BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Industry Report on) the Elimination of Protected Codes in) the 816 and 913 NPAs.

Case No. TO-99-439

ORDER AND NOTICE

On April 6, 1999, the Office of the Public Counsel (Public Counsel) filed an Application Requesting Expedited Acceptance and Approval of the Industry Report and Recommendation. This document was served on the parties to Case No. TO-96-1 which was closed on January 26, 1999 upon the request of the Staff of the Missouri Public Service Commission (Staff). No party opposed Staff's motion to close that case.

In its Application Requesting Expedited Acceptance and Approval of the Industry Report and Recommendations, Counsel indicated that elimination of the protected codes in the Kansas City metropolitan area was considered as a part of the NPA However, the technical committee decided to planning process. postpone elimination of protected codes until after the completion of the NPA relief projects for the 816/660 (Missouri) and 913/785 (Kansas) area codes. In support of this decision to the elimination of protected codes, Public references the report of the technical committee in Case No. TO-96-1 from October 1996.

Public Counsel stated that on January 5, 1999, the industry code administrator declared the 816 and 913 NPAs in jeopardy so an allocation plan could be developed to ensure that all NXXs within an NPA were not assigned before the supply of NXXs could be replenished. Public Counsel stated that to replenish the supply of NXXs in both 816 and 913 NPAs, all protected codes must be eliminated.

Public Counsel stated in its application that the industry group recommends the elimination of the protected codes no later than December 4, 1999. The participants in developing the Industry Report included the following entities:

AT&T Citizens Utility Ratepayer Board MCIWorldcom Lockheed Martin-NANPA Southwestern Bell Wireless Aerial Communications Nextel Cellular One Mobil Radio Comm. Grand River Mutual GTE Mobilephone AT&T Wireless Sprint Southwestern Bell Telephone Company Staff of the Missouri PSC Staff of the Kansas Corporation Commission Office of the Public Counsel

Public Counsel references the industry group's report which is attached to the application.

Public Counsel stated in its application that the Staff,
Public Counsel and the industry group waive hearing on the matter
and request expedited action as time is of the essence to begin

technical changes, revise directories and conduct consumer education. No other party has signed the application except Public Counsel.

Proper parties should be given notice and an opportunity to intervene in this matter. The Records Department of the Commission should serve a copy of this order upon all interexchange and local exchange telecommunications companies.

The requirement for a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. If no proper party is granted intervention, and neither Staff nor Public Counsel files a request for a hearing, the Commission may determine that a hearing is not necessary. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That any interested party wishing to intervene in this case shall file an application to do so no later than April 23, 1999, with:

> Dale Hardy Roberts, Secretary Missouri Public Service Commission Post Office Box 360 Jefferson City, Missouri 65102

and send copies to:

Michael F. Dandino Senior Public Counsel Office of the Public Counsel Post Office Box 7800, Suite 259 Jefferson City, Missouri 65102

- 2. That the Records Department of the Commission shall send notice to all interexchange and local exchange telecommunications companies.
- That this order shall become effective on April 23,
 1999.

BY THE COMMISSION

HARL HARD Roberts

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

(SEAL)

Shelly A. Register, Regulatory Law Judge by delegation of authority pursuant to 4 CSR 240-2.120(1), (November 30, 1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 15th day of April, 1999.

