

Agenda Date: January 28, 2004  
Item Number: A2

**Docket: UT-031822**

Company Name: Inland Telephone Company

Staff: Dave Dittmore, Telecommunications Engineer  
Glenn Blackmon, Assistant Director – Telecommunications

**Recommendation:**

Grant the request for temporary suspension of wireline to wireless number portability obligations.

Background:

On November 13, 2003, Inland Telephone Company, (Inland) requested a temporary suspension of its obligation, effective May 24, 2004, to provide local number portability.

Discussion:

The Federal Communications Commission has required local number portability (LNP) for local exchange companies operating in areas where there is competition. The FCC has generally defined this competitive area to be the 100 largest metropolitan areas. The ability to port telephone numbers, i.e., to change providers without changing telephone numbers, is well established as fundamental to the success of competition for local exchange service. Congress established a duty on all ILECs, whether incumbent or competitive, to provide number portability to the extent technically feasible. *47 U.S.C. 251(b)(2)*.

The FCC exempted wireless companies from LNP requirements for several years, but effective November 24, 2003, wireless companies within the top 100 metropolitan areas are now required to offer number portability. Customers can move their telephone numbers from one wireless provider to another, from wireless service to a wireline service provider, and from wireline service to a wireless service provider. On November 10, 2003, the FCC issued an order addressing various issues related to the porting of wireline numbers to wireless carriers and, for both wireless and wireline companies operating outside the top 100 metropolitan areas, extended the deadline for LNP implementation to May 24, 2004.<sup>1</sup>

The top 100 metropolitan areas in Washington include Snohomish, King, Pierce, and Clark counties. Outside of these areas, companies are not yet required to offer number portability, but the larger wireline and wireless companies have generally begun offering it wherever they provide service.

Federal law permits small telephone companies to request suspension or modification of the LNP obligations, including both the November 24 deadline for top 100 metropolitan areas and the May 24 deadline for other areas.

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<sup>1</sup> Federal Communications Commission, *Memorandum Opinion and Order*, CC Docket No. 95-116. The FCC established the November 24, 2003, deadline in July 2002.

### Description of the Petition for Temporary Suspension

Inland seeks a temporary suspension using its status as a small local telephone company. Sec. 251(f)(2) allows state commissions to suspend the number portability requirement for any company with fewer than two percent of the nation's subscriber lines. Inland seeks suspension of the obligation in its Dewatto, Roslyn, Prescott, and Uniontown wire centers.

Inland asserts that it is technically infeasible for it to comply with the FCC's *Memorandum Opinion and Order* in CC Docket No. 95-116, which was issued on November 10, 2003. Inland asserts that its central office switches in the four wire centers in question do not have the capability to offer number portability.

Inland also claims that it can request a delay under 47 CFR 52.23(e), which states that a request must be made to the FCC sixty days prior to a deadline.

The petition asks that the WUTC extend the deadline to provide LNP until it can replace the central office switches serving these four wire centers, allowing Inland to offer LNP. Inland is tentatively scheduling replacement of the Roslyn switch in mid 2004, and the other switches in late 2004 (Dewatto), mid 2005 (Prescott), and late 2005 (Uniontown).

### Legal Standard

The WUTC's authority to consider a suspension comes from Sec. 251(f)(2) of the Telecommunications Act of 1996, which is included as Attachment A to this memo. In summary, the law provides that the WUTC consider the technical feasibility and economic burdens that be imposed on a small company and/or its users if it is required to implement number portability.

### Analysis

Inland is using its own personnel for installation of the new central office switches, which necessitates sequenced schedules. Staff also notes that Inland does not anticipate requesting additional rate treatment at this time, or imposition of an LNP charge. Staff believes that Inland's petition provides an adequate reason to suspend its obligations to comply with the FCC's number portability requirements.

### Conclusion

Staff believes that Inland is making reasonable efforts to comply with FCC requirements to upgrade its central office switches to LNP capability, and recommends that the Commission grant temporary suspensions of FCC LNP obligations until Inland can replace their switches, i.e., June 30, 2004 (Roslyn); December 31, 2004 (Dewatto); June 30, 2004 (Prescott); and December 31, 2005 (Uniontown).

Attachment A

**Sec. 251(f)(2), Telecommunications Act of 1996**

(2) Suspensions and modifications for rural carriers

A local exchange carrier with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide may petition a State commission for a suspension or modification of the application of a requirement or requirements of subsection (b) or (c) of this section to telephone exchange service facilities specified in such petition. The State commission shall grant such petition to the extent that, and for such duration as, the State commission determines that such suspension or modification -

(A) is necessary -

- (i) to avoid a significant adverse economic impact on users of telecommunications services generally;
- (ii) to avoid imposing a requirement that is unduly economically burdensome; or
- (iii) to avoid imposing a requirement that is technically infeasible; and

(B) is consistent with the public interest, convenience, and necessity.

The State commission shall act upon any petition filed under this paragraph within 180 days after receiving such petition. Pending such action, the State commission may suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers.