

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

In the Matter of the Petition)	DOCKET NO. UT-040676
Requesting Temporary Suspension)	
of Implementation of Number)	ORDER NO. 01
Portability -)	
)	
PIONEER TELEPHONE COMPANY)	ORDER GRANTING SUSPENSION
.....)	

BACKGROUND

- 1 On April 13, 2004, Pioneer Telephone Company (Pioneer) requested a suspension of its obligation effective May 24, 2004, to provide local number portability. The petition was filed pursuant to Sec. 251(f)(2) of the Telecommunications Act of 1996, which allows state commissions to suspend or modify number portability requirements for small local exchange companies.

- 2 The Federal Telecommunications Commission (FCC) has required local number portability (LNP) for local exchange companies operating in areas where there is competition. The FCC has generally defined this competitive area to be the 100 largest metropolitan areas. Congress established a duty on all LECs, whether incumbent or competitive, to provide number portability to the extent technically feasible. *47 U.S.C. 251(b)(2)*.

- 3 Sec. 251(f)(2) provides for a suspension or modification if such action is necessary to avoid a significant adverse economic impact on users of telecommunications services generally, to avoid imposing a requirement that is unduly economically burdensome, or to avoid imposing a requirement that is technically infeasible. Even if these conditions exist, the state commission must determine that the suspension or modification is consistent with the public interest, convenience, and necessity.

- 4 *FCC Memorandum Opinion and Order* in CC Docket No. 95-116, issued on November 10, 2003, stated that wireline local exchange companies providing service within counties containing the 100 largest Metropolitan Statistical Areas should provide number portability to wireless carriers by November 24, 2003. The top 100 metropolitan areas in Washington include Snohomish, King, Pierce, and Clark counties. Outside of these areas, companies are required to offer local number portability on May 24, 2004.
- 5 Pioneer contends that their circumstances qualify for a temporary suspension of the number portability requirement. It argues that the central office switches serving its LaCrosse and Endicott wire centers are not technically capable of providing local number portability.
- 6 Pioneer asks that the Washington Utilities and Transportation Commission extend the deadline to provide LNP from May 24, 2004, until it is able to add SS7 and LNP capability to its central office switches. Pioneer estimates that this project should be completed by December 31, 2004.
- 7 Pioneer has agreed to provide interim local number portability with call-forwarding technology until their LNP project is complete.
- 8 The Commission Staff believes that the Pioneer petition has provided an adequate reason to suspend its obligations to comply with the FCC's number portability requirements.
- 9 After examination of this request at its May 12, 2004, open meeting and giving consideration to all relevant matters, the Commission finds that the petition of Pioneer should be granted.

FINDINGS AND CONCLUSIONS

- 10 (1) Pioneer Telephone Company, is obligated to provide number portability upon receipt of a *bona fide* request unless this obligation is suspended or modified by the state commission. 47 U.S.C. 251(b)(2), 47 C.F.R. 52.23.
- 11 (2) The Commission has authority to act upon a petition for suspension or modification of the number portability requirement. 47 U.S.C. 251(f)(2).
- 12 (3) Pioneer has demonstrated that implementation of local number portability by May 24, 2004, within the LaCrosse and Endicott exchanges as required by the FCC is technically infeasible.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The petition of Pioneer Telephone Company is granted, suspending local number portability compliance from May 24, 2004, until December 31, 2004.
- 14 (2) Pioneer telephone will provide interim number portability for any customers who desire to have their numbers ported to a wireless carrier, until their switches are converted and they come into compliance with local number portability.
- 15 (3) The Commission retains jurisdiction over this matter to take such future actions as may be appropriate.

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DATED at Olympia, Washington, and effective this 12th day of May, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary