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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 6th  
day of May, 1999.

In the Matter of the Industry Report on        )  
the Elimination of Protected Codes in        ) Case No. TO-99-439  
the 816 and 913 NPAs.                                )

**ORDER ADOPTING INDUSTRY REPORT AND RECOMMENDATION**

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).

In its Application Requesting Expedited Acceptance and Approval of the Industry Report and Recommendations, Public Counsel indicated that elimination of the protected codes in the Kansas City metropolitan area was considered as a part of the NPA planning process. However, the technical committee decided to 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 defer the elimination of protected codes, Public Counsel referenced 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 that 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 party except Public Counsel signed the application.

On April 15, 1999, the Commission issued its Order and Notice requiring any interested party to file its application to intervene no later than April 23, 1999.

On April 20, MCI Telecommunications Corporation (MCI), an MCI WorldCom Company, filed an application to intervene stating that it supports Public Counsel's application and that it does not seek a hearing. MCI stated that the Commission's decision will affect MCI's interests as a provider of interstate telecommunications services and that its interests are different than those of the general public. MCI stated that the intervention of MCI in this proceeding is in the public interest because of MCI's interests in enhancing competition, and because of its expertise in the telecommunications industry. No objections to this application for intervention were received.

On April 22, Southwestern Bell Telephone Company (SWBT) filed its application to intervene and stated that it does not oppose Public Counsel's request but does not believe, where the industry parties are in agreement, that Commission approval is necessary. SWBT stated that it does not oppose the Commission's involvement, but it believes that the Staff's participation in the industry activities serves that role in uncontested activities such as this one. No objections to this application for intervention were received.

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).

The Commission has reviewed Public Counsel's request and the other pleadings. The Commission finds that MCI and SWBT have an interest in this proceeding and intervention shall be granted. The Commission has not received any notice of opposition or objections to Public Counsel's request and, therefore, the Commission will approve and adopt the Industry Report on the Elimination of Protected Codes in the 816 and 913 NPAs, adopting the recommendation to eliminate the protected codes in the 816 area code.

**IT IS THEREFORE ORDERED:**

1. That the Application for Intervention filed by MCI Telecommunications Corporation (MCI), an MCI WorldCom Company, on April 20, 1999, is granted.

2. That the Application for Intervention filed by Southwestern Bell Telephone Company, on April 22, 1999, is granted.

3. That the Industry Report on the Elimination of Protected Codes in the 816 and 913 NPAs, dated March 20, 1999, filed on April 6, 1999, is approved and adopted by the Commission

and the recommendations, as listed in the Industry Report under Paragraph VIII. Industry Plan, are approved.

4. That this order shall become effective on May 13, 1999.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,  
Schemenauer, and Drainer, CC., concur

Register, Regulatory Law Judge

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MAY 19 1999

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION