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February 24, 2000

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
301 West High Street, Floor 5A  
Jefferson City, Missouri 65101

Re: Case No. TO-2000-374

**FILED<sup>2</sup>**  
FEB 24 2000  
Missouri Public  
Service Commission

Dear Judge Roberts:

Enclosed for filing with the Missouri Public Service Commission in the above-referenced case is an original and 14 copies of Southwestern Bell Telephone Company's Response to the Office of the Public Counsel's Comments and Recommendations.

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

Very truly yours,

*Mimi B. MacDonald / TM*

Mimi B. MacDonald

Enclosure

cc: Attorneys of Record

FILED<sup>2</sup>

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FEB 24 2000

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

**SOUTHWESTERN BELL TELEPHONE COMPANY'S RESPONSE TO THE OFFICE  
OF THE PUBLIC COUNSEL'S COMMENTS AND RECOMMENDATIONS**

Comes now Southwestern Bell Telephone Company ("SWBT") and, for its Response to the Office of the Public Counsel's ("OPC") Comments and Recommendations, states as follows:

1. On December 29, 1999, the OPC filed its 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 ("OPC's Motion").

2. On January 10, 2000, SWBT filed its Response to OPC's Motion.

3. On February 14, 2000, OPC filed its Comments and Recommendations.

4. It appears that the OPC still does not understand the established Industry-developed NPA Relief Planning Process. This Commission has, pursuant to a prior FCC decision, accepted this process which specifically contemplated the development of an industry proposal which is then submitted to this Commission for approval. The process was conducted in full compliance with applicable guidelines, resulting in the development of a Relief Plan for presentation to the Commission. At this stage, the Commission has the option to conduct any proceedings as it deems appropriate. As indicated in SWBT's Response to OPC's Motion, SWBT supports the issuance of a notice to the public and to the state and local governmental officials in the St. Louis and Kansas City metropolitan areas that may be affected by NANPA's

proposed area code Relief Plans in the 314 and 816 NPAs. Moreover, SWBT has no objection to the Commission scheduling evidentiary hearings and/or public hearings regarding NANPA's proposed NPA Code Relief Plan. However, SWBT objects to OPC's blatant mischaracterization of the NPA Relief Planning Process. It is, quite simply, inappropriate for the OPC and others to criticize the Industry recommendation regarding NPA relief when they chose not to participate in the process despite express invitations to do so.

5. In SWBT's Response to OPC's Motion, SWBT provided a detailed description of the process that led the North American Numbering Plan Administrator, NeuStar, referred to as NANPA, to file the Petition of the North American Numbering Plan Administrator on Behalf of the Missouri Telecommunications Industry. In summary, the genesis of the process and how it works is described below.

(a) In response to an Order handed down by the FCC in In the Matter of the Administration of the North American Numbering Plan, CC92-237 (released July 13, 1995), this Commission opted to allow NANPA to develop NPA Code Relief Plans.

(b) The Telecommunications Industry and NANPA developed the NPA Code Relief Planning and Notification Guidelines. Under these guidelines, NANPA is responsible for preparing a Relief Plan for each NPA expected to exhaust within the next five to ten years.

(c) In order to prepare a Relief Plan, NANPA is required to: (1) project when the NPA is expected to exhaust; (2) identify possible NPA relief alternatives and methods; (3) list and quantify the impacts of the relief alternatives; (4) incorporate the results from these efforts into an initial Planning Document for distribution to the Industry in the affected NPA; (5) notify Industry members of future meetings to discuss alternative relief methods with the goal of reaching Industry Consensus on a Relief Plan; (6) conduct Industry meetings and/or conference

calls with all interested members of the Industry; and (7) submit the Industry Consensus to the appropriate regulatory body.

6. NANPA fully complied with the NPA Code Relief Planning and Notification Guidelines. It notified all Code Holders<sup>1</sup>, those it expected to become Code Holders, other parties who expressed an interest, and the OPC (collectively referred to as "Potentially Interested Parties"), of a Relief Planning meeting that was scheduled for November 9, 1999. Certain Potentially Interested Parties, including SWBT, attended the November 9, 1999 meeting. Although OPC was notified of the meeting, it elected not to attend.

7. Additionally, NANPA notified all Potentially Interested Parties that it was going to hold a conference call on December 1, 1999, in order to approve the minutes of the November 9, 1999 meeting, refine the motion NANPA was going to file with this Commission, and obtain additional input. Once again, although OPC was specifically invited to participate in this telephone conference, it elected not to do so.

8. OPC attempts to justify its failure to attend the November 9, 1999 meeting and/or the December 1, 1999 conference call on the basis:

Public Counsel did not have a vote and was consigned to the status of an observer with no substantial role. Review and correction of minutes of a past meeting seemed a pointless exercise.

(See OPC's Comments and Recommendations, page 5). OPC cannot know what role it would have had at the November 9, 1999 meeting and/or the December 1, 1999 conference call since it failed to attend. Moreover, the clear intent of NANPA's invitation to all Potentially Interested Parties to attend the November 9, 1999 meeting and/or December 1, 1999 conference call was to

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<sup>1</sup> The entity to whom a CO code (NNX/NXX) has been assigned for use at a Switching Entity or Point of Interconnection it owns or control.

allow OPC to provide any input to the Industry that it deemed necessary before the Industry reached its consensus.

9. In its current Comments and Recommendations, OPC alleges that the Relief Plan was developed and approved by a very small segment of the Telecommunications Industry. All Potentially Interested Parties were invited to the November 9, 1999 meeting and the December 1, 1999 conference call. SWBT objects to OPC's repeated blatant attempts to cast those Potentially Interested Parties who cared enough to participate in this meeting and conference call in an unfavorable light.

10. SWBT supported the Industry-developed NPA Relief Planning Process under which the Industry presents its Consensus to the applicable regulatory body, here this Commission. This process in no way prevents this Commission from seeking input before approving or rejecting NANPA's proposed Relief Plans.

11. Finally, SWBT again respectfully reminds the Commission that NANPA forecasts the exhaust of the 314 and 816 NPA Codes during 2001. Additionally, NANPA respectfully requested the Commission to approve the Industry's recommended relief plans for the 314 and 816 NPAs no later than March 1, 2000. Although it is apparent that this March 1, 2000 proposed deadline is not achievable, SWBT respectfully requests a decision as soon as is practical so that a Relief Plan may be implemented before the 314 and 816 NPAs are in a jeopardy situation.

Respectfully submitted,

BY Mimi B. MacDonald /tm

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**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by first-class, postage prepaid, U.S. Mail on February 24, 2000.

Mimi B. MacDonald /tm

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