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September 18, 2000

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, Missouri 65101

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Missouri Public
Service Commission

Re: Case No. TO-2000-374

Dear Judge Roberts:

Enclosed for filing with the Commission in the above-referenced case is an original and eight copies of Southwestern Bell Telephone Company's Brief.

Thank you for bringing this matter to the attention of the Commission.

Very truly yours,

Mimi B. MacDonald

Enclosure

cc: Attorneys of Record

BEFORE THE PUBLIC SERVICE COMMISSION
FOR THE STATE OF MISSOURI

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

SOUTHWESTERN BELL TELEPHONE COMPANY'S BRIEF

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September 18, 2000

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SOUTHWESTERN BELL TELEPHONE COMPANY'S BRIEF

Comes now Southwestern Bell Telephone Company ("SWBT") and, for its Brief, states as follows:

Executive Summary

I. Issue 1: What, If Any, Action Should The Commission Take Regarding Number Conservation (i.e. Number Pooling, Sequential Numbering Assignments, etc.) In The Following NPAs?

(a) 314

(b) 816

Southwestern Bell Telephone Company ("SWBT") supports number conservation methods that are consistent with the Federal Communications Commission's ("FCC") guidelines. The Missouri Public Service Commission ("the Commission") should investigate and determine whether code holders have activated NXX codes assigned to them and, if the code holders have not done so, the Commission should direct the North American Numbering Plan Administrator ("NANPA") to reclaim unused numbering resources. The Commission should also indicate its desire for rate center consolidation with regard to the 816 NPA which, like the 314 rate center consolidation, does not impact consumers' calling scopes or rates. The Commission, as it did with rate center consolidation for the 314 NPA, should order that any rate

center consolidation accomplished by SWBT should be matched by the CLECs operating in the rate centers being consolidated.

SWBT supports many of the other number conservation measures that are referred to in the FCC's Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, and in the FCC's Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, including: (1) thousands-block number pooling; (2) thousands-block sequential numbering; and (3) provision of forecasting and utilization data. However, the Commission should refrain from ordering these numbering resource optimization measures as they either have been or are being adequately addressed by the FCC at a national level.

II. Issue 2: What Area Code Relief Should The Commission Order Implemented In the Following NPA?

(a) 314

(b) 816

As the Commission is aware, any area code relief it orders in the 314 and 816 NPAs will affect consumers. Whether the Commission ultimately implements a retroactive overlay, a straight all-services overlay, or a geographic split with respect to each of these area codes, customers will be faced with a change in dialing patterns, a change in telephone numbers, or both. The Commission should adopt the form of area code relief that is best considering both short- term and long-term consumer impacts

The time for area code relief in the 314 and 816 NPAs is now. Although the industry recognizes this need, the Office of Public Counsel ("OPC") suggests that the Commission should establish utilization thresholds of 90 NXX codes and 100 NXX codes as a trigger for area code relief in the 314 and 816 NPAs, respectively. The Commission must reject OPC's proposal

because it runs the risk of not allowing the industry or consumers ample time to prepare for area code relief. Moreover, this proposal runs the risk of not allowing telecommunications service providers the ability to obtain NXX codes and, therefore, runs the risk of not allowing consumers the ability to subscribe to services from their carrier of choice. SWBT, therefore, respectfully requests a decision regarding area code relief as soon as practical.

SWBT recommends an overlay in the 314 area code, rather than a geographic split. SWBT notes that no party recommends a geographic split. In this situation, an overlay is a superior form of relief because: (1) it allows customers to retain their 10-digit telephone numbers; (2) a reasonably balanced geographic split would require splitting the St. Louis Metropolitan area, thus leading to a significant amount of 10-digit dialing for local calls; (3) once an overlay is implemented, customers will not again be faced with the requirement of changing their telephone numbers so long as overlays continue to be the mandated form of area code relief; (4) an overlay would ensure that communities of interest would not be divided; and (5) an overlay would ensure that customers who recently experienced a split of the 314 NPA on February 26, 2000, when the 636 NPA was implemented, would not have to learn a new set of geographic boundaries regarding area codes.

SWBT also recommends a retroactive overlay rather than an overlay only in the 314 area code. In this situation, a retroactive overlay is a superior form of numbering relief because it would: (1) postpone the immediate need for a third area code in the St. Louis metropolitan area; (2) result in a more efficient utilization of numbering resources; (3) permit a third NPA that would no longer be immediately used in this region, to be available to extend the overall life of the North American Numbering Plan, thereby delaying the time before the Plan is required to be expanded to more than 10 digits; (4) create a consistent local dialing pattern in the St. Louis

metropolitan area; (5) ensure that the Commission would not again confront difficult NPA relief decisions in either the 314 or 636 NPAs, such as those that are presented in this case, so long as any subsequent relief is in the form of an overlay; and (6) re-unite communities of interest in that the 314 and 636 area codes would represent the St. Louis metropolitan area.

While customers will need some education about 10-digit local dialing instead of 7-digit dialing, the amount and duration of that education is significantly less with a retroactive overlay because customers have already gained knowledge about 10-digit dialing through the 636 split. SWBT's experiences in Dallas and Houston reflect that customers adapt to 10-digit dialing after getting through the initial implementation phase. SWBT's experiences in Dallas and Houston also reflect that in a split environment, customer confusion is magnified in both of the area codes when the dialing is mixed with 7-digit and 10-digit dialing. Customers moving between the two newly split areas in Dallas and Houston found it frustrating and counterproductive to have to stop and determine if they should dial 7 or 10 digits dependent upon the location from which they were physically placing a call. Many times customers dialed a 7-digit number, received a recording or wrong number, and then completed that call using 10-digit dialing. In an attempt to avoid misdialed calls and mounting frustration, many customers began to dial 10 digits all of the time regardless where they were. Thus, when retroactive overlays were introduced in Dallas and Houston, mandating 10-digit dialing, it was an easy and welcomed transition for customers in both previously split codes that shared a high community of interest. Thus, an additional benefit of a retroactive overlay is that is eliminates customer confusion and 17-digit dialing.

Although it is appropriate to consider the impact of the particular method of area code relief on customers who reside in the geographic boundary of the 636 area code, it is equally important to consider the impact of the particular method of area code relief on customers who

reside in the 314 NPA. SWBT believes both groups of customers would be best served by a retroactive overlay. There is a substantial amount of calling between these two NPAs. Further, the main perceived advantage of an overlay is that it is perceived to maintain 7-digit dialing for customers within the 636 NPA. This perception is flawed. There is a substantial amount of calling from the 636 NPA to the 314 NPA today and such calls require the customer to dial 10 digits. Moreover, not all customers in the 636 area code can dial all other customers in the 636 area code on a 7-digit basis. For example, the local calling scope for a customer in Chesterfield does not encompass the entire 636 calling scope. Further, even if the customer subscribes to the Metropolitan Calling Area Plan ("MCA Plan"), that does not give the customer the right to call all customers within the 636 NPA on a 7-digit basis; it only allows the MCA subscriber to call other MCA subscribers and those customers, who do not subscribe to MCA service, that reside in either the same tier or a tier that is located closer to St. Louis. Thus, the goal of preserving 7-digit local dialing is not substantially advanced by adopting an overlay in only the 314 area code. In SWBT's view, a retroactive overlay is the best relief method for all customers (those customers that reside in the 636 NPA as well as those that reside in the 314 NPA).

The Commission should order an all-services overlay for the 816 NPA. SWBT supports the industry recommendation of an overlay for the 816 NPA because the benefits of an overlay outweigh those of a geographic split. First, customers would not have to change their 10-digit telephone numbers or learn new telephone numbers for their friends and associates. Second, a reasonably balanced geographic split would require splitting the Kansas City Metropolitan Calling Area, thus leading to a significant amount of 10-digit dialing for local calls and a significant number of customers who would be required to change their telephone numbers. Third, once an overlay is implemented and mandatory 10-digit dialing is introduced, existing

customers will not again have to be exposed to the requirement of changing their telephone numbers so long as overlays continue to be the mandated form of relief. Fourth, an overlay would ensure that communities of interest would not be divided. Finally, while SWBT recognizes that customers may need some education about 10-digit dialing instead of 7-digit dialing, customers adapt. The recent shift to 10-digit dialing in eliminating the protected codes in the 816 and 913 NPAs between Missouri and Kansas demonstrates customers' ability to adjust to 10-digit dialing.

Argument

I. Issue 1: What, If Any, Action Should The Commission Take Regarding Number Conservation (i.e. Number Pooling, Sequential Numbering Assignments, etc.) In The Following NPAs?

(a) 314

(b) 816

SWBT supports number conservation methods that are consistent with the Federal Communications Commission's ("FCC") guidelines. (See Ex. 15, SWBT, Bell Direct, p. 12). With the exception of rate center consolidation and thousands-block number pooling, SWBT's position regarding number conservation is equally applicable in the 314 and 816 NPAs. Thus, SWBT presents its position with regard to thousands-block sequential numbering assignments, reclamation of unused numbering resources, forecast reporting, utilization thresholds, rationing procedures, code sharing, and auditing without reference to area codes. SWBT will present its position with regard to thousands-block number pooling and rate center consolidation for the 314 and 816 NPAs separately.

A. The Commission Should Refrain From Ordering Thousands-Block Number Pooling Because A State Number Pooling Trial Will Not Provide Significant Benefits To Either Telephone Subscribers Or To The Telecommunications Industry.

1. The FCC Has Already Adopted Thousands-Block Number Pooling As A Mandatory Nationwide Numbering Resource Optimization Strategy.

In the FCC's Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 118 ("FCC NRO Order"), the FCC adopted thousands-block number pooling as a mandatory nationwide numbering resource optimization strategy. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 122). Thousands-block number pooling involves breaking up the 10,000 numbers in an NXX into ten sequential blocks of 1,000 numbers each, and allocating each thousands-block potentially to different service providers within the same rate center. Id. at paragraph 118. A Pooling Administrator, an independent third-party entity, coordinates the allocation of thousands-block numbers to particular service providers. Id.

In the FCC NRO Order, the FCC specified that national thousands-block number pooling is mandatory for all carriers that are currently required to be LNP-capable, either because they provide service in one of the largest 100 Metropolitan Statistical Areas ("MSAs") or pursuant to a request from another carrier. Id. at paragraph 125. Although national thousands-block number pooling is mandatory for all carriers that are currently required to be LNP-capable, the FCC found it necessary to delay the implementation of thousands-block number pooling on a nationwide basis until a national pooling administrator is selected. Id. at paragraph 128. To mitigate the impact on the North American Numbering Plan ("NANP") because of delay in

implementing national number pooling, the FCC concluded that it would continue to permit states to implement individual pooling trials through individual requests for additional delegation of authority. Id.

In the FCC NRO Order, the FCC gave notice of how the national rollout will be conducted. Id. at paragraph 161. The FCC indicated that it will establish a national rollout schedule that will be divided in three-month segments, with the first round of implementation beginning nine months after the selection of a pooling administrator. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 161; see also Ex. 15, SWBT, Bell Direct, p. 19). The schedule for each quarter will contain three NPAs from each of the seven NPAC regions that are within the largest 100 MSAs. Id. Thus, at least twenty-one NPAs will be pooled each quarter. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 161).

The initial rollout schedule will include jeopardy NPAs in the largest 100 MSAs which have a life of one year or more. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 162; see also Ex. 15, SWBT, Bell Direct, p. 19). NPAs that will exhaust in less than a year, based on the most current forecast issued by NANPA at the time the quarterly schedule is established by the FCC, will not be treated as priority NPAs for pooling purposes. Id. The decision as to which NPAs will be considered highest on the priority list for rollout of national numbering pooling will be made by the FCC in conjunction with the Pooling Administrator. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In

the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 166; see also Ex. 15, SWBT, Bell Direct, p. 19).

SWBT supports national number pooling in the top 100 MSAs so long as costs associated with its development are recovered and its deployment is consistent with FCC requirements. (See Ex. 15, SWBT, Bell Direct, pp. 18-19). Thousands-block number pooling has the potential of delaying the exhaust date of NPAs. Id. at 19. As a result, thousands-block number pooling also delays customer inconvenience associated with any method of area code relief. Id.

2. The Commission Should Not Implement A State Thousands-Block Number Pooling Trial In The 314 NPA.

The FCC, in its Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, conditionally granted the Commission the authority to institute thousands-block number pooling in the 314 NPA. (See Ex. 26, Order, In the Matter of Numbering Resource Optimization, No. 99-200, et al., July 20, 2000, paragraphs 2 and 35 ("FCC NRO Order II"). The FCC concluded that the states to which it granted authority to institute thousands-block number pooling trials must conduct such trials in accordance with industry-adopted thousands-block pooling guidelines to the extent that the guidelines are not in conflict with the FCC NRO Order. Id. at paragraph 19. The FCC specified that state commissions to which it granted authority to institute thousands-block number pooling trials are responsible for selecting a Pooling Administrator to allocate thousands-blocks to carriers within the area in the state where pooling is implemented. Id. at paragraph 20. The FCC further specified that states conducting their own pooling trials must develop their own cost recovery mechanisms for the joint and carrier-specific costs of implementing and administering pooling within their states. Id. at paragraph 21.

Between the time the Commission requested delegated authority to implement a state number pooling trial in the 314 NPA, and the time the FCC issued its FCC NRO Order II, NANPA revised its projected exhaust date of the 314 NPA from the third quarter of 2001 to the second quarter of 2001. (See Ex. 2, NANPA, Dixon Rebuttal, p. 3). With this revision and the FCC's delay in granting interim authority, the FCC requirement, as set forth in the FCC NRO Order, that the NPA in question has a remaining life span of at least one year, cannot be met. (See Ex. 16, SWBT, Bell Rebuttal, p. 8). Further, even if the Commission were to implement a state number pooling trial, it would take time to: (a) select a Pooling Administrator; (b) devise and implement number pooling including allowing sufficient time for carriers to modify their databases and switches; and (c) develop a cost recovery mechanism for the joint and carrier-specific costs of implementing and administering pooling. SWBT will address each of these categories separately below.

Selecting a Pooling administrator would likely require a competitive bid process. As the Commission is aware, working through the competitive bid process to select a contractor to validate certain performance data in connection with SWBT's 271 process took over six months to complete.

Regarding devising and implementing number pooling, SWBT estimates that is would need at least five (5) months from the date the order is released to implement a state number pooling trial due to the several steps that must be taken to guarantee the success of implementation. (See Ex. 16, SWBT, Bell Rebuttal, p. 2). Specifically, SWBT would have to determine that the Signaling Transfer Point ("STP") technology had enough capacity to handle the trial activity. Id. If an upgrade to the STP were deemed necessary, additional software would have to be ordered, installed, and tested. Id. A second critical step is the completion of a

records verification of the billing records, assignment records, and SWBT's Code Administration records. Id. This verification is conducted in order to ensure that working numbers will not be erroneously transferred to the donation pool. Id. Lastly, due to a need to balance the work demands on the STP technology and human resources, additional time, beyond the five (5) months, may be necessary if other simultaneous state commission number pooling orders were issued in the Southwest Number Portability Administration Center ("NPAC") region (i.e. the states of Missouri, Kansas, Arkansas, Oklahoma, and Texas). Id.

Finally, as previously indicated, the FCC determined that: "states conducting their own pooling trials must develop their own cost recovery mechanisms for the joint and carrier-specific costs of implementing and administering pooling within their states." (See Ex. 26, Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al. July 20, 2000, paragraph 21). If the Commission decides to implement a state thousands-block number pooling trial regarding the 314 NPA, SWBT agrees with GTE Midwest Incorporated that the costs of implementing and administering such a trial should be recovered through an end-user surcharge. (See SWBT, Bell Rebuttal, p. 3; see also Ex. 9, GTE, Rollins Direct, p. 11).

SWBT notes that the OPC suggests that the costs associated with a number pooling trial: "should be treated as are other costs of doing business and recovered according to the statutory requirements governing pricing for the particular carrier." (See Ex. 4, OPC, Meisenheimer Rebuttal, p. 4). However, the FCC has definitively stated that states conducting their own pooling trials must develop their own cost recovery mechanisms for the joint and carrier-specific costs of implementing and administering pooling within their states. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 173; see also Ex. 26, Order, In

the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, paragraph 21; see also Ex. 17, SWBT, Bell Surrebuttal, p. 1). Thus, OPC's suggestion is in direct contradiction with the FCC NRO Order and the FCC NRO Order II, and, therefore, must be rejected. (See Ex. 17, SWBT, Bell Surrebuttal, p. 1).

Moreover, other FCC requirements also reduce the value of a pooling trial for the 314 NPA. States must ultimately follow the national requirements on technical standards and pooling administration. (See Ex. 26, Order, In the Matter of Number Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, paragraph 16). Additionally, a state trial cannot be utilized to avoid a NPA relief plan, and a state must have a back up relief plan prior to exhaust of numbering resources. Id. at paragraph 17.

Acknowledging: (1) the 314 area code does not meet the FCC requirement that the NPA in question has a remaining life span of at least one year; (2) the schedule for national number pooling has not been established; and (3) there are unnecessary increased expenses and societal costs associated with a state number pooling trial (including the requirement to implement a state cost recovery plan), SWBT believes that a state number pooling trial regarding the 314 NPA will not provide significant benefit to telephone subscribers and the telecommunications industry at this time. (See Ex. 15, SWBT, Bell Direct, pp. 19-20). SWBT agrees with the Staff of the Missouri Public Service Commission ("Staff") that the window for implementing a state number pooling trial is perilously short and would not provide enough time to deploy pooling much ahead of the national rollout schedule. (See Ex. 16, SWBT, Bell Rebuttal, pp. 1-2). SWBT also agrees with Staff that it would be more efficient for Missouri to wait for the national rollout schedule. Id. Waiting for the national rollout schedule would ensure that the Commission would not have to address the issues of cost recovery or appoint a Pooling Administrator. Id. Finally,

SWBT notes that implementing a state number pooling trial will not delay the imminent need for area code relief in the 314 NPA. Therefore, SWBT does not support a number pooling trial regarding the 314 NPA, but continues to support implementation of national thousands-block number pooling. Id. at 20.

3. The Commission Should Not Implement A State Thousands-Block Number Pooling Trial In The 816 NPA.

For many of the same reasons that SWBT opposes a thousands-block number pooling trial in the 314 NPA, SWBT also opposes a thousands-block number pooling trial in the 816 NPA. First, it is SWBT's position that a state number pooling trial in the 816 NPA will not appreciably advance number pooling in the 816 NPA much ahead of the implementation of national number pooling.[1] Conducting a state number pooling trial will require the Commission to select a number Pooling Administrator which would likely require a competitive bid process. As previously stated, working through the competitive bid process as part of SWBT's 271 process took over six months to complete. In addition, the industry would require time to work through the requirements process and to make the necessary changes to implement a state number pooling trial. It is likely that by the time the Commission and the industry worked through those issues, the implementation of national number pooling in the 816 NPA would be imminent.

[1] SWBT notes that OPC's evaluation of the 816 NPA results in a projected life span of 2.4 years in contrast to NANPA's projected exhaust in the first quarter 2002. (See Ex. 4, OPC, Meisenheimer Rebuttal, p. 13; see also Ex. 17, SWBT, Bell Surrebuttal, p. 1). The Commission must consider NANPA's projected exhaust date when determining if a state number pooling trial meets the criteria established in the FCC NRO Order. (See Ex. 17, SWBT, Bell Surrebuttal, p. 2). The FCC released a Public Notice on July 11, 2000, from the Common Carrier Bureau which responded to questions received from impacted telecommunications entities relating to the NRO Order. Id. at 2. In response to the question of who is to determine the remaining life span of an NPA, the FCC clarified that the NPA in question must have a remaining life span of at least one year according to the most recent NANPA projections. (See Ex. 25, Public Notice, Reponses to Questions in the Numbering Resource Optimization Proceeding, CC Docket No. 99-200, July 11, 2000, p. 4; see also Ex. 17, SWBT, Bell Surrebuttal, p. 2). Thus, this Commission is obligated to use NANPA's projections and not the estimations provided by OPC. (See Ex. 17, SWBT, Bell Surrebuttal, p. 2).

