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Chair

M. DIANNE DRAINER  
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ROBERT G. SCHEMENAUER

KELVIN L. SIMMONS

Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>

April 5, 2001

BRIAN D. KINKADE  
Executive Director

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Director, Research and Public Affairs

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Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. KOLILIS  
Director, Administration

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

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

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

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of the **STAFF'S RESPONSE TO OFFICE OF THE PUBLIC COUNSEL'S MOTIONS REGARDING THE 314 AND 816 NPAs AND STAFF'S ADDITIONAL REPORT ON POOLING.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

*Wm K Haas*

William K. Haas  
Deputy General Counsel  
(573) 751-7510  
(573) 751-9285 (Fax)

WKH:sw  
Enclosure  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

APR 5 2001

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

**STAFF'S RESPONSE TO OFFICE OF THE PUBLIC COUNSEL'S MOTIONS REGARDING THE 314  
AND 816 NPAS AND STAFF'S ADDITIONAL REPORT ON POOLING**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its response and additional report states:

1. On July 20, 2000, the Federal Communications Commission (FCC) granted authority to the Missouri Commission to implement thousands-block number pooling in the 314 Numbering Plan Area (NPA).
2. On August 3, 2000, the Office of the Public Counsel (OPC) filed a Motion Requesting Commission to Petition FCC for Number Pooling Authority in 816 NPA.
3. On September 13, 2000, the Missouri Public Service Commission (Commission) filed with the FCC a Petition for Delegation of Authority to Implement Number Pooling in the 816 Area Code, which asked the FCC to transfer the delegated authority from the 314 area code to the 816 area code.
4. On October 24, 2000, the Commission issued its Report and Order adopting an all services distributed overlay as the method of relief for the 314 and 816 NPAs.
5. On December 26, 2000, the Commission issued an Order approving the 314 NPA relief implementation plan as modified with a permissive dialing period beginning on June 2,

2001, and mandatory dialing beginning on October 6, 2001. On February 15, 2001, the Commission issued an Order approving the proposed 816 NPA relief implementation schedule with a permissive dialing period beginning October 20, 2001, and mandatory dialing beginning on February 16, 2002.

6. On March 14, 2001, the FCC released an Order in CC Docket No. 99-200 conditionally granting the Missouri Commission the authority to implement a thousands-block number pooling trial in the 816 NPA.

7. On March 22, 2001, the Staff filed a Report with the Commission stating the Staff's intention to file an additional report with the Commission on April 6, 2001, concerning the feasibility of proceeding to implement a thousands-block number pooling trial in the 816 NPA.

8. On March 26, 2001, the Office of the Public Counsel (OPC) filed a motion requesting the Commission to delay the effective dates of the permissive and mandatory dialing periods for the 816 NPA relief plan and to commence the process for number pooling in the 816 NPA. According to 4 CSR 240-2.080(16), responsive pleadings are due by April 5, 2001. On March 27, 2001, OPC filed a motion requesting the Commission to delay the effective dates of the permissive and mandatory dialing periods for the 314 NPA relief plan and to direct the Staff to study and report on the feasibility for a 314 NPA number pooling project. According to 4 CSR 240-2.080(16), responsive pleadings to this latter motion are due by April 6, 2001.

9. The Staff concurs with OPC's motion to delay implementation of the 314 and 816 NPA relief plans. As OPC notes, due both to the reclamation of unused codes (NXXs) and to decreasing code assignments, the number of available codes has remained relatively static. There were 174 NXXs available for assignment in the 816 NPA as of June 26, 2000, and 175

NXXs were available as of February 2001. Likewise there were 160 NXXs available for assignment in the 314 NPA as of June 26, 2000, and 144 codes were available for assignment as of February 2001.

10. According to informal contacts, the FCC expects to select a National Pooling Administrator by the end of April 2001. The National Pooling Administrator, once selected, is required to establish and submit the initial rollout schedule to the FCC's Common Carrier Bureau within sixty days; then parties are allowed thirty days to comment. (Report and Order, CC Docket No. 99-200, Released: March 31, 2000, Paragraph 166). Accordingly, the Staff anticipates the initial rollout schedule should be known in August 2001.

11. The Staff recommends the Commission delay the implementation of the effective dates of the permissive and mandatory dialing periods by seven months. The technical committee should be directed to propose new dates taking into consideration other NPA relief plans that are scheduled for implementation during those time frames. The parties should be directed to file pleadings on August 31, 2001, which is after the initial rollout schedule should be known, to recommend whether relief implementation may be extended again for either the 314 or 816 NPAs. The industry would need a minimum of six weeks after a Commission order for customer education and network provisioning before the start of the permissive dialing period.

12. The FCC appears to be moving ahead with national pooling. As noted in Staff's Report on FCC Pooling Order, filed on March 22, 2001, the FCC is in the process of reviewing the bids with a potential award date sometime in April. According to the North American Numbering Council, Thousands Block Pooling Administrator Technical Requirements, July 18, 2000, page 17, the National Pooling Administrator is to identify the NPAs in the top 100 Metropolitan Statistical Areas (MSAs), states with pooling trials initiated pursuant to delegated

authority from the FCC, the projected exhaust dates for the NPAs, and the jeopardy NPAs from NANPA. Once selected, the National Pooling Administrator is required to establish the first quarter rollout schedule and submit the schedule to the FCC's Common Carrier Bureau. The FCC's Common Carrier Bureau has to approve the schedule within 60 days. The Pooling Administrator will submit to the Common Carrier Bureau the roll-out schedule for each subsequent quarter approximately 90 days before the effective date of the schedule.

13. Overall, the National Pooling Administrator has nine months from the date of being selected to begin the implementation of number pooling, (FCC Report and Order and Further Notice of Proposed Rulemaking, released on March 31, 2000, in CC Docket No. 99-200, Paragraph 161). Assuming the FCC makes its selection on or before May 1, 2001, the Staff anticipates the National Pooling Administrator will begin implementing number pooling on February 1, 2002.

14. According to the FCC's March 31, 2000 Order, Paragraph 161, the national rollout schedule will be divided in three month segments, with the first round of implementation beginning nine months after the selection of the National Pooling Administrator. The schedule for each quarter will contain three NPAs from each of the seven Number Portability Administration Center regions that are within the 100 largest MSAs. (The Southwest region includes Missouri, Arkansas, Oklahoma, Kansas, and Texas.) The FCC anticipates at least twenty-one NPAs will be pooled each quarter. The selection of which NPAs will be placed in the initial rollout schedule will be based on three categories: (1) NPAs that were initially pooled or scheduled to be pooled pursuant to the FCC's delegations of pooling authority to state commissions; (2) jeopardy NPAs in the largest 100 MSAs which have a life of one year or more; and (3) new NPAs.

15. Staff anticipates both the 314 and 816 NPAs should receive a high priority in the national pooling schedule. According to the Thousands Block Pooling Administrator Technical Requirements, July 18, 2000, St. Louis and Kansas City are the third and fourth largest MSAs, respectively, in the Southwest region. The projected exhaust dates for the 314 and 816 NPAs have not been updated since the Fall of 1999 and do not accurately reflect the current trend of code utilization. Projected exhaust dates, if not revised, could impact the priority for implementing pooling in the national pooling schedule.

16. Once pooling is implemented in a state, a state may expand pooling to another MSA (i.e., from 816 NPA to 314 NPA) only after having implemented thousands block number pooling in the initial MSA and after allowing carriers sufficient time to undertake necessary steps to accommodate thousands block number pooling, such as modifying data bases and upgrading switch software (Paragraph 14, FCC March 14, 2001 Order).

17. To investigate the feasibility of proceeding to implement a pooling trial in Missouri, the Staff has contacted other state commissions and other states' pooling administrators. According to these contacts, it appears that a state pooling trial could possibly be commenced about six months after selection of a state pooling administrator. Also, the Staff is reviewing other states' documents pertaining to state pooling trials.

18. Paragraph 20 of the FCC's March 14, 2001 Order states that "[b]ecause the FCC's national cost recovery plan will not be in effect until national thousands-block pooling implementation occurs, states conducting their own pooling trials must develop their own cost recovery mechanisms for the joint and carrier-specific costs of implementing and administering pooling trials within their states." To the best of the Staff's knowledge, no state has yet developed its own cost recovery mechanisms. Cost recovery is an issue that a state commission

will have to ultimately address in order to implement a state pooling trial. If pooling is implemented at the state level, all pooling costs will be considered as state costs and it will be an obligation of the state to provide for the recovery of those costs. When the federal program rolls out, the federal cost recovery mechanism will not provide for recovery of state-sponsored pooling trial costs. It is Staff's understanding that other states are opening new dockets to address cost recovery once state pooling trials are implemented and established. In contrast, according to the FCC, cost recovery for the National Pooling Administrator will be solely addressed in the interstate jurisdiction.

