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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for Idaho Telephone Association
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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF
IDAHO TELEPHONE ASSOCIATION FOR
SUSPENSION OF NUMBER PORTABILITY
REQUIREMENTS.

Case No. *GWR-T-04-01*

**PETITION FOR A TEMPORARY SUSPENSION OF WIRELINE TO WIRELESS
NUMBER PORTABILITY RESPONSIBILITIES**

The Idaho Telephone Association (“ITA”), by and through its attorneys, Givens Pursley LLP, and on behalf of its member companies identified herein, files this Petition for a Temporary Suspension of Wireline to Wireless Number Portability Responsibilities (“Petition”) with the Idaho Public Utilities Commission (“Commission”). In support of its Petition, the ITA states as follows:

1. The ITA is authorized to represent its member companies and their affiliates in matters before the Commission and other regulatory and policy making bodies. In the present case, the ITA is filing this Petition on behalf of Albion Telephone Company, Cambridge Telephone Company, Custer Telephone Cooperative, Inc., Farmers Mutual Telephone Company, Filer Mutual Telephone Company, Midvale Telephone Company, Mud Lake Telephone Cooperative Association, Project Mutual Telephone Cooperative Association, Direct

Communications – Rockland, Rural Telephone Company, Silver Star Telephone Company, Columbine Telephone Company, Inc., Oregon-Idaho Utilities, Rural Network Services, Inc., CTC Telecom, Inc., Fretel Communications, Inc. and Fremont Telecom.¹

2. Pursuant to 47 U.S.C. § 251(b)(2), local exchange carriers such as the ITA members listed in this Petition have “the duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the [Federal Communications Commission (“FCC”)].” The FCC recently determined that, in areas outside the top one hundred MSAs, the capability to provide number portability from wireline to wireless carriers is to be implemented no later than May 24, 2004. *See In the Matter of Telephone Number Portability*, CC Docket No. 95-116, FCC 03-284 (Nov. 10, 2003). None of the petitioning companies provide service within the top one hundred MSAs.

3. The Telecommunications Act of 1996 further provides that local exchange carriers with less than 2% of the nation’s subscriber lines installed in the aggregate may petition a state commission for suspension or modification of the local number portability (“LNP”) requirement. The state commission “shall grant such petition to the extent that and for such duration as, the State commission determines that such suspension of modification” is necessary:

- (i) to avoid a significant adverse economic impact on users of telecommunications service generally,
- (ii) to avoid imposing a requirement that is unduly economically burdensome; or
- (iii) to avoid imposing a requirement that is technically infeasible.

47 U.S.C. § 251(f)(2). The state commission must further determine that granting the petition is “consistent with the public interest, convenience, and necessity.” *Id.*

¹ Another ITA member, Inland Telephone Company, will be filing a similar Petition for Suspension, but the reasons for which Inland seeks relief are different than those addressed in this Petition.

4. The petitioning ITA members have been in contact with their switch vendors in an attempt to determine whether compliance with the FCC's May 24th deadline is technically and economically feasible. Some of the companies are still awaiting vendor responses and firm quotes for the necessary switch upgrades. Of those who have received firm quotes, prices range from approximately \$30,000 to approximately \$147,000 for hardware and software upgrades. In addition, each of the companies will be required to pay approximately \$2,500 per month for ongoing maintenance.

5. In an attempt to mitigate these costs, the ITA members have asked Syringa Networks, LLC ("Syringa") to investigate the possibility of providing LNP capability to the ITA member companies using shared infrastructure. Syringa's Technical Committee has investigated the possibility of providing LNP capability to the petitioning companies and believes, preliminarily, that such a solution is economically and technically feasible. If this initial determination is ultimately confirmed, Syringa believes the ITA members will save an unquantified amount in upgrade cost plus, at a minimum, the cost of multiple ongoing \$2,500 monthly maintenance charges, which will instead be reduced to a single monthly charge paid by Syringa. The latter savings alone would collectively amount to approximately \$40,000 per month, or \$480,000 per year, for the petitioning companies and their customers.

6. The proposed Syringa solution to the petitioning companies' LNP problem will not, however, be available by May 24, 2004. Shared LNP functionality cannot be made available until the Syringa switch is converted to a tandem switch. This conversion was underway even prior to the FCC's November 10, 2003, LNP order, but it cannot be completed prior to the May 24, 2004 deadline.

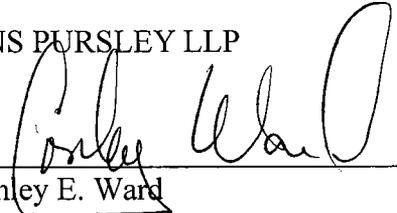
7. The petitioning companies therefore request that the Commission suspend their LNP obligations for six months, until November 24, 2004. This will allow time to confirm that the Syringa solution is feasible and to make the necessary switch conversion and upgrades. This solution is consistent with the public interest, convenience, and necessity, and it will "avoid a significant adverse economic impact on users of telecommunications services," 47 U.S.C. § 251(f)(2)(A)(i), that would otherwise occur if each ITA member company is forced to install LNP functionality individually and pass the costs on to their customers.

8. The Petitioner submits that the public interest does not require a hearing on this Petition, and it therefore requests this matter be processed by Modified Procedure.

WHEREFORE, the Petitioner respectfully requests that this Commission issue its order suspending the previously listed companies' obligation to provide local number portability until November 24, 2004.

RESPECTFULLY SUBMITTED This 4th day of February 2004.

GIVENS PURSLEY LLP

By: 

Conley E. Ward

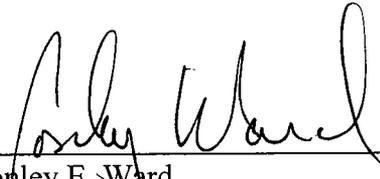
Attorneys for Idaho Telephone Association

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February 2004, I caused to be served a true and correct copy of the foregoing document by the method indicated below, and addressed to the following:

Jean Jewell
Idaho Public Utilities Commission
472 W. Washington Street
P.O. Box 83720
Boise, ID 83720-0074

- U.S. Mail
- Hand Delivered
- Overnight Mail
- Facsimile



Conley E. Ward