

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

In the Matter of the Application of)	
Southwestern Bell Telephone, L.P., d/b/a)	
SBC Missouri For Review and Reversal)	Case No.
Of North American Number Plan)	
Administrator's Decision to Withhold)	
Numbering Resources)	

SOUTHWESTERN BELL TELEPHONE, L.P.,
D/B/A SBC MISSOURI'S APPLICATION

COMES NOW Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("SBC Missouri") and files this verified application, pursuant to 4 CSR 240-2.060, 4 CSR 240-2.080(16), and 47 CFR 52.15(g)(3)(iv), and respectfully requests that the Missouri Public Service Commission ("Commission") issue an Order that reviews and reverses the decision of the North American Numbering Plan Administrator, NeuStar, Inc., ("NANPA") to withhold certain numbering resources from SBC Missouri, in a form of three consecutive block of 1,000 numbers to service the needs of the Park Hill School District ("PH"), a customer of SBC Missouri in the Kansas City area that is converting its 15 aged PBX phone systems, connected with analog plain old telephone lines ("POTs lines"), into a single, integrated phone system that will service the entire school district. In support of its application, SBC Missouri states as follows:

1. SBC Missouri is a Texas limited partnership¹, duly authorized to conduct business in Missouri,² with its principal Missouri office at One SBC Center, Room 3520,

¹ SBC Missouri filed a copy of its Limited Partnership Agreement with the Commission on October 12, 2001. See In the Matter of the Application of Southwestern Bell Telephone Company To Transfer Property and Ownership of Stock Pursuant to Section 392.200, RSMo., Case No. TO-2002-185, October 12, 2001.

² SBC Missouri filed a certificate from the Missouri Secretary of State Certifying that Southwestern Bell Telephone, L.P. is a foreign limited partnership that is duly authorized to transact business in the State of Missouri with the Commission on January 7, 2002. See In the Matter of the Application of Southwestern Bell Telephone Company to Transfer Property and Ownership of Stock Pursuant to Section 392.300, RSMo., Case No. TO-2002-185, January 7, 2002.

St. Louis, Missouri, 63101. SBC Missouri is authorized to do business in Missouri and its fictitious name is duly registered with the Missouri Secretary of State.³ SBC 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.

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

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3. PH, a customer of SBC Missouri, has requested 3,000 Direct Inward Dial (“DID”) contiguous numbers and has specifically requested that these numbers start with 4, 5, 6, 7, or 8. SBC has researched the available blocks in its Kansas City rate center, which serves the area in which the PH school district is located. A copy of a letter from Brad Sandt, Lead Network Engineer for the PH school district, to SBC, dated October 3, 2005, is attached hereto and marked Exhibit A.

4. On October 21, 2005, SBC Missouri submitted a Thousand-Block Application Form, Part 1A, for the assignment of three one thousand blocks to meet PH’s request. A copy of the Application is attached hereto and is marked as Exhibit B. SBC Missouri completed the application in accordance with the Industry Numbering

³ SBC Missouri filed a copy of the registration of the fictitious name “SBC Missouri” with the Commission on January 17, 2003. See In the Matter of the Name Change of Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company to Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, Case No. IN-2003-0247, January 17, 2003.

Committee's Thousands-Block Pooling Assignment Guidelines and filled out the necessary Months to Exhaust and Utilization Certification Worksheet which is attached hereto and marked as Exhibit C.

5. SBC Missouri submitted the request for three one thousand blocks because SBC Missouri does not have three one thousand blocks which meet the criteria requested by PH. SBC Missouri is unable to use numbers from any other switch in the Kansas City exchange to satisfy the PH's request.

6. On or about October 21, 2005, NANPA denied the request on the grounds that SBC Missouri had not met the utilization criteria of 75% as required by the Federal Communications Commission. That decision is attached hereto and marked Exhibit D.

7. 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 reaffirm or overturn NANPA's decision to withhold numbering resources.⁴ Thus, the Missouri Commission has the authority to "affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein."⁵ Moreover, the FCC determined that states may overturn NANPA's decision to withhold numbering resources from the

⁴ 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), which is attached hereto and marked as Exhibit E).

⁵ Id.

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.⁶ The FCC explained 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."⁷ The FCC further explained that states "may grant request for customers seeking contiguous blocks of numbers."⁸ Further, 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."⁹

8. SBC Missouri seeks the Commission's direction to overturn NANPA's decision to withhold numbering resources. The FCC permits such direction in order to meet specific customer demand. This Commission has previously overturned NANPA's decision to withhold numbering resources in the following cases: (1) Order Reversing Decision of the North American Numbering Plan Administrator and Closing Case, In the Matter of the Application of Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, for Review and Reversal of North American Numbering Plan Administrator's Decision to Withhold Numbering Resources, Case No. TO-2005-0406, May 26, 2005; (2) Order Granting Additional Numbering Resources, In the Matter of the Application of Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, for Review and Reversal of the

⁶ Third Report and Order and Second Order on Reconsideration in CC Docket Number 96-98 and CC Docket Number No. 99-200, In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, and Telephone Number Portability, CC Docket Number 99-200, et al., December 12, 2001, paragraph 64.

⁷ Id.

⁸ Id.

⁹ Id. at paragraph 66.

North American Numbering Plan Administrator's Decision to Withhold Numbering Resources, Case No. TO-2005-0312, April 19, 2005; (3) Order Granting Additional Numbering Plan Resources, In the Matter of the Application of Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, For Review and Reversal of North American Numbering Plan Administrator's Decision to Withhold Numbering Resources, Case No. IO-2003-0318, April 1, 2003; (4) Order Granting Additional Numbering Resources, In the Matter of the Application of GTE Midwest Incorporated, d/b/a Verizon Midwest for Review and Reversal of North American Number Plan Administrator's Decision to Withhold Numbering Resources, Case No. TO-2002-481, June 2, 2002.

9. SBC Missouri 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.


10. SBC Missouri does not have any annual report or assessment fees that are overdue in Missouri.

11. SBC Missouri asks that the Commission act on this request within ten (10) business days as envisioned by the FCC. PH has informed SBC Missouri that it would like to establish service effective January 1, 2006. In order to accommodate PH's request, the Commission must issue its order as soon as possible, so that SBC Missouri will have enough time to file a new request with NANPA for the release of three one thousand blocks to SBC Missouri to meet PH's needs, and so that SBC Missouri, and any other telecommunications provider that provides service via a switch, can program its switch.

WHEREFORE, SBC Missouri respectfully requests that the Commission overturn NANPA's previous determination in this matter within ten business days as envisioned by the FCC, and instruct NANPA to release the numbering resources necessary to meet the needs of PH.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

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CERTIFICATE OF SERVICE

Copies of this document were served on all counsel of record by e-mail on November 29, 2005.


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