

ORDER NO. 04-298

ENTERED MAY 27 2004

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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1139

In the Matter of)	
)	ORDER
MONITOR COOPERATIVE)	
TELEPHONE COMPANY)	
)	
Petition for Temporary Suspension of)	
Wireline to Wireless Number Portability)	
Obligations.)	

DISPOSITION: PETITION GRANTED

On March 22, 2004, Monitor Cooperative Telephone Company (Monitor) filed a petition for temporary suspension of wireline to wireless number portability obligations. Monitor is a rural telephone company, serving approximately 668 customers.

Background. Local Number Portability (LNP) is the ability of a customer to retain a currently-used telephone number, even as the carrier providing service to that number is changed. LNP is an obligation placed on all local exchange carriers (LEC) by Section 251(b) of the Telecommunications Act of 1996 (the Act). The term LEC includes both Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLECs). Both the Act and the rules of the Federal Communications Commission (FCC) specify that state commissions administer many aspects of LNP implementation. Under 251(f)(2) of the Act, the Oregon Commission has the authority and obligation to act on the petition within 180 days of the filing date. In the instant case, the Commission must act by September 18, 2004.

The FCC has issued a number of orders setting forth the obligations of carriers to participate in the porting of customers' telephone numbers, including one which addresses the porting of numbers from wireline to wireless carriers ("Intermodal

Porting").¹ The FCC directed wireline carriers outside the top 100 metropolitan areas, including both ILECs and CLECs, to implement number portability by May 24, 2004. Carriers outside the metropolitan areas have 180 days after receiving a bona fide request to implement number portability. Verizon Wireless and Sprint PCS sent Monitor a request for intermodal portability.

The Petition. Monitor requests that the Commission grant a temporary suspension of the May 24, 2004 deadline for providing number portability to cellular providers until July 1, 2005.

Discussion. Section 251(f)(2) of the Act provides guidelines for state commissions to determine whether to grant waivers from, or suspension of, various requirements of the Act. The Commission recently granted a temporary waiver for seven petitions in the Portland metropolitan area. *See* Order No. 03-746, docket UM 1114.

Monitor's switch is not compatible without an upgrade and an upgrade is costly. Monitor has not advised staff whether it will choose a switch upgrade or a new switch. With an upgrade, Monitor's switch can be LNP compatible in approximately 120 days from this decision. A new switch would take longer to become LNP compatible.

Staff believes Monitor has been reluctant to implement number portability, as is required by the FCC. Monitor had 180 days to implement number portability after receiving a bona fide request. The 180 days expired on May 8, 2004, but the FCC has granted rural carriers until May 24, 2004. Staff believes Monitor cannot meet that deadline. Staff believes that Monitor should have until December 31, 2004, allowing time for Monitor to obtain financing, delivery, and installation of a new switch. The recommendation is detailed in a Staff Report, attached as Appendix A, and incorporated by reference.

At its Public Meeting May 18, 2004, the Commission adopted Staff's Recommendations and voted to grant Monitor's petition for temporary suspension of its wireline to wireless number portability obligations until December 31, 2004.

¹ Memorandum Opinion & Order & Further Notice of Proposed Rulemaking, *In the Matter of Telephone Number Portability, CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, FCC Docket No. 95-116 (FCC released November 10, 2003), ("Intermodal Porting Order").

ORDER

IT IS ORDERED that Monitor Cooperative Telephone Company's petition for temporary suspension of its wireline to wireless number portability obligations is granted, in part. Monitor Cooperative Telephone Company's obligation to implement number portability is suspended through December 31, 2004.

Made, entered, and effective _____.

Lee Beyer
Chairman

John Savage
Commissioner

Ray Baum
Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.