

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

In the Matter of the Application of	)	
Southwestern Bell Telephone, L.P., d/b/a	)	
SBC Missouri For Review and Reversal	)	Case No. _____
Of North American Number Plan	)	
Administrator's Decision to Withhold	)	
Numbering Resources	)	

**SBC MISSOURI'S APPLICATION**

SBC Missouri,<sup>1</sup> pursuant to 4 CSR 240-2.060 and 47 CFR 52.15(g)(3)(iv), respectfully requests the Missouri Public Service Commission ("Commission") to review and reverse the decision of the North American Numbering Plan Administrator, NeuStar, Inc., ("NANPA") withholding five blocks of 1,000 numbers SBC Missouri needs to provide service to BJC HealthCare, which is opening a new hospital in O'Fallon, Missouri. In support of its application, SBC Missouri states as follows:

1. SBC Missouri is a Texas limited partnership<sup>2</sup>, duly authorized to conduct business in Missouri,<sup>3</sup> with its principal Missouri office at One SBC Center, Room 3500, St. Louis, Missouri, 63101. SBC Missouri is authorized to do business in Missouri and its fictitious name is duly registered with the Missouri Secretary of State.<sup>4</sup> SBC Missouri is a "local exchange telecommunications company" and a "public utility," and is duly authorized to

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<sup>1</sup> Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri."

<sup>2</sup> SBC Missouri filed a copy of its Limited Partnership Agreement with the Commission on October 12, 2001. See In the Matter of the Application of Southwestern Bell Telephone Company To Transfer Property and Ownership of Stock Pursuant to Section 392.200, RSMo., Case No. TO-2002-185, October 12, 2001.

<sup>3</sup> SBC Missouri filed a certificate from the Missouri Secretary of State Certifying that Southwestern Bell Telephone, L.P. is a foreign limited partnership that is duly authorized to transact business in the State of Missouri with the Commission on January 7, 2002. See In the Matter of the Application of Southwestern Bell Telephone Company to Transfer Property and Ownership of Stock Pursuant to Section 392.300, RSMo., Case No. TO-2002-185, January 7, 2002.

<sup>4</sup> SBC Missouri filed a copy of the registration of the fictitious name "SBC Missouri" with the Commission on January 17, 2003. See In the Matter of the Name Change of Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company to Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, Case No. IN-2003-0247, January 17, 2003.

provide “telecommunications service” within the State of Missouri as each of those phrases is defined in Section 386.020, RSMo. 2000.

2. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

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Leo J. Bub  
Robert J. Gryzmala  
Mimi B. MacDonald  
Attorneys for Southwestern Bell Telephone, L.P., d/b/a SBC Missouri  
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3. BJC HealthCare is a customer of SBC Missouri. It will be opening a new hospital in O’Fallon, Missouri to be called Progress West Health Center, which will be located at #2 Progress Point Parkway, O’Fallon, Missouri 63304. BJC HealthCare has requested five consecutive 1,000 Direct Inward Dial (“DID”) numbers for its new hospital and requested that the numbers begin with the pre-fix 636-xx2, 636-xx4, or 636-xx7. BJC HealthCare has informed SBC Missouri that its phone systems will not accept blocks beginning with 636-xx0, 636-xx8, or 636-xx9. A copy of the letter from Kathy Boettler, the telecommunications administrator for BJC HealthCare, to SBC Missouri, dated February 10, 2005, is attached as Exhibit A. Additionally, BJC HealthCare requests that the blocks contain NPA-NXX numbers that are designated for use with respect to the Metropolitan Calling Area (“MCA”) Plan.

4. On February 18, 2005, SBC Missouri submitted a Thousand-Block Application Form, Part 1A, for the assignment of five consecutive 1,000 blocks necessary to meet BJC HealthCare’s request. A copy of the Application is attached hereto and is marked as Exhibit B. SBC Missouri completed the application in accordance with the Industry Numbering Committee’s Thousands-Block Pooling Assignment Guidelines and filled out the necessary

Months to Exhaust and Utilization Certification Worksheet which is attached hereto and marked as Exhibit C.

