

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

In the Matter of the Application of Southwestern	)	
Bell Telephone Company d/b/a AT&T Missouri	)	
For Review and Reversal Of North American	)	Case No. _____
Number Plan Thousands-Block Pooling	)	
Administrator's Decision to Withhold Numbering	)	
Resources	)	

**AT&T MISSOURI'S APPLICATION AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW AT&T Missouri<sup>1</sup> and respectfully requests that the Commission issue an Order that reviews and reverses the decision of the North American Numbering Plan Thousands-Block Pooling Administrator, NeuStar, Inc. ("NANPA"), to withhold certain numbering resources from AT&T Missouri.

The requested numbering resources are necessary to meet the needs of Saint Luke's Health System ("Saint Luke"), located in Kansas City, Missouri. The resources consist of one (1) thousands block from which 400 consecutive numbers may be drawn, such that the numbers are within (1) the 816 NPA, (2) the Lee's Summit rate center (KSCYMO41DS0), (3) an NXX wherein the last digit ends in 7, and (4) the range of 0000 through 4399, i.e., 816-NX7-0000 through 816-NX7-4399. In the event these particular numbering resources are not available at such time as the Commission may issue an order granting such resources, and only in such event, then AT&T Missouri alternately requests that the Commission grant it numbering resources within any NXX, i.e., 816-NXX-0000 through 816-NXX-4399. The requested resources are necessary to accommodate Saint Luke's expansion of its Saint Luke's East - Lee's Summit Hospital. In the event that the requested numbering resources are unavailable at the time of the

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<sup>1</sup> Southwestern Bell Telephone Company d/b/a AT&T Missouri ("AT&T Missouri"). AT&T Missouri files this verified Application and motion for expedited treatment pursuant to 4 CSR 240-2.060, 4 CSR 240-2.080(16), 4 CSR 240-37.040 and 47 CFR 52.15(g)(3)(iv).

Commission's Order, AT&T Missouri specifically requests that the Commission grant it any other suitable numbering resources that meet Saint Luke's needs.

In support of this Application, AT&T Missouri states as follows:

1. AT&T Missouri is a Missouri corporation with its principal Missouri office at One AT&T Center, Room 3520, St. Louis, Missouri 63101. It may be contacted at the regular and electronic mail addresses and telephone and facsimile numbers of its attorneys, as set out under the signature block of this Application. AT&T Missouri is authorized to do business in Missouri<sup>2</sup> and its fictitious name is duly registered with the Missouri Secretary of State.<sup>3</sup> AT&T 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.<sup>4</sup>

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

Timothy P. Leahy  
Leo J. Bub  
Robert J. Gryzmala  
Attorneys for Southwestern Bell Telephone Company  
d/b/a AT&T Missouri  
One AT&T Center, Room 3516  
St. Louis, Missouri 63101

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<sup>2</sup> In accordance with 4 CSR 240-2.060(1) and (G), a certified copy of Southwestern Bell Telephone Company's Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission on August 15, 2007, in Case No. IK-2008-0044.

<sup>3</sup> In accordance with 4 CSR 240-2.060(1)(E) and (G), a copy of the registration of the fictitious name "AT&T Missouri" was filed with the Commission on July 17, 2007, in Case No. TO-2002-185.

<sup>4</sup> Following its June 26, 2007, Order in Case No. TO-2002-185 allowing Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, to alter its status from a Texas limited partnership to a Missouri corporation, the Commission approved tariff revisions to reflect the new corporate name, Southwestern Bell Telephone Company d/b/a AT&T Missouri. *See, Order Granting Expedited Treatment and Approving Tariffs*, Case No. TO-2002-185, issued June 29, 2007.

3. The Saint Luke's East - Lee's Summit Hospital, located at 100 N.E. Saint Luke's Boulevard in Lee's Summit is presently in the midst of expanding its facilities. Saint Luke needs 400 consecutive Direct Inward Dial ("DID") numbers to support this expansion.

4. A copy of the August 14, 2008, letter from Messrs. Roger Zaremba, Chief Technology Officer, and Gary Helton, Director of Technology Services, stating Saint Luke's need is attached hereto and marked as Exhibit A. As noted in the letter, Saint Luke needs "a new block of 400 consecutive DID numbers to support our patient, visitor and lobby phones for this hospital." Messrs. Zaremba and Helton note that the hospital currently has a 5-digit dialing pattern, and they request the numbers be within "the range of XX7-0000 thru XX7-4399 as first choice."<sup>5</sup> They state that their "second choice would be XXX-0000 thru XXX-4399."

5. AT&T Missouri has researched the available thousands-blocks in its Lee's Summit rate center (KSCYMO41DS0) which serves Saint Luke's location. AT&T Missouri has determined that it has no thousands-blocks available in order to meet Saint Luke's needs.

6. As a result of this research, AT&T Missouri requests that the Commission grant it numbering resources consisting of one (1) thousands block from which 400 consecutive numbers may be drawn, such that the numbers are within (1) the 816 NPA, (2) the Lee's Summit rate center (KSCYMO41DS0), (3) an NXX wherein the last digit ends in 7, and (4) the range of 0000 through 4399, i.e., 816-NX7-0000 through 816-NX7-4399. In the event these particular numbering resources are not available at such time as the Commission may issue an order granting such resources, and only in such event, then AT&T Missouri alternately requests that the Commission grant it numbering resources within any NXX, i.e., 816-NXX-0000 through 816-NXX-4399. In the event that the foregoing numbering resources are unavailable at the time

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<sup>5</sup> While the letter references "XXX," AT&T Missouri understands the reference to mean "NXX," in keeping with generally recognized numbering resource convention.

of the Commission's Order, AT&T Missouri specifically requests that the Commission grant it any other suitable numbering resources that meet Saint Luke's needs.

7. On September 11, 2008, AT&T Missouri submitted a Thousands-Block Application Form, Part 1A, for the numbering resources assignment necessary to meet Saint Luke's needs. A copy of the Application is attached hereto and is marked as Exhibit B. AT&T 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, a copy of which is attached hereto and marked as Exhibit C.

8. On September 11, 2008, NANPA denied the request on the grounds that AT&T Missouri had not met the utilization criteria. A copy of that decision is attached hereto and marked as Exhibit D.

9. AT&T Missouri seeks the Commission's direction to overturn NANPA's decision to withhold numbering resources. This Commission has overturned NANPA's decision to withhold numbering resources in several cases and AT&T Missouri respectfully submits that it should likewise do so here.

10. 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 affirm or overturn NANPA's decision to withhold numbering resources.<sup>6</sup> Thus, the Commission has the authority to "affirm or overturn the NANPA's decision to withhold

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<sup>6</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).

numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein.”<sup>7</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>8</sup>

11. The FCC further explained in its March 31, 2000, Order 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” and that states “may grant requests for customers seeking contiguous blocks of numbers.”<sup>9</sup> Moreover, 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>

12. Further, this Application complies with 4 CSR 240-37.040. AT&T Missouri has attached hereto its “Months-to-Exhaust Worksheet” indicating the utilization for the Lee’s Summit rate center (KSCYMO41DS0) encompassing both the preceding six months and projected monthly utilization for the next twelve months. 4 CSR 240-37.040(1)(A)1. *See*, Exhibit C. AT&T Missouri has also attached hereto its most recently-filed FCC Form U1 of Form 502 for this rate center. 4 CSR 240-37.040(1)(A)2. *See*, Exhibit E(HC). Finally, AT&T Missouri

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<sup>7</sup> *Id.*

<sup>8</sup> Third Report and Order and Second Order on Reconsideration, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, et al., December 12, 2001, paragraph 64; *see also*, 47 CFR 52.15(g)(4).

