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November 24, 2003

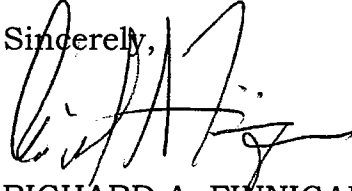
Ms. Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

RECEIVED
RECORDS MANAGEMENT
03 NOV 24 PM 3:23
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Re: YCOM Networks, Inc. – Petition for Temporary Suspension of
Wireline to Wireless Number Portability Obligations

Dear Ms. Washburn:

Attached are the original and nineteen copies of the above-referenced
Petition. Thank you for your attention to this matter.

Sincerely,

RICHARD A. FINNIGAN

RAF/km
Enclosures

cc: Tom Gorman (via e-mail)
Jana Manterola (via e-mail)
Lisa Purdy (via e-mail)
Pat Morse (via e-mail)

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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, YCOM Networks, Inc. ("YCOM"), by and through its attorney of record,
Richard A. Finnigan, attorney at law, and files 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. YCOM is an incumbent local exchange carrier serving portions of Thurston and Pierce
Counties. YCOM's principal place of business is 106 Second Street SE, Yelm, WA 98597.

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

Law Office of
Richard A. Finnigan
2405 Evergreen Park Dr. SW
Suite B-1
Olympia, WA 98502
(360) 956-7001

1 **JURISDICTION**

2 2. The Commission has jurisdiction to decide this Petition under 47 C.F.R. § 52.20, *et seq.*, 47
3 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 “Act”),¹
8 YCOM hereby respectfully requests that the Commission temporarily suspend YCOM’s
9 obligations to provide “number portability,” as that term is defined by applicable law,² to
10 requesting Commercial Mobile Radio Service (“CMRS”) providers. As demonstrated
11 herein, the statutory criteria for the requested suspension are met with respect to this request.

12
13 4. Implementing number portability is technically complicated, and requires ensuring that the
14 proper arrangements are in place for handling end user traffic. Porting numbers to wireless
15 providers increases this complexity.

16
17 **I. The Company and Pending Intermodal Requests**

18 YCOM is a rural local exchange carrier that provides local exchange and exchange access
19
20
21

22 ¹ See 47 U.S.C. § 251(f)(2).
23 ² The Communications Act of 1934, as amended (the “Act”) defines number portability as “the ability of users
24 of telecommunication services to retain, *at the same location*, existing telecommunications numbers without impairment
25 of quality, reliability, or convenience when switching from one telecommunications carrier to another.” 47 U.S.C. §
153 (30) (emphasis added). See also 47 C.F.R. § 52.21(p) (FCC quoting the Act’s “service provider portability”
definition).

1 services within portions of Thurston and Pierce Counties. Pierce County is located in an MSA that
2 is among the largest 100 MSAs. Thurston County is not. YCOM serves approximately 13,000
3 access lines. Of these, only around 1,500 are located in Pierce County. The date for compliance for
4 Thurston County is May 24, 2004. It is only for the small minority of customers in Pierce County
5 that YCOM must try to meet the November 24, 2003 date, which it cannot.

6
7 YCOM received a request from Sprint PCS on May 23, 2003 and another from Verizon
8 Wireless on May 28, 2003, to support intermodal portability by November 24, 2003.³ The requests
9 sought portability in YCOM's switch: YELMWAXADSO. YCOM responded, questioning the
10 validity of the requests.⁴ YCOM received no response from the requesting CMRS carriers with
11 respect to the questions raised regarding the requests. As further discussed below, YCOM, like the
12 wireline industry in general, did not understand the request of the CMRS carriers to be a request for
13 number portability enabling a customer to retain, at the same location, the use of the number.
14 Accordingly, YCOM did not act further on the requests prior to the November 10, 2003 release of
15 the *Intermodal LNP Order*.⁵
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20
21

22 ³ Copies of the requests are attached as Exhibit 1.

23 ⁴ Copies of the correspondence sent to the wireless carriers are attached as Exhibit 2.

24 ⁵ In the Matter of Telephone Number Portability; CTIA Petition for Declaratory Ruling on Wireline-Wireless
25 Porting Issues, CC Docket No. 95-116 (rel. Nov. 10, 2003) ("Intermodal LNP Order"). The FCC has stated that a
26 carrier facing compliance issues with November 24, 2003 deadline may seek extension by filing a request for waiver.
ID. at para. 30

1 **II. Waiver is Warranted on the Basis of YCOM's Compliance with Section 52.23(e)**
2 **Criteria**

3 YCOM is and has been fully aware of its obligation established by Section 251(b)(2) of the
4 Communications Act of 1934, as amended (the "Act") with respect to the implementation of LNP;
5 it is likewise aware of the FCC's Section 252 Subpart C rules regarding number portability and,
6 specifically, implementation requirements. Prior to the receipt of the requests for number
7 portability from the requesting CMRS carriers, YCOM had received no other requests for number
8 portability, and, accordingly, had no basis for expending limited resources on the deployment of
9 number portability. Given the set of circumstances surrounding the FCC's implementation of
10 intermodal number portability, YCOM has acted and continues to act in good faith to comply with
11 the FCC's requirements. In compliance with Section 52.23(e), YCOM sets forth the following
12 information:
13

14 **A. Section 52.23(e)(1): The Facts Demonstrate why YCOM is Unable to Meet the**
15 **FCC's Deployment Schedule**

16 YCOM utilizes a Class 5 switch manufactured by a nationally-recognized equipment
17 vendor. The switch contains software to perform number portability. While the switch has this
18 software, it has had no requests for wireline to wireline porting. YCOM has not developed any of
19 the back office systems and processes to be able to accept a request for porting and fulfill that
20 request. It was not possible given the November 10, 2003 date of the FCC's *Intermodal LNP Order*
21 to meet a November 24, 2003 date. In addition, YCOM is not technically able to comply with what
22 appear to be the requirements of the *Intermodal LNP Order* with respect to the transport of and
23
24
25

1 “rating”⁶ of calls to a number ported to a wireless carrier. *See also* Sections III and IV, *infra*.

2 As a result of the logistic realities, YCOM has, in good faith, determined that it is not able to
3 meet the November 24th deadline.

4 **B. Section 52.23(e)(2): A Detailed Explanation of the Activities that the Carrier**
5 **has Undertaken to Meet the Implementation Schedule Prior to Requesting an**
6 **Extension of Time**

7 In good faith, YCOM attempted to meet the implementation schedule prior to requesting an
8 extension of time. Prior to the issuance of the *Intermodal LNP Order*, YCOM received either no
9 answer or a non-responsive answer to its inquiries from the requesting wireless providers, or
10 received generic documents regarding service level arrangements.

11 As discussed, prior to the issuance of the *Intermodal LNP Order*, YCOM, like other
12 similarly situated carriers in general, did not take additional action to implement number portability
13 because of the understanding that the CMRS carriers’ requests exceeded the FCC’s expectations
14 and the statutory requirements set forth in the Act.⁷ After the issuance of the *Intermodal LNP*
15 *Order*, YCOM has proceeded with good faith efforts toward the implementation of number
16 portability. Additional inquiries to the requesting wireless providers have been undertaken and
17 YCOM is working to ensure the necessary arrangements are being made to implement intermodal
18 number portability.
19
20
21
22

23 ⁶ Local exchange carriers do not “rate” their local exchange services.

24 ⁷ YCOM, like other carriers, was hesitant to incur LNP expenses prior to a final determination by the FCC in the
25 event that the FCC ruling could have obviated the need for such an expenditure, thus rendering it an imprudently
26 incurred cost.

1 **C. Section 52.23(e)(3): An Identification of the Particular Switches for Which the**
2 **Extension is Requested**

3 The particular switch for which the extension is requested is YELMWAXADSO.

4 **D. Section 52.23(e)(4): The Time in Which the Carrier Will Complete Deployment**
5 **in the Affected Switches**

6 YCOM will labor to complete deployment in the affected switches by May 24, 2004.

7 YCOM notes that its implementation schedule is dependent upon coordination and testing between
8 it and the requesting wireless provider. Since the CMRS providers do not directly interconnect with
9 YCOM, it appears that testing will necessarily involve Qwest, the transport provider. Adding
10 another entity to the test will undoubtedly delay and lengthen the testing period. YCOM also
11 remains concerned that technical compliance with the directives of the *Intermodal LNP Order*
12 regarding the treatment of calls from YCOM's network to a number ported to a wireless carrier is
13 not technically feasible in the absence of the deployment of a physical connection of the wireless
14 carrier to YCOM's network.⁸

15 **E. Section 52.23(e)(5): A Proposed Schedule with Milestones for Meeting the**
16 **Deployment Date**

17 YCOM will provide the Commission with quarterly progress reports during the period
18 within which the extension is provided. Those reports will provide the Commission with all
19 relevant progress and a summary of the steps taken and to be taken regarding YCOM's ability to
20

21
22
23 ⁸ The relief requested herein, however, is limited to the request for a temporary waiver of the implementation
24 time in order to afford YCOM the time necessary to properly implement intermodal number portability. YCOM
25 anticipates that the FCC will subsequently address the general deployment concerns regarding calls to a ported number
26 in other proceedings, and respectfully reserves the right to seek additional relief to the extent necessary to ensure its full
 compliance with the FCC's applicable rules.

1 support intermodal porting.

2
3 **III. YCOM's Request Meets the Requirement of 47 U.S.C. §251(f)(2)**

4 As set forth above, YCOM meets all relevant criteria established in Section 52.23(e) to
5 support YCOM's waiver request. YCOM has set out the Section 52.23(e) criteria in case the
6 Commission believes that those criteria are applicable. In addition, YCOM believes that it has
7 satisfied the requirements under 47 U.S.C. §251(f)(2) for a waiver from the porting requirements
8 contained in 47 U.S.C. §251(b). Specifically, YCOM believes that the standard that is applicable
9 for a waiver under Section 251(f)(2) in this case is set forth in Section 251(2)(a)(iii). Under that
10 standard, if the request imposes a requirement that is technically infeasible and a waiver is
11 consistent with the public interest, convenience and necessity, the request may be granted.
12

13 As set forth in this Petition, because the porting software has never been used, it has not
14 been tested with the wireless carriers, the support systems are not in place and for the other reasons
15 set forth in this Petition, it is technically infeasible to meet the November 24, 2003 deadline.
16

17
18 **IV. Additional Facts Supporting YCOM's Request for Waiver**

19 YCOM respectfully submits that additional support for the requested waiver is found within
20 the context of YCOM's good faith approach to its porting obligations.

21 YCOM, like most providers of wireline local exchange services, did not expect that its
22 statutory obligation to provide number portability extended to a CMRS request for number
23 portability under the existing Part 52 rules unless the requesting CMRS carrier confirmed that the
24

1 number would be used by the telecommunications user “at the same location” where the customer
2 used the number prior to portability.⁹ The record before the FCC prior to the *Intermodal LNP*
3 *Order* bears out the existence of this general industry understanding.¹⁰

4 In hindsight, YCOM also took misplaced comfort in the public statements from FCC
5 decision-making staff that the issues regarding intermodal porting would be resolved well in
6 advance of the November 24, 2003 deadline. In responding to questions regarding FCC action on
7 pending issues regarding number portability, John Muleta, Chief of the FCC’s Wireless
8 Telecommunications Bureau stated, “We’ll do it soon.... We’ve said that we will address it well in
9 advance of the Nov. 24 LNP deadline.”¹¹ As late as October 7, 2003, the FCC likewise made clear
10 that its decisions to date did not address intermodal porting issues:

11 [W]e do not here address the issues related to wireline-wireless porting. Issues associated
12 with wireline-wireless porting will be addressed in a separate item, and we affirm that none
13 of the actions taken here today bind the Commission in any way in taking future action on
14 the implementation of wireline-wireless porting.¹²

15 As the totality of the circumstances demonstrate, YCOM acted in good faith in response to
16
17

18 ⁹ 47 U.S.C. §153(30).

19 ¹⁰ See, e.g., Comments of CTIA, CC Docket No. 95-116, filed May 13, 2003 at 5; Comments of United States
20 Cellular Corporation, CC Docket No. 95-116, filed February 26, 2003 at 4; Comments of Verizon Wireless, CC Docket
21 No. 95-116, filed June 13, 2003; Comments of Cingular Wireless, LLC, CC Docket No. 95-116, filed June 13, 2003 at
22 25; Comments of AT&T Wireless Services, Inc., CC Docket No. 95-116, filed on June 24, 2003 at 1. In fact, the
23 *Intermodal LNP Order*, prior FCC actions, and public statements from FCC decision-making personnel demonstrate the
24 Commission’s awareness of this general understanding. See e.g., *Intermodal LNP Order* at para. 1; the Commission’s
25 Daily Digest announcing the issuance of the *Intermodal LNP Order* states: “FCC CLEARS WAY FOR LOCAL
26 NUMBER PORTABILITY BETWEEN WIRELINE AND WIRELESS CARRIERS.” The existence of uncertainty,
confusion and the need for clarification was well known and understood.

¹¹ “FCC Officials Press Wireless Firms to Move Ahead on LNP Deployment,” TR Daily, Sept. 8, 2003 ed.
(emphasis added).

¹² In the Matter of Telephone Number Portability – Carrier Requests for Clarification of Wireline-Wireless
Porting Issues: Memorandum Opinion and Order, CC Docket No. 95-116, FCC 03-237 at para. 21 (rel. Oct. 7, 2003).

1 the number portability request of the CMRS carrier, and had a reasonable basis to await the FCC's
2 directives. YCOM held a reasonable good faith expectation that the uncertainty and associated
3 issues surrounding the matter of intermodal porting would be resolved in sufficient time to permit
4 YCOM to deploy intermodal number portability within a time frame consistent with the six month
5 period established in the FCC's rules.

6
7 Because of the acknowledged uncertainty throughout the industry regarding the intermodal
8 portability issues, and the FCC's promised direction, YCOM had no expectation that a strict reading
9 of the FCC's anticipated decision could possibly require YCOM to support intermodal porting by
10 November 24, 2003.

11 There are also a number of technical issues that must be addressed before local number
12 portability can occur. As part of its network, YCOM uses a nationally-recognized switch vendor
13 ("Vendor"). The mere presence of Class 5 licensed software to perform LNP, however, does not
14 prepare the switch for full LNP functionality. In addition to Class 5 switch LNP preparation,
15 YCOM must complete an extensive application process with the North American Numbering Plan
16 Administrator NPAC (Number Portability Administration Center) in order to be approved to enter
17 the porting environment with access to the database. SS7/STP vendor contractual arrangements for
18 performing Service Order Activation ("SOA") must be negotiated and executed prior to making any
19 Class 5 switch LNP activation. Once the SS7/STP contracts are in place for all of the SS7/STP and
20 SOA functions previously listed, formal SS7/STP Service Order Forms must be submitted to all
21 parties in the SS7/STP messaging and transaction path to establish proper routing throughout the
22 SS7/STP fabric. SS7/STP network based LNP service activation work efforts cannot begin until
23
24
25

1 formal submission and acceptance of the Service Order Activation forms takes place. Actual
2 SS7/STP LNP network activation then takes at least 60 days to be completed, followed by formal
3 testing throughout the local and SS7/STP networks.

4 Other processes that must be addressed coincident with and completed prior to activation
5 include establishing a SOA interface; and modification of existing Service Order Provisioning and
6 Audit systems, Plant Record systems and directory number assignment/aging/utilization
7 applications, and billing systems applications.

8
9 Depending upon network trunk configurations and connectivity requirements, it is highly
10 probable newly defined trunk groups and/or augmented trunk group capacity may be required
11 impacting both Class 5 switch and transport network elements. This carries with it the potential for
12 network build-outs requiring both extended time periods and funding to provide. As it relates to
13 other inter-connecting carriers, any incoming call not already subjected to an LNP query [otherwise
14 known as Default Routing by the N-1 carrier] will require an LNP database query to determine
15 where the call must be terminated or rerouted. In the event Default Routing by the N-1 carrier
16 exists, appropriate Class 5 switch translations and AMA support, billing and CABS systems
17 modifications, and formal tariffs must be established/filed to enable proper routing, recording,
18 billing and compensation for performing Default Routing on the behalf of the N-1 carrier.

19
20 Moreover, there are a number of unresolved implementation problems yet to be identified
21 and resolved. For example, YCOM does not know how routing, rating and recording of the end
22 user traffic related to any number porting will be achieved, let alone the full extent of the "back
23 office" functions that will be required (including data storage and processing) to implement such a
24

1 requirement properly. For all of the reasons provided above, YCOM is not technically capable of
2 meeting the November 24 deadline.

3
4 **V. Conclusion**

5 As demonstrated by its actions, YCOM has not shirked its obligation to respond to a *bona*
6 *fide* request to implement number portability. YCOM acted prudently prior to the Commission's
7 provision of direction in the *Intermodal LNP Order*. YCOM did not ignore any request for number
8 portability. The CMRS providers did not respond to requests for further information from YCOM.
9 Subsequent to the provision of direction by the FCC provided in the *Intermodal LNP Order*, YCOM
10 has undertaken efforts to deploy number portability.¹³

11
12 As demonstrated above, and in the context of the totality of the circumstances leading up to
13 the issuance of the *Intermodal LNP Order*, YCOM has demonstrated that it meets the Section
14 52.23(e) criteria to support its request for waiver and extension of the November 24, 2003 number
15 portability implementation date. YCOM respectfully submits that a grant of this request under these
16 specific facts and circumstances is consistent with the standards of Section 52.23(e) and meets the
17 requirements for a waiver under 47 U.S.C. §251(f)(2).¹⁴

18
19 For the reasons stated herein, YCOM requests that the Commission grant it until May 24,
20 2004, with respect to its obligations to support intermodal porting as provided for in the FCC's
21

22
23 ¹³ Factually, no requesting carrier has indicated to YCOM an actual specific intent to port a number on November
24 24, 2003. YCOM will contact the requesting carriers regarding this waiver request, and offer to work toward a mutual
coordination of deployment.

25 ¹⁴ 47 U.S.C. §154(j).

1 *Intermodal LNP Order.*

2
3 RESPECTFULLY SUBMITTED, this 24th day of November, 2003.


4
5
6 
7 _____
8 RICHARD A. FINNIGAN, WSBA #6443
9 Attorney for YCOM Networks, Inc.

EXHIBIT 1

Sprint PCS
6580 Sprint Parkway
Mailstop: KSOPHW0516-5B360
Overland Park, KS 66251
(913) 794-9486
fromig01@sprintspectrum.com

May 16, 2003

To Whom It May Concern:

Enclosed is the Bonafide Request Form (BFR) as required by the FCC mandate (CC Docket 95-116) to request deployment of long term Local Number Portability. CMRS providers are required to provide LNP by November 24, 2003. This BFR is being sent in anticipation of that date. Please note the effective date requested reflects this requirement.

Please feel free to contact me at the numbers and email address provided above. Alternatively, you may contact Jeff Adrian at phone number (407) 622-4170 or at email address: jadria01@sprintspectrum.com if you need assistance.

Sincerely,

Fawn Romig
Industry Compliance and Operational Network Support
Numbering Solutions

Enclosure

Sprint Spectrum L.P.

 **Sprint.**

Bonafide Request Form (BFR)

Purpose: This form is used to request deployment of long-term Local Number Portability as defined in the FCC mandates (CC

Docket 95-116). Specifically, this form requests that ALL codes be opened for portability within the Metropolitan Statistical Area and wireline switch CLLI codes designated below. This form may be used for both wireless and wireline requests.

TO (RECIPIENT):

OCN: 2453
Company Name: YCOM NETWORKS, INC.
Contact Name: SANDRA HANSON

Contact's Address:

PO BOX 593
 YELM WA 98597
Contact's Phone: 360-458-4541

FROM (REQUESTOR):

Company Name: Sprint PCS
Contact Name: Fawn Romig
Contact's Address: 6580 Sprint Parkway
 Mailstop: KSOPHW0516-5B360

Overland Park, KS 66210

Contact's Email: fromig01@sprintspectrum.com
Contact's Fax: (913) 523-8333
Contact's Phone: (913) 794-9486

TIMING:

Date of Request: May 23, 2003
Receipt Confirmation Due By: June 9, 2003
Effective Date: November 24, 2003

Designated Wireline Switch CLLI Codes:

1st CLLI: RANRWAXARS1
2nd CLLI: YELMWAXADSO
3rd CLLI:
4th CLLI:
5th CLLI:
6th CLLI:

Designated Metropolitan Statistical Areas (MSAs):

Note: MSAs refer to the U.S. Census Bureau MSAs. These may differ from the MSAs as separately defined by the wireless or wireline industries.

MSA_NAME:

Olympia, WA

Actions Required of the Recipient:

1. Within 10 days of receipt, provide confirmation to the requestor that this form has been received.
2. For all currently released codes, and those to be released at any future time, within the designated U.S. Census Bureau MSAs and wireline switch CLLI codes (where applicable), open all for porting within the LERG.
3. For all currently released codes, and those to be released at any future time, within the designated U.S. Census Bureau MSAs and wireline switch CLLI codes (where applicable), open all for porting within the NPAC (Number Portability Administration Center).
4. Ensure that all switches handling codes within the designated MSAs are Local Number Portability capable.

Monday, May 12, 2003

BFR Checklist Form v04 020204.doc



August 25, 2003

SANDRA HANSON
YCOM NETWORKS, INC.
PO BOX 593
YELM, WA 98597

Dear SANDRA,

In July, 2002, the FCC mandated that all carriers in the top one hundred (100) Metropolitan Statistical Areas (or MSAs) implement Wireless Local Number Portability (WLNP) by November 24, 2003. Pursuant to this FCC mandate, Sprint PCS (SPCS) has identified you as a potential Trading Partner. As such, SPCS would like to exchange the necessary information to allow porting to be tested and placed into production between us on November 24, 2003. In addition, SPCS is willing to negotiate an Operating Agreement with you as a means of finalizing a mutually acceptable porting arrangement on a separate schedule and through a different mechanism.

The enclosure contains SPCS's contact and connectivity information needed to initiate porting. SPCS requests that you provide your contact and connectivity information and return same within ten (10) business days. Please return to *Peter Jacklin* or *Hal Weintrub*, via FAX (as detailed below). If you prefer email correspondence, please contact either individual for a "soft copy" of the file.

The individuals responsible for exchanging Trading Partner porting information and who will be contacting you in the near future are:

Peter Jacklin
Phone: (913) 307-7356
FAX: (913) 307-7447
pjackl01@sprintspectrum.com

--or--

Hal Weintrub
Phone: (913) 307-7379
FAX: (913) 307-7447
hweint01@sprintspectrum.com

The contact to initiate negotiations of an Operating Agreement between our companies is:

Jack Weyforth
Phone: (913) 315-9591
FAX: (913) 794-0720
jweyfo01@sprintspectrum.com

In general, SPCS follows industry guidelines for Wireless-to-Wireless and Wireless-to-Wireline porting. This includes industry-standard modes of connectivity, forms, form versions, and business rules.

Thank you very much and we look forward to establishing a porting relationship with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Weyforth", written over a horizontal line.

Jack Weyforth
Manager, Carrier & Interconnection Management
6450 Sprint Parkway
KSOPHN0212-2A411
Overland Park, KS 66251

Encl: Trading Partner Profile for Porting

Trading Partner Profile for Porting between Sprint and <Trading Partner>

CONTACT	Item	Sprint	<Trading Partner>
	Effective Date		
	Primary contact name	Porting Center	
	Contact description	Porting Center	
	Phone number #1	Tbd	
	Phone number #2		
	FAX number	813-273-3403 (will change 3Q03)	
	Email address		
	Other		
	Note: The primary contact is also assumed to be the first point of contact for profile changes.		
Secondary contact name	Network Operations Center		
Contact description	Network Operations Center		
Phone number #1	800-892-2888		
Phone number #2	813-273-3440		
FAX number	813-273-3570		
Email address	Netops@tsiconnections.com		
Other	Hotline@tsiconnections.com		

OPERATIONS	Item	Sprint	<Trading Partner>	
	... Common ...			
	Operating Company No. (OCN)	See following list of OCNs		
	Administrative OCN	6664		
	Wireless or Wireline	Wireless or Wireline		
	Holiday Days (mm/dd/yy)	Standard NPAC holiday schedule		
	Holiday time begin (hh:mm)	17:00 EST on business day before		
	Holiday time end (hh:mm)	8:00 EST on business day after		
	... for Test ...			
	Service Provider ID (SPID)	Primary: 9990, Secondary: 7778		
	LSMS SPID	7777		
	LSR Version ID	Industry supported, prefer LSOG 5		
	FOC Version ID	Industry supported, prefer LSOG 5		
	WICIS Version ID	2.0		
	Time Zone (PST, MST, CST, EST)	CST		
Business days (Sun, Mon, etc.)	Monday through Friday			
Business day begin (hh:mm)	7:00 CST			
Business day end (hh:mm)	16:00 CST			
... for Production ...				
Service Provider ID (SPID)	6664			
LSMS SPID	0661			
LSR Version ID	Industry supported, prefer LSOG 5			
FOC Version ID	Industry supported, prefer LSOG 5			
WICIS Version ID	2.0			
Time Zone (PST, MST, CST, EST)	CST			
Business days (Sun, Mon, etc.)	24x7 except NPAC maintenance			
Business day begin (hh:mm)	hours			
Business day end (hh:mm)				

CORBA	Item	Sprint	<Trading Partner>
	... for Test ...		
	Porting Method: Primary, Secondary, N/A	Current, Telcordia SMG 4.0 & 4.1, Future = SMG 4.2 (~Sep, 2003)	
	ICP Package/Application ("send to")	SMG 4.0/4.2: 205.174.182.182 SMG 4.1: 205.174.188.227	
	ICP Physical Server ("receive from")	SMG 4.0/4.2: 205.174.182.180 SMG 4.1: 205.174.188.229	
	Failover ICP Server	SMG 4.0/4.2: 205.174.182.178 SMG 4.1: 205.174.188.228	
	SOA Application	SMG 4.0/4.2: 205.174.182.181 SMG 4.1: 205.174.188.226	
	SOA Server	SMG 4.0/4.2: 205.174.182.178 SMG 4.1: 205.174.188.228	
	Failover SOA Server	SMG 4.0/4.2: 205.174.182.180 SMG 4.1: 205.174.188.229	
	Application Port Information	29990 (setup as "2" + SPID)	
	Naming Service / IOR	Static IP (or N/A)	
	DLCI	N/A	
	LDAP Provider	N/A	
	Security Requirements	N/A	
	Firewall Requirements	Allow TCP and UDP traffic	
	SSL Requirements	N/A	
	Proprietary Requirements	N/A	
	Service IDL version	N/A (Currently at 2.0 ??)	
	Implementation OMG standard compliant?	Yes	
	... for Test OMG CORBA Standards Supported ...		
Vendor	Product Name/Version	OMG CORBA Version	IIOP Version
Borland	CORBA		
... for Production ...			
Porting Method: Primary, Secondary, N/A	Current, Production = SMG 4.0 Future = SMG 4.1 (mid-July) SMG 4.2 (~October, 2003)		
ICP Package/Application ("send to")	SMG 4.0: 205.174.185.139		
ICP Physical Server ("receive from")	SMG 4.0: 205.174.185.237		
Failover ICP Server	SMG 4.0: 205.174.185.236		
SOA Application	SMG 4.0: 205.174.185.138		
SOA Server	SMG 4.0: 205.174.185.236		
Failover SOA Server	SMG 4.0: 205.174.185.237		
Application Port Information	29990 (setup as "2" + SPID)		
Naming Service / IOR	Static IP (or N/A)		
DLCI	N/A		
LDAP Provider	N/A		
Security Requirements	N/A		
Security Requirements	N/A		
Firewall Requirements	Allow TCP and UDP traffic		

SSL Requirements	N/A		
Proprietary Requirements	N/A		
Service IDL version	N/A (Currently at 2.0 ??)		
Implementation OMG standard compliant?	Yes		
... for Test OMG CORBA Standards Supported ...			
Vendor	Product Name/Version	OMG CORBA Version	IIOP Version
Borland	CORBA		

F A X	Item	Sprint	<Trading Partner>
	... for Test ...		
	Porting Method: Primary, Secondary, N/A		
	FAX number	813-273-3403	
	Backup FAX number	Tbd	
	... for Production ...		
	Porting Method: Primary, Secondary, N/A		
	FAX number	Tbd	
	Backup FAX number	Tbd	

E D I	Item	Sprint	<Trading Partner>
	... for Test ...		
	Porting Method: Primary, Secondary, N/A		
	Specific EDI Requirements	Tbd or ExchangeLink ???	
	... for Production ...		
	Porting Method: Primary, Secondary, N/A		
	Specific EDI Requirements	Tbd or ExchangeLink ???	

O T H E R	Item	Sprint	<Trading Partner>
	... for Test ...		
	Porting Method: Primary, Secondary, N/A		
	Other Communication Requirements	IBM MQ Websphere 5.2/5/3 Exchange Queue Name, Queue Manager, and a channel	
	... for Production ...		
	Porting Method: Primary, Secondary, N/A		

Other Communication Requirements	IBM MQ Websphere 5.2/5/3 Exchange Que Name, Que Manager, and a channel	
----------------------------------	---	--

The parties agree that information contained in the Trading Partner Profile is operational in nature and subject to change. The parties agree to make every effort to give the other party 30 days notice of any changes to its information.

Sprint OCNs

OCN:	OCN:	OCN:	OCN:	OCN:	OCN:	OCN:	OCN:
4058	4060	4061	4064	4065	4066	4098	4099
6032	6664	6982	8440	8441	8442	8443	8444
8445	8446	8447	8448	8449	8450	8451	8452
8453	8454	8455	8456	8457	8458	8459	8460
8461	8462	8463	8564	8566	8567	8568	8570
8571	8572	8574	8575				

Information Required for Logging Trouble Tickets

Sprint PCS:

- Customer name and organization.
- Full description of the issue and expected results.
- Steps to reproduce the issue and relevant data.
- All applicable issue, log, and system files.
- Any special circumstances surrounding the discovery of the issue (e.g., first occurrence or occurred after what specific event).
- Customer's business impact of problem and suggested priority for resolution.

Trading Partner:

- Customer name and organization.
- Full description of the issue and expected results.
- Steps to reproduce the issue and relevant data.
- All applicable issue, log, and system files.
- Any special circumstances surrounding the discovery of the issue (e.g., first occurrence or occurred after what specific event).
- Customer's business impact of problem and suggested priority for resolution.

Porting Validation Standards

Information Required for Port Validation:

Sprint PCS:

Last Name or Business Name

Zip Code

SSN or Tax ID or Acct. No.

MDN

If corporate liable - a password or pin number.

Trading Partner:

Porting Business Rules

Exhibit E

Sprint PCS:

- Complex Ports – Sprint PCS will accept only single line ports. Multiline ports must be submitted as multiple single line ports.
- Resellers – Sprint PCS will accept port requests on behalf of our resellers, however all validation is based on the resellers' processes.

Trading Partner:

- TBD

Network Operations Support



May 28, 2003

Ycom Networks, Inc.
PO Box 593
Yelm, WA 98597

Verizon Wireless
Interconnection/Numbering/Mandates
2785 Mitchell Drive MS 7-1
Walnut Creek, CA 94598

Attn: Sandra Hanson,

Consistent with the rules of the Federal Communications Commission ("FCC"), on November 24, 2003, Verizon Wireless will begin competitive porting by offering customers local number portability ("LNP").²³⁷ The FCC sought to simplify the task of identifying the switches in each MSA in which number portability is deployed and to facilitate competitive entry.²³⁸ The FCC's rules require local exchange carriers to make available, upon request by any interested party, a list of their switches for which provisioning of number portability has been requested (and therefore provided) and a list of their switches for which provisioning of number portability has not been requested.²³⁹ Verizon Wireless requires only a list of switches and NPA-NXX codes for which provisioning of LNP has not been requested.

Verizon Wireless has simplified this request by attaching a form containing a list of switches and codes for your review. This list was derived by using the LERG and comparing it to Verizon Wireless's licensed service areas. The list identifies the switch CLLI and NPA-NXX codes that Verizon Wireless believes are not yet LNP capable. Please review and update the attached form, making any necessary changes or additions to the list regarding switches and codes that have not been marked portable. Please indicate the date by which the switch and codes will be LNP capable.²⁴⁰ Any comments can be made in the column provided on the form.

Verizon Wireless requests that you review, update and return the attached form to the undersigned contact within 10 days of receipt. Please call the undersigned with any questions or concerns.

A handwritten signature in cursive script, appearing to read "Linda Godfrey".

Linda Godfrey
Verizon Wireless
Interconnection, Numbering and Mandates

925-279-6570

Enclosures

²³⁷ See 47 C.F.R. § 52.31.

²³⁸ Local Number Portability, *First Memorandum Opinion and order on Reconsideration*, 12 FCC Rcd. 7236, ¶¶59-66 (1997).

²³⁹ *Id.* at ¶64; 47 C.F.R. § 52.23(b)(2)(iii).

²⁴⁰ The timeframes for conversion to LNP of any additional switches are governed by the FCC's rules and range from 30 days to 180 days, depending upon the status of the switches (*i.e.*, equipped remote, hardware capable, capable switches requiring hardware, and non-capable). 47 C.F.R. § 52.23 (b)(2)(iv)(A-D).

Bonafide Request Form (BFR)

Purpose:

The purpose of this letter is to request the deployment of long-term Local Number Portability as defined by the FCC. Specifically, this form requests that **ALL** codes serving the Metropolitan Statistical Areas be opened for portability in the LERG and the NPAC and **ALL** switches serving these areas are LNP capable.

Note: MSAs refers to the identified U.S. Census Bureau MSAs for 2000. These may differ from the MSAs as separately defined by the wireless or wireline industries. In those instances where no MSA has been identified, please reference Rate Center to ensure switches and NPA-NXXs serving those areas are opened for porting.

TO (RECIPIENT):

If LERG contact info is incorrect, please change below.

Company Name: _____

Contact Name: _____

Contact's Address: _____

Contact's

Email: _____

Contact's Fax: _____

Contact's Phone: _____

FROM (REQUESTOR):

Company Name: Cellco Partnership d/b/a
Verizon Wireless

Contact Name: Linda Godfrey

Contact's Address: 2785 Mitchell Drive
Walnut Creek, CA 94598
Building 7-1, 7111G

Contact's Email:

Linda.Godfrey@Verizonwireless.com

Contact's Fax: 925-279-6621

Contact's Phone: 925-279-6570

Timing:

Date of Request: May 19, 2003

Receipt Confirmation Due By: May 29, 2003 (Due no later than 10 days after the date of the request.)

Effective Date: November 24, 2003 or May 24, 2004 pursuant to the FCC rules

**Wireline Bonafide Request form (BFR) for Local Number Portability Ycom Networks,
Inc. Nonportable NPA-NXXs and CLLIs**

COC TYPE	ST	RATE CNTR	PORTABLE	NPA	NXX	Date NPA-NXX marked Portable	Comments	SOF 38-LNP	SWITCH	Date Portable	Comments
EOC	WA	RAINIER	N	360	446			-	RANRWAXARS1		
EOC	WA	YELM	N	360	458			-	YELMWAXADS0		
EOC	WA	YELM	N	360	894			-	YELMWAXBRS0		
EOC	WA	YELM	N	360	400			-	YELMWAXADS0		



September 5, 2003

YCOM
Sandra Hanson
PO Box 593
Yelm, WA 98597

Re: Bona Fide Request for Number Portability ("BFR")

Dear Sandra Hanson,

Verizon Wireless has upgraded all of its switches for wireless number portability and plans to offer customers the ability to port in our mutual overlapping service areas, as required by the FCC's rules. Previously, Verizon Wireless mailed a bona fide request for number portability to your company, consisting of a cover letter and an attached industry-developed bona fide request form. The BFR was intended to ensure that consumers can enjoy the benefits of competitive porting among wireless and wireline carriers, where requested by a competing carrier, by November 24, 2003, or a subsequent timeframe as outlined by the FCC's rules.³⁶

Verizon Wireless requested information designed to determine: (1) where porting is currently available; and most importantly, (2) where and when porting would be available in additional switches not currently porting capable. To this end, Verizon Wireless provided specific information regarding, among other things, the targeted rate center, NPA-NXX codes and the switch CLLI.

Verizon Wireless does not accept your response rejecting its BFR. Verizon Wireless hereby renews its original request with the same effective date triggered by that request. Specifically, Verizon Wireless rejects the following arguments offered by your company and/or other companies that the BFR must be predicated on:

- Negotiating an interconnection agreement or a traffic exchange agreement. The LNP rules do not include such a requirement. Service Provider LNP is merely a service that allows customers to retain their telephone number in the same location when switching providers and does not change existing network configurations for call rating and routing. No interconnection or traffic exchange agreement is necessary and more importantly, is not required. Verizon Wireless is willing to negotiate a service level agreement ("SLA") or other document to govern the porting activity and is in the process of contacting carriers for that purpose.
- Resolution of pending issues before the FCC regarding rate center issues, local network configurations, porting intervals, and any other remaining operational issues. Although Verizon Wireless believes that these issues will be resolved well before the November 24, 2003 deadline for wireless portability, resolution is not required for issuance of the BFR and compliance is not excused during the FCC's deliberations.

Verizon Wireless expects that you will comply with the FCC's rules and honor its BFR when customers seek to port their numbers to Verizon Wireless on or after November 24, 2003. Verizon Wireless will pursue all legal or enforcement remedies before the FCC if your company refuses to provide LNP with Verizon Wireless on or after November 24, 2003 deadline.

Bonnie Petti

Bonnie Petti
Network Operations Headquarters Staff

cc: John T. Scott, Deputy General Counsel
Kraskin Lessee & Cossee. LLC

³⁶ The timeframes for conversion to LNP of any additional switches are governed by the FCC's rules and range from 30 days to 180 days, depending upon the status of the switches (*i.e.*, equipped remote hardware capable, capable switches, etc.).

Network Operations Support



Verizon Wireless
Interconnection/Numbering/Mandates
2785 Mitchell Drive MS 7-1
Walnut Creek, CA 94598

September 24, 2003

Yelm Tel. Co. Dba Ycom Networks, Inc.
105 2Nd Street S.E.
Yelm, WA 98597

Re: Wireline-Wireless Local Number Portability Agreement

Dear Bill Cowles:

Verizon Wireless would like to establish an Intercarrier Communications Process (ICP) for porting of numbers between Verizon Wireless and Yelm Tel. Co. Dba Ycom Networks, Inc. We need to reach agreement quickly given the pending FCC deadline.

Attached is a proposed service level agreement which we believe will facilitate quick, reliable, and seamless porting for our respective customers.

Please let me know your availability, so that we can set a time for a meeting. Please direct your response to our single point of contact, Sharon Canas, who can be reached at 925-279-6122 or Sharon.Canas@VerizonWireless.com. I look forward to working with you to develop an efficient and effective intercarrier porting process between Verizon Wireless and Yelm Tel. Co. Dba Ycom Networks, Inc.

Thank you for your immediate attention to our request.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie R. Petti".

Bonnie R. Petti
Executive Director
Network Operations Headquarters Staff

BP:sc

Enclosure

COPY

EXHIBIT 2

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

July 16, 2003

VIA E-MAIL & OVERNIGHT DELIVERY

Fawn Romig
Industry Compliance and Operational Network Support, Numbering Solutions
Sprint PCS
6580 Sprint Parkway
Mailstop: KSOPHW0516-5B360
Overland Park, Kansas 66210

Dear Ms. Romig:

In our letter dated June 9, 2003, and in subsequent e-mails and telephone conversations, we notified you of over seventy companies represented by this firm that have received correspondence from Sprint PCS regarding number portability.¹ Having analyzed the generic letter and accompanying form dated May 23, 2003 (collectively, the Sprint PCS "mailings") sent to these companies, we question whether the mailings constitute a valid request for number portability. Moreover, even if the mailings were sufficient, the Sprint PCS correspondence does not request service provider portability that would enable customers of these LECs to retain their existing telephone numbers "at the same location" as the Act and FCC Rules require.²

The geographic areas specified in the mailings are limited to Metropolitan Statistical Areas ("MSAs"). Twenty-eight of these companies, however, operate wholly outside of any MSA. Additionally, on forms sent to fourteen of the companies that serve within MSAs, no specific market was indicated.³ Accordingly, for these forty-two companies, the mailings fail to identify the "discrete geographic area" as required by the FCC.⁴

¹ An updated list of the companies that we represent in this matter is attached.

² See 47 U.S.C. § 153(30); 47 C.F.R. § 52.21(k).

³ The companies that operate wholly outside of any MSA and ones for which no specific market was indicated are specified with an asterisk on the attached list.

⁴ See *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability: Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, 95-116* (rel. June 18, 2003) at para. 10 ("Requesting telecommunications carriers must specifically request portability, identify the discrete geographic area covered by the request, and

Further, in at least two instances, the request was sent to the wrong company⁵ and in many instances the switch information contained on the forms is incorrect.⁶ For example, one company received a mailing that identifies the switches of the company's affiliate rather than the company's switches.⁷

The mailing fails to indicate whether Sprint PCS provides service within the companies' respective LEC service areas. The rules specify that number portability is required only if requested by "another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate."⁸ Furthermore, for most of the companies, there is no local interconnection in place between Sprint PCS and the LEC, demonstrating the absence of Sprint PCS' local presence and any indication of its "plans to operate" within the area.

The Act and the FCC have defined the obligation of a LEC to provide number portability that enables the "users of telecommunication services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."⁹ If you have facts to indicate that Sprint PCS plans to ensure that the customer retains his/her telephone number "at the same

provide a tentative date by which the carrier expects to utilize number portability to port prospective customers").

⁵ Hancock Telephone Company located in New York received a mailing directed to Hancock Rural Telephone Cooperative located in Indiana and ComSouth Telecommunications, Inc. received a mailing directed to Hawkinsville Telephone Company, a company that no longer exists.

⁶ The FCC's orders and rules require local exchange carriers to implement number portability only "in switches for which another carrier has made a specific request . . ." See, e.g., *In the Matter of Telephone Number Portability: First Memorandum Opinion and Order on Reconsideration*, 12 FCC Red 7236, 7273 (1997); 47 C.F.R. § 52.23(c).

⁷ Although the correspondence is addressed to Horry Telephone Cooperative, Inc., the form specifies switches which belong to an affiliated, but separate company, HTC Communications, Inc.

⁸ 47 C.F.R. § 52.23(c).

⁹ 47 U.S.C. § 153(30) (emphasis supplied); 47 C.F.R. § 52.21(k) (emphasis supplied). The FCC has distinguished this "service provider portability" from "location portability," a much different form of portability that the FCC has determined is not required by statute. "Location portability" is defined as "the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another." 47 C.F.R. § 52.21(i) (emphasis supplied).

Ms. Fawn Romig
July 16, 2003
Page 3

location" please provide us with those facts and we will reevaluate our analysis of the Sprint PCS request on the basis of these facts.

While we and our clients recognize that pursuant to Section 252 of the Act, carriers are free to "negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of Section 251,"¹⁰ our clients at this time has no need or desire to negotiate an agreement that goes beyond the standards the FCC has set forth pursuant to Section 251. As noted, the geographic portability that would result from the Sprint PCS request has not been required by the FCC under Section 251.

Again, we would be pleased to review any additional facts Sprint PCS may offer to demonstrate that its request is not for geographic number portability.

Sincerely,

Kraskin, Lesse & Cosson, LLC

By: 

¹⁰ 47 U.S.C. § 252(a)(1).

ATTACHMENT
Updated List of Companies Represented by Kraskin, Lesse & Cosson, LLC in Matters
Pertaining to Correspondence From Sprint PCS Regarding Number Portability
August 14, 2003

Advanced Tel, Inc.
Ardmore Telephone Company, Inc.
Armstrong Telephone Company, Inc.
Barry County Telephone Company *
Ben Lomand Rural Telephone Cooperative, Inc. *
Bentleyville Telephone Company
Berkshire Telephone Company **
Brandenburg Telephone Company, Inc. *
Brantley Telephone Company, Inc.
Canby Telephone Association
Cascade Utilities, Inc.
Chautauqua & Erie Telephone Corporation *
Chibardun Telephone Cooperative, Inc. *
Citizens Telephone Company, Inc. *
Citizens Telephone Cooperative, Inc.
Clay County Rural Telephone Cooperative, Inc.
Clear Lake Independent Telephone Company *
Climax Telephone Company
Coastal Utilities, Inc.
Colorado Valley Telephone Cooperative *
Columbus Grove Telephone Company *
ComSouth Telecommunications, Inc. *
Concord Telephone Company *
Cumby Telephone Cooperative, Inc. **
Deerfield Farmers Telephone Company
East Ascension Telephone Company, LLC
East Otter Tail Telephone Company *
EATEL ***
Egyptian Telephone Cooperative Association *
Ellensburg Telephone Company
Ellijay Telephone Company *
Empire Telephone Corporation *
Fairpoint Communications, Inc. ***
Farmers and Business Mens Telephone Company *
Fort Mill Telephone Company
Forest City Telecom, Inc. **
Franklin Telephone Company, Inc. *
Fremont Telecom Company *
FreTel Communications, LLC *
FTC Diversified Services, Inc.
Gallatin River Communications
Germantown Telephone Company, Inc. *

GTC Inc. - Alabama **
Hancock Rural Telephone Cooperative
Hancock Telephone Company *
Heart of Iowa Communications Cooperative *
Horry Telephone Cooperative, Inc.
Huxley Communications Cooperative *
Inter-Community Telephone Company, LLC
Lemonweir Valley Telephone Company *
Ligonier Telephone Company *
Livingston Telephone Company
Louisa Communications, LC *
Madison River Communications ***
Marquette-Adams Telephone Cooperative, Inc *
McDonough Telephone Cooperative, Inc. *
MebTel, Inc.
Mid-Century Telephone Co-operative
Mid-Missouri Telephone Company
Mutual Telephone Company of Morning Sun *
Nelson Telephone Cooperative *
Nextgen Telephone Inc. - NY
North Central Telephone Cooperative, Inc - TN
North-Eastern Pennsylvania Telephone Company *
North Pittsburgh Telephone Company
North State Telephone Company dba North State Communications
Orwell Telephone Company
Partner Communications Cooperative *
Pattersonville Telephone Company
Peoples Mutual Telephone Company
Perry-Spencer Rural Telephone Cooperative, Inc. *
Personal Touch Communications *
Piedmont Rural Telephone Cooperative, Inc.
Plant Telephone Company *
Planters Rural Telephone Cooperative, Inc.
Poka Lambro Telephone Cooperative, Inc. *
Ringgold Telephone Company
Rio Virgin Telephone Company, Inc.
Rock Hill Telephone Company
Sledge Telephone Company, Inc. *
Smithville Telephone Company, Inc.
State Long Distance Telephone Company *
State Telephone Company
Telepak Networks, Inc.
Telephone Service Company
The Middleburgh Telephone Company

Tri-County Telephone Cooperative, Inc. *
Trumansburg Telephone Company *
West Kentucky Rural Telephone Cooperative Corporation, Inc. *
West Wisconsin Telcom Cooperative, Inc.
XIT Telecommunications & Technology, Inc. **
YCOM Networks, Inc.
Yeoman Telephone Company, Inc. *

* Request fails to specify a market or specifies a market that is not within the company's service territory.

** Received Information Request but did not receive correspondence from Fawn Romig requesting implementation of number portability.

*** These companies are holding companies that received Information Requests.

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

August 14, 2003

VIA E-MAIL & OVERNIGHT DELIVERY

Mr. Jack Weyforth
Manager, Carrier & Interconnection Management
Sprint PCS
6450 Sprint Parkway
Mailstop: KSOPHN0212-2A411
Overland Park, Kansas 66251

Dear Mr. Weyforth:

Our firm represents several local exchange companies that have received correspondence from Sprint PCS seeking "contact and connectivity information needed to initiate porting" ("Information Request").¹ The FCC's orders and rules require local exchange carriers to implement number portability only "in switches for which another carrier has made a specific request."² As demonstrated by the attached Letter, the requests for these clients to implement number portability are being challenged as to their validity and whether they are in accordance with FCC rules. Until these matters are resolved, it is unnecessary for these companies to respond to the Information Request.

Additionally, as indicated on the Attachment, some companies have received only the Information Request. FCC rules require that requests to port must "specifically request portability" and "identify the discrete geographic area covered by the request."³ Because the Information Request does not meet these qualifications and fails to demonstrate that it is not seeking geographic portability, the correspondence does not constitute a valid request.

¹ See attached letter to Fawn Romig, Industry Compliance and Operational Network Support, Numbering Solutions, dated July 16, 2003 ("Letter") with updated attachment, which was provided to Ms. Romig on August 13, 2003 ("Attachment"). The Attachment contains a list of the clients that we represent in this matter.

² See, e.g., *In the Matter of Telephone Number Portability: First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7273 (1997); 47 C.F.R. § 52.23(c).

³ See *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability: Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, 95-116* (rel. June 18, 2003) at para. 10.

Mr. Jack Weyforth
August 14, 2003
Page 2

Accordingly, these companies are under no obligation to provide information in order to implement number portability.

Sincerely,

Kraskin, Lesse & Cosson, LLC

By:

A handwritten signature in cursive script, appearing to read "Jutta Lesse", written over a horizontal line.

cc: Fawn Romig

Attachments

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

July 23, 2003

VIA E-MAIL & OVERNIGHT DELIVERY

Linda Godfrey
Interconnection, Numbering and Mandates
Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

Dear Ms. Godfrey:

Our firm represents several local exchange carriers that have received correspondence from Verizon Wireless regarding number portability.¹ Having analyzed the letters and accompanying forms (collectively, the Verizon Wireless mailings²) sent to these companies, we question whether the mailings constitute a valid request for number portability. Moreover, even if the mailings were sufficient, the Verizon Wireless correspondence does not request service provider portability that would enable customers of these LECs to retain their existing telephone numbers "at the same location" as the Act and FCC Rules require.³

The mailings seek only switch information rather than request the implementation of number portability.³ The process of responding to the information request has been "simplified" by Verizon Wireless by allowing carriers to update the attached form, which has been provided for this purpose. This attachment is comprised of a generic form with no carrier or market information indicated and a spreadsheet containing the switch information referenced in the letter. Accordingly, the mailing fails to "specifically request portability" and "identify the discrete geographic area" as required by FCC Rules.⁴ Furthermore, although the generic form

¹ A list of these companies is attached.

² See 47 U.S.C. § 153(30); 47 C.F.R. § 52.21(k).

³ According to the letter, the purpose of the mailing is pursuant to a specific FCC Rule which requires carriers to provide, upon request, "a list of their switches for which provisioning of number portability has been requested (and therefore provided)." The carriers on the attached list have either responded to this information request directly or we are responding on their behalf.

⁴ See *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*:

Ms. Linda Godfrey
July 23, 2003
Page 2

specifies the date of the request as May 19, 2003, many of the letters are dated May 28, 2003 with postmark dates well into the month of June. Accordingly, if the mailing was intended to constitute a request for a LEC, which currently is not number portable-capable, to implement number portability by November 24, 2003, the request, in these instances, was not timely made.⁵

The mailing fails to indicate whether Verizon Wireless provides service within the companies' respective LEC service areas. The rules specify that number portability is required only if requested by "another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate."⁶ Furthermore, for most of the companies, there is no local interconnection in place between Verizon Wireless and the LEC, demonstrating the absence of Verizon Wireless' local presence and any indication of its "plans to operate" within the area.

The Act and the FCC have defined the obligation of a LEC to provide number portability that enables the "users of telecommunication services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."⁷ If you have facts to indicate that Verizon Wireless plans to ensure that the customer retains his/her telephone number "at the same location" please provide us with those facts and we will reevaluate our analysis of the Verizon Wireless request on the basis of these facts.

While we and our clients recognize that pursuant to Section 252 of the Act, carriers are free to "negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of Section 251,"⁸ our clients at this time has no need or desire to negotiate an agreement that goes beyond

Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, 95-116 (rel. June 18, 2003) at para. 10 ("Requesting telecommunications carriers must specifically request portability, identify the discrete geographic area covered by the request, and provide a tentative date by which the carrier expects to utilize number portability to port prospective customers").

⁵ See 47 C.F.R. § 52.23(b)(2)(iv).

⁶ 47 C.F.R. § 52.23(c).

⁷ 47 U.S.C. § 153(30) (emphasis supplied); 47 C.F.R. § 52.21(k) (emphasis supplied). The FCC has distinguished this "service provider portability" from "location portability," a much different form of portability that the FCC has determined is not required by statute. "Location portability" is defined as "the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another." 47 C.F.R. § 52.21(i) (emphasis supplied).

⁸ 47 U.S.C. § 252(a)(1).

Ms. Linda Godfrey

July 23, 2003

Page 3

the standards the FCC has set forth pursuant to Section 251. As noted, the geographic portability that would result from the Verizon Wireless request has not been required by the FCC under Section 251.

Again, we would be pleased to review any additional facts Verizon Wireless may offer to demonstrate that its request is not for geographic number portability.

Sincerely,

Kraskin, Lesse & Cosson, LLC

By: 

Attachment

ATTACHMENTList of Companies Represented by Kroshin, Leger & Conson, LLC in Matters
Pertaining to Correspondence From Verizon Wireless Regarding Number Portability

Armstrong Telephone Company of New York
Ben Lomand Rural Telephone Cooperative, Inc.
Bentleyville Telephone Company
Big Sandy Telecom
Canby Telephone Association
Cascade Utilities, Inc.
Clay County Rural Telephone Cooperative, Inc.
Concord Telephone Company
Deerfield Farmers' Telephone Company
Egyptian Communications Services, Inc.
Elijay Telephone Company
Hancock Rural Telephone Corporation
Laurel Highland Telephone Company
Madison River Communications
Mariana-Scenery Hill Telephone Co.
Nelson Telephone Cooperative
Nextgen Telephone Inc.
North Central Telephone Cooperative, Inc.
North Pennsylvania Telephone Company
North Pittsburgh Telephone Company
North State Telephone Company
Orwell Telephone Company
Otelco Telephone LLC
Pattersonville Telephone Company
Piedmont Rural Telephone Cooperative, Inc.
Rio Virgin Telephone Company, Inc.
Ringgold Telephone Company
SEI Data, Inc.
Smithville Telephone Company, Inc.
Taconic Telephone Corporation
Telepak Networks, Inc.
The Middleburgh Telephone Company
West Carolina Rural Telephone
West Wisconsin Communications Systems, Inc.
YCOM