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December 29, 1999

Mr. Dale Hardy Roberts
Secretary
Missouri Public Service Commission
301 W. High Street, Room 530
Jefferson City, MO 65102

FILED²
DEC 29 1999
Missouri Public
Service Commission

RE: Case No TO-2000-374

**In the Matter of the North American Numbering Plan Administrator's Petition for Approval of
NPA Relief Plan for the 314 and 816 Area Codes**

Dear Mr. Roberts:

Enclosed for filing with the Commission is an original and 14 copies of:

**OFFICE OF THE PUBLIC COUNSEL'S MOTION FOR NOTIFICATION OF THE FILING OF
THE PETITION TO THE PUBLIC, GOVERNMENTAL OFFICIALS, AND OTHER
INTERESTED PARTIES AND FOR A REASONABLE OPPORTUNITY FOR INTERVENTION,
FOR EVIDENTIARY HEARINGS, FOR PUBLIC HEARINGS, FOR THE ESTABLISHMENT
OF A TECHNICAL COMMITTEE AND FOR AN EXTENSION OF TIME TO FILE ITS
RESPONSE AND RECOMMENDATION TO THE PETITION**

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

Very truly yours,

Michael F. Dandino
Senior Public Counsel

cc: Attorneys of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

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Missouri Public
Service Commission

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Numbering Plan Administrator's Petition)
for Approval of NPA Relief Plan for the)
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TECHNICAL COMMITTEE AND FOR AN EXTENSION OF TIME TO FILE
ITS RESPONSE AND RECOMMENDATION TO THE PETITION**

COMES NOW the Office of the Public Counsel and respectfully moves the
Missouri Public Service Commission to grant the following motions:

1. Public Counsel asks the Commission to issue a notice to the public and to state and local governmental officials in the St. Louis and Kansas City metropolitan areas and to other interested parties that may be affected by the North American Numbering Plan Administrator Neustar, Inc. (NANPA's) proposed area code relief plans in the 314 and 816 NPAs. The petition was filed without providing adequate notice to the hundreds of IXC's, the dozens of CLEC's, the alarm companies, wireless carriers, paging companies, state and local government officials of districts and communities that lie within the 314 and 816 area codes to provide these interested parties with an adequate opportunity to intervene, if

desired, or with an opportunity to comment or become informed of the proposed plans.

The plans were developed and approved by a very small segment of the telecommunications industry. According to the petition's Exhibit A, only Southwestern Bell Telephone, Sprint, Sprint PCS, Aerial Communications, Frontier, and Primary Network comprised the "consensus of the industry" which heard, discussed and finally adopted the plans in one day, November 9, 1999. The petition fails to disclose what members of the industry were invited to the meeting, how that notice was distributed or the contents of the notice and whether the proposed plans were distributed prior to the meeting. Therefore, Public Counsel believes that fundamental fairness and the public interest require adequate notice of the filing of the petition and the proposed plans so the public and interested parties can be informed and participate in the process.

2. Public Counsel asks the Commission to schedule evidentiary hearings on the proposed petition of NANPA and the plans for each NPA. The Commission has jurisdiction to hold evidentiary hearings and make the final decision on area code relief plans pursuant to Section 386.250 and Section 392.520, RSMo 1994 under its general regulatory authority over the operations of telecommunications companies in the state and over the conditions and methods of providing service. The NPA Code Relief and Planning and Notification Guidelines, Section 2.10 recognizes regulatory oversight of the NPA relief decision. This Commission in Case No. TO-95-289 and Case No. TO-98-212 adopting area code relief plans in the 314 NPA held evidentiary hearings to fully consider the views of the parties

and the issues. Public Counsel strongly anticipates that the "industry consensus" plans will not meet unanimous agreement and believes that it is in the public interest to hold evidentiary hearings on the relief plans for each NPA.

3. Public Counsel asks the Commission to schedule public hearings in the St. Louis and Kansas City metropolitan areas so that the public, civic and governmental officials and others affected by the proposed relief plans have an opportunity to comment on the proposed relief plans. These plans were developed by a small segment of the industry with no public input. Alternatives were considered and rejected, including a few geographic splits, with no input from customers, local government officials and civic and economic leaders.
4. Public Counsel asks the Commission to establish a Technical Committee of the representatives of the intervenors and interested parties to assist the Commission to evaluate relief proposals, develop alternatives, narrow issues and provide technical expertise in the implementation of the final relief plans. This process was used in TO-98-212, TO-95-289, and in TO-96-1 where the committee reviewed NXX code exhaustion in all Missouri NPAs. The Technical Committee would give a broader spectrum of views and concerns than provided by an industry only group.
5. The proposed relief plans set forth in the petition cannot be adequately addressed in a short period of time. Public Counsel joins with the Staff to request that the Commission grant Public Counsel to and including February 11, 2000 to file its response and recommendations to the proposals contained in the petition.

6. Public Counsel further suggests in support of its motions that this petition marks a major step backwards from the process this Commission adopted in 1995 for the review of NXX exhaustion in Missouri and to develop relief plans that have broad based participation and the opportunity for public input. The process used to select these "consensus" plans ignores the technical committee process used in TO-98-212 and TO-95-289 after the "industry consensus" recommendation method was rejected by the PSC. The PSC specifically initiated TO-96-1 to serve as a vehicle for the review of NXX exhaustion in Missouri. Now NANPA and the "industry" has evaded this process, limited participation, and developed plans without adequate customer and public comment and input.

7. The petition does not give any reasons for the industry to suddenly turn back the clock to the first 314 area code relief effort by submitting a "consensus" report and to abandon the process that was recently and successfully used for area code relief in 816/660, 314/636 and for unprotecting NXXs in the 816/913 areas. Public Counsel suggests that an open process with an opportunity for broad-based participation, including customers and community leaders, is the best way of addressing this issue so vital to the health, safety and welfare of the state and for the economic, civic and social life of the communities in the NPAs.

FOR THE FOREGOING REASONS, Public Counsel asks the Commission to grant its motions for notice of the filing of the petition and the opportunity to intervene, for evidentiary hearings, for public hearings, for establishing a technical committee, and for the opportunity to file a response and recommendation regarding the petition not later than February 11, 2000.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed or faxed this 29th day of December, 1999 to the following counsel of record:

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