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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Investigation into the)
Exhaustion of Telephone Numbers in the 417, 816) CASE NO. TO-96-1
and New 314 Numbering Plan Areas.)
)

REPORT AND ORDER

Issue Date: April 9, 1997

Effective Date: April 22, 1997

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

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APPEARANCES

James P. Dalton, Attorney at Law, 314 East High Street, Jefferson City, Missouri 65101, for Midwest Independent Coin Payphone Association.

Leo J. Bub, Attorney, Southwestern Bell Telephone Company, 100 North Tucker Boulevard, St. Louis, Missouri 63101, for Southwestern Bell Telephone Company.

Linda K. Gardner, Senior Attorney, United Telephone Company of Missouri d/b/a Sprint, 5454 West 110th Street, Overland Park, Kansas 66211, for United Telephone Company of Missouri d/b/a Sprint.

Thomas E. Pulliam, Ottsen, Mauzé, Leggat & Belz, L.C., 112 South Hanley Road, St. Louis, Missouri 63105-3418, for Ameritech Mobile Communications, Inc.

Leland B. Curtis, Curtis, Oetting, Heinz, Garrett & Soule, P.C.,
130 South Bemiston, Suite 200, St. Louis, Missouri 63105, for
MCI Telecommunications Corporation and MCImetro Access Transmission
Services, Inc.

Christy Egbarts and Paul A. Boudreau, Brydon, Swearngen & England P.C., Post Office Box 456, 312 East Capitol Avenue, Jefferson City, Missouri 65102-0456, for Missouri R.S.A. No. 7 Limited Partnership d/b/a Mid-Missouri Cellular.

Bruce E. Beard, Attorney, Southwestern Bell Mobile Systems, Inc.,
13075 Manchester Road, First Floor, St. Louis, Missouri 63131, for
Southwestern Bell Mobile Systems, Inc.

Craig S. Johnson, Andereck, Evans, Milne, Peace & Baumhoer, L.L.C., 301 East McCarty Street, Post Office Box 1438, Jefferson City, Missouri 65102-1438, for Alma Telephone Company, Chariton Valley Telephone Company, Choctaw Telephone Company, Mid-Missouri Telephone Company, Modern Telecommunications Company, MoKan Dial Inc., Northeast Missouri Rural Telephone Company and Peace Valley Telephone Company.

Paul H. Gardner, Goller, Gardner and Feather, P.C., 131 East High Street,
Jefferson City, Missouri 65101, for TCG St. Louis.

Michael F. Dandino, Senior Public Counsel, Office of the Public Counsel, Post Office Box 7800, Jefferson City, Missouri 65102-7800, for the Office of the Public Counsel and the public.

William K. Haas, Senior Counsel, Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, for the staff of the Missouri Public Service Commission.

ADMINISTRATIVE

LAW JUDGE: Dale Hardy Roberts, Chief.

REPORT AND ORDER

Procedural History

On July 5, 1995, the Commission established this case for the investigation into the exhaustion of telephone numbers in the 417, 816 and new 314 number plan areas (NPA). An NPA is commonly called an area code and refers to the first three digits of the ten-digit telephone number. The term "NPA exhaust" refers to a situation where there are no more central office codes (NXXs, or the three numbers which follow the area code in a phone number) left to be assigned in an NPA. In an area where an NPA is about to exhaust, a method must be established to introduce an additional or new NPA to allow for the continued provisioning of telephone numbers for telecommunications services.

NPA exhaust has previously been addressed by the Commission in Case No. TO-95-289, et al. In the Report And Order issued by the Commission on July 5, 1995 in that case, the Commission simultaneously established this case to consider solutions to the exhaust of central office codes in the 816, 417 and 314 NPAs. The Commission also established a technical committee (the Committee) composed of representatives from all segments of the industry, the Staff of the Missouri Public Service Commission (Staff) and the Office of the Public Counsel (OPC) to begin

consideration of the exhaust issue for those Missouri NPAs. This technical committee is chaired by Staff.

NPA Split

On November 4, 1996, the Committee filed its Report of Technical Committee (the Report) in this case. Within the Report the Committee has identified two primary solutions to the impending exhaustion in the 816 NPA. The Report identified the primary decision as being between a geographic split and an overlay.

In a geographic NPA split the existing NPA is split into two distinct geographic areas. The existing NPA code is left to serve one of the two resulting, smaller, areas and a new NPA code is assigned to serve the other area. The primary advantage with a split is that it retains seven-digit local calling, it retains a geographic identity associated with the unique area code, and it minimizes or eliminates claims of competitive disadvantage associated with overlays. The primary disadvantages of a split are that some customers will need to change the NPA of their ten-digit telephone number causing changes in stationery, business cards, print advertising, etc. In addition, cellular customers must have their telephones reprogrammed and, last but not least, the issue of where to draw the boundary has, in the past, become a difficult issue.

NPA Overlay

The second option, as an alternative to an NPA split, is the NPA overlay. An NPA overlay occurs when more than one NPA code serves the same geographic area. Under this method, code relief is provided by introducing a new NPA code within and "on top of" the same geographic area as the NPA which now requires relief. Customers within the same geographic area may be served by either or possibly both NPA codes.

The advantages of an NPA overlay are that existing customers retain their complete ten-digit telephone number so that no changes to business cards, etc., need be made. Similarly, cellular subscribers are not required to reprogram their telephones, no area code boundary is changed, and lastly, an NPA overlay generally takes less time to implement. However, the disadvantages of an NPA overlay include the requirement of that all occupants within the overlay area must comply with ten-digit local dialing. The oft-cited example of this is the homeowner who must dial ten digits to call his next-door neighbor. Other disadvantages with an NPA overlay include the loss of geographic identity normally associated with a unique area, customer confusion (since customers on the same street may have different NPAs) and, lastly, some parties claim that an overlay is not competitively neutral.

Public Comment Hearings

Prior to reaching a final determination, based upon the Report and the recommendations of the Committee, the Commission determined it would be in the public interest to convene public comment hearings. These hearings were scheduled for March 31 in Warrensburg and Kirksville and for April 3 in Kansas City and St Joseph. These locations were the sites recommended by the Committee in its report. On March 19 the Commission issued a notice of these public hearings. This notice was served upon all parties to this case, all newspapers listed in *The Official Manual of the State of Missouri*, all members of the General Assembly and the Mayors of every city in the 816 NPA area. The attendance at these hearings was light with no more than ten witnesses appearing to testify at any one of the four hearings.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

The Commission has reviewed the reports filed by the Committee on November 4, 1996. On January 2, 1997, the Commission convened a hearing for the purpose of receiving statements from the parties in support of various alternatives. The Commission also took this opportunity to direct its questions regarding these Reports to the various members of the Committee. The Commission has reviewed the Report and the entirety of the file and finds that Missouri's telephone customers will best be served by an NPA split. The Committee stated that if the Commission were to pursue an NPA split it would have two options. The Committee labeled these as "MCA only" and the "MCA plus St. Joseph" split. The MCA only option (Option 1) was detailed in a map which was attached to the Report as Attachment 1. MCA is used by the Committee to report to refer to the Kansas City Metropolitan exchange.¹

Option 2 was designated as MCA plus St. Joseph. Option 2 was set out in Attachment 2 to the Report and this option would include all of the area listed within the MCA plus the St. Joseph NPA exchanges.² Thus,

¹The Kansas City Metropolitan exchange includes the individual exchanges of Farley, Ferrelview, Grain Valley, Greenwood, Kearney, Lake Lotawana, Missouri City, Platte City, Smithville, Camden Point, Cleveland, Edgerton, Excelsior Springs, Harrisonville, Hope, Lone Jack, Peculiar, Pleasant Hill, Oak Grove, Orrick, Trimble, Weston, Buckner, Archie, Dearborn, Drexel, East Lynne, Freeman, Garden City, Henrietta, Holden, Kingsville, Lathrop, Lawson, Odessa, Plattsburg, Richmond, Strasburg, Wellington, Adrian, Turney, and East Leavenworth.

²The St. Joseph NPA exchanges are Fillmore, Bolckow, Whitesville, Rosendale, Savannah, Helena, Amazonia, Avenue City, Cosby, Clarksdale, Maysville, Easton, Stewartsville, Osborn, Cameron, Kidder, Hamilton,

Option 2 would be comprised of the Kansas City MCA with the addition of the St. Joseph NPA exchanges. The Commission finds that it is in the public interest to maintain an NPA which retains some common calling ability between and among the Kansas City and St. Joseph exchanges. Therefore, the Commission will accept NPA Split Option 2, "MCA plus St. Joseph." The MCA plus St. Joseph NPA shall retain the 816 NPA (area code) and this area is set out in Attachment 1 to this order.

Implementation

It may well be that making the final decision to resolve the 816 NPA exhaust turns out to be the easiest step in this process. The work now goes to the Committee for the conversion and public education process. The Committee has previously expressed a willingness to work together on implementation of the new NPA for the 816 area. This process must include significant equipment changes to be accomplished by the telecommunications companies of Missouri for this area.

It is equally important that this process address the issue of customer education as to the changes which will result from the ordered split. The Commission hereby directs the parties to this case to prepare a time line which sets out the schedule for accomplishment of that goal. The parties herein shall outline the issues which they propose to address in the process of educating the public on the proposed change. Within this information to the Commission the parties shall set out which geographic locations have been identified for public educational meetings and the proposed dates and times for those meetings as well as the personnel involved and the content of material to be presented. The parties shall

Kingston, Gower, Union Star, St. Joseph, Rushville, San Antonio, Agency, DeKalb, and East Atchison.

submit a sample of their proposed public notice(s) and public educational materials to the Commission for approval prior to public dissemination.

The Commission would specifically direct the parties to this case to consider public service announcements for print media as well as television and radio. Such public service announcements should be jointly prepared and presented by the Staff of the Public Service Commission and the incumbent LEC for the area in which the announcement is to be published. The parties are hereby directed to file with the Commission a proposal for the technical transition, the customer education and the final implementation of the MCA split.

The Commission also finds it important that this transition be coordinated with a similar process which has been ordered to occur by the Kansas Corporation Commission for the 913 NPA. The 913 NPA is essentially the Kansas portion of the affected MCA.

The Commission has reviewed the Order Establishing New Numbering Plan Area (Docket No. 97-GIMT-018-GIT) as issued by the State Corporation Commission of the State of Kansas. That order establishes the plan for the NPA transition for the western (Kansas) area which borders the 816 NPA to be affected by this order. The parties are directed to review the decision of the Kansas Corporation Commission and, where possible, to coordinate their timing of NPA changes with those NPA changes which are to occur in Kansas.

Lastly, the Commission directs the Committee's attention to the 314 NPA. Based upon the statements made at the January 2 hearing, it is clear to the Commission that the 314 area, too, is facing an imminent exhaust. The Commission will direct the Committee to address this problem immediately. The Committee should file its proposal for moving forward

with public education on the 314 exhaust no later than 30 days after the date of this order. This proposal shall include details for the time and location of public education forums to be sponsored by the Committee.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

The Commission has jurisdiction over the subject matter of this case pursuant to Section 386.250 and Section 392.520, RSMo 1994. These statutes provide the Commission with general regulatory authority over the operations of the telecommunications companies within its jurisdiction and over the conditions and methods of providing service. The selection of a method for addressing NPA exhaustion and the changing of customer dialing patterns is within this broad statutory authority. In addition, the FCC has recognized that state commissions have a significant role in determining what method should be adopted to remedy the exhaustion problem. *In the Matter of Proposed 708 Relief Plan and 630 Numbering Plan Area Code by Ameritech-Illinois*, IAD File No. 94-102, Declaratory Ruling and Order, released January 23, 1995. The NPA guidelines also anticipate regulatory oversight of the decision. *NPA Relief Planning Guidelines 2.9.*

The Commission has found that the geographic split alternative is more reasonable than the overlay plan, and that the retention of the 816 area code in the Kansas City MCA and St. Joseph NPA is the more reasonable of the split alternatives.

IT IS THEREFORE ORDERED:

1. That the Commission will accept and order the implementation of Option 2 wherein the Kansas City metropolitan area and the St. Joseph NPA exchanges shall retain the 816 NPA.

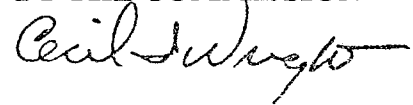
2. That the exchanges not included in the Kansas City metropolitan exchange and the St. Joseph NPA exchanges shall receive the assignment of a new NPA to be designated by the Numbering Plan Administrator.

3. That the parties to this case shall file their proposal for public education and for implementation of the change to the 816 NPA including, but not limited to, a start date for permissive dialing and an effective date for mandatory dialing. Such report shall be filed not later than May 9, 1997.

4. That the parties to this case shall file their proposal for public education, public comment and all other procedures in the 314 NPA with the Commission not later than May 9, 1997.

6. That this Report And Order shall become effective on April 22, 1997.

BY THE COMMISSION



(S E A L)

**Cecil I. Wright
Executive Secretary**

Zobrist, Chm., concurs;
Crumpton and Drainer, CC., concur,
with concurring opinion to follow;
certify compliance with the
provisions of Section 536.080,
RSMo 1994.
McClure, C., absent.

Dated at Jefferson City, Missouri,
on this 9th day of April, 1997.

Map MCA Plus St. Joseph NPA Option 2