19. The timing of selecting a pooling administrator at the state level that is different from the National Pooling Administrator may also be an issue. For example, it is unclear how a state pooling trial will proceed should a state commission select a pooling administrator that is different from the National Pooling Administrator. It is expected that state pooling administrators will easily transfer pooling responsibilities over to the National Pooling Administrator, once the National Pooling Administrator is selected. Nevertheless, the anticipated timeline for implementing a state sponsored pooling trial may be delayed if the administrator of the pooling trial needs to be changed.

20. At this time it is unclear whether a state pooling trial could be implemented significantly before the anticipated timeline for the national pooling implementation schedule. A state-initiated pooling trial could potentially be implemented a few months before national pooling; however such a prediction assumes a pooling administrator can be selected quickly without going through the usual Request For Proposals process. In addition, such a prediction assumes pooling administration will not be delayed if the Missouri Commission selects a different administrator than the National Pooling Administrator. Given the impending selection

of the National Pooling Administrator within the next few weeks, Staff recommends waiting for the selection of the National Pooling Administrator. However, should the Commission wish to proceed with a state pooling trial, the next step would be for the Commission to direct the Staff to review vendor proposals and make a recommendation for a state pooling administrator. Once an order is issued by the Commission, the state pooling administrator works with the North American Portability Management LLC to develop a contract between the pooling administrator and the industry. State commissions are not a party to such contracts.

WHEREFORE, the Staff requests the Commission to delay implementation of the 314 and 816 NPA relief plans. The Staff further requests the Commission defer ruling on OPC's motions concerning a state pooling trial.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



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William K. Haas  
Deputy General Counsel  
Missouri Bar No. 28701

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-7510 (Telephone)  
(573) 751-9285 (Fax)  
e-mail: [whaas01@mail.state.mo.us](mailto:whaas01@mail.state.mo.us)



## Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 5<sup>th</sup> day of April, 2001.

Wm K Haas

**Service List for**  
**Case No. TO-2000-374**  
**Revised: April 5, 2001 (SW)**

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

James F. Mauze/Thomas E. Pulliam  
Ottsen, Mauze & Leggat  
Midvale Building  
112 South Hanley  
St. Louis, MO 63105

James M. Fischer/Larry W. Dority  
Attorney at Law  
101 West McCarty Street, Suite 215  
Jefferson City, MO 65101

Doug Galloway  
Sprint Missouri, Inc.  
319 Madison Street  
P.O. Box 1024  
Jefferson City, MO 65102

Paul S. DeFord  
Lathrop & Gage  
2345 Grand Boulevard, Suite 2500  
Kansas City, MO 64108

Peter Mirakian, III/Wendy E. DeBoer  
Spencer, Fane, Britt & Browne, LLP  
1000 Walnut Street, Suite 1400  
Kansas City, MO 64106

Cheryl Tritt/Kimberly Wheeler/Lee Adams  
Morrison & Foerster, LLP  
2000 Pennsylvania Ave., NW Ste. 5500  
Washington, D.C. 20006

Craig S. Johnson  
Andereck, Evans, Milne, Peace & Baumhoer  
301 E. McCarty Street  
P.O. Box 1438  
Jefferson City, MO 65102

Paul G. Lane/Leo J. Bub/  
Anthony Conroy/Mimi B. MacDonald  
Southwestern Bell Telephone Company  
One Bell Center, Room 3520  
St. Louis, MO 63101-1976

Linda K. Gardner  
Sprint Missouri, Inc.  
5454 W. 110th Street, 10th Floor  
Overland Park, KS 66211

Kevin K. Zarling  
AT&T Communications  
919 Congress, Suite 900  
Austin, TX 78701

Carl J. Lumley/Leland B. Curtis  
Curtis, Oetting, Heinz, Garrett & Soule  
130 S. Bemiston, Suite 200  
Clayton, MO 63105

Edward J. Cadieux/Carol Keith  
Gabriel Communications, Inc.  
16090 Swingley Ridge Road  
Chesterfield, MO 63006

Mark W. Comley  
Newman, Comley & Ruth, P.C.  
601 Monroe Street, Suite 301  
Jefferson City, MO 65101

W. R. England, III  
Brydon, Swearngen & England P.C.  
312 E. Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456

Kenneth L. Judd  
Southwestern Bell Wireless Inc.  
13075 Manchester Road, 100N  
St. Louis, MO 63131