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February 28, 2000

**FILED<sup>3</sup>**

FEB 28 2000

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

Missouri Public  
Service Commission

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

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case, please find the original and 14 copies of the **Reply Comments of the Office of the Public Counsel**. I have on this date mailed, faxed, and/or hand-delivered the appropriate number of copies to all counsel of record. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Very truly yours,

Michael F. Dandino  
Senior Public Counsel

MFD:kh

cc: Counsel of Record

Enclosure

FILED<sup>3</sup>

FEB 28 2000

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

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 )

Case No. TO-2000-374

**REPLY COMMENTS OF THE**  
**OFFICE OF THE PUBLIC COUNSEL**

1. Southwestern Bell Telephone Company (SWBT) filed a response to Public Counsel's Comments and Recommendations in this case.

2. SWBT states "OPC still does not understand the established Industry-developed NPA Relief Planning Process." (SWBT Response, p.1).

3. Public Counsel recognizes and understands this industry-developed process. Public Counsel disagrees with that process and believes that the public interest would have been better served using the Technical Committee process that was used in the 314/636 NPA relief case and in the 816/660 relief case.

4. Public Counsel does not contend that the industry-developed guidelines were not followed. Compliance with those guidelines is not an issue. The comment and point that Public Counsel wants to make to the Commission on this process subject is that the Technical Committee process that served this Commission and the public well in the last two recent NPA relief programs was the better vehicle rather than an industry meeting and recommendation.

5. SWBT complains that Public Counsel unfairly and unfavorably terms the "consensus" decision as representing only a "small segment of the industry." (Response, p. 4). Public Counsel only points out the facts of how many companies were invited and how many approved the "consensus" recommendation. The "consensus" decision was reached by the six telecommunication companies in attendance. Eighty-seven companies were identified as the industry for purposes of the meeting. By any mathematical formula 6 of 87 is a "small segment" and the opinion of six out of 87 strains the reasonable concept of "consensus" of an industry.

6. Public Counsel does not have to justify or provide any reason for not attending a meeting called and held by private companies under the private companies own rules and procedures to reach a decision solely of the members of that industry. Once again, Public Counsel believes that the Technical Committee process used previously was a superior process for equal representation, participation and recommendation of all interested parties and not just industry members.

7. The Commission should not let this debate between Public Counsel and SWBT on the most appropriate recommendation process deflect or obscure the real issue at stake and the substantive issues that need to be addressed for area code relief in 816 NPA and in the 314/636 NPAs. Public Counsel suggests that the Commission cannot make a reasonable, informed decision on the industry recommendation based upon the record before it: the petition and attached documents. Again, Public Counsel urges the Commission to examine the underlying facts and assumptions from which these recommendations arise. The Commission should fully examine alternatives to this recommendation and the proposals considered and rejected by the industry at its

November 9, 1999 meeting. But most important, the Commission must assure itself that any relief plan is necessary at this time or whether number conservation efforts can postpone the time, expense, confusion, frustration and inconvenience area code relief imposes on consumers, businesses, and the local economy as well as the telecommunications companies.

It is Public Counsel's desire to see the Commission avoid adding new area codes to 816 or 314/636 whether by overlay or geographic split. But if the facts and the reasonable assumptions and projections compel that unpopular action, then the Commission should have a complete and sound record for its decision making, with broad-based participation, ample opportunity for public and community comment and a full and complete investigation of the operative material facts. The decision needs to be made as soon as practical, but it should not be limited solely to a yea or nay on the industry recommendation contained in Neustar's petition. The public interest requires a timely, reasoned and deliberate approach and not a rush to react to the industry's recommendation.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

BY: 

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## CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been faxed, mailed, or hand-delivered to the following counsel of record on this 28th day of February, 2000:

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