<sup>9</sup> *Id.*

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

attaches copies of its originally-filed request to NANPA (i.e., its Thousands-Block Application Form, Part 1A) and NANPA's denial of that request. 4 CSR 240-37.040(1)(A)3. *See*, Exhibits B and D, respectively. These materials and the instant Application demonstrate a verifiable need for the numbering resources requested herein. In connection with this request, AT&T Missouri has exhausted all other available remedies designed to conserve numbering resources. 4 CSR 240-37.040(1)(A)4.

13. AT&T Missouri has no final unsatisfied judgments or decisions against it from any state or federal agency or court, which involve retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application. Moreover, AT&T Missouri has no pending actions which satisfy the listed criteria in Arkansas, Kansas, Missouri or Oklahoma. AT&T Missouri (which operates in Texas under the fictitious name AT&T Texas) has six pending formal complaints or lawsuits from end-user customers in Texas which involve retail customer service or rates.<sup>11</sup>

14. AT&T Missouri does not have any annual report or assessment fees that are overdue in Missouri.

15. AT&T Missouri seeks expedited treatment and requests that the Commission act on this request within ten (10) business days. Saint Luke wants to activate the 400 DID numbers by October 1, 2008 or as soon as possible thereafter. In order to accommodate Saint Luke's needs, the Commission must issue its order expeditiously, so that AT&T Missouri will have enough time to file a new request with NANPA for the release of the numbering resources to

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<sup>11</sup> The pending lawsuits in Texas involving customer service or rates are (1) Irvings Holding, Inc. v. SBC Communications, Inc., Docket No. CC-05-07415-C and (2) David Lavine, M.D. and David Lavine, M.D., P.A. d/b/a Center for Cosmetic and Reconstructive Surgery v. AT&T Inc., Cause No. 07-54771-2. The pending formal complaints before the Texas Public Utility Commission involving customer service or rates are as follows: (1) Complaint of Harris County Hospital District Against AT&T Texas, Docket No. 34332; (2) Complaint of Harris County Hospital District Against AT&T Texas, Docket No. 34940; (3) Formal Complaint Pursuant to PUC Procedural Rule 22.242 Against AT&T On Behalf Of The River Oaks Imaging, Docket No. 34511 and (4) Complaint of John J. Gitlin, Esq. Against AT&T Texas, Docket No. 34348.

AT&T Missouri described herein, both to meet Saint Luke's needs and so that AT&T Missouri and any other telecommunications service providers that provides service via a switch can program their switches. AT&T Missouri filed this request for expedited treatment as soon as it could have. Specifically, AT&T Missouri filed this pleading after NANPA rejected AT&T Missouri's request for numbering resources and AT&T Missouri determined that it was not feasible to implement a technological alternative.

WHEREFORE, AT&T Missouri respectfully requests that the Commission overturn NANPA's previous determination in this matter within ten (10) business days, and instruct NANPA to release the numbering resources described herein to meet the telecommunications needs of Saint Luke's Health System and, in the event that the requested resources are then unavailable, to release such other suitable blocks as will meet Saint Luke's Health System's needs.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY 

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**CERTIFICATE OF SERVICE**

Copies of this document and all attachments thereto were served on the following by e-mail on September 19, 2008.

  
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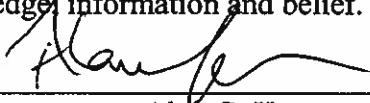
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CITY OF ST. LOUIS       )  
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STATE OF MISSOURI       )       SS

**VERIFICATION**

I, Alan G. Kern, in accordance with 4 CSR 240-2.060(1)(M), first being duly sworn upon my oath, hereby verily state that I am over the age of twenty-one years, sound of mind, and Director-Regulatory of AT&T Services, Inc. I am authorized to act on behalf of Southwestern Bell Telephone Company, d/b/a AT&T Missouri regarding the foregoing document. I have read the document to which this Verification is appended. The facts contained therein are true and correct according to best of my knowledge, information and belief.

  
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Alan G. Kern

Sworn and subscribed to before me this 19<sup>th</sup> day of September, 2008.

  
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Notary Public

