

Anthony K. Conroy
Senior Counsel

Southwestern Bell Telephone
One Bell Center
Room 3516
St. Louis, Missouri 63101
Phone 314 255-6060
Fax 314 247-0014
Email ac7526@momail.sbc.com



April 5, 2001

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison St., Suite 100
Jefferson City, Missouri 65101

Re: **Case No. TO-2000-374**

Dear Judge Roberts:

Enclosed for filing with the Missouri Public Service Commission in the above-referenced case are an original and eight copies of the Response of Southwestern Bell Telephone Company to the Office of Public Counsel's Motions Requesting Number Pooling and Modification of the Implementation Dates for Area Code Relief in the 816 NPA And 314 NPA.

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

Very truly yours,

Anthony K. Conroy hm

Anthony K. Conroy

Enclosure

cc: Attorneys of Record

FILED²
APR 5 2001
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

APR 5 2001

Missouri Public
Service Commission

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

**RESPONSE OF SOUTHWESTERN BELL TELEPHONE COMPANY
TO THE OFFICE OF PUBLIC COUNSEL'S MOTIONS REQUESTING
NUMBER POOLING AND MODIFICATION OF THE IMPLEMENTATION
DATES FOR AREA CODE RELIEF IN THE 816 NPA AND 314 NPA**

COMES NOW Southwestern Bell Telephone Company (SWBT), and for its Response to the Office of Public Counsel's (OPC's) Motions Requesting Number Pooling and Modification of the Implementation Dates for Area Code Relief in the 816 NPA and 314 NPA (Motions), states to the Missouri Public Service Commission (Commission) as follows:

1. In its Motions, OPC asks the Commission to delay implementing the new overlay Numbering Plan Areas (NPAs) in the existing 816 and 314 NPAs. In support of its request, OPC states that an analysis of available NXX codes in both the 816 NPA and the 314 NPA shows that assignment to other carriers has not occurred to the extent projected. OPC Motions at 1. OPC further states that in light of that development, as well as the FCC's order granting Missouri pooling authority, and the outlook for the impending rollout of the federal pooling mechanism, "it is reasonable and in the public interest to delay implementation of the new overlay code[s] for as long as possible to extend the life of [314 and 816] and postpone the adverse consumer impact caused by NPA relief." OPC Motions at 1.

2. Since the most recent data from the North American Numbering Plan Administrator (NANPA) suggests that the number of NXX codes remaining in both the 314 and 816 NPAs justifies a delay in the implementation schedule previously ordered by the

Commission,¹ and given the expected imminent rollout of national number pooling, SWBT agrees with OPC that the Commission should delay implementing the 314 and 557 NPA relief implementation plan and schedule approved by the Commission in its December 26, 2000 order in this case. SWBT further agrees that the Commission should delay implementing the 816 and 975 NPA relief implementation plan and schedule approved by the Commission in its February 15, 2001, order in this case. As SWBT stated in its September 18, 2000 Brief in this case, and as SWBT continues to believe, the Commission "should adopt the form of area code relief that is best considering both short-term and long-term consumer impacts." SWBT Brief at 2. If the Commission is inclined to delay the scheduled implementation of the 314 and 816 relief plans, SWBT believes it would be in the best interest of the parties and the public to do so as expeditiously as possible.

3. SWBT believes it would be prudent for the Commission to delay implementation of the new overlay NPAs for a period of time sufficient to allow the Commission and the parties to evaluate the impact of the FCC's national implementation of number pooling. Along with the Commission Staff, SWBT believes that the FCC will begin to implement national number pooling later this year. SWBT expects the FCC to select a national number pooling administrator within a few weeks (probably by the end of April, 2001). Thereafter, the administrator is expected to establish its initial national rollout schedule within 60 days.

4. Pursuant to the FCC's Report and Order in its Numbering Resource Optimization (NRO) proceeding,² the national rollout of number pooling will proceed in three month

¹As of March 15, 2001, NANPA records reflect that in the 314 NPA, 145 NXX codes are available for assignment to carriers, and in the 816 NPA, 173 NXX codes are available for assignment to carriers.

²In the Matter of Number Resource Optimization, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, March 31, 2000 (NRO Order).

segments, with the first round of implementation beginning nine months after the selection of a national pooling administrator.³ NRO Order at par. 161. The schedule for each quarter will contain three NPAs that are within the largest 100 Metropolitan Statistical Areas (MSAs) in each of seven NPAC regions. SWBT's five state area⁴ is a distinct NPAC region. Within SWBT's NPAC region, there are only 13 NPAs that are within the top 100 MSAs. St. Louis and Kansas City are both within the top 100 MSAs, and within SWBT's NPAC region rank as the third and fifth largest MSAs. Thus, in SWBT's NPAC region, SWBT would expect that both the St. Louis and Kansas City NPAs will be scheduled for national number pooling implementation within the first or second phase (i.e., within the first 6 NPAs) of the implementation period.

5. Based on the anticipated implementation for national number pooling, SWBT agrees with OPC and the Commission Staff that the Commission should delay implementing the new 557 and 975 NPA codes until the national number pooling administrator has been selected and announces its initial implementation schedule for each NPAC region. SWBT anticipates that this schedule will be available by July, 2001. Once this schedule is announced, SWBT and the rest of the industry will be in a better position to make a further recommendation as to whether, and when, the new 557 and 975 overlay NPA codes will need to be implemented. If, as SWBT expects, the St. Louis and Kansas City MSAs are scheduled to implement national number pooling in the first or second phase of implementation, it may be possible to delay implementation of the 557 and 975 overlay NPA codes. During this period, however, the parties and the Commission should continue to monitor the supply of NXX codes available to carriers in the existing 314 and 816 NPAs.

³ In filings at the FCC, SBC has advocated that the implementation of national number pooling could begin in less than nine months.

⁴ Arkansas, Kansas, Missouri, Oklahoma and Texas.

6. SWBT believes that a delay of approximately seven months in the implementation of the relief schedules for both the 314 and 816 NPAs is reasonable at this point. The industry participants in this case would need to agree on the exact dates for a revised implementation schedule, but in general, a seven month delay would result in the following revised implementation schedule:

<u>NPAs</u>	<u>Existing Permissive</u>	<u>Existing Mandatory</u>	<u>Revised Permissive</u>	<u>Revised Mandatory</u>
314/557	06/01/01	10/06/01	01/02	5/02
816/975	10/20/01	02/16/02	05/02	9/02

The revised implementation schedule appears prudent in light of recent NXX code demand and would postpone the requirement of 10-digit local dialing. SWBT would also recommend that the Commission require the parties to provide additional comments to the Commission on August 31, 2001, in which the parties should address the initial national number pooling rollout schedule, and whether an additional delay in implementing the overlay NPAs in St. Louis and Kansas City is warranted at that time.

7. SWBT continues to believe that it would not be appropriate for the Commission to attempt to implement a separate, state number pooling trial, as proposed once again by OPC in its Motions. There are several compelling reasons why a state number pooling trial continues to be a bad idea. First, a state number pooling trial will clearly not advance number pooling in either the 314 or 816 NPAs ahead of the implementation of national number pooling. Conducting a state number pooling trial will require the Commission to select a state number pooling administrator, which would likely require a competitive bid process. Working through the competitive bid process as part of SWBT's 271 process took over six months to complete, and in that case, only one party – SWBT – entered into the contract with the outside entity. In

this case, an entire 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 highly likely that by the time the Commission and the industry worked through those issues, the implementation of national number pooling in the 314 and 816 NPAs would be well underway, or at least imminent.

8. Second, states must ultimately follow the national requirements on technical standards and pooling administration. Thus, implementation of a state number pooling trial may result in inconsistent requirements on technical standards and pooling administration that would have to be remedied shortly after they are implemented.

9. Finally, a state number pooling trial would generate joint and carrier-specific implementation and administration costs. The FCC has repeatedly determined that states conducting their own pooling trial must develop a cost recovery mechanism for the joint and carrier-specific costs of implementing and administering number pooling within their states. Additional costs will be unnecessarily incurred in a state number pooling trial. For instance, the software necessary to implement national number pooling (NPAC Version 3.0 with Efficient Data Representation) will not be ready until approximately the third quarter of this year. If the Commission attempted to implement a state number pooling trial before this new software was available, an old and soon-to-be obsolete version of software (NPAC Version 1.4 manual) would have to be utilized, and then scrapped a few months later when the new version is released. Furthermore, as SWBT described in its brief in this case, the costs associated with a state number pooling trial should be recovered through an end-user surcharge. This may result in a surcharge for the state number pooling trial followed by or combined with another surcharge once national number pooling is implemented.

