

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

In the Matter of the Petition)	DOCKET NO. UT-031822
Requesting Temporary Suspension)	
of Implementation of Number)	ORDER NO. 01
Portability -)	
)	
INLAND TELEPHONE)	ORDER GRANTING
COMPANY)	SUSPENSION
.....)	

BACKGROUND

- 1 On November 13, 2003, Inland Telephone Company, (Inland) 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 Inland contends that their circumstances qualify for a temporary suspension of the number portability requirement. It argues that the central office switches serving its Dewatto, Roslyn, Prescott, and Uniontown wire centers are not technically capable of providing local number portability.
- 6 Inland asks that the Washington Utilities and Transportation Commission extend the deadline to provide LNP from May 24, 2004, until it is able to replace its central office switches. Inland has provided a tentative schedule of mid 2004 (Roslyn), late 2004 (Dewatto), mid 2005 (Prescott), and late 2005 (Uniontown). Inland has limited personnel qualified to install these central office switches, so they are planning sequential installation.
- 7 The Commission Staff believes that the Inland petition has provided an adequate reason to suspend its obligations to comply with the FCC's number portability requirements.
- 8 After examination of this request at its January 28, 2004, open meeting and giving consideration to all relevant matters, the Commission finds that the petition of Inland should be granted.

FINDINGS AND CONCLUSIONS

- 9 (1) Inland 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.
- 10 (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).
- 11 (3) Inland has demonstrated that implementation of local number portability by May 24, 2004, within the Roslyn, Dewatto, Uniontown, and Prescott exchanges as required by the FCC is technically infeasible.

ORDER

THE COMMISSION ORDERS:

- 12 (1) The petition is granted, suspending local number portability compliance from May 24, 2004, until June 30, 2004 (Roslyn); December 31, 2004 (Dewatto); June 30, 2005 (Prescott); and December 31, 2005 (Uniontown).
- 13 (2) The Commission retains jurisdiction over this matter to take such future actions as may be appropriate.

DATED at Olympia, Washington, and effective this 28th day of January, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner