

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

In the Matter of a Proposed Rulemaking to )  
Create Chapter 37 - Number Pooling and )  
Number Conservation Efforts. )

Case No. TX-2007-\_\_\_\_

**MOTION FOR FINAL ORDER OF RULEMAKING**

COMES NOW the Staff of the Missouri Public Service Commission, by and through its Office of General Counsel, pursuant to section 536.016 RSMo. (2000), and for its Motion for Final Order of Rulemaking states as follows:

1. Section 536.016 provides that a state agency shall propose rules based upon "substantial evidence upon the record and a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority."

2. Pursuant to statutory authority and public interest requirements, Staff recommends the Commission create new rules to govern the implementation and monitoring of thousands-block number pooling and other number conservation efforts.

3. Attached as Exhibit A is the Staff's notarized affidavit concerning the necessity for this rulemaking. Exhibit B is a draft of a proposed rule for the Commission's consideration.

4. The Commission's authority to promulgate the rule, in addition to its general authority under Section 386.250(2) RSMo. (2000) to supervise telecommunications companies, is supported by a series of decisions by the Federal Communications Commission granting to the Missouri Public Service Commission the authority to implement mandatory thousands-block number pooling and other number conservation efforts in all parts of the state. In its *Order* in CC Docket 99-200 adopted July 20, 2000, the Federal Communications Commission stated that

“[n]umbering resource optimization measures are necessary to address the considerable burdens imposed on society by the inefficient use of numbers; thus, we have enlisted the state regulatory commissions to assist the FCC in these efforts by delegating significant authority to them to implement certain measures within their local jurisdictions.” *Order* at 7, para. 10. The delegations of authority include most recently the *Order and Fifth Further Notice of Proposed Rulemaking* adopted February 17, 2006 in *In the Matter of Numbering Resource Optimization and Petition of the Missouri Public Service Commission for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 99-200 (FCC 06-14), where the FCC granted this Commission authority to implement mandatory thousands-block number pooling in the 417, 573, 636 and 660 NPAs. The Federal Communications Commission had previously delegated similar authority to this Commission for the other area codes in Missouri.<sup>1</sup> Section 386.210(2) provides that the Commission may “act as an agent or licensee for the United States of America, or any official, agency or instrumentality thereof,” and thus the Commission has additional authority under this statutory section to carry out the FCC’s directives.

WHEREFORE, the Staff respectfully requests that the Commission issue a Final Order of Rulemaking to create rules to govern the implementation and monitoring of thousands-block pooling and other number conservation efforts.

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<sup>1</sup> See CC Docket No. 99-200 (DA-02-948), *Order* adopted April 24, 2002 for area codes 660 and 636; CC Docket 99-200 (DA-01-656), *Order* adopted March 13, 2001 for area code 816; CC Docket 99-200 (DA-00-1616), *Order* adopted July 20, 2000 for area code 314.

Respectfully submitted,

**/s/ David A. Meyer**

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**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 24<sup>th</sup> of August 2006.

**/s/ David A. Meyer**

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

**AFFIDAVIT OF   Natelle Dietrich**

STATE OF MISSOURI            )  
                                  )   ss:  
COUNTY OF COLE            )

Natelle Dietrich, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she participated in the preparation of this affidavit and accompanying proposed rulemaking, and states that the information therein is true and correct to the best of her knowledge and belief.

On February 24, 2006, the FCC issued its Order and Fifth Further Notice of Proposed Rulemaking (Order) granting the Missouri Commission additional delegated authority to implement number conservation measures in Missouri, including mandatory thousands-block number pooling in the 417, 573, 636 and 660 area codes. The Order became effective March 15, 2006. The FCC noted that allowing states to mandate pooling outside of the top 100 metropolitan statistical areas will delay the need for area code relief by using numbering resources more efficiently.

Since the delegated authority allows the Missouri Commission to mandate thousands-block number pooling policy applicable to telecommunications carriers, wireless carriers and certain VoIP providers, a proposed rulemaking is the appropriate process to establish timeframes and guidelines for implementing pooling and conservation efforts.

The attached proposed rulemaking would not change any existing processes or establish new processes or procedures for carriers obtaining numbering resources, but would limit most carriers to obtaining blocks of 1,000 numbers instead of blocks of 10,000 numbers consistent with the FCC's Order. The proposed rulemaking would impose requirements on carriers to notify the Commission Staff when numbers are assigned to "indirect" carriers, or carriers that are not able to access numbering resources directly from the Pooling Administrator or the North American Numbering Plan Administrator.

The Commission and the Staff already have processes in place to address number conservation efforts so no changes are anticipated for the Commission or Staff as a result of the proposed rulemaking. Therefore, no fiscal impact is anticipated on the Commission or other governmental entities.

The rule would require carriers to assist the Commission in its number conservation efforts, so a fiscal impact may result from certain areas of the proposed rulemaking. Staff is working with the industry to determine this impact.

Natelle Dietrich

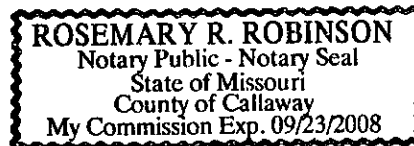
NATELLE DIETRICH

Subscribed and affirmed before me this 24<sup>th</sup> day of August 2006

I am commissioned as a notary public within the County of Cole, State of Missouri

and my commission expires on 9-23-2008

Rosemary R. Robinson  
NOTARY PUBLIC



**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 37 – Number Pooling and Number Conservation Efforts**

**Proposed Rule**

**4 CSR 240-37.010 General Provisions**

**Purpose:** *These rules govern the implementation and monitoring of thousands-block of thousands-block pooling and other number conservation efforts pursuant to federal authority.*

(1) This rule and the other rules comprising Chapter 37 shall apply to all carriers operating in the state of Missouri and requesting numbering resources directly from the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator regardless as to whether such carriers operate under the jurisdiction of the Public Service Commission.

(2) The rules comprising Chapter 37 shall not relieve any company from any of its duties under the laws of this state or from any other rules of this commission. All carriers shall be in compliance with this chapter within thirty (30) days after the effective date of this rule.

*AUTHORITY: Section 386.210.2 and 386.250(2) RSMo 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**4 CSR 240-37.020 Definitions**

**PURPOSE:** *This proposed rule defines terms used in the rules comprising Chapter 37.*

- (1) Audit is the examination of a carrier's records related to the validity and accuracy of utilization data compliance.
- (2) Block is a group of telephone numbers within the same rate center.
- (3) Carrier is any entity that is assigned or has requested numbering resources from the Pooling Administrator for its use.
- (4) Central Office Code or NXX refers to the second three digits of a ten-digit telephone number in the form NXX-NXX-XXXX, where N represents any one of the numbers two (2) through nine (9) and X represents any one of the numbers zero (0) through nine (9).

(5) Contamination occurs when at least one telephone number within a thousands-block of telephone numbers is not available for assignment to end users. A telephone number is not available for assignment to end users if it is classified, consistent with current federal definitions, as administrative, aging, assigned, intermediate, or reserved by the carrier.

(6) Commission is the Missouri Public Service Commission.

(7) Code sharing is a means to enable carriers that do not have the capability to participate in local number portability to participate in thousands-block pooling. Code sharing allows codes within a specific rate center to be distributed among two or more carriers.

(8) Forecast is an estimate of a carrier's yearly numbering resource requirements at the thousands-block level per rate center.

(9) Form U1 indicates a carrier's current numbering resource utilization level.

(10) FCC is the Federal Communications Commission.

(11) Growth Numbering Resource is a request for numbering resources when the telephone numbers available to a carrier for assignment will not meet expected demand.

(12) Indirect carrier is any entity providing two-way voice service capable of receiving calls from a provider of basic local telecommunications services that receives numbering resources from a carrier rather than receiving those telephone numbers directly from the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator.

(13) Inventory pool is a group of unallocated thousands-blocks administered by the Pooling Administrator for purposes of assignment to carriers participating in thousands-block number pooling.

(14) "In service" means activating and commencing assignment of numbering resources.

(15) Local Exchange Telecommunications Company is any company engaged in the provision of local exchange telecommunications service.

(16) Local exchange telecommunications service is telecommunications service between points within an exchange.

(17) Local Number Portability means the ability of users of telecommunications services to retain, at the same location, existing telephone numbers when switching from one carrier to another without impairment of quality, reliability, or convenience.

(18) North American Numbering Plan Administrator is responsible for coordination and administration of the North American Numbering dialing plans.

(19) NPA (numbering plan area or area code) refers to the first three digits of a ten-digit telephone number.

(20) Number conservation efforts include the efficient and effective use of finite numbering resources in order to minimize the cost and need to expand the availability of numbering resources due to the introduction of new services, capabilities, and features.

(21) Number Pooling is a process by which the ten thousand (10,000) telephone numbers in a central office code are separated into ten blocks of one thousand (1,000) telephone numbers each (thousands-blocks), and allocated separately within a rate center.

(22) Part 1 is a form that allows the carrier to request a block or blocks of telephone numbers.

(23) Part 3 is a form used by the Pooling Administrator to respond to a carrier's application for numbering resources.