5. SBC Missouri submitted the request for five 1,000 blocks because SBC Missouri does not have five consecutive 1,000 blocks that conform to BJC HealthCare's requirements. SBC Missouri is unable to use numbers from any other switch in the Harvester exchange to satisfy BJC Healthcare's request.

6. On or about February 18, 2005, NANPA denied the request on the grounds that SBC Missouri had not met the utilization criteria set forth by the State.<sup>5</sup> That decision is attached as Exhibit D.

7. Under existing procedures, NANPA has asserted that it is required to accept or reject an application for resources based solely on FCC criteria. However, the FCC's March 31, 2000 Order in its Number Resource Optimization docket states that a carrier may challenge a resource denial before the appropriate state regulatory commission and a state commission may choose to reaffirm or overturn NANPA's decision to withhold numbering resources.<sup>6</sup> Thus, the Missouri Commission has the authority to "affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein."<sup>7</sup> Moreover, the FCC determined that states may overturn NANPA's decision to withhold numbering resources from the carrier where there is a verifiable need for the carrier to satisfy a specific customer request:

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<sup>5</sup> SBC Missouri notes that the NANPA denial screen indicates that the request was denied due to state utilization requirements. This is not technically accurate because Missouri does not have a state utilization requirement. Rather, it has adopted the FCC's utilization requirement of 75% which is set forth in 47 CFR 52.15 (h).

<sup>6</sup> Report and Order and Further Notice of Proposed Rule Making, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, Appendix A; (see also 47 CFR 52.15(g)(3)(iv), which is attached hereto and marked as Exhibit E).

<sup>7</sup> Id.

We also agree with WinStar that a carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific customer request. We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory.<sup>8</sup> The FCC explained that a "[c]arrier may demonstrate such a need by providing the state with documentation of the customer request and current proof of the utilization in the rate center."<sup>9</sup> The FCC further explained that states "may grant request for customers seeking contiguous blocks of numbers."<sup>10</sup> Further, although the FCC declined to establish a specific timeframe for states to act on these requests, the FCC indicated "in most instances, 10 business days from receipt of request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests."<sup>11</sup>

8. SBC Missouri seeks the Commission's direction to overturn NANPA's decision to withhold numbering resources. The FCC permits such direction in order to meet specific customer demand. This Commission has previously overturned NANPA's decision to withhold numbering resources in its Order Granting Additional Numbering Plan Resources, In the Matter of the Application of Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, For Review and Reversal of North American Numbering Plan Administrator's Decision to Withhold Numbering Resources, Case No. IO-2003-0318, April 1, 2003, and in its Order Granting Additional Numbering Resources, In the Matter of the Application of GTE Midwest Incorporated, d/b/a Verizon Midwest for Review and Reversal of North American Numbering Plan Administrator's Decision to Withhold Numbering Resources, Case No. TO-2002-481, June 2, 2002.

9. SBC Missouri does not have any pending or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or

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<sup>8</sup> Third Report and Order and Second Order on Reconsideration in CC Docket Number 96-98 and CC Docket Number No. 99-200, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and Telephone Number Portability, CC Docket Number 99-200, et al., December 12, 2001, paragraph 64.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Id. at paragraph 66.

rates, which action, judgment, or decision has occurred within three (3) years of the date of this Application.

10. SBC Missouri does not have any annual report or assessment fees that are overdue in Missouri.

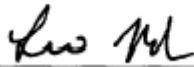
11. SBC Missouri filed this pleading after it was determined that there were no technological alternatives and that NANPA would require a decision from the Commission before releasing the numbering resources.

WHEREFORE, SBC Missouri respectfully requests that the Commission overturn NANPA's previous determination in this matter and instruct NANPA to release the numbering resources necessary to meet the needs of BJC HealthCare.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

BY



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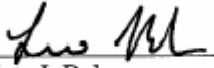
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**CERTIFICATE OF SERVICE**

Copies of this document were served on all counsel of record by e-mail on March 24, 2005.

  
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Leo J. Bub

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