10. In short, a state number pooling trial is clearly not necessary and provides no significant benefits to either telephone subscribers or the telecommunications industry in Missouri. Therefore, SWBT recommends that the Commission reject OPC's request for a state number pooling trial.

WHEREFORE, for the reasons described above, SWBT requests that the Commission issue an order delaying the implementation of the overly NPA codes in the 314 and 816 NPAs for approximately seven months in anticipation of the national number pooling deployment. The Commission should also order the parties to file comments on August 31, 2001 regarding the status of implementation of the FCC's national number pooling in Missouri, the current status of NXX code availability in the 314 and 816 NPAs, and recommendations regarding NPA relief schedules. Based on these comments, the Commission will be in a better position to determine appropriate further action at that time.

Respectfully submitted,

BY Anthony K. Conroy /tm

PAUL G. LANE, #27011

LEO J. BUB, #34326

ANTHONY K. CONROY, #35199

MIMI B. MACDONALD, #37606

Attorneys for Southwestern Bell Telephone Company

One Bell Center, Room 3516

St. Louis, Missouri 63101

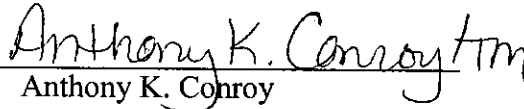
(314)235-6060 (Telephone)

(314)247-0014 (Facsimile)

e.mail: anthony.conroy@sbc.com

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail on April 5, 2001.


Anthony K. Conroy

MISSOURI PUBLIC SERVICE
COMMISSION
200 MADISON STREET, SUITE 100
JEFFERSON CITY, MO 65102

PAUL S. DEFORD
LATHROP & GAGE
2345 GRAND BLVD, SUITE 2500
KANSAS CITY, MO 64108

MICHAEL F. DANDINO
OFFICE OF THE PUBLIC COUNSEL
200 MADISON STREET, SUITE 650
JEFFERSON CITY, MO 65102

WILLIAM R. ENGLAND, III
BRYDON, SWEARENGEN & ENGLAND
PO BOX 456
JEFFERSON CITY, MO 65102

PETER MIRAKIAN, III
WENDY DEBOER
SPENCER FANE BRITT & BROWNE LLP
1000 WALNUT STREET, SUITE 1400
KANSAS CITY, MO 64106

CRAIG S. JOHNSON
ANDERECK, EVANS, MILNE, PEACE
& JOHNSON, L.L.C
301 EAST MCCARTY
P.O. BOX 1438
JEFFERSON CITY, MO 65102

JAMES F. MAUZE
THOMAS E. PULLIAM
OTTSEN, MAUZE, & LEGGAT
112 SOUTH HANLEY
ST. LOUIS, MO 63105

JAMES M. FISCHER
FISCHER & DORITY
101 MADISON, SUITE 400
JEFFERSON CITY, MO 65101

MARK W. COMLEY
NEWMAN, COMLEY & RUTH P.C.
601 MONROE, SUITE 301
JEFFERSON CITY, MO 65101

STEPHEN MINNIS
SPRINT MISSOURI, INC.
5454 W. 110TH STREET, 10TH FLOOR
OVERLAND PARK, KS 66211

EDWARD J. CADIEUX
CAROL KEITH
GABRIEL COMMUNICATIONS, INC.
16090 SWINGLEY RIDGE RD., STE 500
CHESTERFIELD, MO 63006

CARL J. LUMLEY
LELAND B. CURTIS
CURTIS OETTIN HEINZ
GARRETT & SOULE, P.C.
130 S. BEMISTON, SUITE 200
ST. LOUIS, MO 63105

KENNETH L. JUDD
SOUTHWESTERN BELL WIRELESS, INC.
13075 MANCHESTER ROAD 100N
ST. LOUIS, MO 63131

KEVIN ZARLING
AT&T COMMUNICATIONS OF THE
SOUTHWEST, INC
919 CONGRESS, SUITE 900
AUSTIN, TX 78701

LEE S. ADAMS
CHERYL A. TRITT
KIMBERLY D. WHEELER
MORRISON & FOERSTER, L.L.P.
2000 PENNSYLVANIA AVENUE, NW
SUITE 5500
WASHINGTON, D.C. 20006

MARTIN C. ROTHFELDER
THE ROTHFELDER LAW OFFICE
625 CENTRAL AVENUE
WESTFIELD, NJ 07090