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April 13, 2004

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

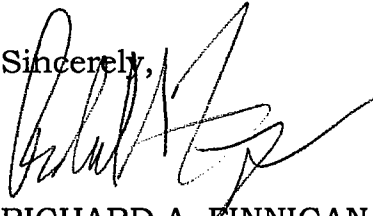
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STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

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

Dear Ms. Washburn:

Enclosed are the original and nineteen copies of the above-referenced  
Petition. Thank you for your assistance with this matter.

Sincerely,



RICHARD A. FINNIGAN

RAF/km  
Enclosures

cc: Dennis Mackleit

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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 OF PIONEER TELEPHONE  
COMPANY FOR TEMPORARY SUSPENSION  
OF WIRELINE TO WIRELESS NUMBER  
PORTABILITY OBLIGATIONS

COMES NOW, Pioneer Telephone Company ("Company"), 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. 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 South 215 Main Street,  
LaCrosse, Washington, 99143.

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

<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. The Company's switch is not currently  
9 LNP capable. The switch must be upgraded to accommodate number portability. Further, LNP  
10 depends upon SS7 signaling to function. Pioneer has not deployed SS7 because the necessary  
11 transport links ("A" links) are not available. Plans are in place to work with CenturyTel to put "A"  
12 links in place. Construction should be completed late this fall. After completion of construction,  
13 testing will be required. The Company projects that SS7 will be operational by the end of the year.

14           7.       Accordingly, for the reasons provided herein, the Company respectfully requests that  
15 the Commission grant it the temporary suspension described below of any obligation to provide  
16 wireline-to-wireless number portability. The Company believes that the Commission's exercise of  
17 its explicit Section 251(f)(2) authority<sup>5</sup> will provide sufficient time to address and resolve the  
18 significant issues surrounding the Company's obligations in a reasonable and thoughtful manner  
19  
20  
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22  
23 <sup>4</sup>       *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, FCC 03-284, (rel. November 10,  
2003).

24 <sup>5</sup>       Pending action on the specific request for modification or suspension, the Commission "may suspend  
25 enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or  
carriers." 47 U.S.C. § 251(f)(2).

1 while avoiding potentially detrimental consequences to the Company's end users. Accordingly, a  
2 prompt grant of this aspect of the Petition will serve the public interest.

3  
4 **II. Background**

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

6  
7 8. The Company is a rural telephone company as defined by the Act.<sup>6</sup> Additionally, the  
8 Company satisfies the criteria set forth in Section 251(f)(2), which provides in pertinent part, that  
9 LECs "with fewer than two percent of the Nation's subscriber lines installed in the aggregate  
10 nationwide may petition a state commission for a suspension or modification"<sup>7</sup> of the number  
11 portability requirements.<sup>8</sup> As of December 2002, approximately 188 million local telephone lines  
12 were in service nationwide.<sup>9</sup> The Company serves fewer than 1,000 lines. Obviously, the Company  
13 serves far less than the 2% threshold of 3.76 million access lines.  
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22 <sup>6</sup> 47 U.S.C. § 153(37).

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

24 <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).

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

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

3           9.     As the Commission is aware, the Company provides local exchange and exchange  
4 access services within its individual respective service areas. The Company serves the following  
5 rate centers: LaCrosse and Endicott. The Company has received a request for LNP from T-Mobile.  
6

7  
8           **C.     Technical Hurdles**

9           10.    Until the Company upgrades its switch and completes its SS7 connectivity, it is  
10 technically impossible for the Company to provide LNP.  
11

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

13           11.    The Act vests the state commissions with authority to balance the requests for  
14 wireline-wireless number portability with the potential harmful public interest consequences, if the  
15 Commission determines that such suspension or modification  
16

17           (A)    is necessary –

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

20                   (ii)   to avoid imposing a requirement that is unduly economically  
21 burdensome; or

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

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

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

1  
2 12. A grant of this Petition will avoid a significant adverse economic impact on users of  
3 the Company's telecommunications services. As demonstrated herein, the costs of implementing  
4 the number portability are significant, not only with respect to the deployment of the hardware and  
5 software necessary to achieve porting capability, but also with respect to ongoing data costs and  
6 administration processes, and the establishment of the proper arrangements among the affected  
7 carriers.

8 13. Initial and on-going costs incurred to satisfy the request of the CMRS provider  
9 ultimately are recovered through rates paid by the Company's customers. Compounding the  
10 adverse effect of this result is the fact that most of these customers will receive no benefit from the  
11 provision of the wireline-to-wireless number portability. The Company has not received even an  
12 inquiry, let alone a request, from a customer seeking to have his or her number ported to a CMRS  
13 provider. In any event, the Company anticipates that the ultimate number of subscribers wishing to  
14 port to wireless carriers will be very limited. Accordingly, all of the subscribers of the Company  
15 would be adversely impacted by an increase in rates in order to accommodate the request of the  
16 CMRS provider.<sup>11</sup>

17  
18 14. When the FCC initially promulgated its number portability rules, it agreed with  
19 commenters that requiring rural LECs to provide number portability where no competitor has  
20 requested such function would "burden rural LECs significantly without benefiting the public by  
21

22  
23  
24 <sup>11</sup> See also *Number Resource Decision*, 17 FCC Rcd at 262 (Imposing the cost of implementing the technology  
25 for number pooling, which is the same technology that is used to implement number portability on small and rural  
26 carriers "may delay efforts to bring advanced services to rural subscribers").

1 increasing competition.”<sup>12</sup> Accordingly, the FCC determined to limit deployment of portability “to  
2 those switches for which a competitor has expressed interest in deployment.”<sup>13</sup> The FCC further  
3 found that if competition is not imminent in the areas covered by rural/smaller LEC switches, “then  
4 the rural or smaller LEC will not receive requests from competing carriers to implement portability,  
5 and thus will not need to expend its resources, until competition actually develops in its service  
6 area.”<sup>14</sup> This reasoned and deliberate approach to competition has previously served well to avoid  
7 having rural LECs incur premature or unnecessary expenses. However, with the advent of wireless  
8 LNP, the CMRS carriers have blanketed the country with requests for LNP deployment with little  
9 or no apparent evaluation or analysis of the markets for which the requests were made.  
10

11 15. As the switch is currently deployed for the Company, implementation of LNP is  
12 technically infeasible. The Company must upgrade its switch and construct SS7 connectivity –  
13 currently estimated to be complete by December 31, 2004.  
14

15 16. Section 251(f)(2)(B) requires that the Commission shall determine that the requested  
16 suspension “is consistent with the public interest, convenience and necessity.”<sup>15</sup> By granting the  
17 temporary suspension, the Commission would avoid the potential waste of resources or, at the very  
18 least, diminish the waste that would otherwise occur. Since the costs associated with LNP would be  
19 recovered through the rates charged to customers, the public interest would be served by avoiding  
20 such costs until and unless, and only to the extent, required.  
21

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

23 <sup>13</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”).

24 <sup>14</sup> *Number Portability Reconsideration*, 12 FCC Rcd at 7302.

25 <sup>15</sup> 47 U.S.C. § 251(f)(2)(B).



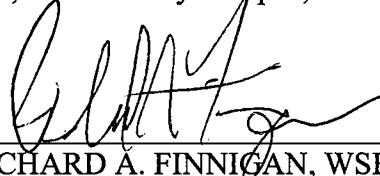
1 17. The Company recognizes that the FCC has recently clarified intermodal LNP  
2 obligations.<sup>16</sup> The Company also notes that the FCC expressly recognized that in some  
3 circumstances, waiver requests are appropriate. Even for operations within the one hundred largest  
4 MSAs, waiver requests will be considered. Based on the Company's estimates for switch upgrade  
5 and SS7 connectivity and the fact that the Company is not technically able to provide LNP with its  
6 current host switch, the Company believes that this Petition meets the requirements for granting of a  
7 waiver.  
8

9  
10 **IV. Relief Requested**

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

- 12 1. Immediately suspend the Company's obligation to provide local number portability  
13 to CMRS providers no later than May 24, 2004; and  
14 2. As further information is developed, consider granting an extended waiver to  
15 accommodate the construction and testing schedule for the Company once it has been fully  
16 developed, but at least until January 1, 2005.  
17

18 RESPECTFULLY SUBMITTED, this 13th day of April, 2004.

19  
20 

21 RICHARD A. FINNIGAN, WSBA #6443  
22 Attorney for Pioneer Telephone Company  
23

24 <sup>16</sup> *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, FCC 03-284, (rel. November 10,  
25 2003).