

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of Socket)
Telecom, LLC For Review and Reversal)
Of North American Number Plan)
Administrator's Decision to Withhold) Case No. _____
Numbering Resources and Motion for)
Expedited Treatment)

**SOCKET TELECOM, LLC's APPLICATION AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW Socket Telecom, LLC ("Socket") and files this verified Application and Motion for Expedited Treatment, pursuant to 4 CSR 240-2.060, 4 CSR 240-2.080(16), and 47 C.F.R. 52.15 and respectfully requests the Missouri Public Service Commission ("Commission") to issue an expedited order that reviews and reverses the recent denial by NeuStar, Inc. ("NeuStar", "Pooling Administrator" or "PA") of Socket's Application for blocks of telephone numbers. In addition, Socket specifically requests that the Commission direct the PA to immediately release the requested blocks of telephone numbers to Socket.

In support of its Application, Socket states as follows:

1. Socket is a competitive facilities-based telecommunications company duly incorporated and existing under and by virtue of the laws of the State of Missouri, as a limited liability company. Its principal Missouri offices are currently located at 1005 Cherry Street, Suite 104, Columbia, Missouri 65201, and it can be reached as follows: telephone - 573-256-6200, FAX - 573-256-6201, e-mail: rmkohly@sockettelecom.com. Socket is an authorized provider of intrastate switched and non-switched local exchange and interexchange telecommunications

services in Missouri under certificates granted and tariffs approved by the Commission. Socket is also an authorized provider of interstate telecommunications services in Missouri under the jurisdiction of the Federal Communications Commission. A certificate of good standing from the Missouri Secretary of State is attached hereto.

2. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Carl J. Lumley
Leland B. Curtis
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
314-725-8788
314-725-8789 (FAX)
clumley@lawfirmemail.com
lcurtis@lawfirmemail.com

3. Socket needs to obtain a second Local Routing Number (LRN) in the Springfield LATA, LATA 522. A LRN is a 10-digit number, in the format NPA-NXX-XXXX, that uniquely identifies a switch or point of interconnection (POI). The NPA-NXX portion of the LRN is used to route calls to numbers that have been ported. The second LRN is necessary so that terminating long distance calls may be properly routed to Socket's network facilities and ultimately Socket's local customers via Socket's POI with SBC in the Springfield rate center. Without this LRN, Socket is unable to provide telecommunications service to satisfy customer requests. In order to obtain the necessary LRN, Socket must obtain additional numbering resources in the form of an additional NPA-NXX code that is assigned to Socket in the Local Exchange Routing Guide

("LERG"). Requesting additional numbering resources to establish an LRN is justified¹. In order to conserve numbering resources, Socket will return nine of the ten 1,000 blocks of numbers back so that they can be assigned to other carriers.

4. The Springfield rate center resides in the 417 Area Code and was converted to Number Pooling as authorized by the FCC. Consequently, access to new telephone numbers by a Number Pooling carrier, such as Socket, is obtained by submitting such requests to the PA.²

5. On April 28, 2005, Socket submitted a "Thousand Block Application Form Part 1A", and a "Months to Exhaust and Utilization Certification Worksheet - TN Level" ("MTE and Utilization") to the PA. Socket requested a one-thousand block of telephone numbers in a single NXX in the Springfield rate center from the PA.³

6. Socket submitted its application to the PA via the electronic PAS process, as required. Upon entering the MTE and Utilization information, Socket received an error message indicating the request would not process through the system without a state waiver⁴. The PA applies the FCC rules and INC Guidelines. These rules and guidelines require that a block holder (e.g., Socket) that is requesting additional telephone numbers demonstrate that existing telephone numbers within the rate center will both exhaust within 6 months, and are at the 75% utilization level. The error message received by Socket indicated a failure by Socket to meet the MTE and Utilization level.

7. Although Socket has an adequate supply of telephone numbers to satisfy incremental service requests without receiving a new block of numbers, Socket is unable to meet customer needs without receiving the additional numbering resources necessary to establish a LRN

¹ <http://www.atis.org/inc/docs/finaldocs/LRN-Assignment-Practices-Final-Document-1-23-04.doc>

² The federal rules in 47 C.F.R. 52.15 set forth generally the responsibilities of NANPA and the PA under the heading "Central office code administration".

³ A copy of the Part 1A and MTE worksheet are appended hereto as Exhibit A.

⁴ A copy of the error message attached as Exhibit B.

to reflect its Point of Interconnection with SBC in the Springfield exchange. Absent this LRN, Socket is unable to rely upon ported customer numbers to serve customers. Customer orders are currently on hold because of this problem.

8. In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and the PA to handle numbering resource administration.⁵ If a numbering resource administrator withholds numbering resources from a carrier, the FCC has specifically authorized state commissions to overturn those decisions for reasonable cause. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R. 52.15(g)(4), which states:

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an Operating Company Number (OCN). The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. **The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.** (Emphasis added.)

In addition, the FCC through the INC Guidelines provides that appropriate regulatory authorities may review the PA's decision to deny a request for numbering resources. See Industry Numbering

⁵ 47 C.F.R. 52.15(a) states: "Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission." 47 C.F.R. 52.20(d) states: "The Pooling Administrator shall be a non-governmental entity that is impartial and not aligned with any particular telecommunications industry segment, and shall comply with the same neutrality requirements that the NANPA is subject to under this part."

Committee's Thousands-Block Number (NXX-X) Pooling Administration Guidelines ("TBPAG"), Sections 3.7 and 12(c).

9. The FCC has also clarified in a Numbering Resource Optimization Order⁶ (paragraphs 57-66) that carriers may now appeal to states as a "safety valve" mechanism. As is noted in the following, the FCC contemplated the need to, and gave states the ability to, respond when a denial of access to numbering resources failed to consider a specific customer request:

We also agree with WinStar that a carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific customer request. We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center. States may not accommodate requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers. Any numbering resources granted for this reason may be initially activated only to serve the requesting customer for whom the application was made. If the customer request is withdrawn or declined, the requesting carrier must return the numbering resources to the NANPA or Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements.⁷

10. An essential aspect of the "safety valve" provision is the accelerated response needed to comply according to the FCC's order. States should act upon such a request in most instances in 10 business days, as noted by the FCC :

Finally, we recognize that in many instances, the failure to address a request for additional numbering resources can impair a carrier's ability to stay in or expand business. We therefore direct states to act on carrier requests for a safety valve as expeditiously as possible. Although we do not establish a specific time limit for states to act on these requests, we believe that, in most instances, 10 business days from receipt of a request

⁶ In the Matter of Numbering Resource Optimization, et al., CC Docket Nos. 99-200 and 96-98, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 ("Third NRO").

⁷ Id. at ¶64.

that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests. If a state does not reach a decision on a safety valve request within a reasonable timeframe, carriers may submit such requests to the Commission for resolution. In addition, carriers may appeal to the Commission safety valve decisions made by states, and we delegate authority to the Common Carrier Bureau to review such petitions as expeditiously as possible⁸

11. Accordingly, pursuant to 47 C.F.R. 52.15(g)(4), the Thousands-Block Number (NXX-X) Pooling Administration Guidelines and the Central Office Code (NXX) Assignment Guidelines published by the Industry Numbering Committee ("INC")⁹, Socket seeks the Missouri Commission's expeditious reversal of NANPA's decision to withhold the numbering resources requested by Socket, as Socket is unable to satisfy verifiable numbering resources needs as requested by its customers and cannot provision the services requested by customers without such action by the Commission. As demonstrated above, the FCC permits such assistance from the Missouri Commission in order to meet specific customer demands. Socket has exhausted all other available remedies.

12. This Commission has previously overturned NANPA's decision to withhold numbering resources in similar situations in an expeditious manner. See Order Granting Additional Numbering Resources, In the Matter of the Application of GTE Midwest Incorporated d/b/a Verizon Midwest For Review and Reversal of North American Number Plan Administrator's Decision To Withhold Numbering Resources, Case No. TO-2002-481, June 20, 2002 and ORDER GRANTING ADDITIONAL NUMBERING RESOURCES, In the Matter of the Application of Southwestern Bell Telephone, L.P. d/b/a SBC Missouri, for Review and Reversal of the North American Numbering Plan Administrator's Decision to Withhold Numbering Resources, Case No. TO-2005-0312, April 19, 2005.

⁸ Id. at ¶ 66.

⁹ INC Guidelines may be found at the following Internet link: <http://www.atis.org/atis/clc/INC/incodcs.htm>

13. Any communications with the PA in this matter may be brought to the attention of the Pooling Administrator responsible for pooling in the state of Missouri:

Ms. Andrea Velilla, Pooling Administrator
NeuStar, Inc.
1800 Sutter Street, Suite 780
Concord, CA 94502
(925) 363-7650
email: andrea.velilla@neustar.biz

14. Socket does not have any pending or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment, or decision has occurred within three (3) years of the date of this Application.

15. Socket has no overdue annual reports or assessment fees.

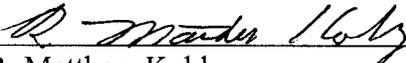
16. Socket requests that the Commission act upon this Application within 10 business days as recommended by the FCC, or as soon thereafter as possible. An expedited decision herein is essential as Socket is unable to fully utilize its network facilities and provide services without the requested relief. There will be no negative effects from expedited action by the Commission. Socket submits that it would be in the best interests of its customers and the general public if the Commission acts as soon as possible. Socket has filed its applicable as soon as possible under the circumstances.

WHEREFORE, based on the foregoing Socket respectfully requests the Commission to expedite its review and issue its orders in this case as soon as possible overturning NANPA's previous determination denying Socket access to additional numbering resources, and instruct NANPA to release the numbering resources necessary to satisfy the request submitted by Socket for its Missouri local exchange customers.

STATE OF MISSOURI)
)
COUNTY OF BOONE) SS.

VERIFICATION

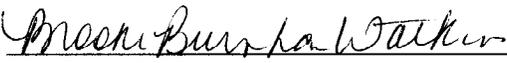
I, R. MATTHEW KOHLY, first being duly sworn, state on my oath that I am over the age of twenty-one years, sound of mind, and an employee of Socket Telecom, LLC. I am authorized to act on behalf of Socket Telecom, LLC, regarding the foregoing document. I have read the foregoing document and I am informed and believe that the matters contained therein are true. Further, I hereby confirm that Carl J. Lumley, Leland B. Curtis, and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, Clayton, Missouri 63105, are authorized to sign all pleadings and documents necessary to obtain the decision of the Missouri Public Service Commission on the foregoing document, and to represent Socket Telecom, LLC in this proceeding.



R. Matthew Kohly

On this 2nd day of May, 2005, before me, a Notary Public, personally appeared R. Matthew Kohly, and being first duly sworn upon his oath stated that he is over twenty-one years, sound of mind and an employee of Socket Telecom, LLC, he signed the foregoing document as an employee of Socket Telecom, LLC, and the facts contained therein are true and correct according to the best of his information, knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above-written.



Notary Public

My Commission Expires: October 24 2008

BROOKE BURNHAM WATKINS
Notary Public - Notary Seal
STATE OF MISSOURI
County of Boone
My Commission Expires October 20, 2008
Commission # 04521141

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was e-mailed this 2nd day of May, 2005,
to:

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/s/ Carl J. Lumley