(24) Rate Center is a geographic location defined by vertical and horizontal coordinates used in applying distance-sensitive toll rates. All telephone numbers in a rate center share the same vertical and horizontal coordinates.

(25) Rate Center Consolidation occurs when rate centers are combined so carriers may minimize the need to obtain additional blocks.

(26) Reclamation is the process in which carriers are required to return telephone numbers to the North American Numbering Plan Administrator.

(27) Sequential number assignment requires carriers to assign telephone numbers within an opened thousands-block before assigning telephone numbers from an uncontaminated thousands-block.

(28) Thousands-block refers to one thousand (1,000) telephone numbers assigned to a rate center.

(29) Thousands-block Forecast Report is a report sent by carriers to the Pooling Administrator discussing all number resource requirements in thousands-block number pooling rate areas.

(30) Thousands-block number pooling is a process by which the ten thousand (10,000) telephone numbers in a central office code are separated into ten blocks of one thousand (1,000) telephone numbers each (thousands-blocks), and allocated separately within a rate center.



(3') Thousands-block Pooling Administrator refers to the entity or entities responsible for administering a one thousand (1,000) block number pool.

*AUTHORITY: Section 386.210.2 and 386.250(2) RSMo 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

#### **4 CSR 240-37.030 Thousands-Block Number Pooling**

**PURPOSE:** *This proposed rule outlines timeframes and guidelines for implementing thousands-block number pooling throughout Missouri pursuant to federal authority.*

(1) Thousands-block number pooling shall be implemented in each Missouri rate center no later than March 1, 2007.

(2) Thousands-block pooling in each rate center in Missouri will be conducted according to the Alliance for Telecommunications Industry Solutions guidelines and the Industry Numbering Committee's thousands-block pooling administration guidelines.

(3) Carriers requesting resources from the inventory pool shall provide, upon request from the commission staff, evidence that its facilities are in place or will be in place to provide service within sixty (60) calendar days of the block activation date for the area in which the numbering resources are requested. Such evidence includes, as applicable, but is not limited to:

- (A) A certificate to provide basic local telecommunications service or a license to provide commercial mobile radio service in the state of Missouri;
- (B) A copy of the application submitted to the North American Numbering Plan Administrator;
- (C) Carrier developed business plans to include planned coverage area and the date(s) service will be provided; and
- (D) Switch installation completion date(s).

(4) A carrier requesting numbering resources shall provide, upon request from the commission staff, evidence that the carrier needs the numbering resources in a rate center given its current utilization and historical growth.

(5) All carriers shall assign all available telephone numbers sequentially within an opened thousands-block before assigning telephone numbers from an uncontaminated thousands-block, unless the available numbers in the opened thousands-block are not sufficient to meet a specific customer request. This requirement shall apply to a carrier's existing numbering resources as well as any new numbering resources it obtains.

(A) A carrier that opens an uncontaminated thousands-block prior to assigning all available telephone numbers within an opened thousands-block (for purposes of section 6 "assignment") shall, within ten (10) days of opening the uncontaminated thousands-block, submit a report via the commission's Electronic Filing and Information System (EFIS). The Report shall include, but not be limited to, the following:

1. A genuine request from a customer detailing the specific need for telephone numbers;
2. A detailed explanation as to the carrier's inability to meet the specific customer request;
3. An explanation as to why the assignment is reasonable; and
4. A demonstration that the carrier has a verifiable need for numbering resources and has exhausted all other available remedies designed to avoid wasting numbering resources.

(B) A commission case may be opened to address concerns with the assignment.

1. The carrier will have the burden to prove the assignment was reasonable.
2. If directed by the commission, a carrier shall provide additional justification demonstrating the reasonableness of opening an uncontaminated thousands-block prior to assigning all available telephone numbers within an opened thousands-block.
3. Upon a finding by the commission that a carrier inappropriately assigned telephone numbers from an uncontaminated thousands-block, the North American Numbering Plan Administrator or the Pooling Administrator shall suspend assignment or allocation of any additional numbering resources to that carrier in the applicable NPA until the carrier demonstrates that it does not have sufficient numbering resources to meet a specific customer request.

*AUTHORITY: Section 386.210.2 and 386.250(2) RSMo 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

#### **4 CSR 240-37.040 – Requests for Review of the Decisions of the North American Numbering Plan Administrator**

**PURPOSE:** *The commission has the authority to hear claims that growth numbering resource requirements should not be applied when the North American Numbering Plan Administrator or the Pooling Administrator denies a specific request for numbering resources. This proposed rule is the process by which a carrier requests the commission overturn the decision of the North American Numbering Plan Administrator.*

(1) A carrier that requests the commission overturn a decision of the North American Numbering Plan Administrator (NANPA) to deny a carrier's request for additional numbering resources shall file an application with the commission.

(A) The burden is on the carrier requesting review to demonstrate that deviation from the growth numbering resource requirements is warranted; therefore, applications for growth numbering resources shall include, but not be limited to, the following:

1. 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;
2. The carrier's current numbering resource utilization level, Form U1, for the rate center in which it is seeking growth numbering resources;
3. A copy of the carrier's original request to NANPA or the Pooling Administrator, a copy of the carrier's Part 1, a copy of the NANPA or Pooling Administrator response/confirmation Part 3;
4. A copy of the customer's request for specific numbering resources;
5. A detailed explanation of the carrier's inability to meet the specific customer request;
6. A detailed explanation as to why the assignment is reasonable; and
7. A demonstration that the carrier has a verifiable need for numbering resources and has exhausted all other available remedies designed to conserve numbering resources.

*AUTHORITY: Section 386.210.2 and 386.250(2) RSMo 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

#### **4 CSR 240-37.050 Reclamation**

**PURPOSE:** *Consistent with federal guidelines, this proposed rule establishes guidelines as to when carriers shall donate or the commission shall reclaim unused telephone numbers.*

(1) Each carrier shall return any thousands-block(s) to the North American Numbering Plan Administrator or Pooling Administrator if:

(A) The thousands-block(s) is no longer needed for the purpose for which they were requested and assigned;

(B) The carrier is no longer providing a telecommunications service that requires numbering resources; or

(C) The Central Office Code or thousands-block was not placed in service within six (6) months of receipt.

(2) All carriers participating in thousands-block number pooling shall donate thousands-blocks with ten (10) percent or less contamination to the thousands-block number pool for the rate center within which the numbering resources are assigned. All carriers

participating in thousands-block number pooling shall be allowed to retain at least one (1) thousands-block per rate center, even if the thousands-block is ten (10) percent or less contaminated.

(3) A carrier is required to place blocks in service within six (6) months. If the carrier needs an extension of the six (6) month requirement, the following timeline shall apply since federal regulation mandates the North American Numbering Plan Administrator or Pooling Administrator shall initiate reclamation within sixty (60) days of the six (6) month requirement:

(A) The carrier shall file an application for extension with the commission no later than ten (10) days after the six (6) month requirement deadline.

1. The application for extension shall include:

A. The reason the Central Office Code or thousands-block was not placed in service within six (6) months;

B. The date the Central Office Code or thousands-block will be placed in service;

C. A detailed explanation as to why the extension is reasonable; and

D. A demonstration that the carrier has a verifiable need for the extension and the thousands-block(s).

*AUTHORITY: Section 386.210.2 and 386.250(2) RSMo 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

#### **4 CSR 240-37.060 Additional Number Conservation Efforts**

**PURPOSE:** *The purpose of this section is to identify additional number conservation efforts that are required or may be implemented by the commission.*

(1) Carriers shall participate in code sharing in all rate centers in which they have been assigned telephone numbers.

(2) Any carrier, the commission staff, the Office of the Public Counsel or the commission may initiate a proceeding to review rate center consolidation.

(A) Carriers shall assist the commission in reviewing the need for rate center consolidation in an area;

(B) Carriers shall assist the commission in gathering data to review the costs and benefits of rate center consolidation in an area; and

(C) Carriers shall participate in rate center consolidation as ordered by the commission.

*AUTHORITY: Section 386.210.2 and 386.250(2) RSMo 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than [to be determined]*

#### **4 CSR 240-37.070 Reporting Requirements**

**PURPOSE:** *This proposed rule establishes procedures for a carrier to report to the commission when telephone numbers are given to an indirect carrier.*

(1) When a carrier sells, assigns or transfers telephone numbers to an indirect carrier, the carrier shall submit, within thirty (30) days, a notice via the commission's Electronic Filing and Information System (EFIS). The notice shall include:

- (A) The NPA/NXX of the block(s) sold, assigned or transferred; and
- (B) The name of the indirect carrier receiving the block(s).

(2) Consistent with federal audit authority, a carrier shall report, upon request by the commission staff, certain information to ensure compliance with commission and Federal Communications Commission numbering rules and to monitor and verify the validity and accuracy of carrier utilization data. Such information includes, but is not limited to, all number utilization, forecast and historical trend documentation and applications. In response to such requests, a carrier shall make the requested information available at the commission's office in Jefferson City.

*AUTHORITY: Section 386.210.2 and 386.250(2) RSMo 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will[to be determined]*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Cully Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register** and should include a reference to commission Case No. TX-2007-XXXX. Comments may also be submitted via a filing using the commission's electronic filing and information system and <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for XXX at XX in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit*

*additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*