

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL STAFF**

FROM: WELDON STUTZMAN

DATE: MARCH 17, 2004

**RE: CASE NO. GNR-T-04-1, PETITION OF IDAHO TELEPHONE
ASSOCIATION FOR SUSPENSION OF NUMBER PORTABILITY
REQUIREMENTS**

On February 5, 2004, the Idaho Telephone Association (ITA) filed a Petition on behalf of 16 of its members requesting a six-month suspension of the requirement that the companies provide local number portability (LNP) from wireline-to-wireless carriers. In an order issued November 10, 2003, the Federal Communications Commission requires that incumbent LECs in rural areas implement LNP no later than May 24, 2004. Local exchange carriers with fewer than 2% of the nation's subscriber lines, however, may petition a state commission for modification or suspension of the portability requirements. ITA's petition states that the member companies are pursuing an economical and technically feasible way to provide LNP, but that a system upgrade is required. The companies plan to provide number portability through shared equipment and services provided by Syringa Networks, LLC, but that Syringa needs to convert its switch to a tandem switch. The petition states that the conversion is underway but that it cannot be completed prior to the May 24, 2004 deadline.

On February 20, 2004, the Commission issued a Notice of Petition and Notice of Modified Procedure to process ITA's petition. Written comments were filed by the Commission Staff and WWC Holding Company, Inc., doing business in Idaho as Cellular One, but is commonly referred to as Western Wireless. In its comments, the Staff generally supports ITA's petition for a six-month suspension. Staff noted that the plan to have a third party enable the companies to provide LNP is unique, and Staff expressed concern that the number portability provided by Syringa be the same as if each ITA member provided LNP itself. Staff recommended the ITA submit a

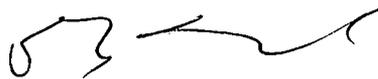
written update to the Commission no later than August 24, 2004, regarding the progress to implement number portability for its member companies.

In its comments, Western Wireless “commends ITA members for considering an innovative approach to cost effectively implementing LNP.” Western Wireless nonetheless expressed concern about the delay in implementing LNP by the ITA member companies, noting that the FCC has concluded that suspension is only appropriate under unique and compelling circumstances. Western Wireless conditionally supports approval of ITA’s petition, and recommends the Commission condition approval on specific requirements:

1. That the temporary suspension last no later than 180 days from the Commission’s order or November 24, 2004;
2. ITA members file monthly updates on the progress toward implementing wireline-to-wireless LNP and hold informational meetings with interested parties within one week of each monthly update filing;
3. ITA members agree to implement wireline-to-wireless number portability consistent with North American Numbering Council recommendations, and agree to work with wireless carriers to establish porting processes and procedures to ensure timely and accurate completion of porting requests;
4. ITA members establish porting processes and procedures no later than August 30, 2004, or two months prior to wireline-to-wireless porting implementation, whichever is earliest, and file the processes and procedures with the Commission;
5. ITA members agree to implement wireline-to-wireless number portability consistent with all applicable rules.

Commission Decision

Does the Commission approve the petition of the ITA, on behalf of 16 LECs, to suspend local number portability requirements from wireline-to-wireless carriers to no later than November 24, 2004? If so, should the suspension be conditioned on any or all of the specific recommendations made by Staff and Western Wireless?



Weldon Stutzman