

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of	)	
Southwestern Bell Telephone, L.P., d/b/a	)	
SBC Missouri, For Review and Reversal	)	Case No. _____
of North American Number Plan	)	
Administrator's Decision To Withhold	)	
Numbering Resources.	)	

**SBC MISSOURI'S APPLICATION  
FOR ASSIGNMENT OF NXX CODES  
AND MOTION FOR EXPEDITED TREATMENT**

SBC Missouri,<sup>1</sup> pursuant to 4 CSR 240-2.060, 4 CSR 240-2.080(16), and 47 C.F.R. 52.15(g)(3)(iv), respectfully requests the Missouri Public Service Commission ("Commission") to review and reverse the North American Numbering Plan Administrator's ("NANPA's")<sup>2</sup> recent decision withholding telephone numbers SBC Missouri needs to serve the needs of St. John's Mercy Medical Center. In support of its Application, SBC Missouri states:

1. SBC Missouri is a Texas limited partnership, duly authorized to conduct business in Missouri, with its principal Missouri office at One SBC Center, Room 3500, St. Louis, Missouri 63101. SBC Missouri's telephone number is 314-235-2508 and its fax number is 314-247-0014. SBC Missouri is authorized to do business in Missouri and its fictitious name is duly registered with the Missouri Secretary of State. SBC Missouri is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases are defined in Section 386.020, RSMo. 2000.

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

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<sup>1</sup> Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri" or "SBC."

<sup>2</sup> NeuStar, Inc. currently serves as the North American Numbering Plan Administrator.

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3. St. John's Mercy Medical Center is located in west St. Louis County, Missouri and is the second largest private hospital in the Metropolitan St. Louis area. St. John's Mercy Medical Center operates the only Level I Trauma Center and Level III Neonatal Intensive Care Unit in St. Louis County. St. John's Mercy Medical Center is also a state-certificated shared tenant service provider that offers telecommunications service to physicians that maintain offices on its campus. SBC Missouri provides telecommunication service to St. John's Mercy Medical Center through SBC Missouri's Ladue Rate Center in the St. Louis Metropolitan exchange.

4. St. John's Mercy Medical Center is currently engaged in major construction projects to substantially expand its health care facilities at its west St. Louis County campus. It has this month just opened its recently constructed Cancer Center. It is in the process of opening two additional patient room floors in its main hospital building. And it will soon begin construction of a new Heart Center on its main campus. And its approved master plan calls for the future construction of an additional medical office and outpatient facility and a new inpatient tower. From a telecommunications perspective, this growth cannot be accommodated within St. John's Mercy Medical Center's current inventory of Direct Inward Dial ("DID") numbers, which have been assigned to it from a hodgepodge of four different central office NPA-NXX<sup>3</sup> codes.

5. Rather than acquiring additional scattered numbers -- potentially being drawn from a fifth NPA-NXX code -- St. John's Mercy Medical Center has placed an order with SBC

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<sup>3</sup> "NPA-NXX" refer to the first six digits of a ten digit telephone number, with the first three being the Numbering Plan Area ("NPA"), commonly known as the area code.

Missouri to purchase DID service with a full uncontaminated NPA-NXX code of telephone numbers. Initially, the new numbers will be used to replace 3,200 DID numbers and convert 3,500 extension numbers to DID number. In connection with this order, St. John's Mercy Medical Center has indicated that it will return the majority of its existing numbering resources for SBC Missouri to use with other customers. These number resources would be returned after St. John's Mercy Medical Center has transitioned various portions of its campus telephone network to the new code, and after an appropriate aging period.

6. In addition to satisfying its immediate and future growth needs, dedicating an NXX code to St. John's Mercy Medical Center will help unify its campus telephone system and reduce confusion and difficulty its staff and patients and their friends and family currently encounter in dialing telephone numbers for health care services and to reach their loved ones caused by the multiple NPA-NXX codes currently in use on its campus. St. John's Mercy Medical Center has expressed a preference for the 314-332 central office code, or if that code is not available, a code with a prefix ending of "XX2" (i.e., 314-XX2). A copy of a letter from David D. Conover, Telecommunications Manager, St. John's Mercy Health Care, dated October 1, 2003, is attached as Exhibit 1.

