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November 13, 2003

Ms. Carole J. Washburn, Executive Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive SW  
Olympia, WA 98504-7250

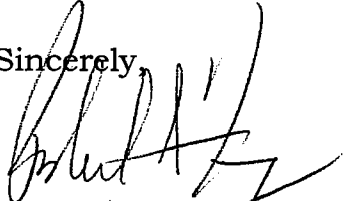
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STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

Re: Inland Telephone Company – Petition for Temporary Suspension of  
Wireline to Wireless Number Portability Obligations

Dear Ms. Washburn:

Enclosed you will find the original and nineteen copies of the above-referenced Petition. Inland Telephone Company respectfully requests that the Commission consider its request for temporary suspension of wireline to wireless number portability obligations.

Thank you for your attention to this matter.

Sincerely,  
  
RICHARD A. FINNIGAN

RAF/km  
Enclosures  
cc: James Brooks

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STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

**BEFORE THE WASHINGTON UTILITIES  
AND TRANSPORTATION COMMISSION**

Petition for Temporary Suspension of  
Wireline to Wireless Number Portability  
Obligations Pursuant to Section 251(f)(2) of  
the Communications Act of 1934, As  
Amended

UT- \_\_\_\_\_

PETITION FOR TEMPORARY SUSPENSION  
OF WIRELINE TO WIRELESS NUMBER  
PORTABILITY OBLIGATIONS

COMES NOW, Inland Telephone Company ("Company"), by and through its attorney of record, the Law Office of Richard A. Finnigan, by Richard A. Finnigan and B. Seth Bailey, attorneys at law, and file this Petition for Temporary Suspension of Wireline to Wireless Number Portability Obligations (the "Petition") with the Washington Utilities and Transportation Commission (the "Commission").

**PARTIES**

1. The Company qualifies as a "rural telephone company" as the term is defined in 47 U.S.C. § 153(37). The business office address for the Company is 103 South Second Street, Roslyn, WA 98941.

PETITION FOR SUSPENSION OF WIRELINE  
TO WIRELESS NUMBER PORTABILITY  
OBLIGATIONS - 1

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1 **JURISDICTION**

2 2. The Commission has jurisdiction to decide this Petition under 47 C.F.R. § 52.20, *et*  
3 *seq.*, 47 U.S.C. § 251(f)(2) and the orders issued by the Federal Communications Commission  
4 (“FCC”) concerning number portability obligations, identified below.

5  
6 **PETITION FOR SUSPENSION**

7 3. Pursuant to Section 251(f)(2) of the Communications Act of 1934, as amended (the  
8 “Act”),<sup>1</sup> the Company hereby respectfully requests that the Commission temporarily suspend the  
9 Company’s individual obligations to provide “number portability,” as that term is defined  
10 by applicable law,<sup>2</sup> to requesting Commercial Mobile Radio Service (“CMRS”) providers. As  
11 demonstrated herein, the statutory criteria for the requested suspension are met with respect to this  
12 request. Grant of this Petition will permit the Commission to ensure that the public interest  
13 for wireline-to-wireless portability<sup>3</sup> is properly served in this instance.

14 4. For the Company, this constitutes the first experience with number porting.  
15 Implementing number portability is technically complicated, and requires ensuring that the proper  
16 arrangements are in place for handling end user traffic. Porting numbers to wireless providers  
17 increases this complexity.  
18  
19  
20

21 <sup>1</sup> See 47 U.S.C. § 251(f)(2).

22 <sup>2</sup> The Communications Act of 1934, as amended (the “Act”) defines number portability as “the ability of users  
23 of telecommunication services to retain, *at the same location*, existing telecommunications numbers without impairment  
24 of quality, reliability, or convenience when switching from one telecommunications carrier to another.” 47 U.S.C. §  
25 153 (30) (emphasis added). See also 47 C.F.R. § 52.21(p) (FCC quoting the Act’s “service provider portability”  
26 definition). As explained herein, it is unclear whether the requests received from the CMRS providers comply with  
these applicable definitions.

<sup>3</sup> The terms “wireline-to-wireless portability” and “intermodal portability” are used interchangeably in this  
Petition.

1           **I. Summary**

2           5.       This Petition requests that the Commission exercise its authority to address the effect  
3 of the requests for inter-modal porting on the Company's customers. Such action is necessary to  
4 ensure that the Company and its customers are not forced to bear unnecessary and potentially  
5 wasted costs.

6           6.       The FCC has recently clarified that for areas outside of the top one hundred MSAs,  
7 the date to be concerned with is May 24, 2004, rather than November 24, 2003.<sup>4</sup> The Company's  
8 operating areas are outside of the top one hundred MSAs. However, the Company will need to do a  
9 full switch replacement for each of its service areas. As a result, it is likely that the May 24, 2004  
10 date cannot be accommodated. The Company is currently in the process of undertaking a test of a  
11 particular switch. Depending upon the results of that test, then an implementation schedule can be  
12 developed if the switch is acceptable. If the switch is not acceptable, then further tests will have to  
13 be done with other switch manufacturers.  
14

15           7.       Accordingly, for the reasons provided herein, the Company respectfully requests that  
16 the Commission grant it the temporary suspension described below of any obligation to provide  
17 wireline-to-wireless number portability. The Company believes that at least a temporary waiver to  
18 allow further development of a switch replacement schedule and further consideration of the public  
19 policy interests is in the interest of the Company's customers. The Company believes that the  
20  
21  
22

23 \_\_\_\_\_  
24 <sup>4</sup> *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, FCC 03-284, (rel. November 10, 2003).

1 Commission's exercise of its explicit Section 251(f)(2) authority<sup>5</sup> will provide sufficient time to  
2 address and resolve the significant issues surrounding the Company's obligations in a reasonable  
3 and thoughtful manner while avoiding potentially detrimental consequences to the Company's end  
4 users. Accordingly, a prompt grant of this aspect of the Petition will serve the public interest.

5  
6 **II. Background**

7 **A. The Company is Eligible to Seek this Relief.**

8  
9 8. The Company is a rural telephone company as defined by the Act.<sup>6</sup> Additionally, the  
10 Company satisfies the criteria set forth in Section 251(f)(2), which provides in pertinent part, that  
11 LECs "with fewer than two percent of the Nation's subscriber lines installed in the aggregate  
12 nationwide may petition a state commission for a suspension or modification"<sup>7</sup> of the number  
13 portability requirements.<sup>8</sup> As of December 2002, approximately 188 million local telephone lines  
14 were in service nationwide.<sup>9</sup> Obviously, the Company serves far less than the 2% threshold of 3.76  
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21 <sup>5</sup> Pending action on the specific request for modification or suspension, the Commission "may suspend  
22 enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or  
23 carriers." 47 U.S.C. § 251(f)(2).

24 <sup>6</sup> 47 U.S.C. § 153(37).

25 <sup>7</sup> 47 U.S.C. § 251(f)(2).

26 <sup>8</sup> Section 251(b)(2) states that "The duty to provide, to the extent technically feasible, number portability in  
accordance with requirements prescribed by the Commission." 47 U.S.C. § 251(b)(2).

<sup>9</sup> See "Federal Communications Commission Releases Study on Telephone Trends," FCC News Release (rel.  
Aug. 7, 2003).

1 million access lines.

2  
3 **B. The Company's Service Areas and Operations Support the Requested**  
4 **Relief.**

5 9. As the Commission is aware, the Company provides local exchange and exchange  
6 access services within its individual respective service areas. The Company serves the following  
7 rate centers: Dewatto, Roslyn, Prescott and Uniontown. The Company has received purported, but  
8 in the Company's opinion, deficient, bona fide requests from Sprint PCS and Verizon Wireless.

9 The CLLI for the Company's switches are: DWTOWAXADS0, RSLNWAXXCG0,  
10 PRSCWAXADS0 and UNTWWAXADS0. These switches are not LNP capable. The cost to  
11 upgrade the switches to make them LNP capable is approximately \$400,000.00 per switch.  
12 Additionally, there may also be a "right to use" fee associated with using the switches for LNP  
13 purposes.  
14

15 In addition to the upgrade costs and the right to use fee, there are substantial costs associated  
16 with implementation of LNP. These costs include such items as translation support efforts, back  
17 office costs related to billing and plant records, and LNP dip contract costs. The Company is  
18 investigating the extent of these costs.  
19

20 **C. Technical Hurdles**

21 10. Until the Company replaces its four switches, it is technically impossible for the  
22 Company to provide LNP. The economic cost of a minimum of \$400,000.00 per switch when the  
23 Company serves under two thousand customers per switch makes early deployment of the switches  
24 an undue economic burden.

1           **III.   Grant of this Petition is in the Public Interest**

2           11.   The Act vests the state commissions with authority to balance the requests for  
3 wireline-wireless number portability with the potential harmful public interest consequences, if the  
4 Commission determines that such suspension or modification

5           (A)   is necessary –

6                   (i)   to avoid a significant adverse economic impact on users of  
7                   telecommunications services generally;

8                   (ii)   to avoid imposing a requirement that is unduly economically  
9                   burdensome; or

10                  (iii)   to avoid imposing a requirement that is technically infeasible; and

11           (B)   is consistent with the public interest, convenience, and necessity.<sup>10</sup>

12  
13           12.   A grant of this Petition will avoid a significant adverse economic impact on users of  
14 the Company's telecommunications services. As demonstrated herein, the costs of implementing  
15 the number portability are significant, not only with respect to the deployment of the hardware and  
16 software necessary to achieve porting capability, but also with respect to ongoing data costs and  
17 administration processes, and the establishment of the proper arrangements among the affected  
18 carriers.

19  
20           13.   Initial and on-going costs incurred to satisfy the request of the CMRS provider  
21 ultimately are recovered through rates paid by the Company's customers. Compounding the  
22 adverse effect of this result is the fact that most of these customers will receive no benefit from the  
23

24  
25 <sup>10</sup>       47 U.S.C. § 251(f)(2).

1 provision of the wireline-to-wireless number portability. The Company has not received even an  
2 inquiry, let alone a request from a customer seeking to have his/her number ported to a CMRS  
3 provider. In any event, the Company anticipates that the ultimate number of subscribers wishing to  
4 port to wireless carriers would be very limited. Accordingly, all of the subscribers of each  
5 Company would be adversely impacted by an increase in rates in order to accommodate the request  
6 of the CMRS provider.<sup>11</sup>

8 14. Second, grant of a temporary suspension would avoid imposing a requirement that is  
9 unduly economically burdensome. As a rural telephone company, the Company has a limited  
10 customer base over which to spread its costs.<sup>12</sup> These costs are significant. The decision to incur  
11 them becomes even more difficult to justify when weighed against the few, if any, public benefits  
12 that may be gained by attempting to implement the capability to port numbers to the CMRS  
13 provider. The same balancing of competing interests was addressed previously and the decision  
14 was made that smaller LECs, like the Company, need not expend scarce resources.

16 15. When the FCC initially promulgated its number portability rules, it agreed with  
17 commenters that requiring rural LECs to provide number portability where no competitor has  
18 requested such function would "burden rural LECs significantly without benefiting the public by  
19 increasing competition."<sup>13</sup> Accordingly, the FCC determined to limit deployment of portability "to

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21 <sup>11</sup> See also *Number Resource Decision*, 17 FCC Rcd at 262 (Imposing the cost of implementing the technology  
22 for number pooling, which is the same technology that is used to implement number portability on small and rural  
carriers "may delay efforts to bring advanced services to rural subscribers").

23 <sup>12</sup> See *Id.* at 262 (The per line cost of implementing the technology for number pooling, which is the same  
24 technology that is used to implement number portability would "be significantly higher for small and rural carriers  
operating outside of the largest 100 MSAs than for carriers operating inside urban and metropolitan areas because of  
these carriers' limited customer bases").

25 <sup>13</sup> *Number Portability Reconsideration*, 12 FCC Rcd at 7298-99, 7301.



1 those switches for which a competitor has expressed interest in deployment.”<sup>14</sup> The FCC further  
2 found that if competition is not imminent in the areas covered by rural/smaller LEC switches, “then  
3 the rural or smaller LEC will not receive requests from competing carriers to implement portability,  
4 and thus will not need to expend its resources, until competition actually develops in its service  
5 area.”<sup>15</sup>

6  
7 16. Under the current switch deployment for the Company, implementation of LNP is  
8 technically infeasible. The Company is in the planning process of developing switch replacement  
9 schedules. Once these schedules are developed, the new switches that will be installed will be  
10 installed in a way that is LNP capable. At that time, once a bona fide request is received, the  
11 Company would be prepared to move forward to implement LNP.

12 17. Section 251(f)(2)(B) requires that the Commission shall determine that the requested  
13 suspension “is consistent with the public interest, convenience and necessity.”<sup>16</sup> By granting the  
14 temporary suspension, the Commission would avoid the potential waste of resources or, at the very  
15 least, diminish the waste that would otherwise occur. Since the costs associated with LNP would be  
16 recovered through the rates charged to customers, the public interest would be served by avoiding  
17 such costs until and unless, and only to the extent, required.

18  
19 18. The Company recognizes that the FCC has recently clarified intermodal LNP  
20  
21

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22  
23 <sup>14</sup> *Id.* at 7301; *see also* 47 C.F.R. § 52.23(c) (“Beginning January 1, 1999, all LECs must make a long-term  
24 database method for number portability available within six months after a specific request by another  
25 telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate”).

<sup>15</sup> *Number Portability Reconsideration*, 12 FCC Rcd at 7302.

<sup>16</sup> 47 U.S.C. § 251(f)(2)(B).

1 obligations.<sup>17</sup> The Company also notes that the FCC expressly recognized that in some  
2 circumstances, waiver requests are appropriate. Even for operations within the one hundred largest  
3 MSAs, waiver requests will be considered. Based on the Company's estimates for switch  
4 replacement and the fact that the Company is not technically able to provide LNP with its current  
5 switches, the Company believes that this Petition meets the requirements for granting of a waiver.  
6

7  
8 **IV. Relief Requested**

9 Based on the foregoing, the Company respectfully requests that the Commission:

- 10 1. Immediately suspend the Company's obligation, if any exists, to provide local  
11 number portability to CMRS providers; and  
12 2. As further information is developed, consider granting an extended waiver to  
13 accommodate the installation and testing schedule for the Company once it has been fully  
14 developed.

15  
16 RESPECTFULLY SUBMITTED, this 13<sup>th</sup> day of November, 2003.

17  
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19 \_\_\_\_\_  
20 RICHARD A. FINNIGAN, WSBA #6443  
21 Attorney for Inland Telephone Company  
22  
23

24 <sup>17</sup> *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, FCC 03-284, (rel. November 10,  
25 2003).