

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of Socket)	
Telecom, LLC For Review and Reversal)	
Of North American Number Plan)	
Administrator's Decision to Withhold)	Case No. _____
Numbering Resources.)	

**SOCKET TELECOM, LLC's APPLICATION AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW Socket Telecom, LLC ("Socket") and 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 C.F.R. 52.15 and respectfully requests the Missouri Public Service Commission ("Commission") to issue an expedited order that reviews and reverses the recent denial by NeuStar, Inc. ("NeuStar", "Pooling Administrator" or "PA") of Socket's Application for blocks of telephone numbers. In addition, Socket specifically requests that the Commission direct the PA to immediately release the requested blocks of telephone numbers to Socket.

In support of its Application, Socket states as follows:

1. Socket is a competitive facilities-based telecommunications company duly incorporated and existing under and by virtue of the laws of the State of Missouri, as a limited liability company. Its principal Missouri offices are currently located at 2703 Clark Lane, Columbia, Missouri 65202, and it can be reached as follows: telephone - 573-256-6200, FAX - 573-256-6201, e-mail:rmkohly@sockettelecom.com. Socket is an authorized provider of intrastate switched and non-switched local exchange and interexchange telecommunications services in Missouri under certificates granted and tariffs approved by the Commission. Socket is also an authorized provider of interstate telecommunications services in Missouri under the

jurisdiction of the Federal Communications Commission. A certificate of good standing from the Missouri Secretary of State is **attached** hereto.

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

Carl J. Lumley
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
314-725-8788
314-725-8789 (FAX)
clumley@lawfirmemail.com

3. Socket recently began actively offering local exchange and exchange access services in the exchanges that comprise Tier 6 of the St. Louis MCA. In order to be competitive and able to offer the full suite of telecommunications services offered by its competitors, Socket needs to be able to provide both Metropolitan Calling Area ("MCA") and non-MCA service in this optional tier of the St. Louis MCA. Consequently, Socket needs to be able to issue its own MCA and non-MCA numbers to meet customer demand rather than rely solely upon the ability to port numbers as Socket has been doing thus far. To have this ability, Socket must obtain sufficient numbering resources to have both dedicated MCA and non-MCA NPA-NXX codes in each exchange in Tier 6 of the St. Louis MCA. These exchanges include: Foley, Holstein, Marthasville, Warrenton, and Wright City.

4. Each exchange in Tier 6 of the St. Louis MCA has been converted to Number Pooling as authorized by the FCC. Consequently, access to new telephone numbers by a Number Pooling carrier, such as Socket, is obtained by submitting such requests to the PA¹.

¹ The federal rules in 47 C.F.R. 52.15 set forth generally the responsibilities of NANPA and the PA under the heading "Central office code administration".

5. In each exchange where Socket seeks the additional numbering resources, Socket already had a Thousand-Block of numbering resources designated as Non-MCA codes. Socket requested an additional Thousand-Block from the PA with the necessary MCA designation. Each of Socket's requests for the additional numbering resources was denied. The specifics are set forth in the table below.

Exchange	Code Requested	Outcome
Wright City	636-791-7	Denied
Warrenton	636-377-7	Denied
Marthasville	636-242-7	Denied
Holstein	636-782-7	Denied
Foley	636-355-7	Denied

6. In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and the PA to handle numbering resource administration². If a numbering resource administrator withholds numbering resources from a carrier, the FCC has specifically authorized state commissions to overturn those decisions for reasonable cause. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R. 52.15(g)(4), which states:

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. The NANPA shall not issue numbering resources to a carrier without an Operating Company Number (OCN). The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. **The carrier may**

² 47 C.F.R. 52.15(a) states: "Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission." 47 C.F.R. 52.20(d) states: "The Pooling Administrator shall be a nongovernmental entity that is impartial and not aligned with any particular telecommunications industry segment, and shall comply with the same neutrality requirements that the NANPA is subject to under this part."

challenge the NANPA's decision to the appropriate state regulatory commission. The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies. (Emphasis added.)

In addition, the FCC through the Industry Numbering Committee ("INC") Guidelines provides that appropriate regulatory authorities may review the PA's decision to deny a request for numbering resources³.

7. The FCC has also clarified in a Numbering Resource Optimization Order⁴ (paragraphs 57-66), that carriers may now appeal to states as a "safety valve" mechanism. The FCC contemplated the need to, and gave states the ability to, respond when a denial of access to numbering resources failed to consider a specific customer request, stating:

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. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center. States may not accommodate requests for specific numbers (i.e., vanity numbers), but may grant requests for customers seeking contiguous blocks of numbers. Any numbering resources granted for this reason may be initially activated only to serve the requesting customer for whom the application was made. If the customer request is withdrawn or declined, the requesting carrier must return the numbering resources to the NANPA or Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements⁵.

³ See INC's Thousands-Block Number (NXX-X) Pooling Administration Guidelines ("TBPAG"), Sections 3.7 and 12(c).

⁴ In the Matter of Numbering Resource Optimization, et al., CC Docket Nos. 99-200 and 96-98, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 ("Third NRO").

⁵ Id. at ¶64.

8. An essential aspect of the "safety valve" provision is the accelerated state commission response called for by the FCC's order. States should act upon such a request in most instances in 10 business days, as noted by the FCC:

Finally, we recognize that in many instances, the failure to address a request for additional numbering resources can impair a carrier's 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. If a state does not reach a decision on a safety valve request within a reasonable timeframe, carriers may submit such requests to the Commission for resolution. In addition, carriers may appeal to the Commission safety valve decisions made by states, and we delegate authority to the Common Carrier Bureau to review such petitions as expeditiously as possible⁶.

9. Accordingly, pursuant to 47 C.F.R. 52.15(g)(4), the Thousands-Block Number (NXXX) Pooling Administration Guidelines and the Central Office Code (NXX) Assignment Guidelines published by INC⁷, Socket seeks the Missouri Commission's expeditious reversal of NANPA's decision to withhold the numbering resources requested by Socket, as Socket is unable to satisfy verifiable numbering resources needs and cannot provision the services without such action by the Commission. As demonstrated above, the FCC permits such assistance from the Missouri Commission.⁸ Socket has exhausted all other available remedies.

10. In support of its request, Socket provides the following additional information:

- a. Socket's current numbering resources utilization as reflected on the FCC Form U1 of Form 502 for each rate center in which Socket is seeking additional numbering resources is provided in **Attachment "1"**, organized by exchange.

⁶ Id. at ¶ 66.

⁷ INC Guidelines may be found at the following Internet link: <http://www.atis.org/atis/clc/INC/incodcs.htm>

⁸ The Commission granted similar relief to CenturyTel when it requested additional codes to offer optional MCA service for these same exchanges in Case No. IO-2007-0160.

- b. For each exchange where Socket is seeking additional numbering resources, Socket is providing a Months-to-Exhaust Worksheet that provides utilization by rate center for the preceding six (6) months and projected monthly utilization for the next twelve (12) months. Also included is Socket's request to NANPA or the PA, a copy of the carrier's Part 1a, and a copy of the NANPA or PA denial/response/confirmation Part 3 as applicable based upon the type of request (i.e. request for an additional Thousand Block or request to open a new NPA-NXX code). These items are provided in **Attachment "1"** and are organized by exchange.

11 . Any communications with the PA in this matter may be brought to the attention of the Pooling Administrator responsible for pooling in the state of Missouri:

Genevieve Bettiga
1800 Sutter St.
Concord, CA 94529
1-866-638-7665
genevieve.bettiga@neustar.biz

12. Socket 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.

13. Socket has no overdue annual reports or assessment fees.

14. Socket requests that the Commission act upon this Application within 10 business days as recommended by the FCC, or as soon thereafter as possible. An expedited decision herein is essential as Socket is unable to fully utilize its network facilities and provide services without the requested relief. There will be no negative effects on customers or the general public from expedited action by the Commission. Socket submits that it would be in the best interests of

its customers and the general public if the Commission acts as soon as possible. Socket has filed its applicable as soon as possible under the circumstances.

WHEREFORE, based on the foregoing Socket respectfully requests the Commission to expedite its review and issue its orders in this case as soon as possible overturning the PA's previous determination denying Socket access to additional numbering resources, and instruct the PA to release the numbering resources necessary to satisfy the requests submitted by Socket, and for such other and further relief to Socket as the Commission finds just and reasonable.

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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Attorneys for Socket Telecom, LLC

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was e-mailed this 1st day of October, 2009, to:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

Office of Public Counsel
P.O. Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

/s/ Carl J. Lumley

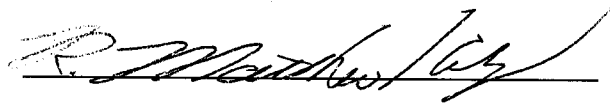
STATE OF MISSOURI)

) SS.

COUNTY OF BOONE)

VERIFICATION

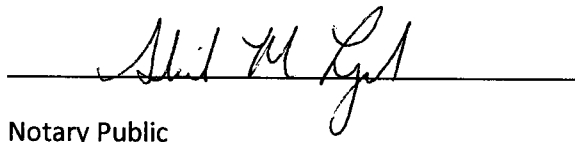
I, R. MATTHEW, KOHLY, first being duly sworn, state on my oath that I am over the age of twenty-one years, sound of mind, and an employee of Socket Telecom, LLC. I am authorized to act on behalf of Socket Telecom, LLC, regarding the foregoing document. I have read the foregoing Application and I am informed and believe that the matters contained therein are true. Further, I hereby confirm that Carl J. Lumley and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, Clayton, Missouri 63105, are authorized to sign all pleadings and documents necessary to obtain the decision of the Missouri Public Service Commission on the foregoing Application, and to represent Socket Telecom, LLC in this proceeding.



R. Matthew Kohly

On this 29th day of September, 2009, before me, a Notary Public, personally appeared R. Matthew Kohly, and being first duly sworn upon his oath stated that he is over twenty-one years, sound of mind and an employee of Socket Telecom, LLC, he signed the foregoing document as an employee of Socket Telecom, LLC, and the facts contained therein are true and correct according to the best of his information, knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above-written.



Notary Public

My Commission Expires:

