is yes, the committee should develop a proposed deployment schedule and identify any specific technical issues that will need to be addressed.
3. The committee would present its findings to the Commission for review and approval.

To assist the committee, the Commission will need to establish the following:

1. Since a trial will require the selection of a Missouri Pooling Administrator, the Commission should provide the committee guidance on how this selection may take place.
2. The Commission will also be required to establish a cost recovery mechanism for the payment of, and reimbursement for, pooling related cost should it be deployed in advance of the national rollout.

(See Verizon Statement of Position, p. 2)

Staff Position

The Staff has recommended that, for both the 314 and 816 area codes, the "Commission should order the establishment of an industry implementation team comprised of representatives of the Staff, Public Counsel, and all facilities-based service providers to manage the details of thousand-block number pooling as it is deployed and to expedite its implementation." (Staff's Position Statement, p. 1) As explained above, Verizon supports the establishment of an industry implementation team as suggested by the Commission Staff and would participate in this effort. However, Verizon also believes that such number conservation efforts are not substitutes for the area code relief plans discussed below.

B. What area code relief should the Commission order implement in the following NPAs: 1) 314 and 2) 816?

Neustar and Industry Recommendations

Neustar, Inc., the administrator of the North American Numbering Plan (NANP), and the Missouri telecommunications industry have recommended that the Commission approve a "retroactive" all services overlay relief plan for the 314 NPA (i.e. extending the current 636 NPA to encompass the existing 314 NPA) followed by the implementation of a second overlay of a new NPA, and a single all services overlay relief plan for the 816 NPA. Both relief plans were recommended by the telecommunications industry through a consensus process. (Ex Nos. 1 and 2; Neustar Position Statement, pp. 2-3)

Verizon Position

Verizon supports the position of Neustar and the industry consensus position on area code relief plans. Verizon recommends that regardless of conservation measures implemented,

the Commission should expeditiously approve a retroactive overlay for the 314 NPA and an all services overlay for the 816 NPA.

The implementation of an overlay would result in significant benefits to consumers, carriers, and the Commission. As explained by Verizon witness John Rollins, Verizon supports the NANPA's proposals because they provide the most benefit to customers and will extend the availability of numbers without requiring immediate relief. Overlays provide consistent treatment for future relief plans, and make more efficient use of the numbering resources. They require less dependence on forecasting, and eliminate the need for customers to change their telephone number when relief occurs. Overlays also reduce the need for lengthy and contentious arguments on where to draw specific boundary lines, which occur in the case of area code splits. Overlays are a more competitively neutral approach to area code relief than is afforded by utilizing area code splits. As a result, carriers benefit from this approach. In addition, the use of an overlay simplifies the inevitable transition to ten-digit dialing and reduces the time frame to implement future area code relief. (Ex No. 9, pp. 5-6)

Verizon believes that there are no significant drawbacks to such a recommended policy. (Ex No. 9, p. 6) Although Public Counsel may argue that mandatory ten digit dialing is a deficiency of this approach, in reality, ten digit dialing is already being implemented for an increasing number of customers as the geographic area covered by area code splits becomes increasingly smaller. Since overlays have already been implemented in a number of states, the operational issues are understood and are no more cumbersome than those encountered with area codes splits. Verizon believes that such dialing patterns are inevitable in the future, and would be accepted by Missouri consumers without significant controversy.

Verizon has already implemented mandatory ten digit dialing and overlays in Houston and Dallas, Texas and in Pennsylvania with minimal customer impact and operational disruption. (Ex No. 9, p. 6) Verizon implemented retroactive overlays in Dallas and Houston, Texas. In Dallas, the 214 area code had been split creating a donut shaped geographic split, with the 972 area code surrounding Dallas and the main city of Dallas keeping the 214 area code. In less than two years, Dallas experienced a situation where the 214 area code had approximately 300 NXX codes available for assignment, but the 972 area code only had 50. If relief were to be accomplished via a split, the 972 geographic area would have had to have been subdivided almost immediately by introducing a third area code. Instead, the Commission and the industry agreed on a plan that would erase the existing area code boundaries between 214 and 972, thus freeing up 350 codes for assignment and extending the life of both area codes. In addition, the Commission ordered that a third code be implemented as an overlay to the same expanded geographic area when additional relief was needed. This resulted in a relief plan that required minimal industry or Commission action for a number of years. Since this approach did not require any customers to change their existing numbers, the implementation of the third area code was essentially a non-event and went smoothly. (Ex No. 9, p. 7)

In addition to the obvious benefits of utilizing an overlay, applying retroactive overlays extends the life of the NPA by delaying the need for introducing a third area code. This results in more efficient use of numbers. (Id.) Similar benefits will accrue in Missouri if the Commission adopts the retroactive overlay approach in the 314/636 area codes.

Staff Recommendations

The Commission Staff has recommended that the Commission should order the implementation of an all-services distributed overlay of both the 314 and the 816 NPAs. (Staff

Position Statement, pp. 1-2) While Verizon agrees with Staff that an all services distributed overlay is appropriate for the 816 NPA, Verizon respectfully disagrees that a new all-services overlay for the 314 NPA is the best solution. As discussed above, a "retroactive" overlay would be a better solution for the 314/636 NPA since there are sufficient numbers in the existing 636 NPA to expand its geographical footprint and still maintain its life for several more years without the need to utilize a new NPA.

Public Counsel Recommendations

The Public Counsel also recommends that the Commission should order the implementation of an all-services distributed overlay of both the 314 and the 816 NPAs. (Public Counsel Position Statement, p. 2) It further opposes the retroactive overlay as unnecessary and bad public policy. (Ex No. 3, pp. 28-31) In addition, it recommends that the Commission postpone the final decision on the specific relief plan for the 816 NPA until the number of assignable codes falls below 100.

Verizon respectfully disagrees with several of Public Counsel's recommendations. As discussed above, the retroactive overlay is the best solution for the 314 area code. It is unnecessary to utilize a third area code for the overlay at this time since the 636 NPA may be easily expanded. In addition, Verizon disagrees with Public Counsel recommendation to delay a decision until the number of assignable codes falls below 100. The uncertainty associated with the Public Counsel's approach places a hardship on customers and carriers alike. It is Verizon's position that a specific time line should be identified and ordered for relief in both area codes. A schedule would insure that if demand increases in excess of the current forecast, customers and carriers would experience the least amount of harm. In other words, the time frame during which numbers would not be available would be kept to a minimum. Verizon is concerned that the

possible administrative delays that could be experienced if Public Counsel's approach were adopted would result in relief being delayed to the point where carriers are unable to obtain resources. (Ex No. 10, p. 7) Therefore, Verizon would respectfully request that Public Counsel's request to delay a final decision on the area code relief for the 816 NPA be denied.

CONCLUSION

In summary, GTE Midwest Incorporated d/b/a Verizon Midwest respectfully requests the Commission to consider this Brief and adopt policies consistent with the recommendations suggested herein. In particular, Verizon recommends that the Commission adopt the Neustar and industry consensus position that a retroactive all services overlay be ordered for the 314 NPA, and that an all services overlay be ordered for the 816 NPA. In addition, a technical committee consisting of Staff, Public Counsel and industry representatives should be convened to consider strategies for the conservation and pooling of numbers in Missouri.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, First Class, postage prepaid, this 18th day of September, 2000, to:

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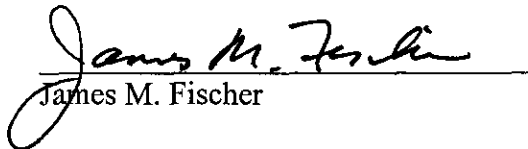
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