

Regulatory Commission of Alaska
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STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Kate Giard, Chairman
Dave Harbour
Mark K. Johnson
Anthony A. Price
James S. Strandberg

In the Matter of the Petition Filed by ALASKA
TELEPHONE COMPANY for Suspension or
Modification of the Federal Communications
Commission Requirement to Implement Wireline
to Wireless Number Portability Pursuant to
47 U.S.C. § 251(f)(2)

U-04-57
ORDER NO. 1

**ORDER GRANTING INTERIM SUSPENSION OF WIRELINE TO
WIRELESS LOCAL NUMBER PORTABILITY OBLIGATIONS**

BY THE COMMISSION:

Summary

We grant the request by Alaska Telephone Company (ATC) for interim suspension of its obligation to implement wireline to wireless local number portability (LNP) pursuant to 47 U.S.C. § 251(f)(2).¹

Background

ATC filed a petition, pursuant to 47 U.S.C. § 251(f)(2), requesting suspension or modification of the requirement to provide LNP to wireless carriers. We

¹See *Petition filed by Alaska Telephone Company to Suspend or Modify the Federal Communication Commission Requirement to Implement Wireline – Wireless Number Portability Pursuant to 47 U.S.C. §251(f)(2) Related to ACS Wireless, Inc.’s Apparent Bona Fide Request*, filed June 7, 2004 (Petition).

1 issued a public notice² in which we established two comment periods, one period
2 closing July 12, 2004 for comment on ATC's request for interim suspension of its
3 obligations and a second period closing July 22, 2004, for comment on ATC's request
4 for our final decision on suspension of its obligations. No comments were received
5 during the comment period that closed on July 12, 2004.

6 Discussion

7 ATC stated that on January 23, 2004, it received a bona fide request
8 (BFR) from ACS Wireless, Inc. for number portability in the exchanges of Craig,
9 Petersburg, and Wrangell. The BFR specified July 23, 2004, as the effective date for
10 provisioning of LNP. ATC claimed that provisioning of wireline to wireless LNP in the
11 requested exchanges would be economically burdensome and technically infeasible.
12 ATC requested immediate interim suspension of its LNP obligations while we conduct
13 an investigation of its Petition.

14 The Act³ requires⁴ all local exchange carriers (LECs) to provide, to the
15 extent technically feasible, number portability in accordance with requirements
16 prescribed by the FCC.⁵ Local number portability allows customers to retain existing
17 telephone numbers at the same location without impairment of quality, reliability, or
18 convenience while changing telecommunications carriers.⁶ In its November 10, 2003
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22 ²*Notice of Utility Petition*, dated June 22, 2004.

23 ³Telecommunications Act of 1996 (The Act).

24 ⁴47 U.S.C. § 251(b)(2)

25 ⁵Federal Communications Commission (FCC)

26 ⁶47 C.F.R. § 52.21(l).

1 Order,⁷ the FCC required LECs outside of the 100 largest MSAs⁸ to provide number
2 portability to wireless carriers by May 24, 2004, or within six months of receiving a
3 request for LNP, whichever is later. All of Alaska lies outside the 100 largest MSAs.

4 Section 251(f)(2) of the Act allows a rural local exchange carrier with fewer
5 than two percent of subscriber lines installed nationwide to petition a state commission
6 for a suspension or modification of requirements provided by 47 U.S.C. § 251(b)
7 and (c). ATC has demonstrated that it is a rural carrier as defined by 47 U.S.C. §
8 153(37) and may petition the Commission for relief from LNP requirements.⁹

9 We must consider ATC's request for interim suspension of its obligations
10 to provide LNP by July 23, 2004. We find that ATC has provided adequate preliminary
11 information to support interim suspension of its obligations while we investigate its case.
12 ATC's estimates of costs to provide LNP indicate that provisioning of LNP may be
13 economically burdensome.¹⁰ No party objected to ATC's request for interim
14 suspension. We grant ATC's request for interim suspension of its LNP obligations until
15 we issue a final decision in this docket.

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21 ⁷CC Docket No. 95-116, *Memorandum Opinion and Order and Further Notice of*
Proposed Rulemaking, FCC03-284, rel. November 10, 2003 at para. 29 (Order).

22 ⁸Metropolitan Statistical Area (MSA), as defined by the U.S. Census Bureau.

23 ⁹See n.1 at 2.

24 ¹⁰In Exhibits B and C of its Petition, ATC provides estimates indicating that costs
25 for providing number portability will increase its customer's bills by roughly \$5 a month
26 on average. This computes to a 37 percent increase over ATC's current residential
recurring rate of \$13.90.

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ORDER

THE COMMISSION FURTHER ORDERS that the portion of the Petition filed by Alaska Telephone Company on June 7, 2004, requesting interim suspension of the obligation to implement wireline to wireless local number portability pursuant to 47 U.S.C. § 251(f)(2) is granted, as further discussed in the body of this order.

DATE AND EFFECTIVE at Anchorage, Alaska, this 23rd day of July, 2004.

BY DIRECTION OF THE COMMISSION
(Commissioners Mark K. Johnson and James S. Strandberg,
not participating.)

(S E A L)