

SPENCER FANE BRITT & BROWNE LLP
ATTORNEYS AND COUNSELORS AT LAW

PETE MIRAKIAN
DIRECT DIAL (816) 292-8158
pmirakian@spencerfane.com

1812101-14

July 27, 2000

Via Facsimile and FedEx

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Floor 5A
Jefferson City, MO 65101

FILED²
JUL 27 2000

Missouri Public
Service Commission

Re: Case No.: TO-2000-374

Dear Judge Roberts:

I have enclosed for filing in the above-captioned case an original and eight copies of the Supplemental Position Statement of ExOp of Missouri, Inc. Copies of this Supplemental Position Statement are being served on the Office of the Public Counsel as well as each of the other parties to this case.

Thank you for bringing this filing to the Commission's attention.

Yours truly,



Pete Mirakian

cc: Mr. Thomas W. White

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
JUL 27 2000

Missouri Public
Service Commission

In the Matter of the Petition of the North)
American Numbering Plan Administrator)
On Behalf of the Missouri Telecommunications)
Industry, for Approval of NPA Relief Plan for)
The 314 and 816 Area Codes.)

Case No. TO-2000-374

SUPPLEMENTAL POSITION STATEMENT OF EXOP OF MISSOURI, INC.

COMES NOW ExOp of Missouri, Inc. ("ExOp") and for its Supplemental Position Statement states as follows:

The Public Service Commission (the "Commission") in its Notice and Order Directing Responses and Supplemental Position Statements dated July 21, 2000 modified the procedural schedule in this case to allow the parties to address issues having to do with numbering resource optimization strategies by filing supplemental statements of position. ExOp desires to avail itself of this opportunity to address a specific and very important concern related to thousand block number pooling. While the Federal Communications Commission (the "FCC"), in its order styled In the Matter of Numbering Resource Optimization, CC Docket No. 99-200 and No. 96-98 (the "NRO Order") ceded to the State of Missouri the authority to adopt interim provisions to initiate thousand block number pooling, ExOp urges the Commission not to use this delegated authority but to wait for implementation of the FCC's forthcoming federally mandated thousand block number pooling plan.

ExOp's concern is entirely a practical one. In order for thousand block number pooling to be implemented without severe disruptions of service, serious thought and sufficient time need to be committed to the process of causing local routing numbers ("LRNs") and NXXs to be programmed into the tandems, switches, and private branch exchanges ("PBXs") that route and

92

receive calls across the telephone network. Each time a telephone company is given a new NXX, it sends paper forms to NPAC and Bell Core to identify the new NXX as being associated with the company. NPAC and Bell Core, in turn, distribute copies of that paper form to tandem, switch, and PBX operators throughout the telephone company's LATA and across the country. All of the tandems, switches, and PBXs throughout the LATA, and all of the major tandems throughout the country, must be programmed by hand to recognize and identify the new NXX and the company to which it belongs in order for calls to be transmitted to that NXX.

When ExOp was assigned its first two NXXs, it took approximately two months for the switches and tandems in the LATA to be programmed to recognize those NXXs as containing valid telephone numbers. While this sort of delay can be anticipated and dealt with by a large incumbent local exchange carrier (an "ILEC"), such a delay causes an extreme hardship to competitive local exchange carriers ("CLECs") with small or (in the case of ExOp when it first started business) nonexistent customer bases.

To this day, more than a year after ExOp began providing service, there still remain PBXs that have not been properly programmed to allow callers to direct telephone calls to ExOp's 903 and 902 NXX codes. PBXs function like switching equipment for businesses with sophisticated private line networks, such as law firms, hospitals, and major corporations. Whether a particular business' PBX is served by a vendor who is charged with updating the PBX is a matter of contract. PBX vendors receive the paper forms that inform them of new NXXs. PBX operators may or may not receive such forms. If a business with a PBX does not have a regular maintenance contract with a vendor, its most likely method of gaining information as to new NXXs is word of mouth. When a PBX is not updated to include certain NXX codes, the

business' telephone users cannot use their telephones to call numbers with those NXXs. This is a significant and unregulated problem.

Because the programming languages, types of equipment, and protocols vary so widely between the tandems, switches, and PBXs throughout the telephone network, paper transmission and inputting by hand is the only method for updating NXX codes. Leaving aside the question of PBXs, the Commission and the FCC must take into account the time consumed by this antiquated system in updating the public switched telephone network before either of them implements a new system of thousand block number pooling. Under thousand block number pooling, it stands to reason that the need to reprogram tandems, switches, and PBXs will arise with 10 times the frequency with which it has arisen heretofore. Rather than dealing with faulty or nonexistent programming for a period of several weeks only once in every 10,000 numbers, phone companies will soon be undergoing this process for every new thousand numbers.

While this is a problem that faces all telephone companies, large and small, it is especially damaging to CLECs. Facilities-based CLECs such as ExOp can only win customers and stay in business if they are able to provide high-quality, dependable telephone service. When an NXX for a CLEC is misprogrammed or not programmed at all, a significantly higher percentage of the CLEC's customers are affected than when the same problem afflicts a large ILEC. In the case of the first NXXs issued to ExOp, every misprogramming or failure to program affected **all** of ExOp's customers. In addition to having a larger customer base, ILECs have far greater resources to devote to foreseeing, preventing, and remedying these types of problems.

Solutions to these problems may be difficult to devise. It is absolutely essential that sufficient time be allotted between the assignment of new thousand blocks and their first use, so

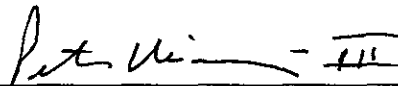
that the public switch network can be properly updated. Better notification methods for PBX operators would greatly enhance the viability of thousand block number pooling. It may also be helpful to develop a system of oversight with appropriate sanctions to require both telephone companies and PBX operators (or vendors) to make the appropriate updates within a reasonable period of time. These and other issues should be topics of discussion among industry representatives, perhaps in a new case to be established by the Commission and certainly at the FCC level.

With these obstacles in view, ExOp urges the Commission to proceed with caution and without haste in implementing thousand block number pooling. Given the FCC's resource optimization orders, it is apparent that thousand block number pooling will be implemented for the entire country in the relatively near future. Unless the Commission is able to address the concerns expressed herein by ExOp, the Commission should not move ahead of the rest of the nation in implementing thousand block number pooling.

WHEREFORE, ExOp of Missouri, Inc. respectfully requests that the Commission accept the foregoing as ExOp's Supplemental Position Statement in this case.

Respectfully submitted,

SPENCER FANE BRITT & BROWNE LLP



Peter Mirakian III, Mo. Bar 47841
1000 Walnut, Suite 1400
Kansas City, MO 64106-2140
(816) 474-8100 (tel)
(816) 474-3216 (fax)
e-mail: pmirakian@spencerfane.com

ATTORNEYS FOR EXOP OF MISSOURI, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Supplemental Position Statement has been served via U.S. mail, facsimile, or electronically on the persons listed below, on this 27th day of July, 2000.

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Edward J. Cadieux/Carol Keith
Gabriel Communications, Inc.
1600 Swingley Ridge Road, Suite 500
Chesterfield, MO 63006

Lee S. Adams/Cheryl Twitt/Kimberly Wheeler
Morrison & Foerster LLP
2000 Pennsylvania Avenue, Suite 5500
Washington, DC 20006

Linda K. Gardner
Sprint Missouri, Inc.
5454 West 110th Street
Overland Park, KS 66211

Carl J. Lumley/Leland B. Curtis
Curtis Oetting Heinz Garrett & Soule PC
120 South Bemiston, Suite 200
St. Louis, MO 63105

Kevin Zarling
AT & T Communications of the Southwest, Inc.
919 Congress, Suite 900
Austin, TX 78701

Paul S. DeFord
Lathrop & Gage
2345 Grand Boulevard
Kansas City, MO 64108

James M. Fischer/Larry W. Dority
Fischer & Dority, P.C.
101 West McCarty Street, Suite 215
Jefferson City, MO 65101

W.R. England III
Brydon Swearngen & England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102

James F. Mauze
Thomas E. Pulliam
Ottsen Mauze Leggat & Belz, L.C.
112 South Hanley Road
St. Louis, MO 63105-3418

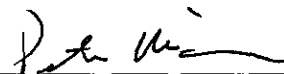
Dana K. Joyce, General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Paul G. Lane/Leo J. Bub
Anthony K. Conroy/Mimi B. MacDonald
Southwestern Bell Telephone Company
One Bell Center, Room 3510
St. Louis, MO 63101

Craig S. Johnson
Andreck Evans Milne Peace & Johnson
301 East McCarty Street
P.O. Box 1438
Jefferson City, MO 65102

Kenneth L. Ludd
13075 Manchester Road 100N
St. Louis, MO 63131

Mark W. Comley
Newman Comley & Ruth
601 Monroe Street
P.O. Box 537
Jefferson City, MO 65102-0537



Pete Mirakian