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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF RURAL TELEPHONE COMPANY FOR)	CASE NO. RUR-T-04-2
ADDITIONAL SUSPENSION OF LNP)	
REQUIREMENTS.)	
)	COMMENTS OF THE
)	COMMISSION STAFF
)	

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Weldon B. Stutzman, Deputy Attorney General, in response to Order No. 29645 the Notice of Application and Notice of Modified Procedure in Case No. RUR-T-04-2 issued on December 1, 2004, submits the following comments.

BACKGROUND

On March 26, 2004, the Commission issued Order No. 29452 granting the Petition filed on behalf of Rural and other small telephone companies for suspension of the carriers' obligation to implement wireline to wireless local number portability, which initially was to be implemented by May 24, 2004. In that Order, the Commission granted an extension of the period to implement LNP to November 24, 2004. On November 22, 2004, Rural Telephone Company filed an Application for an additional extension of time to implement wireline to wireless number portability. In this Application, Rural asks the Commission to grant an additional 12-month extension for Rural to

implement LNP in its Tipanuk exchange and an additional 36-month extension in its Atlanta, Boise River, Prairie, Shoup, and Three Creek exchanges.

Section 251(f)(2) of the Telecommunications Act of 1996, which addresses the obligation for carriers to implement LNP, allows local exchange carriers with fewer than 2% of the nation's subscriber lines to petition a state commission for suspension or modification of the portability requirements. In its Application, Rural states that none of the Company's rate center switches are LNP capable and that the current version of the Company's switches would require major upgrades or replacement to achieve LNP functionality. The Company estimates the cost to upgrade all its switches is approximately \$740,000. The Company's Application states that the only exchange where wireless carriers provide service coverage is in the Tipanuk exchange. According to its Application, Rural has not received a single request for LNP from any of its customers. Rural asserts that, because the Company has no present ability to provide LNP or to port numbers to the wireless carriers' facilities and because no customers have requested that their numbers be ported, it is appropriate for the Commission to extend suspension of the LNP requirement.

DISCUSSION

In its Application, Rural identifies three wireless companies that have made requests for LNP: Verizon Wireless, T-Mobil, and Sprint PCS. Staff contacted and confirmed with each company that, while generally supporting the availability of LNP, none opposes Rural's current Application for an extended waiver of LNP requirements. Verizon Wireless and T-Mobil expressed that they may have some wireless coverage but only in Rural's Tipanuk exchange and did not have a Local Routing Number (LRN) for that rate center or an interconnection agreement with Rural Telephone. While Staff is not entirely convinced that these are necessary for LNP to occur in Tipanuk, the companies stated they have no immediate plans to seek LNP capability from Rural Telephone. Sprint PCS did not believe it had coverage in any of Rural Telephone's Idaho exchanges and did not know of any immediate plans to seek LNP in those areas.

In addition to the three wireless carriers mentioned, it is possible that other wireless carriers may eventually seek LNP from Rural Telephone. At this time Staff does not believe the benefit of LNP for the 700 customers in Rural's service areas is worth the upgrade cost of \$740,000. Further, Staff is not convinced that upgrades to Rural's older Redcom switches at this time would be the best use of capital. However, one possible option for Rural Telephone in the short term is to contract for

the provision of LNP with Syringa Networks, LLC. Staff believes that Rural Telephone, as an apparent part owner of Syringa, could establish trunks to Syringa's tandem where LNP could be provided the same way it is being provided for other independent telephone companies in Idaho. Staff does not know what this would cost Rural Telephone but believes it is an option worth exploring so that LNP could be provided until the Company upgrades or replaces its Redcom switches.

In summary, Staff is disappointed that Rural Telephone waited to file for this extended waiver until November 22 and hopes that this and other delayed responses from the Company do not indicate an on-going problem. However, in the absence of customer requests for LNP or a wireless carrier to port numbers to, Staff does not believe incurring high-cost upgrades is necessary at this time. Therefore, Staff is not generally opposed to the idea of granting an extension to Rural's LNP waiver, but believes the Company should explore the feasibility of providing LNP in the short term through Syringa Networks until necessary switch upgrades or replacements can be made. In discussions with the Company, Staff was assured that Rural Telephone had already contacted Syringa Networks and was exploring that option for the provision LNP.

STAFF RECOMMENDATION

Staff recommends that the Commission reserve making a decision on Rural Telephone's Application until Staff has collected more information. Specifically, Staff needs to know Rural Telephone's assessment of using Syringa Networks to provide LNP in each of its Idaho exchanges. Once Staff has been able to evaluate Rural's assessment, Staff will bring this matter before the Commission with a recommendation regarding the Application. Staff further recommends that Rural Telephone be given 30 days to respond in writing to the Commission regarding this matter.

DATED at Boise, Idaho, this 21st day of December 2004.



Weldon B. Stutzman
Deputy Attorney General

Technical Staff: Doug Cooley

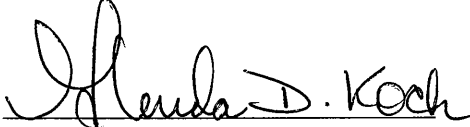
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 21ST DAY OF DECEMBER 2004, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. RUR-T-04-2, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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