Second, states must ultimately follow the national requirements on technical standards and pooling administration. (See Ex. 26, Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, paragraph 16). Thus, implementation of a state number pooling trial may result in inconsistent requirements on technical standards and pooling administration that would later have to be remedied.

Third, a state number pooling trial regarding the 816 NPA would generate joint and carrier-specific costs of implementing and administering pooling. The FCC has repeatedly determined that states conducting their own pooling trial must develop their own cost recovery mechanisms for the joint and carrier-specific costs of implementing and administering number pooling within their states. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 173; see also Ex. 26, Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, paragraph 21; see also Ex. 17, SWBT, Bell Surrebuttal, p. 1). If a state number pooling trial is implemented regarding the 816 NPA, SWBT believes the costs associated with the number pooling trial should be recovered through an end-user surcharge. (See Ex. 16, SWBT, Bell Rebuttal, p. 3). This may result in a surcharge for the state number pooling trial followed by another surcharge once national number pooling is implemented. Thus, SWBT does not believe that a state number pooling trial in the 816 NPA will provide significant benefits to either telephone subscribers or the telecommunications industry. (See Ex. 15, SWBT, Bell Direct, pp. 19-20).

4. This Commission Should Establish A Thousands-Block Number Pooling Technical Committee To Prepare For The Implementation Of National Number Pooling In Missouri.

Although SWBT does not believe that implementing a state thousands-block number pooling trial in either the 314 or 816 NPAs is appropriate, SWBT supports Staff's suggestion that the Commission establish a number pooling technical committee to prepare for the implementation of national number pooling in Missouri. (See Ex. 15, SWBT, Bell Rebuttal, p. 1; see also Ex. 18, Staff, Cecil Direct, p. 12). SWBT believes that the work of a team consisting of industry-wide representatives, Staff, and OPC would encourage proactive treatment of issues associated with thousands-block number pooling. (See Ex. 16, SWBT, Bell Rebuttal, p. 1).

B. The Commission Need Not Adopt Requirements Regarding Thousands-Block Sequential Numbering Because The FCC Rules Are Currently In Effect.

In the FCC NRO Order, the FCC adopted a flexible sequential numbering requirement which mandates that carriers first assign all available telephone numbers within an opened thousands-block before opening another thousands-block, unless the available numbers in the opened thousands-block are not sufficient to meet a customer's request. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 244). The FCC mandated that all commissions are required to conform their existing sequential numbering assignment requirements to this flexible sequential numbering requirement by January 1, 2001. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 246; see also Ex. 15, SWBT, Bell Direct, p. 14).

SWBT supports implementing thousands-block sequential numbering within the scope of established national standards. (See Ex. 15, SWBT, Bell Direct, p. 14). Implementing

thousands-block sequential numbering preserves clean thousand-blocks from contamination and improves utilization of numbers in non-pooling environments. (See Ex. 15, SWBT, Bell Direct, p. 13). Hence, when number pooling is implemented, advance steps would have already been taken to preserve pristine thousands blocks for donation to rate center pools. Id. at 13-14.

Although SWBT supports implementing thousands-block sequential numbering, SWBT seeks to clarify what is and is not required under the FCC NRO Order. SWBT defines sequential numbering as relating to number assignments from a given thousand-block sequence. (See Ex. 15, SWBT, Bell Direct, p. 13). Numbers within the thousand-block sequence may be assigned as determined by the carrier and would not all be assigned sequentially. Id. This type of sequential numbering is employed when NXX code holders make assignments of telephone numbers out of a single one thousand number block group at a time. Id. When a specified utilization threshold has been achieved, assignments are then made from another thousand-block sequence within the same NXX. Id. Exceptions are allowed for technology restrictions; for example, if a customer's telephone equipment requires specified thousands block digits and does not respond appropriately to certain digits such as 0, 1, or 9. Id. Exceptions are also made when a new request cannot be met because there is not a sufficient quantity of numbers remaining within the thousands block currently open for assignment. Id. This definition is consistent with the FCC's recently adopted requirement. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraphs 244-246).

In summary, the Commission need not adopt requirements regarding thousands-block sequential numbering assignments because the FCC Rules are currently in effect.

C. The Commission Should Investigate And Determine Whether Code Holders Have Activated NXX Codes Assigned To Them And, If The Code Holders Have Not Done So, The Commission Should Direct NANPA To Reclaim Unused Numbering Resources.

In the FCC NRO Order, the FCC granted authority to the state commissions to investigate and determine whether code holders have activated NXXs assigned to them. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 237). NANPA witness, Cheryl Dixon, acknowledged the Commission's responsibility during the hearing of this matter when questioned by Chair Lumpe. Chair Lumpe asked the following questions and Ms. Dixon gave the following answers:

Q. Do you have jurisdiction to order the return of codes?

A. No, I do not.

Q. Okay. Or your organization, Neu Star (sic), doesn't. And who does?

A. At this time it is based upon the NRO Order. That authority is given to the various states.

Q. So the state could – is the state obligated then to do these investigations to see if they're being used and if not, order the return of them? Is that a new job we have?

A. It is. My understanding, based upon this order, is that we will provide you – the various states the information that was previously given to the INC, the Industry Numbering Counsel. The jurisdiction, I believe, now lies with the states.

(T. 119, NANPA, Dixon).

In the FCC NRO Order, the FCC concluded that the definition of activating an NXX code or "placing an NXX code in service" should be clarified to mean not just activation of the code through transmission of the local routing information to the LERG, but also that the carrier has begun to activate and assign numbers within the NXX code to end users. Id. at paragraph 240.

An NXX code assignee must activate the NXX code within six (6) months of assignment. Id. at paragraph 233. NANPA does not have the authority to grant extensions for activating assigned NXXs; rather, the FCC NRO Order delegates this authority to the states. (See Ex. 25, Public Notice, Responses to Questions in the Numbering Resource Optimization Proceeding, CC Docket No. 99-200, July 11, 2000, paragraph 5).

The FCC specified that a state commission may request proof from all code holders that NXX codes have been activated and assignment of the numbers has commenced. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 237). The FCC directed NANPA to abide by the state commission's decision to reclaim an NXX code if the state commission is satisfied that the code holder has not activated the code within the time specified in the FCC NRO Order. Id. The FCC noted that if state commissions do not make decisions on NXX reclamation, the Commission can order NANPA to be responsible for reclamation activities. Id. In such instances, NANPA should consult with the FCC before conducting this activity. Id.

The FCC clarified that the state commissions need not follow the reclamation procedures set forth in the CO Code Assignment Guidelines relating to referring the issue to the Industry Numbering Committee ("INC"), so long as the state commission accords the code holder an opportunity to explain the circumstances causing the delay in activating NXX codes. Id. at paragraph 239. Moreover, NANPA must refer instances of unactivated NXX codes to the relevant state commissions, not the INC. (See T. 1107, NANPA, Dixon; see also Ex. 25, Public Notice, Responses to Questions in the Numbering Resource Optimization Proceeding, CC Docket No. 99-200, July 11, 2000, paragraph 5).

The FCC requires state commissions to initiate reclamation action within sixty (60) days of expiration of the assignee's applicable activation deadline, instead of the current 18-month timeframe in the CO Code Assignment Guidelines. Id. at paragraph 241. The FCC adopted these changes to the CO Code Assignment Guidelines as FCC rules. Id.

SWBT supports the newly adopted FCC administrative standards that allow for reclamation of unused numbering resources as delineated in the FCC NRO Order. (See Ex. 15, SWBT, Bell Direct, p. 16; see also Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraphs 237-241). NANPA, working with the Commission, should immediately begin the code reclamation process in Missouri. (See Ex. 15, SWBT, Bell Direct, p. 16).

D. The Commission Need Not Require Telecommunications Providers To Provide The Commission With Copies Of Semi-Annual Forecasting And Utilization Data As The FCC Requires Such Data To Be Submitted To NANPA.

In the FCC NRO Order, the FCC mandated that all carriers that receive numbering resources from NANPA (i.e. code holders), or that receive numbering resources from a Pooling Administrator in thousands blocks (i.e. block holders), report forecast and utilization data to NANPA. (See Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 40. The FCC also mandated all carriers that receive intermediate numbers to report forecast and utilization data for such numbers in their inventories to NANPA to the same extent required for code and block holders. Id. For intermediate numbers controlled by non-carriers (such as retailers or unified messaging service providers), the carrier that provides intermediate

numbers to such entities must report utilization and forecast data to NANPA for these numbers. Id.

The FCC authorized rural telephone companies, as defined in the 1996 Act, to report their historical utilization data at the NXX level rather than at the thousands-block level in areas where Local Number Portability is not available. Id. at 42. Moreover, the FCC directed any carrier whose forecast and utilization data had not changed from the previous reporting period to simply re-file the prior submission and indicate that there has been no change since the last reporting, or to report "no change." Id.

The FCC specified that NANPA shall continue to serve as the single point of contact for collection of forecast and utilization data. Id. at 51. The FCC further specified that NANPA shall continue to compile, examine, and analyze the forecast and utilization data submitted by reporting carriers to carry out its NANP management responsibilities, which include tracking and reporting on number utilization throughout the United States, and projecting the life of individual NPAs as well as the NANP. Id. at 55. The FCC noted that this includes conducting NPA and NANP exhaust studies, and developing a comprehensive database of NPA-NXXs that identify which numbering resources are being utilized, and which remain in the NANP inventory. Id.

In the FCC NRO Order, the FCC concluded that each reporting carrier must provide year-by-year and five-year projections of its expected numbering resource requirements. Id. at 57. The FCC further concluded that each reporting carrier must report five categories of numbers: assigned, intermediate, reserved, aging, and administrative. Id. at 60. Finally, the FCC concluded that the maximum number of reports that any carrier should be required to file in any year is two and that, in markets where there is little change in numbering utilization, annual

reporting is adequate. Id. The FCC did, however, delegate to the state commissions the authority to reduce the frequency of reporting for carriers in their states to annually. Id. at 67.

SWBT supports the FCC requirement that all service providers must submit forecasting and utilization data to NANPA. (See Ex. 15, SWBT, Bell Direct, p. 17). Additionally, SWBT agrees with the FCC that the basic frequency of reporting shall be semi-annually. Id. Because the FCC requires such data to be submitted to NANPA, the Commission need not require telecommunications providers to duplicate their efforts by submitting such data to the Commission.

SWBT notes that in the FCC NRO Order, the FCC requested comment on proposed nationwide utilization. (See Ex. 15, SWBT, Bell Direct, p. 17; see also Ex. 24, Report and Order and Further Notice of Proposed Rulemaking, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, paragraph 248.). The FCC also requested comment on whether the FCC should adopt a rate center-based utilization threshold, and it asked whether it should delegate to state commissions the authority to set this threshold rate. Id.

SWBT believes that it is in the best interest of number optimization for a nationwide and uniform standard to be utilized with no deviation permitted by any state commission. (See Ex. 15, SWBT, Bell Direct, pp. 17-18). SWBT believes that an initial threshold of 55 percent to be increased five percent a year to a maximum of 70 percent at the carrier's "Lowest Code Assignment Point" ("LCAP") is the best method.[2] Id. at 18. LCAP is the lowest point at which a carrier assigns resources in an area. (See Ex. 15, SWBT, Bell Direct, p. 18). In an area where a carrier has more than one switch serving a single rate center (such as a major metropolitan area),

[2] If utilization is developed at an NPA level, the threshold should be forty (40) to fifty-five (55) percent. (See Ex. 15, SWBT, Bell Direct, p. 18, footnote 1).

the LCAP would be at the requesting switch. Id. In areas where a single switch serves more than one rate center, the LCAP would be the rate center. Id. The LCAP measures code demand where it actually arises, and it therefore provides a more accurate measure of a carrier's need for additional numbers. Id.

SWBT witness Deborah Bell explained why SWBT believes that an initial threshold of 55 percent to be increased five percent a year to a maximum of 70 percent at the carrier's LCAP is an appropriate threshold range. Commissioner Murray asked the following questions to which Ms. Bell gave the following answers:

> Q. And it seems that the numbers that you are suggesting are somewhat greater than some of the other parties have suggested, 55 up to 70 percent; is that correct?
>
> A. That is correct.
>
> Q. Can you explain why you think that that is an appropriate threshold range?
>
> A. Okay. Yes, I can. Southwestern Bell estimates that there are approximately 15 percent of the numbers in an NXX that actually would fall into intermediate, aged, reserved and administrative numbers. Therefore, that would leave 85 percent of the numbers that could actually be assigned.
>
> We used 70 percent because we deem that of that 85 percent of the codes that are left, we would need approximately 15 percent for spare numbers for future assignments. And with concern being that there's a 66-day interval in order to require a code.
>
> So if we were not allowed that additional 15 percent, then we would find that customers would be negatively impacted in regards to actually obtaining any type of assignments in a timely fashion. So that's how we derive at the 70.
>
> If we would look at the 85 percent that is originally documented from the FCC, then we would be forced into 100 percent utilization taking into consideration the original 15 percent.

Q. Okay. And you think that extra 15 percent is enough of a buffer to protect –

A. We're hoping.

(T. 376-377, SWBT, Bell).

In summary, SWBT supports the FCC requirement that all service providers must submit forecast and utilization data to NANPA. (See Ex. 15, SWBT, Bell Direct, p. 17). SWBT agrees with the FCC that the basic frequency of reporting shall be semi-annually. Id. SWBT believes that the FCC should establish a uniform utilization threshold, with no deviation permitted by any state commission. Id. at 17-18. Thus, SWBT does not recommend that the Commission take any action regarding forecast and utilization data at this time.

E. The Commission Should Refrain From Ordering Any Further Rate Center Consolidation With Regard To The 314 NPA. The Commission Should, However, Indicate Its Desire For Rate Center Consolidation With Regard To The 816 NPA.

SWBT supports consolidation of existing rate centers in areas where: (1) consolidation would not negatively affect consumers' existing local calling areas; (2) SWBT is able to remain revenue neutral; and (3) all incumbent local exchange companies ("ILECs") and competitive local exchange companies ("CLECs") comply. (See Ex. 15, SWBT, Bell Direct, p. 14).

Pursuant to the Commission's order in Case No. TO-99-14, SWBT implemented rate center consolidation in the 314 NPA in December, 1999. (See Ex. 15, SWBT, Bell Direct, p. 14). This previous rate center consolidation effort allowed for a reduction from fourteen (14) rate centers to seven (7) rate centers in the St. Louis area without impacting any existing local calling scopes. Id. Although SWBT is willing to continue discussion of additional consolidation of 314 rate centers, the Commission will need to thoroughly weigh the costs and anticipated benefits of further consolidation. Id. at 14-15. SWBT has determined that further rate center

consolidation would require changes in local calling scopes and local rates. Id. at 15. Thus, SWBT believes the Commission should refrain from ordering any further rate center consolidation with regard to the 314 NPA. Although no party supported rate center consolidation in the 314 NPA and/or presented a rate center consolidation plan for the 314 NPA, in the event that the Commission elects to pursue further rate center consolidation in the 314 NPA, such consolidation must be accomplished on a revenue-neutral basis. Id.

Although SWBT believes the Commission should refrain from ordering further rate center consolidation regarding the 314 NPA, SWBT believes the Commission should indicate its desire for order rate center consolidation regarding the 816 NPA so long as such consolidation does not negatively affect consumers' existing local calling areas or rates, SWBT is able to remain revenue neutral, and all LECs, both ILECs and CLECs, are ordered to comply with the terms of the Commission's Order. SWBT conducted an initial investigation to determine the number of rate centers that could be included in a rate center consolidation in the Kansas City metropolitan exchange. (See Ex. 15, SWBT, Bell Direct, p. 15). This investigation revealed that SWBT may be able to reduce its rate centers from thirteen (13) to five (5) within this geographic area without impacting customers' calling scopes or local rates. Id. The Commission should indicate its desire for rate center consolidation in the 816 NPA which does not impact customers' calling scopes or rates. Also, the Commission, as it did with rate center consolidation in the 314 NPA, should order that any rate center consolidation accomplished by SWBT should be matched by the CLECs operating in the rate centers being consolidated.

F. The Commission Should Refrain From Maintaining Rationing Procedures For Six Months After Area Code Relief Is Implemented.

In the FCC NRO Order II, the FCC conditionally granted the Commission the authority to maintain rationing procedures for six months after area code relief is implemented. (See Ex. 26, Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, paragraphs 2 and 62). In conjunction with this grant of authority, the FCC conditionally granted the Commission the authority to hear and address claims of carriers seeking numbering resources outside of the rationing process. Id. at paragraph 53. SWBT believes that code rationing is not necessary after area code relief is implemented, particularly with overlays, to ensure that customers in Missouri will be able to obtain their choice of service providers. Thus, the Commission should refrain from maintaining rationing procedures for six months after area code relief is implemented.

G. The Commission Should Not Pursue NXX Code Sharing.

In the FCC NRO Order II, the FCC conditionally granted the Commission the authority to implement NXX code sharing. (See Ex. 26, Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, paragraphs 2 and 61). At this time, implementation of NXX code sharing should not be pursued because the industry is moving forward with nationwide number pooling. NXX code sharing is an alternative to number pooling and has not been fully evaluated, as has number pooling.[3] Moreover, no party in this case recommends NXX code sharing. Therefore, the Commission should not pursue NXX code sharing at this time.

[3] The FCC noted in its order that studies regarding the technical and economic feasibility of NXX code sharing and its implications for the delivery of emergency services and network impacts should be conducted before a decision is made to code share. (See Ex. 26, Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, paragraph 61).

H. The Commission Should Conduct Audits Of Carrier's Use Of Numbering Resources Within The Parameters Established By The FCC.

The FCC also conditionally granted the Commission the authority to conduct audits of carrier's use of numbering resources within the parameters established by the FCC NRO Order. (See Ex. 26, Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, paragraphs 2 and 60). The FCC indicated that this authority is limited in duration until such time as the FCC enacts national rules or policies relating to auditing carriers' use of numbering resources. Id. at 60. SWBT supports this interim authority as conditioned by the FCC NRO Order regarding carriers that the Commission suspects are misusing numbering resources. Thus, if the Commission suspects a carrier is misusing numbering resources, the Commission should audit the carrier's use of numbering resources within the parameters established by the FCC.

While SWBT supports many of the numbering resource optimization measures that are set forth in the FCC NRO Order II, the FCC has made clear that its grants of authority in the FCC NRO Order II, are not intended to allow state commissions to engage in number conservation measures to the exclusion of, or as a substitute for, unavoidable and timely area code relief. (See Ex. 26, Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., July 20, 2000, paragraph 11). Rather, the state commission must continue to bear the obligation of implementing area code relief when necessary and implementing such relief in a timely manner. Id. Thus, as is explained in detail below, the Commission should order the implementation of relief plans for the 314 and 816 NPAs.

II. Issue 2: What Area Code Relief Should The Commission Order Implemented In The Following NPAs?

(a) 314

(b) 816

A. The Commission Should Order A Retroactive Overlay For The 314 NPA

1. The 314 NPA Is Expected To Exhaust During The Second Quarter 2001 And Is Currently In Jeopardy. Thus, The Commission Should Implement A Relief Plan Regarding The 314 NPA As Soon As Is Practical.

According to the April, 2000 projections of NANPA, the North American Numbering Plan Administrator, the 314 NPA is expected to exhaust during the second quarter 2001. (See Ex. 2, NANPA, Dixon Rebuttal, p. 3). On April 17, 2000, NANPA declared the 314 NPA to be in jeopardy. (See Ex. 15, SWBT, Bell Direct, p. 4). NANPA witness Cheryl Dixon defined "jeopardy" at the hearing of this matter when questioned by Commissioner Simmons. Commissioner Simmons asked the following questions to which Ms. Dixon gave the following answers:

> Q. Just one question. I generally know what being in jeopardy is. How does your industry or your organization define jeopardy as it relates to this case?
>
> A. Jeopardy is defined in the CO Code Administration Guidelines. And let me just go to that section. A jeopardy condition exists when a forecast and/or actual demand for NXX resources will exceed the known supply during the planning implementation interval for relief.
>
> * * * * *
>
> A. A jeopardy condition can occur at any point in time depending on the number of code requests received by NANPA. We look at the exhaust data as forecasted in the most recent COCUS. We look to see how many months we have until that exhaust date, look at the current inventory that we have on hand.

We need to ensure that the current inventory will last up until that projected exhaust date. If Code Administration at any time feels that we are in jeopardy of exhausting our current resources prior to that relief time, we will declare a jeopardy situation.

Q. And then upon that declaration, you then notify the Commission, industry or how does that work?

A. What we do at NANPA is notify the Commission of the situation and then declare it to be in jeopardy and send out a notification to the industry. And we invoke interim procedures until we can hold an industry-wide meeting.

(T. 123-125, NANPA, Dixon).

Although the industry recommended a retroactive overlay with a permissive start date of June 3, 2000, and the start of mandatory ten-digit dialing by December 2, 2000, these dates cannot realistically be met at this time. Nevertheless, the Commission should implement a relief plan as soon as practical. As will be discussed below, SWBT recommends that the Commission issue an order for a retroactive overlay.

2. SWBT Supports The Industry Recommendation Of A Retroactive Overlay For The 314 NPA As Its First Choice Of Area Code Relief Methods.

SWBT's supports the industry recommendation of a retroactive overlay for the 314 NPA as its first choice of a relief method for the 314 NPA. (See Ex. 15, SWBT, Bell Direct, p. 4; see also Ex. 16, SWBT, Bell Rebuttal, p. 1). A retroactive overlay is a modification of the overlay alternative relief method. (See Ex. 15, SWBT, Bell Direct, p. 5). Just as with an overlay, a retroactive overlay occurs when more than one code serves the same geographic area. Id. Code relief is accomplished by erasing the lines that were originally drawn during the implementation of an earlier split of the NPA. Id. In the 314 area, this method would mean that the line that divides the 314 from the recently created 636 NPA would be removed; therefore, the two separate number planning areas would be combined into one geographic area. Id. at 5.

At the hearing of this matter, there was some confusion regarding what constitutes a retroactive overlay. Specifically, there was some confusion regarding whether a retroactive overlay would involve the assignment of 314 NXX codes in what is currently the 636 NPA and vice versa or whether a retroactive overlay would involve the assignment of 636 NXX codes in what is currently the 636 and 314 NPAs and the assignment of 314 NXX codes only in what is currently the 314 NPA.

At the outset, SWBT notes that if the Commission decides to implement a retroactive overlay, it likely will not matter whether the 314 NXX codes could theoretically be assigned in what is currently the 636 NPA because, by the time the Commission implements area code relief, there will likely only be a handful of 314 NXX codes left. This was clearly articulated at the hearing of the matter when Commissioner Murray questioned GTE witness John C. Rollins. Commissioner Murray asked the following questions to which Mr. Rollins gave the following answers:

> Q. On line 17 following the – you talked about the retroactive overlay would erase the boundary between two NPAs normally created by a previously ordered area code split?
>
> A. Uh-huh.
>
> Q. Would it really erase the boundaries or would it just overlay 636 over the entire area and leave the boundary that we'd set up before?
>
> A. Yeah. And I'm glad you asked that, because I think there's been a lot of confusion and misunderstanding about that as we've gone through the hearing.
>
> My personal opinion is that it really doesn't make much difference whether you say we erase the boundary or whether you say we expand 636 to cover 314. Because if you look at the number of NXXs that are currently available and you look at the forecast for how quickly those are going to be used, by the time we could implement anything, there's only going to be a handful of 314 codes left anyway.

So, I mean, you know, if I've got five codes left, does it really make a lot of difference where I assign those? In the Dallas and Houston area, you know, areas where I have, you know, some knowledge, it was a little different situation in Dallas.

We had – if you're familiar with the old 214 code – area code, which was all of Dallas, then we had an area code split which basically created a donut situation where you had 972 that was the suburbs of Dallas and Dallas proper kept the old 214 code.

Well, after we'd been in effect for less than a couple of years, the 214 code was the code that had all the numbers. It had only about 300 left – 300 NXXs left, whereas, the suburbs only had 50.

So we entered into an agreement that basically erased the line, but at that point you really only had 50 of those 972 codes to assign. And there was kind of an – I guess I would call it an unwritten agreement between NANPA, who's doing the code assignments, and the industry that would say we probably don't want to assign those 972 codes back down in Dallas unless there's just a real need.

(See T. 280-282, GTE, Rollins).

Nevertheless, if the Commission elects to implement a retroactive overlay, SWBT would support preserving 314 assignments to the 314 geography. SWBT witness Deborah Bell asserted this position at the hearing of this matter when questioned by Judge Thornburg. Judge Thornburg asked Ms. Bell the following questions to which she gave the following answers:

Q. With respect to the 636 and 314 area codes, with a retroactive overlay, you believe that the boundary line that exists between those two areas would be preserved or would it be erased?

A. It has been our experience from Houston and Dallas that the industry, working with NANPA, has the flexibility of requesting that the geography remains pure. By that I would mean in 314 where there was an abbreviated number of codes that would continue to be available, then it is possible to preserve 314 assignments to that 314 geography until exhaust actually occurs. Then at that point to be allowed to move 636 codes into the 314.

Q. Do you think that the Commission can make a formal order requiring that or would that be an informal from your understanding?

A. We were successful in the Houston and Dallas areas with an industry informal agreement, and no problems existed between NANPA and the industry.

(T. 133, SWBT, Bell).

SWBT's position, that 314 NXX codes should be preserved for assignment within the 314 geography, is consistent with NANPA's definition of a retroactive overlay, as well as the Office of Public Counsel's and the industry's recommendation regarding a retroactive overlay. Specifically, NANPA defines a retroactive overlay as extending the boundary of the existing 636 NPA so that it would overlay the 314 NPA and the 636 CO codes would be assigned in the 314 NPA as needed. (See Ex. 1, NANPA, Tokarek Direct, p. 6). Further, although it may be technically possible to allocate unused NXXs in the 314 NPA back to the 636 NPA, this is neither the industry's nor OPC's recommendation. (See T. 213, OPC, Meisenheimer).

3. SWBT Supports The Industry Recommendation Of A Retroactive Overlay Due To The Numerous Advantages That This Relief Method Offers.

SWBT supports the industry recommendation of a retroactive overlay because SWBT believes that it is the best relief method for the 314 NPA. (See SWBT, Bell Rebuttal, p. 3). There are numerous advantages to implementing a retroactive overlay. SWBT will delineate eight main reasons below.

First, implementation of a retroactive overlay will postpone the immediate need for a third area code in the St. Louis metropolitan area. (See T. 385, Staff, Buyak). This is important and may not be evident when looking at the industry's original recommendation as set forth in the Petition of the North American Numbering Plan Administrator on Behalf of the Missouri Telecommunications Industry ("the Petition"). When the industry originally met, the industry's

recommendation was for retroactive overlay, followed by a second phase in which an additional area code would be overlaid over both the 314 and 636 NPAs approximately two years after the implementation of the retroactive overlay. (See Ex. 1, NANPA, Tokarek, pp. 6-7).

The industry recommended a two phase NPA relief recommendation regarding the 314 NPA in order to establish a date certain by which all affected 9-1-1 parties would need to have their systems ready to address the NPD exhaust issue. (See Petition of the North American Numbering Plan Administrator on Behalf of the Missouri Telecommunications Industry, p. 4). However, subsequent to the industry meetings and the filing of the Petition, SWBT and the industry as a whole realized that there is not a 9-1-1 issue, and, therefore, SWBT does not feel that it is necessary to implement a second phase at this time.[4] (See T. 326, SWBT, Bell).

This view is supported not only by various industry members, but by OPC as well. Commissioner Drainer asked OPC witness Barbara Meisenheimer the following question to which she gave the following answer:

> Q. And the retroactive overlay would not call for a new area code at all, but would just be taking the 636 and the 314; is that true? Or would we still be getting a new area code that goes over both area?
>
> A. Initially, you would not have to ask for one. You would have some period of time which you would not have to ask for one. And the length of that time is this 4.8 (sic) versus 2 point something.

(T. 193, OPC, Meisenheimer).

[4] It follows that a retroactive overlay will not accelerate the exhaust of both the 314 and 636 NPAs two (2) years after implementation, as suggested by the OPC. (See Ex. 4, OPC, Meisenheimer Rebuttal, p. 5; see also Ex. 17, SWBT, Bell Surrebuttal, p. 4). OPC, quite simply, misinterprets the industry report. (See Ex. 17, SWBT, Bell Surrebuttal, p. 4). As articulated in the text of this brief as well as on page 3 of Exhibit A which is attached to Exhibit 1, the intent of the initial recommendation to implement a subsequent overlay two years after implementation of a retroactive overlay was to establish a date by which all affected 9-1-1 parties would need to have their systems upgraded to address the NPD exhaust situation. (See Ex. 1, NANPA, Exhibit A, page 3; see also Ex. 17, SWBT, Bell Surrebuttal, p. 4). Since the exhaust of the NPDs is not longer an issue in the 314 NPA, as is explained in detail in Section II(B)(5) below, the scheduling of an additional all-services overlay is not necessary. (See Ex. 17, SWBT, Bell Surrebuttal, p. 4).

