

Docket Nos.: (See Attached)
Bench Date: 06-02-05
Deadlines: N/A

MEMORANDUM

TO: The Commission

FROM: John D. Albers, Administrative Law Judge

DATE: May 16, 2005

SUBJECT: Various Petitions for Suspension or Modification of Section 251(b)(2) Requirements of the Federal Telecommunications Act Pursuant to Section 251(f)(2) of said Act; for entry of Interim Order; and for other necessary relief.

RECOMMENDATION: Enter the attached Order on Reopening extending the previously granted suspensions of the obligation to provide wireline-to-wireless local number portability.

On August 25, 2004 and October 6, 2004, the Commission entered a total of 36 orders granting 36 small local exchange carriers (collectively "Petitioners") a temporary suspension of the obligation to provide wireline-to-wireless local number portability ("LNP") pursuant to Section 251(f)(2) of the Federal Telecommunications Act of 1996 ("TA96"). A list of the 36 local exchange carriers is attached. The suspension granted in each docket expires on January 1, 2006.

From March 22 through March 29, 2005, each of the Petitioners filed a petition asking the Commission to reopen each docket and enter an amendatory order extending the suspension until January 1, 2007 or until otherwise ordered by the Commission. In light of the potential conflict between the Commission's Orders and the recent decision by the D. C. Circuit Court of Appeals in United States Telecom Association v. Federal Communications Commission ("USTA"), on April 26, 2005 the Commission reopened each of the dockets for the limited purpose of considering how long any further extension of the suspension period need be to avoid any conflict between the Orders and the stay imposed in the USTA decision.

At a May 10, 2005 hearing, Petitioners, Verizon Wireless, and Staff agreed on the period for which the suspension should be extended. When USTA was decided on March 11, 2005, 295 days remained before the suspension period enjoyed by Petitioners ended. Upon the lifting of the stay ordered by the Circuit Court, the Commission and the parties would begin counting 295 days. At the end of the 295th day, Petitioners' suspensions would end. Given the commonality of the issue on reopening, the dockets have been consolidated. The attached Order on Reopening adopts this means of calculating an extension of the wireline-to-wireless LNP suspension period. There is no deadline for Commission action.

JDA

LNP Docket List

<u>Docket No.</u>	<u>Company</u>	<u>VW Intervention</u>
04-0180	Gridley Telephone Co.	Yes
04-0181	Flat Rock Telephone Co-Op, Inc.	Yes
04-0182	Cambridge Telephone Co.	Yes
04-0183	Henry County Telephone Co.	Yes
04-0184	LaHarpe Telephone Co.	Yes
04-0185	Hamilton County Telephone Co-Op	Yes
04-0186	McDonough Telephone Cooperative, Inc.	No
04-0189	Moultrie Independent Telephone Co.	Yes
04-0192	Diverse Communications, Inc.	No
04-0193	Glasford Telephone Co.	Yes
04-0194	Viola Home Telephone Co.	Yes
04-0195	New Windsor Telephone Co.	Yes
04-0196	Montrose Mutual Telephone Co.	Yes
04-0197	Woodhull Community Telephone Co.	Yes
04-0198	Leaf River Telephone Co.	Yes
04-0199	Oneida Network Services, Inc.	Yes
04-0200	Oneida Telephone Exchange	Yes
04-0205	McNabb Telephone Co.	No
04-0206	Reynolds Telephone Co.	Yes
04-0228	Adams Telephone Co-Op	Yes
04-0232	Cass Telephone Co.	No
04-0236	Shawnee Telephone Co., Inc.	Yes
04-0237	C-R Telephone Co.	No
04-0238	The El Paso Telephone Co.	Yes
04-0239	Odin Telephone Exchange, Inc.	Yes
04-0240	Yates City Telephone Co.	Yes
04-0243	Kinsman Mutual Telephone Co.	No
04-0248	Stelle Telephone Co.	No
04-0249	Mid-Century Telephone Co-Op, Inc.	No
04-0253	Wabash Telephone Co-Op, Inc.	No
04-0259	Leonore Mutual Telephone Co.	No
04-0282	Grandview Mutual Telephone Co.	Yes
04-0283	The Crossville Telephone Co.	No
04-0365	Marseilles Telephone Co.	No
04-0366	Metamora Telephone Co.	Yes
04-0367	Grafton Telephone Co.	No