

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE

**FROM:** CAROLEE HALL

**DATE:** FEBRUARY 13, 2013

**RE:** REQUEST TO CLOSE RUR-T-04-02

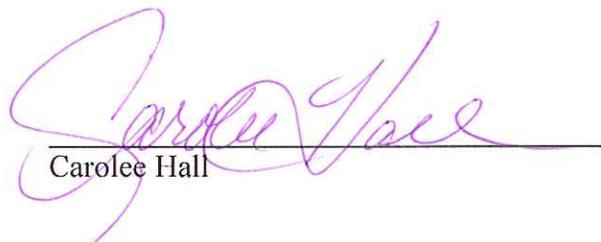
### BACKGROUND and DISCUSSION

On November 22, 2004, Rural Telephone Company filed an Application for an extension of the time required to implement wireline to wireless number portability. 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 local number portability, which initially was to be implemented by May 24, 2004. In its Application filed November 22, 2004, Rural asked this 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. See Order No. 29452. The Commission granted Rural an additional 12 month extension.

Staff has confirmed that the Company can port numbers and is in compliance with the number portability guidelines; therefore, Staff recommends that this case be closed.

### STAFF RECOMMENDATION

Does the Commission agree?

  
Carolee Hall

Chall/decision memos/Rural Telephone Company RUR-T-04-02



member provided LNP itself. Staff recommended 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, recommending the Commission condition approval on specific requirements, including that the ITA members file monthly updates on the progress toward implementing wireline-to-wireless LNP, that ITA members agree to implement LNP consistent with North American Numbering Council recommendations and all applicable rules, and that the ITA members establish porting processes and procedures no later than August 30, 2004 and file the processes and procedures with the Commission.

#### DISCUSSION

Section 251(f)(2) of the 1996 Telecommunications Act allows a local exchange carrier with fewer than 2% of the nation's subscriber lines to petition a state commission for suspension of the LNP requirements. The section provides that the state commission "shall grant such petition to the extent that, and for such duration as, the state commission determines that such suspension or modification (A) is necessary (i) to avoid a significant adverse economic impact on users of telecommunication service generally; (ii) to avoid imposing a requirement that is unduly economically burdensome; or (iii) to avoid imposing a requirement that is technically infeasible; and (B) is consistent with the public interest, convenience, and necessity." 47 U.S.C. § 251(f)(2). ITA states in its application that the costs for the individual member companies to upgrade their switches to accommodate LNP range from \$30,000 to approximately \$147,000 for hardware and software upgrades. In addition, each company would be obligated to pay approximately \$2,500 per month for continuing maintenance. If LNP is provided through Syringa's network, the ITA application states that the ITA members will save on initial upgrade costs plus the cost of ongoing maintenance in the amount of \$2,500 per company per month. The Petition also asserts that it is not technically feasible for the companies to provide LNP by the May 24, 2004 deadline. According to the Petition, the switch conversion for Syringa is

already underway, but it cannot be completed by the May 24, 2004, implementation date. In the comments filed by Staff and Western Wireless, neither party disputed the assertions made by ITA on the economic cost and technical feasibility of implementing LNP by May 24, 2004.

On the record presented, the Commission finds that it is appropriate to approve ITA's Petition to suspend the LNP requirement for six months, to no later than November 24, 2004. The costs incurred by each individual company to implement LNP could have a significant adverse economic impact on their customers, and the individual costs of upgrading facilities to provide LNP could be unduly economically burdensome. In addition, the record is undisputed that it is not technically feasible for the companies to implement the LNP by the May 24, 2004, deadline. Under these circumstances, the Commission finds that granting the Petition is consistent with the public interest, convenience, and necessity.

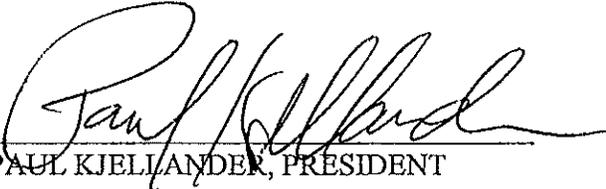
To ensure deployment of LNP as smoothly and efficiently as possible, however, the Commission also finds that its approval of the suspension should be conditioned, and we accept some of the recommendations made by Staff and Western Wireless. Specifically, the Commission requires ITA, on behalf of the sixteen individual companies, to provide two written reports to the Commission by July 23, 2004 and by September 24, 2004, apprising the Commission and interested parties of the progress the companies are making to implement LNP. In addition, the individual companies should establish porting processes and procedures no later than August 30, 2004, and file the processes and procedures with the Commission. Finally, the ITA members must implement wireline-to-wireless LNP consistent with North American Numbering Council recommendations, and all applicable rules.

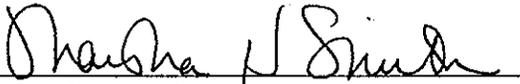
#### **ORDER**

IT IS HEREBY ORDERED that the Petition of ITA on behalf of sixteen local exchange carriers to suspend their requirement to implement local number portability for six months, from May 24, 2004, is approved. ITA is required to file written reports with the Commission on July 23 and September 24, 2004, apprising the Commission and interested parties of the status of implementing LNP. The ITA member companies must file their porting procedures with the Commission by August 30, 2004, and implement LNP consistent with North American Numbering Council recommendations, and all applicable rules.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. GNR-T-04-1 may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order or in interlocutory Orders previously issued in this Case No. GNR-T-04-1. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

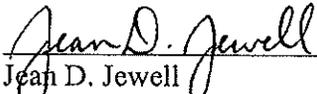
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26<sup>th</sup> day of March 2004.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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