Moreover, the projected life of a retroactive overlay is 4.4 years. (See Ex. 1, NANPA, Tokarek Direct, p. 7). SWBT agrees with GTE that the additional 4.4 years projected by NANPA should allow the industry time to implement number pooling in both the 314 and 636 NPAs. (See Ex. 9, GTE, Rollins Rebuttal, p. 6). With number pooling, the exhaust date for the NPA should be considerably lengthened. Thus, the St. Louis Metropolitan area should continue to require only two area codes for many years to come. Id.

Second, implementation of a retroactive overlay would result in a more efficient utilization of numbering resources. (See Ex. 15, SWBT, Bell Direct, p. 5). There would be a more efficient utilization of numbering resources because NXX codes from the 636 NPA would be available for use in both the existing 314 NPA and the existing 636 NPA. Utilizing 636 NXX codes in both the 314 and 636 NPAs would ensure that the 636 NXX codes would be used in the area where demand is greatest and numbering resources are most needed. Thus, a retroactive overlay more efficiently uses scarce numbering resources than all-service overlays in that a retroactive overlay uses the numbering resources in two NPAs before a third NPA is implemented. (See T. 385, Staff, Buyak).

Third, implementation of a retroactive overlay would ensure that the third NPA that would no longer be used in this region, would be available to extend the overall life of the NANP as it exists today, thereby delaying the time before the NANP is required to be expanded to more than 10 digits. (See Ex. 9, GTE, Rollins Rebuttal, p. 6; see also T. 385, Staff, Buyak). Using the numbering resources of the NANP efficiently will help to ensure that the FCC's goal in forestalling the enormous expense that will be incurred in expanding the NANP will be met. (See T. 385, Staff, Buyak). This added benefit was evident during Commissioner

Schemenauer's questioning of Staff witness Sara Buyak. Commissioner Schemenauer asked Ms. Buyak the following questions and she gave the following answers:

Q. Basically, an all-services overlay over 314 would extend the life of that area 6.3 years before another NPA would have to be assigned: is that right?

A. Yes.

Q. And I think NANPA gave testimony that if we did the retroactive overlay where we actually put the 636 over the 314 now and then in two years or approximately two years assigned the third NANPA area code to that area, it would extend the life for both those areas combined 10.2 years?

A. Yes.

Q. Which of those would benefit number conservation the most, the 10.2 years or the 6.3 years?

A. The – well, that's a difficult question, because I'm not sure how long number conservation is going to last. If it was 10.2 years and they did number conservation on that and did pooling, and knowing what Deborah Bell said, it would last two years on top of that, so that would be 12 years. So possibly 12 years.

Q. So the North American Numbering Plan would be benefiting some additional years if we did the retroactive overlay and then the subsequent third area code before it comes it?

A. Yes.

(T. 397-398, Staff. Buyak).

Fourth, implementation of an overlay, including a retroactive overlay would ensure that customers would not have to change their 10-digit telephone numbers. (See Ex. 15, SWBT, Bell Direct, p. 5). Thus, customers would not have to incur immediate expenses for associated costs, for example, changes to personal and business checks, business cards, advertisements, stationary, etc. Id.

Fifth, for customers that just recently experienced a split of the 314 NPA on February 26, 2000, when the 636 NPA was implemented, implementation of a retroactive overlay would ensure that these same customers would not need to learn a new set of geographic boundaries regarding area codes. (See Ex. 15, SWBT, Bell Direct, p. 5).

Sixth, implementation of a retroactive overlay would create a consistent local dialing pattern in the St. Louis Metropolitan area. (See Ex. 15, SWBT, Bell Direct, p. 5). Specifically, instead of having the situation that exists today, wherein some local calls require 7-digit dialing and some calls require 10-digit dialing, all local calls would require 10-digit dialing. Not only would this create a consistent dialing pattern within the St. Louis area, it would also prevent 17-digit dialing which occurs today when a customer dials 7 digits and either gets a wrong number or a recorded message informing the customer that he/she has to dial 10 digits and the customer then has to dial 10 digits, resulting in a 17-digit call. This added benefit was recognized by OPC at the hearing of this matter. OPC noted that customers in the 636 NPA can dial all calls on a 10-digit basis if they so chose. (See T. 176-177, OPC, Meisenheimer). OPC then admitted that an offsetting benefit of a retroactive overlay would be to get rid of customer confusion related to whether to dial 7 or 10 digits. Id. at 177.

Seventh, implementation of a retroactive overlay would ensure that the Commission would not again confront difficult NPA relief decisions in either the 314 or 636 NPAs, such as those that are presented in this case, so long as any subsequent relief is in the form of an overlay. (See Ex. 17, SWBT, Bell, Surrebuttal, p. 5). If an overlay is ordered, then the Commission could be faced with another difficult relief case when the 636 NPA exhausts.

Eighth and finally. implementation of a retroactive overlay would re-unite communities of interest in that the 314 and 636 area codes would be considered to represent the St. Louis Metropolitan area. (See T. 385, Staff, Buyak).

4. Retroactive Overlays Have Been Implemented In Dallas And Houston. It Has Been SWBT's Experiences That Retroactive Overlays Were An Easy And Welcomed Transition For Customers In These Previously Split Areas.

As with a straight all-services overlay, a retroactive overlay will necessitate 10-digit dialing of local calls. (See Ex. 15, SWBT, Bell Direct, p. 5). While customers will need some education about 10-digit local dialing instead of 7-digit dialing, the amount and duration of that education is significantly less with a retroactive overlay because customers have already gained knowledge about 10-digit local dialing through the 636 split. Id. at 6. Experience in other states shows that customers adapt to 10-digit dialing after getting through the initial implementation phase. Id. This is evident when one looks at SWBT's experiences in Dallas and Houston.

In 1994, SWBT created an area code hotline. (See T. 375, SWBT, Bell). SWBT employees man the hotline, taking calls from the public in regards to questions and/or concerns that the customers have regarding area code relief. Id. SWBT analyzed call volumes for the period two weeks before and two weeks after implementation of area code relief. (See T. 382, SWBT, Bell). Specifically, SWBT looked at the differences in call volume when an area code split was implemented in comparison to when an overlay was implemented, whether the overlay was a straight all-services overlay or a retroactive overlay. Id.

During the two weeks before and after the implementation of an area code split, the call volume ranged on average one thousand (1,000) calls per day. Id. Further, it took at least two weeks after the implementation of an area code split before the call volume returned to a normal call range of one hundred (100) to one hundred and fifty (150) calls per day. Id.

In comparison, during the two weeks before and after the implementation of an overlay, the maximum call volume was five hundred (500) calls per day. Id. Further, within the first week after the overlay was implemented, the call volume returned to the normal level of one hundred (100) to one hundred and fifty (50) calls per day. Id.

As a result of SWBT's experiences in Dallas and Houston, SWBT found that in a split environment, customer confusion is magnified in both of the area codes when the dialing is mixed with 7-digit and 10-digit dialing. (See Ex. 16, SWBT, Bell Rebuttal, p. 3). For example, customers moving between the two newly split areas, in both Dallas and Houston, found it frustrating and counterproductive to have to stop and determine if they should dial 7 or 10 digits dependent upon the location from which they were physically placing a call. Id. at 4. Many times customers dialed the 7-digit number, received a recording or wrong number, and then attempted to complete the call using 10-digit dialing. Id. In an attempt to avoid misdialed calls and mounting frustration, many customers began to dial 10 digits all of the time regardless of where they were. Id. Thus, when the retroactive overlay was introduced, mandating 10-digit dialing, it was an easy and welcomed transition for customers in both previously split codes that shared a high community of interest. Id. Thus, SWBT adamantly disagrees with Staff that only 314 NPA customers would be impacted by the introduction of 10-digit dialing for local calls. (See Ex. 16, SWBT, Bell Rebuttal, page 3; see also Ex. 21, Staff, Buyak Direct, p. 10).

Moreover, it has been SWBT's experiences in Dallas and Houston that once a retroactive overlay has been implemented, subsequent relief in the form of an overlay has proven to cause less customer confusion, disruption, and inconvenience, than earlier splits. (See Ex. 15, SWBT, Bell Direct, p. 6). Specifically, the Texas Public Utility Commission ordered retroactive overlays in Dallas and Houston in 1996. (See Ex. 16, SWBT, Bell Rebuttal, p. 5). When the

Texas Public Utility Commission mandated additional overlays in 1998, customers were not significantly impacted. Id. Further, from a network technical perspective, subsequent overlays can provide relief in a significantly more abbreviated implementation period (three months) than a split (six to nine months). (See Ex. 15, SWBT, Bell Direct, pp. 6-7). Additionally, once an overlay is implemented, and mandatory 10-digit dialing is introduced, existing customers will not again have to be exposed to the requirements of changing their telephone numbers as long as overlays continue to be the mandated relief method. Id. at 7. Thus, although a retroactive overlay may promote the premature exhaust of the newly established 636 NPA, once a retroactive overlay is implemented, the exhaust date becomes a non-issue because there will be little impact on customers during future relief. (See Ex. 16, SWBT, Bell Rebuttal, p. 5; see also Ex. 3, OPC, Meisenheimer Direct, p. 6).

5. There Are No 9-1-1 Issues Associated With The Introduction Of A New Area Code In The 314 NPA.

In contrast to earlier information provided to NANPA, there is a spare number plan digit ("NPD") slot available in the Webster Groves 9-1-1 tandem. (See Ex. 15, SWBT, Bell Direct, p. 8). In order to provision 9-1-1, an NPD is an essential means of communicating the proper area code of the caller. Id. When the telecommunications industry grew to the point that switches needed to serve more than one area code, NPDs were created. Id. NPDs were originally designed so that Public Safety Answering Points ("PSAPs") would know which area code to associate with a 7-digit number. Id. Today, separate trunk groups are established for each NPA served within the 9-1-1 switch and carry a number designation. Id. This designation of zero 0 to three 3 is the NPD. Id. The NPD is prefixed to the 7-digit number of the caller instead of the 3-digit area code and delivered to the PSAP. Id. Current equipment only allows for the use of four

(4) NPDs and, therefore, only four (4) NPAs can be served. Id. Hence, when a fifth NPA is introduced, it becomes necessary for all PSAPs to upgrade their equipment. Id.

