

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET NO. UT-032085
	)	
ASOTIN TELEPHONE COMPANY,	)	ORDER NO. 01
	)	
Petitioner,	)	
	)	
Requesting Temporary Suspension	)	
of Implementation of Number	)	
Portability	)	ORDER GRANTING SUSPENSION
.....	)	

**BACKGROUND**

- 1     On December 18, 2003, Asotin Telephone Company (Asotin) requested a suspension of its obligation, effective May 24, 2004, to provide local number portability. The petition was filed pursuant to Sec. 251(f)(2) of the Telecommunications Act of 1996, which allows state commissions to suspend or modify number portability requirements for small local exchange companies.
- 2     The Federal Telecommunications Commission (FCC) has required local number portability (LNP) for local exchange companies operating in areas where there is competition. The FCC has generally defined this competitive area to be the 100 largest metropolitan areas. Congress established a duty on all LECs, whether incumbent or competitive, to provide number portability to the extent technically feasible. *47 U.S.C. 251(b)(2)*.
- 3     Sec. 251(f)(2) provides for a suspension or modification if such action is necessary to avoid a significant adverse economic impact on users of telecommunications services generally, to avoid imposing a requirement that is unduly economically burdensome, or to avoid imposing a requirement that is technically infeasible. Even if these conditions exist, the state commission must determine that the suspension or modification is consistent with the public interest, convenience, and necessity.

- 4 *FCC Memorandum Opinion and Order* in CC Docket No. 95-116, issued on November 10, 2003, stated that wireline local exchange companies providing service within counties containing the 100 largest Metropolitan Statistical Areas should provide number portability to wireless carriers by November 24, 2003. The top 100 metropolitan areas in Washington include Snohomish, King, Pierce, and Clark counties. Outside of these areas, companies are required to offer local number portability on May 24, 2004.
- 5 Asotin contends that their circumstances qualify for a temporary suspension of the number portability requirement. It argues that the central office switches serving its Asotin (host) and Anatone (remote) wire centers are not technically capable of providing local number portability. It estimates that the existing Asotin switch could be upgraded for \$100,000. TDS telecom, parent company of Asotin, is using this opportunity to make systemwide upgrades of its switches, taking advantage of economies of scale to negotiate a lower price than might be obtained for a single switch replacement. Asotin has agreed to provide interim local number portability with call-forwarding technology and any transport necessary to deliver the call to the cellular carrier.
- 6 Asotin asks that the Washington Utilities and Transportation Commission extend the deadline to provide LNP from May 24, 2004, until it is able to replace its central office switch. Asotin has provided a tentative schedule of June 1, 2006. Asotin has agreed to provide interim number portability using call forwarding technology, and providing the required transport in the interim.
- 7 The Commission Staff believes that Asotin petition and supporting data furnished to Staff have provided adequate reasons to suspend its obligations to comply with the FCC's number portability requirements.

8 After examination of this request at its March 24, 2004, open meeting and giving consideration to all relevant matters, the Commission finds that the petition of Asotin should be granted.

### FINDINGS AND CONCLUSIONS

9 (1) Asotin is obligated to provide number portability upon receipt of a *bona fide* request unless this obligation is suspended or modified by the state commission. 47 U.S.C. 251(b)(2), 47 C.F.R. 52.23.

10 (2) The Commission has authority to act upon a petition for suspension or modification of the number portability requirement. 47 U.S.C. 251(f)(2).

11 (3) Asotin has demonstrated that implementation of local number portability by May 24, 2004, as required by the FCC is technically infeasible.

### ORDER

#### THE COMMISSION ORDERS:

12 (1) The petition is granted, suspending local number portability compliance from May 24, 2004, until June 1, 2006, conditioned upon Asotin Telephone Company providing interim local number portability using call-forwarding technology.

13 (2) The Commission retains jurisdiction over this matter to take such future actions as may be appropriate.

DATED at Olympia, Washington, and effective this 24<sup>th</sup> day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner