STATE OF ILLINOIS

BEFORE THE ILLINOIS COMMERCE COMMISSION

*** * * * ***

Illinois Consolidated Telephone Company	)	
	)	
Petition pursuant to Section 252(f)(2) of the	)	
Communications Act for suspension or	)	Docket No. 04-0376
modification of certain requirements of Section	)	
251(b)(2) concerning the provision of local	)	
number portability between wireline and	)	
wireless.	)	

PETITION FOR LEAVE TO INTERVENE

NOW COMES Verizon Wireless, by and through its Counsel, Clark Hill PLC, and pursuant to the Rules of Practice of the Illinois Commerce Commission, 83 Ill. Admin. Code, Section 200.200, and prays for leave to intervene and to be made a party to the above-captioned proceeding. Verizon Wireless additionally objects to specific items of relief sought in Illinois Consolidated Telephone Company's ("Petitioner") Petition ("Petition"), in particular, the request for an Interim Order suspending the requirement that the Petitioner provide wireline-to-wireless number portability, pursuant to the Federal Communications Commission's ("FCC") requirements. In support of its Petition to Intervene, Verizon Wireless states as follows:

PETITION TO INTERVENE

1. The Petition seeks to relieve the Petitioner, a facilities-based incumbent local exchange carrier providing local exchange telecommunications services as defined in Section 13-204 of The Illinois Public Utilities Act ("Act") subject to the jurisdiction of this Commission, from certain obligations to allow porting of numbers to wireless carriers beginning May 24, 2004.

2. Verizon Wireless was formed as a joint partnership operating the U.S. wireless businesses of Bell Atlantic Corp. and GTE Corp. - now Verizon Communications, Inc. (NYSE:VZ) - and Vodafone (NYSE and LSE: VOD). Verizon Wireless' predecessor companies include Bell Atlantic Mobile, AirTouch Cellular, GTE Wireless Incorporated, PrimeCo Personal Communications, and AirTouch Paging. All wireless carriers making up Verizon Wireless, including Illinois RSA 6 & 7 Limited Partnership, Illinois SMSA Ltd. Partnership, Chicago SMSA Ltd. Partnership and Cybertel Cellular Telephone Company, do business as Verizon Wireless. Verizon Wireless provides Commercial Mobile Radio Service ("CMRS") pursuant to 47 U.S.C. § 332 and Sec.13-214 of the Act. Verizon Wireless has its principal place of business at Bedminster, New Jersey.

3. Verizon Wireless has sent one or more bona fide requests ("BFR") to the Petitioner consistent with the FCC's Local Number Portability ("LNP") Rules.

4. The serving of these BFRs provides Verizon Wireless with a significant interest in the subject matter of this proceeding. Moreover, rural consumers will seek to port their landline numbers to Verizon Wireless on or after May 24, 2004 and Verizon Wireless will want to fulfill such requests. If ports are denied or delayed due to local exchange carriers' waivers, Verizon Wireless may suffer a loss in business, and more importantly, a loss in goodwill with Illinois consumers.

5. The participation by Verizon Wireless in this matter may reasonably be expected to assist in the development of a sound and complete record through the presentation of relevant evidence and argument. Verizon Wireless has been porting numbers with local exchange carriers in Illinois since November 2003 and has prepared its sales and customer care forces to offer LNP throughout Illinois beginning on May 24, 2004.

6. Verizon Wireless generally objects to the Petitioner's request for a suspension of the duty to provide wireline-to-wireless local number portability in accordance with the requirements prescribed by the FCC, addresses the request for an Interim Order below, and will further address the specifics of the Petition in such proceeding and at such times as may be set by the Commission.

7. The FCC has long determined and affirmed, time and again, the competitive and consumer protection policies that underpin its mandate regarding number portability.

8. Pursuant to the FCC's orders[1] and rules regarding number portability, Verizon Wireless has been required to allow customers to port their numbers out and to accept new customers with numbers to be ported in, and Verizon Wireless is compliant with said orders and rules.

9. The Petition for suspension of wireline-to-wireless local number portability before this Commission represents an improper collateral attack on the FCC's number portability orders and exceeds the scope of 47 U.S.C. § 251(f)(2). As a matter of comity and judicial economy, the Commission should defer to the FCC's well-grounded resolution of these same issues. Given the record already developed before the FCC on issues similar, if not identical, to those raised by the Petitioner herein, the appropriate, if not lawfully required, forum before which to seek the request made herein is the FCC.

10. The Petitioner's request is not sufficiently supported by fact. In the face of the longstanding timeframes established by the FCC, inadequate preparation does not now justify

[1] The Orders include, but are not limited to, Verizon Wireless's Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation, Memorandum Opinion and Order, 17 FCC Rcd. 14972 (2002) ("*VZW Forbearance Order*"); Telephone Number Portability, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd. 23697 (2003) ("*Intermodal Porting Order*").

additional time. The Petitioner has not sufficiently articulated, even preliminarily, why requiring it to meet a long-known compliance deadline would be inconsistent with the public interest. As the Illinois Commerce Commission asserted in its Opposition to Verizon Wireless's Petition for Forbearance from the LNP requirement before the FCC, "the costs of LNP are unspecified and the benefits of LNP are ignored in the [Petitioner's] petition."[2]

11. The Petitioner's unsubstantiated claims, such as uncertainty and technical infeasibility, should not be permitted to override the FCC's careful consideration of the same. Further, the FCC carefully and thoroughly considered the economic impact on carriers and consumers of its number portability requirements.

12. Various claims and allegations in support of the suspension request are inaccurate and unfounded. Among other things, the FCC has clarified that wireless carriers need not enter into Section 251[3] interconnection agreements with wireline carriers solely for the purpose of porting numbers.

13. The FCC ordered the inter-modal LNP requirement pursuant to sections 1, 2, 4(i), and 332 ("*VZW Forbearance Order")*. Thus, it is beyond the authority of state commissions to abrogate the inter-modal LNP requirement in proceedings under section 251(f) or any other provision.

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[2] See Letter from Thomas G. Aridas, General Counsel, Illinois Commerce Commission to Margalie Roman Salas, Federal Communications Commission, re: Docket No. 01-184, October 16, 2001 (opposing Verizon Wireless's request for Forbearance and stating: "Verizon's petition sets forth vague assertions regarding "the complex technical burdens and expenses" associated with LNP compliance. In short . . .the costs of LNP are unspecified and the benefits of LNP are ignored in the Verizon petition.").

[3] 47 U.S.C. § 251.

14. Assuming that Section 251(f)[4] is applicable, the Petitioner's unsupported, blanket claims on matters previously considered or recently clarified by the FCC are not enough to justify the requested delay. The Petitioner simply has not and cannot meet the standards of section 251(f).

15. The Petition is inconsistent with the public interest, convenience, and necessity. Consumers located outside the largest metropolitan areas in Illinois are expecting to be able to port their phone numbers to other providers beginning May 24, 2004.

16. The FCC's *Intermodal Porting Order* provides that rural local exchange carriers may file requests for waiver or extension of the portability requirements with the FCC, if they can provide substantial, credible evidence that there are special circumstances that warrant departure from existing rules. The FCC already provided rural local exchange carriers additional time, up through May 24, 2004, to prepare for inter-modal porting.

17. Verizon Wireless respectfully submits that because its interests will be substantially affected by a Commission Order suspending or modifying the Petitioner's wireline-to-wireless local number portability requirements, Verizon Wireless should be permitted to intervene in these proceedings and be given the opportunity to cross-examine witnesses, to present witnesses on its behalf, if necessary, and generally to advocate its position with respect to all issues presented as a full party to these proceedings.

OBJECTION TO REQUEST FOR INTERIM ORDER

18. In its request for relief, the Petition seeks an Interim Order suspending any requirement that the Petitioner "may have under Section 251(b)(2) of the Federal

[4] 47 U.S.C. § 251(f).

Telecommunications Act of 1996 to provide wireline-to-wireless local number portability during the pendency of this proceeding and until a final order is entered herein." The Petition further requests that such Interim Order be granted "without hearing." Finally, the Joint Petition asks that the wireline-to-wireless local number portability requirement be suspended until issues determining "payment of costs and intercarrier compensation for the transport of calls" are resolved by this Commission, "the FCC or a court having jurisdiction." Verizon Wireless objects to and resists each of these suggestions. While Verizon Wireless reserves its right to make a more comprehensive resistance in any Commission proceeding in this docket, Verizon Wireless briefly states as follows:

a. The Petition presents no grounds sufficient to grant an Interim Order. The public interest of competition and choice weighs heavily against an Interim Order suspending wireline-to-wireless LNP, as does the presumptive conclusion of the FCC in ordering land-to-mobile number portability by May 24, 2004. Landline carriers have been obligated to support LNP since 1996 and the details of the inter-modal porting requirement have been known since at least November 10, 2003. While the filing of the Petition more than five months later may leave little time to address these issues prior to the FCC's deadline, that is a problem of Petitioners' own making, and cannot serve to prejudice Verizon Wireless or the Commission.

b. The arguments raised by the Petition in seeking relief cannot be sustained on an aggregate basis. All incumbent local exchange carriers seeking a suspension of wireline-to-wireless LNP must present individualized *record evidence* to meet their burden of proof under section 251(f).

c. Verizon Wireless asserts that the Petition's request for relief states an improper basis for relief and provides a basis for dismissal of the Petition. The Petition seeks to initiate a state proceeding that is, by the terms of the Petition itself, an improper collateral attack on the FCC's *Intermodal Porting Order*. The FCC considered "payment of costs and intercarrier compensation for the transport of calls" in the issuance of its Order. In any event, the suggestion that the FCC was unmindful of such criteria is a collateral attack on the *Intermodal Porting Order* and exceeds the scope of a petition under 47 U.S.C. § 251(f)(2).

ACCEPTANCE OF SERVICE BY ELECTRONIC MEANS

19. Pursuant to Section 200.200(c) of the Rules of Practice of the Illinois Commerce Commission, 83 Ill. Admin. Code, Section 200.200(c), Verizon Wireless agrees to accept copies of pleadings and other documents from other parties of record by electronic means in substitution of first class mail, provided that the service is on the e-mail addresses below, as provided for in Section 200.1050 of the Rules of Practice of the Illinois Commerce Commission, 83 Ill. Admin. Code, Section 200.1050.

CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, Verizon Wireless respectfully requests and prays that the Illinois Commerce Commission grant Verizon Wireless' Petition to Intervene in and that it be treated as a full party hereto; deny the Petitioner's request for an Interim Order suspending any requirement that the Petitioner "may have under Section 251(b)(2) of the Federal Telecommunications Act of 1996 to provide wireline-to-wireless local number portability"; and dismiss the Petition.

Respectfully submitted,

CLARK HILL PLC

By: _____

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Date: May 14, 2004

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STATE OF ILLINOIS

BEFORE THE ILLINOIS COMMERCE COMMISSION

Illinois Consolidated Telephone Company Petition pursuant to Section 252(f)(2) of the Communications Act for suspension or modification of certain requirements of Section 251(b)(2) concerning the provision of local number portability between wireline and wireless.	)))))))	Docket No. 04-0376

VERIFICATION

STATE OF ILLINOIS)
)
COUNTY OF COOK)

Dennis L. Myers, being first duly sworn upon oath, deposes and states that he is Vice President and Area General Counsel, Midwest Area, for Verizon Wireless; and that he has read the foregoing Petition for Leave to Intervene of Verizon Wireless, ICC Docket No. 04-0376, and knows the contents thereof; and that to the best of his knowledge, information and belief, based upon reasonable inquiry, that said contents are true and correct.

Dennis L. Myers
Vice President and Area General Counsel,
Midwest Area
Verizon Wireless

Subscribed and sworn to before me
this 14th day of May, 2004.

Carol M. Boyer
Notary Public

"OFFICIAL SEAL"
Carol M. Boyer
Notary Public, State of Illinois
My Commission Expires Aug. 11, 2004

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STATE OF ILLINOIS

BEFORE THE ILLINOIS COMMERCE COMMISSION

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modification of certain requirements of Section	)	
251(b)(2) concerning the provision of local	)	
number portability between wireline and	)	
wireless.	)	

NOTICE OF FILING

To: Service List Attached

You are hereby notified that I have, this 14th day of May, 2004 filed with the Chief Clerk of the Illinois Commerce Commission a Verified Petition for Leave to Intervene of Verizon Wireless, in the above-captioned proceeding, via the electronic e-docket system on May 14, 2004.

Haran C. Rashes
Clark Hill PLC
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Okemos, MI 48864-5941
(517) 381-9193

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Verified Amended Petition for Leave to Intervene of Verizon Wireless, in the above-captioned proceeding, were served upon the parties on the attached service list via United States Postal Service First-Class Mail and Electronic Mail on May 14, 2004.

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Service List
Docket No. 04-0376

ADMINISTRATIVE LAW JUDGE
(Via Electronic Mail Only)

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