Since there is a spare NPA available in the Webster Groves 9-1-1 tandem, there are no issues associated with the introduction of a new area code in the 314 NPA. (See Ex. 15, SWBT, Bell Direct, pp. 7-8). This is true regardless of the type of area code relief that the Commission decides to implement, i.e. retroactive overlay, all-services overlay, or geographic split). Id. at 8.

6. The Commission Should Not Establish Utilization Thresholds As Suggested By The Office Of Public Counsel Because This Proposal Runs The Risk Of Not Allowing The Industry Or Consumers Ample Time To Plan For Area Code Relief. This Proposal Also Runs The Risk Of Not Allowing Telecommunications Service Providers To Obtain NXX Codes And, Therefore, Runs The Risk Of Not Allowing Consumers The Ability To Subscribe To Services From Their Carrier Of Choice.

The Commission should not establish a utilization threshold of 90 NXX codes as a trigger for area code relief in the 314 NPA as proposed by OPC. (See Ex. 16, SWBT, Bell Rebuttal, p. 6; see also OPC, Meisenheimer Direct, p. 30). Due to the uncertainty of exhaust, it is problematic to recommend that a back-up relief plan not be initiated until central office codes fall below a pre-determined threshold. (See Ex. 16, SWBT, Bell Rebuttal, p. 6). This proposal runs the risk of not allowing the industry and consumers ample time to plan for the area code relief. Id. at pp. 6-7. Specifically, SWBT estimates that it takes six (6) to nine (9) months to implement an overlay. Id. at 7. Therefore, it is definitely possible that using a threshold will not allow service providers sufficient time to implement the planned area code relief. Id.

Moreover, if a jeopardy has to be declared, as is the current situation with regard to the 314 NPA, this proposal runs the risk of not allowing telecommunications service providers to obtain NXX codes. The proposal, therefore, runs the risk of not allowing consumers the ability to subscribe to services from their carrier of choice. Id. at 7. It is not in the best interests of the

public to operate in a jeopardy situation and the Commission should take steps now, including mandating implementation of area code relief with a specified implementation date, so that the current jeopardy may be eliminated. Id.

OPC admitted the shortcomings of its proposal during the hearing of this matter. Specifically, OPC admitted that this proposal runs the risk of not allowing the industry and consumers ample time to plan for area code relief.

OPC admitted that is takes approximately six (6) to nine (9) months to implement an overlay. (See T. 143, OPC, Meisenheimer). Even using OPC's projection that ten (10) NXX codes will be needed in the 314 NPA per month, it is possible that if the Commission orders an overlay, that in nine (9) months we could be near the end or exactly at the end of the ninety (90) codes. Id. Thus, waiting to implement area code relief until the threshold is met runs the risk of telecommunications service providers having no NXX codes to assign to prospective customers.[5]

OPC further admitted that it takes nine (9) to twelve (12) months to implement a geographic split. (See T. 142, OPC, Meisenheimer). Under OPC's own projections that ten (10) NXX codes will be needed in the 314 NPA per month, somewhere between ninety (90) and one hundred and twenty (120) codes would be required before a geographic split could be implemented. Id. at 142-143. Thus, if the Commission were to consider implementing a geographic split in the 314 NPA, OPC admits that its proposal as to when to begin implementation of area code relief would have to change from ninety (90) codes to some higher number. (See T. 143, OPC, Meisenheimer).

[5] SWBT agrees with Sprint that carriers are only allowed a six-month inventory of numbers. (See Ex. 7, Sprint, Know Rebuttal, p. 1). An NPA relief plan, therefore, needs to be longer than a carrier's six month inventory period in order for carriers to have numbering resources when the NPA exhausts. Id.

Finally, OPC admits that waiting to implement area code relief until the number of codes falls below ninety (90) runs the risk that customers may not be able to get service from their carrier of choice due to lack of numbers. (See T. 142. OPC, Meisenheimer). Since OPC's proposal is clearly deficient, it should be rejected outright.

7. As A Second Choice Of Area Code Relief Methods. SWBT Supports An All-Services Overlay For The 314 NPA.

Alternatively, and as a second choice, SWBT supports an all-services overlay for the 314 NPA. (See Ex. 15, SWBT, Bell Direct, p. 7; see also Ex. 16, SWBT, Bell Rebuttal, p. 6). Although SWBT supports an all-services overlay as a second choice, SWBT neither agrees that an all-services overlay of the 314 NPA would cause less customer confusion than the retroactive overlay nor that "from a customer education standpoint, the straight overlay of the 314 NPA is a far better option." (See Ex. 21, Buyak Direct, p. 4; see also Ex. 16, SWBT, Bell Rebuttal, p. 4).

From a customer education perspective, both the 636 and 314 customers would have to be educated. (See Ex. 16, SWBT, Bell Rebuttal, p. 4). Since the areas are contiguous, both NPAs share the same communities of interests, and customers move between the two NPA areas daily. Id. Thus, both the 314 and 636 customers must be informed of any changes which impact their dialing patterns. Id. For example, customers would have to be instructed that it was necessary to dial 10 digits when dialing from the 314 NPA to another 314 customer or to a 636 customer. Id. Customers dialing from a 636 number to another 636 number would have to be instructed that it was not necessary to dial 10 digits for local calls. Id. at pp. 4-5. For customers placing local calls between 314 and 636, notification would have to be given that it was always necessary to dial 10 digits. Id. at 5.

With regard to wireless customers, all 314 wireless customers, including those customers who reside in the geographic scope of the 636 NPA, would have to be educated that they have to

dial 10 digits for all local calls. Id. This is true because it is the area code that is programmed in the wireless telephone that determines dialing patterns, not the geographic location from which the call is made. Id.

Moreover, the main perceived advantage of an overlay is that it is perceived to maintain 7-digit dialing for customers within the 636 NPA. This perception is flawed.

OPC admitted that not all customers in the 636 area code can dial all other customers in the 636 area code on a local basis. (See T. 156, OPC, Meisenheimer). For example, the local calling scope for a customer in Chesterfield does not encompass the entire 636 calling scope. Id. Further, even if the customer subscribes to the Metropolitan Calling Area Plan ("MCA Plan"), that does not give the customer the right to call all customers within the 636 NPA on a 7-digit basis; it only allows the MCA subscriber to call other MCA subscribers and those customers, who do not subscribe to MCA service, that reside in either the same tier or a tier that is located closer to St. Louis.

Finally, OPC further admits that the FCC is considering whether to allow states to implement overlays without 10-digit dialing requirements. (See T. 161-162, OPC, Meisenheimer; see also, Ex. 26, Order, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al, July 20, 2000, paragraph 70). Thus, if the FCC ultimately decides to change its rules, OPC admits that such action would eliminate OPC's primary opposition to a retroactive overlay. (See T. 162, OPC, Meisenheimer). Thus, although SWBT supports an all-services overlay in the 314 NPA as its second choice of area code relief, SWBT stands firm in its position that a retroactive overlay is the best relief method for the 314 NPA.

8. The Commission Should Reject A Geographic Split Of The 314 NPA As A Potential Method Of Area Code Relief.

Although no party supports a geographic split of the 314 NPA, SWBT notes that if the Commission elects to implement this area code relief option, the Commission must adhere to the NPA Relief Planning and Notification Guidelines ("the Guidelines"). (See Ex. 15, SWBT, Bell Direct, p. 7; see also Ex. 16, SWBT, Bell Rebuttal, p. 6). Ideally, in case of splits, all of the codes in a given area should exhaust about the same time and should cover a period of at least five years beyond the predicted date of exhaust. (See Ex. 15, SWBT, Bell Direct, p. 7). The Guidelines further state that a difference in NPA lifetimes of more than 15 years should be avoided. Id. The Guidelines also recommend that customers who undergo number changes shall not be required to change again for a period of eight to ten years. Id. Applying these guidelines to the current 314 NPA would result in a split which would split the mandatory zones of the Metropolitan Calling Area in St. Louis. (See Ex. 15, SWBT, Bell Direct, p. 7; see also T. 151, OPC, Meisenheimer). Id. This action would result in substantial 10-digit local dialing. Id.

Moreover, a geographic split takes approximately nine (9) to twelve (12) months to implement. (See Ex. 15, Bell Direct, p. 9). At this point, if the Commission elects to order a geographic split, there will not be sufficient time for customer education. Id. Further, exhaust of the 314 NPA will likely occur before a geographic split could be fully implemented. For all these reasons, the Commission should reject a geographic split as a potential form of area code relief.

B. The Commission Should Order An All-Services Overlay For The 816 NPA

1. The 816 NPA Is Expected To Exhaust During The First Quarter 2002. Thus, The Commission Should Implement A Relief Plan Regarding The 816 NPA As Soon As Is Practical.

According to the April, 2000 projections of NANPA, the 816 NPA is expected to exhaust during the first quarter 2002. (See Ex. 2, NANPA, Dixon Rebuttal, p. 3). Although the industry recommended an all-service overlay with a permissive start date of August 5, 2000, and a mandatory start date of February 3, 2001, these dates cannot realistically be met at this time. Nevertheless, the Commission should implement a relief plan as soon as practical. As will be discussed below, SWBT recommends that the Commission issue an order for an all-services overlay.

2. SWBT Supports The Industry Recommendation Of An Overlay For The 816 NPA.

SWBT supports the industry recommendation of an overlay for the 816 NPA because the benefits of an overlay outweigh those of a geographic split. Specifically, from a customer perspective, customers would not have to change their 10-digit telephone numbers or learn new telephone numbers for present friends and associates. (See Ex. 15, SWBT, Bell Direct p. 10). Customers would not have to incur immediate expenses for associated costs; for example, changes to personal and business checks, business cards, advertisements and stationary. Id.

