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August 14, 2019

Mr. Morris L. Woodruff, Secretary and Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison St.  
Jefferson City, MO 65102-0360

*Re: MCImetro Access Transmission Services LLC's  
Numbering Request for Mercy Hospital Jefferson*

Dear Judge Woodruff:

Accompanying this letter is MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services' ("Verizon Access") application and motion for expedited treatment of its request for Missouri Public Service Commission ("Commission") review and reversal of the North American Number Plan Thousands-Block Pooling Administrator's ("PA") denial of Verizon Access' request for numbering resources to serve Mercy Hospital Jefferson in Festus, MO.

Pursuant to Commission Rule 4 CSR 240-2.135(2)(B), Verizon Access has designated and filed Exhibits C and D to its Application as "Confidential" because both contain highly competitively sensitive and trade secret information that Verizon Access does not make available to the public in any format. These exhibits – Verizon Access' "Months-to-Exhaust" worksheet and its FCC Form U1 of Form 502 for the FSSCRSTLCY rate center, respectively – show the number of Verizon Access retail residential and business access lines by NPA-NXX within the rate center.

This sort of disaggregated access line information reveals the number of access lines Verizon Access serves on a very granular and localized geographic and market segment basis. It is costly to develop, and is competitively useful information, which is why all carriers (not just Verizon Access) guard against its public release.

If the information reflected in Confidential Exhibits C and D to Verizon Access' application were to become public, Verizon Access' competitors could use it to steer their marketing and pricing strategy in an attempt to gain a competitive advantage over Verizon Access in the marketplace. This is why Verizon Access restricts internal access to this information to a limited subset of employees and does not make it available to the public in any format. It is therefore appropriately treated as "Confidential" under Rule 4 CSR 240-2.135(2)(A)(3)'s protection for "marketing analysis or other market-specific information relating to services offered in competition with others."



Please feel free to contact me with any questions or if the Commission needs any additional information to rule on Verizon Access' Application.

Very truly yours,

POLSINELLI PC

/s/ Anne E. Callenbach

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Attachments

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

|                                                        |   |                |
|--------------------------------------------------------|---|----------------|
| In the Matter of the Application of MCImetro Access    | ) |                |
| Transmission Services LLC d/b/a Verizon Access         | ) |                |
| Transmission Services for Review and Reversal of North | ) | Case No. _____ |
| American Number Plan Thousands-Block Pooling           | ) |                |
| Administrator's Decision to Withhold Numbering         | ) |                |
| Resources                                              | ) |                |

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**MCIMETRO ACCESS TRANSMISSION SERVICES LLC  
D/B/A VERIZON ACCESS TRANSMISSION SERVICES'  
APPLICATION AND MOTION FOR EXPEDITED TREATMENT**

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MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (a/k/a OCN 7432 "MCI WORLDCOM COMMUNICATIONS, INC – MO"; hereinafter referred to as "Verizon Access") files this application pursuant to 4 CSR 240-2.060, 4 CSR 240-2.080, 4 CSR 240-28.016, and 47 C.F.R. § 52.15(g)(3)(iv), and respectfully requests that the Missouri Public Service Commission ("Commission") issue an order, on an expedited basis, that reviews and reverses the recent decision of the North American Numbering Plan Thousands-Block Pooling Administrator ("PA") to withhold certain numbering resources from Verizon Access.

The requested numbering resources are necessary to meet the telecommunications needs of Verizon Access' customer, Mercy Hospital Jefferson ("Mercy"), in Festus, Missouri. Mercy needs 2,000 contiguous DID numbers, ending in an NXX of 7, in NPA 636's FSSCRSTLCY rate center to implement new technology that will improve provider and patient medical services by refining safe and accurate information sharing and HIPAA<sup>1</sup>-compliant communications between

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<sup>1</sup> "HIPAA" refers to the federal Health Insurance Portability and Accountability Act.

hospital staff and departments, but the PA rejected Verizon Access' request for the necessary numbering resources. Verizon Access requests that if the specific resources are not available when the Commission issues its order, that it direct the PA to provide such resources as are available to meet Mercy's numbering needs.

In support of its Application, Verizon Access states as follows:

1. Verizon Access is a Delaware corporation with its principal office at One Verizon Way, Basking Ridge, NJ 07920. It may be contacted via its attorney of record reflected in Paragraph 3 below.

2. Verizon Access is duly authorized to conduct business in Missouri,<sup>2</sup> with its fictitious name duly registered with the Missouri Secretary of State.<sup>3</sup> Verizon Access is a "local exchange telecommunications company," "alternative local exchange telecommunications company" and "public utility" certificated by this Commission<sup>4</sup> and duly authorized to provide "telecommunications service" within the state of Missouri, as each of these terms is defined in Section 386.020, RSMo.

3. In addition to the undersigned, all correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Carey Gagnon  
Associate General Counsel  
State Government Affairs-Central  
3131 South Vaughn Way

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<sup>2</sup> A certified copy of Verizon Access' Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission on October 21, 2013 in Case No. LO-2014-0102. Verizon Access has since converted from an LLC into a corporation. See MCImetro Access Transmission Services Corp.'s Certificate of Authority from the Missouri Secretary of State, filed with the Commission on November 14, 2016 in File No. LN-2017-0142.

<sup>3</sup> A copy of the registration of the fictitious name Verizon Access Transmission Services was filed with the Commission on December 23, 2005 in Case No. LN-06-276.

<sup>4</sup> The Commission most recently expanded Verizon Access' certificate of service authority in its September 25, 2008 order in Case No. TA-2009-0083.