7. On September 3, 2003, SBC Missouri submitted a Central Office Code Assignment Request to NANPA ("Application") for the assignment of NPA-NXX resources necessary to meet St. John's Mercy Medical Center's request. A copy of the Application is attached as Exhibit 2. SBC Missouri completed the Application in accordance with the Industry Numbering Committee's Central Office Code Assignment Guidelines and filled out the necessary Months to Exhaust and Utilization Certification Worksheet, which is attached as Exhibit 3.

8. SBC Missouri submitted the request for the new central office code because SBC Missouri does not have the full NPA-NXX code St. John's Mercy Medical Center needs within the Ladue rate center.

9. On or about September 3, 2003, NANPA denied the request on the grounds that SBC Missouri had not met the rate center-based months-to-exhaust criteria set forth by the FCC. That decision is attached as Exhibit 4.

10. Under existing procedures, NANPA has asserted that it is required to accept or reject an application for resources based solely on the FCC numerical criteria. However, the FCC's March 31, 2000 Order in its Number Resource Optimization docket states that a carrier may challenge a resource denial before the appropriate state regulatory commission and the state commission may choose to affirm or overturn NANPA's decision to withhold numbering resources.<sup>4</sup> Thus, the Missouri Commission has the authority to "affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein."<sup>5</sup> Moreover, the FCC has determined that states may overturn the NANPA's decision to withhold numbering resources from the carrier where there is a verifiable need for the carrier to satisfy 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.<sup>6</sup>

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<sup>4</sup> Report and Order and Further Notice of Proposed Rule Making, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, March 31, 2000, Appendix A; see also, 47 C.F.R. 52.15(g)(3)(iv) (attached as Exhibit 5).

<sup>5</sup> Id.

<sup>6</sup> Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the

The FCC explained that a: "[c]arrier may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center."<sup>7</sup> The FCC further explained that states "may grant requests for customers seeking contiguous blocks of numbers."<sup>8</sup>

11. Although the FCC declined to establish a specific time frame for states to act on these requests, the FCC indicated that "in most instances, 10 business days from receipt of a request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests."<sup>9</sup>

12. SBC Missouri seeks the Commission's direction to overturn NANPA's decision to withhold numbering resources. The FCC permits such direction in order to meet specific customer demands. This Commission has previously overturned NANPA's decision to withhold numbering resources.<sup>10</sup>

13. The Office of Public Counsel ("OPC") supports this request. As indicated in the attached letter from Barbara A. Meisenheimer, OPC's Chief Utility Economist:

Public Counsel believes that the request has considerable merit as it advances the proper use of numbering resources and addresses the Medical Center's specific consumer needs to provide efficient and easy-to-use telecommunications service throughout the entire medical complex for the benefit of patients, visitors, administrative and medical personnel, and the general public. Granting the request is consistent with the public interest. (See, Exhibit 6).

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Telecommunications Act of 1996, and Telephone Number Portability, CC Docket 99-200, et al., December 12, 2001, paragraph 64.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id., at paragraph 66.

<sup>10</sup> 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; see also, Order Granting Additional Numbering Resources, In the Matter of the Application of TCG St. Louis, Inc. for Review and Reversal of the North American Numbering Plan Administrator's Decision to Withhold Numbering Resources, Case No. CO-2003-0578, July 15, 2003.

14. SBC Missouri 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.

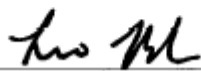
15. SBC Missouri does not have any annual report or assessment fees that are overdue in Missouri.

16. SBC Missouri requests that the Commission act upon this Application within 20 business days, or as soon thereafter as is possible, as St. John's Mercy Medical Center desires to assign these new numbers to its Cancer Center and new patient floors and begin transitioning its campus to its new dialing plan. (See Exhibit 1).

WHEREFORE, SBC Missouri respectfully requests that the Commission overturn NANPA's previous determination in this matter within 20 business days or as soon thereafter as is possible, and instruct NANPA to assign the requested numbering resources necessary for SBC Missouri to meet the needs of St. John's Mercy Medical Center.

Respectfully submitted,

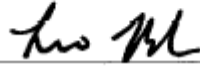
SOUTHWESTERN BELL TELEPHONE, L.P.

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**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on October 2, 2003.

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