SWBT also supports the industry recommendation of an overlay for the 816 NPA since a reasonably balanced geographic split would require splitting the Kansas City Metropolitan Calling Area, thus leading to a significant amount of 10 digit dialing for local calls and a significant number of customers who would be required to change their telephone numbers. (See Ex. 15, SWBT, Bell Direct, p. 10; see also T. 165, OPC, Meisenheimer). SWBT also supports the industry recommendation of an overlay for the 816 NPA because once an overlay is

implemented and mandatory 10-digit dialing is introduced, existing customers will not again have to be exposed to the requirement of changing their telephone number so long as overlays continue to be the mandated form of relief. Id. at 10-11. Additionally, SWBT supports the industry recommendation of an overlay for the 816 NPA because it would ensure that communities of interest would not be divided. Finally, while SWBT recognizes that customers may need some education about 10-digit dialing instead of 7-digit dialing, customers adapt. (See Ex. 15, SWBT, Bell Direct, p. 10). The recent shift to 10-digit local dialing in eliminating the protected codes in the 816 and 913 NPAs between Kansas and Missouri demonstrates customers' ability to adjust and embrace 10-digit dialing. Id.

SWBT notes that OPC takes the position that an overlay may be competitively disadvantageous to CLECs. This position must be rejected. At the outset, SWBT notes that no CLEC has taken the position that it would be competitively disadvantaged if an overlay were implemented in Kansas City rather than a geographic split. (See T. 167, OPC, Meisenheimer). In fact, both ExOp and Sprint support an overlay in Kansas City. Id. Finally, OPC admits that CLECs are in a better position than OPC to assess whether utilizing an overlay would be competitively disadvantageous to them. (T. 168, OPC, Meisenheimer). For all these reasons, the Commission should order an all-services overlay for the 816 NPA.

3. Regardless Of The Method Chosen For Implementation Of Another NPA, There Are 9-1-1 Issues Associated With NPA Relief Implementation In The 816 NPA.

There are 9-1-1 issues associated with NPA relief implementation in the 816 NPA. (See Ex. 15, SWBT, Bell Direct, p. 11). The Hedrick central office serves the Kansas City 9-1-1 community today. Id. Currently, there are not any spare NPD slots available in that office. Id. Thus, regardless of the method chosen for implementation of another NPA, whether is be a

geographic split or an overlay, a new 9-1-1 configuration will have to be designed. Id. SWBT is currently examining the entire configuration for the 911 network in order to determine whether it is possible to re-home codes in order to free up one of the NPDs. (See T. 329, SWBT, Bell). Nevertheless, if SWBT is unable to free up one of the NPDs, 9-1-1 service providers in the 816 NPA will need to upgrade their 9-1-1 systems. Thus, the Commission should implement a relief plan as soon as practical so that 9-1-1 service will not be affected by this needed area code relief.

4. The Commission Should Not Establish Utilization Thresholds As Suggested By The Office Of Public Counsel Because This Proposal Runs The Risk Of Not Allowing The Industry Or Consumers Ample Time To Plan For Area Code Relief. This Proposal Also Runs The Risk Of Not Allowing Telecommunications Service Providers To Obtain NXX Codes And, Therefore, Runs The Risk Of Not Allowing Consumers The Ability To Subscribe To Services From Their Carrier Of Choice.

As with the 314 NPA, OPC suggests that the Commission postpone its decision on the type of relief to be implemented in the 816 NPA until 100 NXX codes remain. (See Ex. 3, Meisenheimer Direct, p. 31; see also Ex. 16, SWBT, Bell Rebuttal, p. 8). This is a risky proposition. (See Ex. 16, SWBT, Bell Rebuttal, p. 8). We are nearing the exhaust of the 816 NPA and we should decide now on a relief plan and begin implementing that plan in order to avoid a situation where the existing numbers are exhausting too quickly. Id. As it exists now, the industry will likely be forced to operate in a jeopardy situation before the 816 NPA relief is implemented. Id. Waiting to make a decision on relief until some small number of codes remains is not good public policy because it may not leave sufficient time to implement the relief. Id. Further, OPC's proposal runs the risk of telecommunications providers being unable to obtain NXX codes and, therefore, runs the risk of customers not being able to subscribe to their carrier of choice. Thus, OPC's proposal that the Commission postpone its decision on the

type of relief to be implemented in the 816 NPA until 100 NXX codes remain should be rejected outright.

5. The Commission Should Reject A Geographic Split Of The 816 NPA As A Potential Method Of Area Code Relief.

Although the majority of the parties support an overlay for the 816 NPA, OPC suggests that the Commission may want to order a geographic split. (See Ex. 16, SWBT, Bell Rebuttal, p. 7; see also Ex. 3, OPC, Meisenheimer Direct, p. 31). OPC further suggests that the dividing line of the split should be roughly along the Missouri River. Id. SWBT has several concerns about a geographic split along the Missouri River. (See Ex. 16, SWBT, Bell Rebuttal, p. 7). First, SWBT is opposed to a split in general because SWBT believes that an overlay will provide the best long-term solution. Id. Second, any reasonable geographic split line will split the local calling scope in the Kansas City area which will create a confusing mix of 7 and 10 digit dialing for local calls. (See Ex. 16, SWBT, Bell Rebuttal, p. 7; see also Ex. 17, SWBT, Bell Surrebuttal, p. 3). The Commission should keep in mind that customers are already familiar with local 10-digit dialing since 10-digit dialing is now necessary when placing calls between the Kansas City 816 NPA and the Kansas 913 NPA. (See Ex. 17, SWBT, Bell Surrebuttal, p. 3). Third, implementing a geographic split would force a large number of customers to change their telephone numbers. Id. at 7-8. Fourth, splitting the 816 NPA along the Missouri River would not provide for balanced number relief. (See Ex. 19, Staff, Cecil Rebuttal, pp. 3-4; see also Ex. 17, SWBT, Bell Surrebuttal, p. 3). This could result in whatever NXX code that would be assigned to the Kansas City metropolitan area to exhaust in the near future which would require this Commission to address another NPA relief case and which would certainly further irritate consumers. Fifth and finally, SWBT believes that a split along the Missouri River will divide

communities of interest. (See Ex. 16, SWBT, Bell Rebuttal, p. 7-8; see also Ex. 17, SWBT, Bell Surrebuttal, p. 3).

Moreover, there is no good geographic split alternative for the 816 NPA. (See Ex. 17, SWBT, Bell Surrebuttal, p. 3). Any geographic split line that provides reasonably balanced number relief will have to divide both the local calling scope in Kansas City and the Kansas City metropolitan exchange. Id. For example, a balanced split line would probably have to split the Principal zone and perhaps a few of the MCA 1 zones from the rest of the area. Id. Hence, the result would be the creation of two (2) disproportionate areas, one very small area and one very large area, telephone number changes, and a significant amount of 10-digit dialing to place local calls. Id. Hence, the most touted advantage of a geographic split, retention of 7-digit dialing, would be minimized. Id. at 3-4.

Furthermore, based on NANPA's projections, a geographic split of the 816 NPA will not last very long. (See Ex. 17, SWBT, Bell Surrebuttal, p. 4). NANPA analyzed a relatively balanced split which reflected a projected life span of 6.3 years. Id. This projection may not take into account any shifting of wireless codes. Id. SWBT believes that such a split would force the Commission and the industry to continuously address NPA relief. Id. For all these reasons, the Commission should reject a geographic split of the 816 NPA as a potential form of area code relief.

Conclusion

SWBT supports enforcement of the newly adopted FCC administrative standards which allow for the reclamation of unused numbering resources as delineated in the FCC NRO Order. The Commission should investigate and determine whether code holders have activated NXX codes assigned to them and, if the code holders have not done so, the Commission should direct

them to reclaim unused numbering resources. The Commission should also indicate its desire for rate center consolidation in the 816 which does not affect consumers' existing calling scopes or rates. The Commission should order that any rate center consolidation in the 816 NPA that is accomplished by SWBT should be matched by the CLECs operating in the rate centers being consolidated.

SWBT supports many of the other numbering conservation measures, including thousands-block number pooling, thousands-block sequential numbering, and the provision of forecasting and utilization data. However, the Commission should refrain from ordering these numbering recourse optimization measures as they either have been or are being adequately addressed by the FCC at a national level.

SWBT also notes that while numbering resource optimization measures are important, the FCC has made clear that its grants of authority in the FCC NRO Order II, are not intended to allow state commissions to engage in number conservation measures to the exclusion of, or as a substitute for, unavoidable and timely area code relief. Rather, the state commissions must continue to bear the obligation of implementing area code relief when necessary and implementing such relief in a timely manner.

The time for area code relief in the 314 and 816 NPAs is now. The Commission should order a retroactive overlay for the 314 NPA. It is the best relief method of the 314 NPA because its would: (1) postpone the immediate need for area code relief in the St. Louis metropolitan area; (2) result in a more efficient utilization of numbering resources; (3) permit the third NPA that would no longer be immediately needed in this region to be available to extend the overall life of the NANP, thereby delaying the time before the NANP is required to be expanded to more than 10-digits; (4) create a consistent dialing pattern in the St. Louis metropolitan area; (5) re-

unite communities of interest in that the 314 and 636 area codes would represent the St. Louis metropolitan area; and (6) ensure that the Commission would not again confront the difficult NPA relief decisions in either the 314 and 636 NPAs, so long as any subsequent relief is in the form of an overlay. For all these reasons, the Commission should order a retroactive overlay for the 314 NPA.

The Commission should order an all-services overlay for the 816 NPA. The benefits of an overlay outweigh those of a geographic split because: (1) customers would not be required to change their 10-digit telephone numbers; (2) a reasonably balanced geographic split would require splitting the Kansas City Metropolitan Calling Area, thus leading to a significant amount of 10-digit dialing for local calls; (3) an overlay would ensure that communities of interest would not be divided; and (4) once an overlay is implemented, existing customers will not again have to be exposed to the requirement of changing their telephone numbers so long as overlays continue to be the mandated form of relief. Further, while customers may need some education about 10-digit dialing, the recent shift to 10-digit dialing in eliminating the protected codes in the 816 and 913 NPAs between Missouri and Kansas demonstrates customers' ability to adjust to 10-digit dialing. For all these reasons, the Commission should order an all-services overlay for the 816 NPA.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail on September 18, 2000.

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