

**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	)	

**SOUTHWESTERN BELL TELEPHONE, L.P., D/B/A SBC MISSOURI'S  
APPLICATION AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("SBC Missouri") and files this verified application, pursuant to 4 CSR 240-2.060, 4 CSR 240-2.080(16), and 47 CFR 52.15(g)(3)(iv), and respectfully requests that the Missouri Public Service Commission ("Commission") issue an Order that reviews and reverses the decision of the North American Numbering Plan Administrator, NeuStar, Inc., ("NANPA") to withhold certain numbering resources from SBC Missouri, in a form of a block of 1,000 numbers to service the needs of St. Louis Community College, a customer of SBC Missouri, that is opening a new campus in Wildwood, Missouri. In support of its application, SBC Missouri states as follows:

1. SBC Missouri is a Texas limited partnership<sup>1</sup>, duly authorized to conduct business in Missouri,<sup>2</sup> with its principal Missouri office at One SBC Center, Room 3500, St. Louis, Missouri, 63101. SBC Missouri is authorized to do business in Missouri and

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<sup>1</sup> SBC Missouri filed a copy of its Limited Partnership Agreement with the Commission on October 12, 2001. See In the Matter of the Application of Southwestern Bell Telephone Company To Transfer Property and Ownership of Stock Pursuant to Section 392.200, RSMo., Case No. TO-2002-185, October 12, 2001.

<sup>2</sup> SBC Missouri filed a certificate from the Missouri Secretary of State Certifying that Southwestern Bell Telephone, L.P. is a foreign limited partnership that is duly authorized to transact business in the State of Missouri with the Commission on January 7, 2002. See In the Matter of the Application of Southwestern Bell Telephone Company to Transfer Property and Ownership of Stock Pursuant to Section 392.300, RSMo., Case No. TO-2002-185, January 7, 2002.

its fictitious name is duly registered with the Missouri Secretary of State.<sup>3</sup> 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 is 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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Leo J. Bub  
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Mimi B. MacDonald  
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3. St. Louis Community College, a customer of SBC Missouri, that is opening a new campus in Wildwood, Missouri, has requested 1,000 Direct Inward Dial (“DID”) numbers for its new campus. A copy of the letter from Michael Petz, Interim Manager, Telecommunication and Engineering, St. Louis Community College, to SBC Missouri, dated November 30, 2004, is attached hereto and marked as Exhibit A. St. Louis Community College has informed SBC Missouri that these 1,000 DID numbers must be in the 2,000-2,999 range so that it may internally route its numbers on a five-digit basis. Additionally, St. Louis Community College requests that the block contain NPA-NXX numbers that are designated for use with respect to the Metropolitan Calling Area (“MCA”) Plan.

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<sup>3</sup> SBC Missouri filed a copy of the registration of the fictitious name “SBC Missouri” with the Commission on January 17, 2003. See In the Matter of the Name Change of Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company to Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, Case No. IN-2003-0247, January 17, 2003.

4. On November 9, 2004, SBC Missouri submitted a Thousand-Block Application Form, Part 1A, for the assignment of a 1,000 block necessary to meet St. Louis Community College's request. A copy of the Application is attached hereto and is marked as Exhibit B. SBC Missouri completed the application in accordance with the Industry Numbering Committee's Thousands-Block Pooling Assignment Guidelines and filled out the necessary Months to Exhaust and Utilization Certification Worksheet which is attached hereto and marked as Exhibit C.

5. SBC Missouri submitted the request for the 1,000 block because SBC Missouri does not have a 2,000-2,999 block as requested by St. Louis Community College. SBC Missouri is unable to use numbers from any other switch in the Pond exchange to satisfy St. Louis Community College's request.

6. On or about November 9, 2004, NANPA denied the request on the grounds that SBC Missouri had not met the utilization criteria set forth by the State.<sup>4</sup> That decision is attached hereto and marked Exhibit D.

7. Under existing procedures, NANPA has asserted that it is required to accept or reject an application for resources based solely on FCC 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 a state commission may choose to reaffirm or overturn NANPA's

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<sup>4</sup> SBC Missouri notes that the NANPA denial screen indicates that the request was denied due to state utilization requirements. This is not technically accurate because Missouri does not have a state utilization requirement. Rather, it has adopted the FCC's utilization requirement of 60% which is set forth in *In the Matter of Numbering Resource Optimization, Petition for Declaratory Ruling and Request For Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, CC Docket No. 99-200, Second Report and Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, FCC 00-429 (rel. December 29, 2000).

decision to withhold numbering resources.<sup>5</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>6</sup> Moreover, the FCC determined that states may overturn 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>7</sup> 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 the utilization in the rate center.”<sup>8</sup> The FCC further explained that states “may grant request for customers seeking contiguous blocks of numbers.”<sup>9</sup> Further, although the FCC declined to establish a specific timeframe for states to act on these requests, the FCC indicated “in most instances, 10 business days from receipt of request that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests.”<sup>10</sup>

8. 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 demand. This Commission has previously overturned NANPA’s

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<sup>5</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 CFR 52.15(g)(3)(iv), which is attached hereto and marked as Exhibit E).

<sup>6</sup> Id.

<sup>7</sup> Third Report and Order and Second Order on Reconsideration in CC Docket Number 96-98 and CC Docket Number No. 99-200, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and Telephone Number Portability, CC Docket Number 99-200, et al., December 12, 2001, paragraph 64.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id. at paragraph 66.

decision to withhold numbering resources in its Order Granting Additional Numbering Plan Resources, In the Matter of the Application of Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, For Review and Reversal of North American Numbering Plan Administrator's Decision to Withhold Numbering Resources, Case No. IO-2003-0318, April 1, 2003, and in its 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 2, 2002.

9. 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.


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

11. SBC Missouri requests that the Commission act on this Application within sixty (60) days, or soon thereafter as is permissible, as St. Louis Community College desires to turn up these numbers. This pleading was filed after it was determined that NANPA would require a decision from the Commission before releasing the numbering resources and after it was determined that no technological alternative would work.

WHEREFORE, SBC Missouri respectfully requests that the Commission overturn NANPA's previous determination in this matter within sixty (60) days or soon thereafter as is possible, and instruct NANPA to release the numbering resources necessary to meet the needs of St. Louis Community College.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

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**CERTIFICATE OF SERVICE**

Copies of this document were served on all counsel of record by e-mail on March 18, 2005.

  
Mimi B. MacDonald

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