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4. As mentioned above, this Application is prompted by Mercy's plan to implement new technology that will improve provider and patient medical services by refining safe and accurate information sharing and HIPAA-compliant communications between hospital staff and departments. This plan requires 2,000 contiguous DID numbers in NPA 636's FSSCRSTLCT rate center. Mercy placed an order with Verizon Access for the 2,000 contiguous DID numbers with a planned in-service date of October 7, 2019.<sup>5</sup> See **Exhibit A** hereto, which is a true and correct copy of Mercy's June 24, 2019 letter to Verizon Access, explaining Mercy's business needs.

5. If Mercy cannot obtain the requested 2,000 contiguous DID numbers, it will impact its ability to implement its desired dial plan and adversely affect its ability to upgrade its information sharing and HIPAA-compliant communications to benefit and better serve its patients. See **Exhibit A**.

6. Because Verizon Access lacked a 2,000 block of contiguous DID numbers in a NXX ending in 7 (636-XX7) with which to meet Mercy's needs, on August 2, 2019, it submitted a request to the PA for two contiguous thousands blocks in the FSSCRSTLCY, Missouri rate center, along with the necessary Months to Exhaust and Utilization Certification Work Sheet. A true and correct copy of Verizon Access' request is attached hereto as **Exhibit B**. The accompanying months-to-exhaust worksheet, which is trade secret and confidential, is attached hereto as **Confidential Exhibit C**. As required by 4 CSR 240-28.016, Verizon Access' FCC

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<sup>5</sup> Mercy's preferred in-service date was May 30, 2019; however this date was not feasible and pre-dated Mercy's June 24, 2019 request to Verizon, so the current planned in-service date remains October 7, 2019.

Form U1 of Form 502, which is also trade secret and confidential, is attached as **Confidential Exhibit D**.

7. On August 2, 2019, the PA denied the request on the grounds that Verizon Access had not met the utilization and/or months-to-exhaust criteria established by the Federal Communications Commission (“FCC”). A true and correct copy of the PA’s decision is attached hereto as **Exhibit E**.

8. Verizon Access seeks the Commission’s direction to overturn the PA’s decision to withhold numbering resources, as Verizon Access has now exhausted all other available remedies designed to conserve numbering resources. The Commission has previously overturned decisions of the PA upon facts similar to those in this Application.

9. A state commission may overturn the PA’s decision based on the commission’s determination that the carrier has demonstrated a verifiable need for the requested numbering resources and has exhausted all other available remedies. *See* 47 C.F.R. § 52.15(g)(4). Similarly, the FCC has held 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.” *See* Third Report and Order and Second Order on Reconsideration, *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*, 17 FCC Rcd 252 (rel. Dec. 28, 2001) at ¶ 64 (“12/28/01 Order”). State commissions are permitted to grant such requests provided they are for customers seeking contiguous blocks of numbers, rather than “vanity numbers.” *Id.*

10. In this case, Mercy requires two thousands blocks of contiguous DID numbers in NPA 636’s in an NXX ending in 7, in the FSSCRSTLCY rate center. Granting this application

will benefit the public interest because it will ensure the availability of adequate numbering resources for Mercy to upgrade its information sharing and HIPAA-compliant communications to benefit and better serve its patients.

11. Verizon Access respectfully requests that the Commission act upon this Application within ten (10) business days. Verizon Access has acted expeditiously to engage counsel and file for the requested relief, and the FCC has recognized the importance of timely state commission action:

[W]e recognize that in many instances, the failure to address a request for additional numbering resources can impair a carriers' 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 that the state determines to be sufficiently detailed and complete will be sufficient time to review and act upon safety valve requests.<sup>6</sup>

12. This Application satisfies the requirements of 4 CSR 240-28.016 by providing all required documentation outlined therein.

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

14. Verizon Access does not have any annual report or assessment fees that are overdue in Missouri.

15. Verizon Access seeks expedited treatment and requests that the Commission act on this request within ten (10) business days, so that Verizon Access will have enough time to file a new request with the PA for the release of the numbering resources described herein.

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<sup>6</sup> See 12/28/01 Order at ¶ 66.



WHEREFORE, Verizon Access respectfully requests that the Commission overturn the PA's previous determination in this matter within ten (10) business days, and instruct the PA to release the numbering resources necessary to meet Mercy's plans for upgrading its information sharing and HIPAA-compliant communications to benefit and better serve its patients. Verizon Access further requests that if the specific resources are not available when the Commission issues its order, that it direct the PA to provide such resources as are available to meet Mercy's numbering needs.

Respectfully submitted,

POLSINELLI PC

/s/ Anne E. Callenbach  
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*Attorney for MCImetro Access Transmission  
Services LLC d/b/a Verizon Access Transmission  
Services*

Dated: August 15, 2019



**CERTIFICATE OF SERVICE**

Copies of the foregoing Application and all attachments thereto were served on the following by e-mail on August 15, 2019.

/s/ Anne E. Callenbach

General Counsel  
Kevin Thompson  
Missouri Public Service Commission  
P.O. Box 360  
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STATE OF MISSOURI     )  
                                      )  
COUNTY OF JACKSON    )     SS

**VERIFICATION**

I, Anne Callenbach, in accordance with 4 CSR 240-2.060(1)(M) and first being duly sworn upon my oath, hereby state that I am over the age of twenty-one, am of sound mind, am an attorney for MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services, and am authorized to act on its behalf. I have read the foregoing document to which this Verification is appended and the facts contained therein are true to the best of my knowledge, information and belief.



Anne Callenbach

Subscribed and sworn to before  
me this 15<sup>th</sup> day of August, 2019.



Notary Public

KIM SARTAIN  
NOTARY PUBLIC-NOTARY SEAL  
STATE OF MISSOURI  
JACKSON COUNTY  
MY COMMISSION EXPIRES 3/24/2023  
COMMISSION # 15424786