

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
September 25 , 2001**

CASE NO: TO-2000-374

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Enclosed find certified copy of a ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office in
Jefferson City on the 25th day of
September, 2001.

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

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) **Case No. TO-2000-374**
)
)

**ORDER DELAYING IMPLEMENTATION
OF THE 314 NPA AND 816 NPA OVERLAY RELIEF PLANS AND
DISMISSING A PARTY**

Summary:

This order delays indefinitely the implementation of the 314 NPA and 816 NPA relief plans. One party's request to be dismissed is granted.

Status of Case:

On October 24, 2000, the Commission issued its Report and Order (R&O) adopting an all services distributed overlay as the method of relief for the 314 and 816 Numbering Plan Areas (NPAs). The R&O established technical and planning committees for each NPA to develop relief implementation plans and schedules. The R&O required a consensus plan and schedule to be filed and allowed for responses to the proposed plans and schedules. Plans and responses were filed. After considering these matters, the Commission approved implementation plans for the 314 NPA on December 26, 2000, and for the 816 NPA on February 15, 2001.

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On April 17, 2001, the Commission issued an Order Extending the 314 NPA and 816 NPA Relief Plan Implementation Dates. That order directed the Commission's Staff to report no later than August 31, 2001, and provide information regarding whether the implementation of NPA relief plans could be further postponed. The order allowed for all other parties to file similar reports or motions and also provided for responses to be filed no later than September 7, 2001.

The parties, individually and collectively through technical and education committees, have filed various reports, motions and responses regarding the status of NXX code usage and NPA relief in Missouri, number conservation efforts – particularly 1,000s block numbering, and the status of 1,000s block numbering at the national level.

Some parties requested additional time to file their responses and have so filed without objection. Requests to modify customer education plans and report dates have also been filed. Finally, one party has requested to withdraw from this case.

Indefinite Delay of 314 and 816 NPA Overlay Relief Plans:

On August 31, 2001, Southwestern Bell Telephone Company (Bell) filed a report on behalf of the Technical Implementation Subcommittees for the 314 and 816 NPAs recommending an indefinite delay in both the 314 and 816 NPA relief plans. The Committee proposes to file a later report regarding relief implementation when additional information becomes available.

According to the report, as of July 2001, there are 151 NXX codes available in the 314 NPA with 6 codes having been assigned in the previous seven months. NeuStar had not, as of the date of the Committee's report, updated the projected exhaust date for the 314 NPA currently shown by NeuStar as the 2Q2002. The

Committee disagrees with NeuStar's forecast and the Committee, Staff, Office of the Public Counsel (Public Counsel), Bell and Verizon Wireless all suggested NeuStar should revise the exhaust date.

According to the report, as of July 2001, there are 180 NXX codes available in the 816 NPA with 28 codes assigned in the previous seven months. NeuStar projects an exhaust date of 1Q2004 for the 816 NPA.

The Public Counsel filed suggestions in support of the Technical Committee's recommendation. The Public Counsel urged the Commission to request a new exhaust projection for the 314 NPA to assure that the present projection does not prejudice the placement of the 314 NPA in the national rollout schedule for 1,000s block number pooling. In filing in support of the Committee's recommendation, the Public Counsel effectively abandoned a previous position advocating a trigger for implementing NPA relief based upon a set number of codes available for assignment.

Staff also filed a response to the Committee's report. The Staff described the "current slow rate" of NXX utilization and concurred in the Committee's recommendation to postpone implementation of the NPA relief overlay plans. Staff recommended that it should be directed to monitor the code utilization and relief requirements along with the other parties to this case and inform the Commission when circumstances warrant scheduling implementation of the relief overlay plans.

Verizon Wireless was the only party filing comments dissenting from the Committee's report. This company suggested that the Commission should not take any action to delay the 314 NPA overlay relief plan absent action by NeuStar formally updating the projected exhaust date for the 314 NPA. On September 21, 2001, Staff

filed a report showing that NeuStar acted on September 19, 2001, and had revised the projected exhaust date for the 314 NPA from 2Q2002 to 1Q2004.

The Commission has previously approved relief implementation plans for the 314 NPA¹ and the 816 NPA.² The only matters that the Commission would need to address to implement the plans are technical issues not resolved by the technical implementation committees,³ modifications suggested by any party to customer education plans,⁴ and the scheduling of dates for permissive and mandatory dialing under the overlay relief plans.

Previously, the parties have proposed and the Commission has approved permissive dialing plans of about four months duration.⁵ Because the relief plans are approved and ready to implement and because the Commission and the parties have gained familiarity with the relief plans adopted in this proceeding, the Commission and the industry are poised to fully implement the NPA relief plans within a period of only four to six months.

The Commission finds that based upon the number of available NXX codes and current code utilization requirements that the NPA relief overlay implementation plans can be delayed indefinitely, with implementation to be taken up upon Staff's motion, the motion of the Technical Implementation Committees, or alternatively, the

¹ Order Approving the 314 NPA Relief Implementation Plan as Modified and Directing Filing, December 26, 2000.

² Order Approving 816 NPA Relief Implementation Plan and Directing Filing, February 15, 2001.

³ To this date no technical issues have been brought to the Commission.

⁴ Staff recommended on March 2, 2001, that the Commission order affected telecommunications companies to provide individual customer notice of the overlay relief plans as part of the customer education plans.

⁵ See prior Commission orders issued December 26, 2000, February 15, 2001, and April 17, 2001.

motion of any party presenting information showing that exhaust is imminent or is likely to occur within six months.

Technical issues may be brought to the Commission's attention pursuant to the procedures previously approved. The Commission also finds that customer education subcommittees for both the 314 and 816 NPAs shall file updated summaries for the respective customer education plans within 30 days of a Commission order directing implementation of the NPA overlay relief plans. Any party may move for modification of updated customer education plans after they are filed.

Motion to Withdraw:

On August 31, 2001, MPower Communications Central Corp. f/k/a Broadspan Communications, Inc. d/b/a Primary Network Communications, Inc., filed a notice withdrawing as a party. MPower shall be dismissed from this case.

All Responses and Motions Accepted and Disposed:

All responses and motions filed and late filed are accepted. All motions and requests for relief that are presently pending in this case regarding implementation of NPA relief plans are granted or denied in whole or in part and disposed consistent with this order. The Commission will address the question of implementing state 1,000s block number pooling trials in a separate order.

IT IS THEREFORE ORDERED:

1. That the permissive dialing and mandatory dialing dates for the 314 NPA (557 overlay) shall be indefinitely suspended.
2. That the permissive dialing and mandatory dialing dates for the 816 NPA (975 overlay) shall be indefinitely suspended.

3. That technical implementation issues regarding the overlay relief plans that cannot be resolved by the technical implementation subcommittees shall be brought to the Commission pursuant to the procedures established in this case.

4. That the Commission's Staff and the technical implementation subcommittees for the 314 and 816 NPAs shall monitor code usage and assignment rates and promptly move the Commission to order implementation of the overlay relief plans when exhaust is imminent or will occur within six months. Any party in this case may likewise move for the Commission's action.

5. That the education subcommittees for the 314 and 816 NPAs shall file updated summaries of the industry customer education plans within 30 days of any order by the Commission implementing an overlay relief plan.

6. That MPower Communications Central Corp. f/k/a Broadspan Communications, Inc. d/b/a Primary Network Communications, Inc., shall be dismissed from this case.

7. That all pending responses and motions filed and late filed shall be accepted and that all pending motions and requests for relief regarding implementation of NPA relief plans are granted or denied in whole or in part and fully disposed consistent with this order. The Commission will address the question of implementing state 1,000s block number pooling trials in a separate order.

8. That this order shall become effective on October 5, 2001.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Simmons, Ch., Murray, Lumpe and Gaw, CC., concur

Thornburg, Regulatory Law Judge



ALJ/Secretary: Thornburg/Boise
Date Circulated 9-20 CASE NO. 10-2000-374
KS
Simmons, Chair
Murray, Commissioner CM
Lumpke, Commissioner 46906
Gaw, Commissioner 11/16
Commissioner
Agenda Date 9-25
Action taken: 4-0 AA
Must Vote Not Later Than _____

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 25th day of Sept. 2001.

Dale Hardy Roberts
Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge



