

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Petition for Suspension of the Federal	)	
Communications Commission Requirement	)	Case No. IO-2004-0231
to Implement Number Portability	)	

**Petitioners' Supplemental Response to Order Directing Filing**

COME NOW Cass County Telephone Company (Cass County), Citizens Telephone Company of Higginsville, Missouri Inc. (Citizens), Green Hills Telephone Corporation (Green Hills), KLM Telephone Company (KLM), and Lathrop Telephone Company (Lathrop), (hereinafter "Petitioners") and for their Supplemental Response state to the Missouri Public Service Commission's (Commission) as follows:

**SUMMARY**

On January 16, 2004, the Federal Communications Commission (FCC) issued an *Order* which grants a limited waiver of its local number portability (LNP) requirements for small local exchange carriers that operate in the top 100 Metropolitan Statistical Areas (MSAs). Specifically, the FCC's *Order* grants "a waiver until May 24, 2004 to comply with the wireline-to-wireless porting requirement." Thus, the FCC has granted the relief that Petitioners requested from the Commission, and this appears to moot Petitioners' request for a temporary suspension from the Commission. In light of the FCC's recent decision, Petitioners recommend that the Commission issue an order to: (1) recognize the FCC's limited waiver until May 24, 2004 for Petitioners to comply with the FCC's wireline-to-wireless porting requirement; (2) keep this case open to monitor developments involving wireline-to-wireless LNP; and (3) grant such further relief as the Commission deems necessary.

## DISCUSSION

1. On January 16, 2004, the FCC released an *Order* granting a limited waiver of the wireline-to-wireless porting requirement for certain small local exchange carriers operating in the top 100 MSAs.<sup>1</sup> This waiver applies to carriers that have fewer than two percent of the nation's subscriber lines in the aggregate nationwide and "that had not received a request for local number porting from either a wireline carrier prior to May 24, 2003, or a wireless carrier that has a point of interconnection or numbering resources in the rate center where the customer's wireline number is provisioned (Covered Carriers)." All Petitioners meet this standard. Thus, Petitioners are "covered carriers" under the FCC's *Order*, and the FCC's limited waiver until May 24, 2004 applies to Petitioners.

2. Because the FCC has already granted the relief that Petitioners requested from this Commission in this case, Petitioners' request for a temporary suspension from the Commission appears to now be moot. Therefore, it may not be necessary for the Commission to issue an order on the merits in this case. Rather, the Commission may choose to issue an order simply recognizing that the FCC has already granted the relief requested by Petitioners.

3. Petitioners recommend that the Commission keep this case open to monitor developments involving wireline-to-wireless LNP. The Commission's Staff has noted concerns that the issues raised by Petitioners may not be resolved by May 24, 2004. Therefore, Staff cautioned the Commission that Petitioners may have to seek

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<sup>1</sup> *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, *Order*, rel. Jan. 16, 2004.

additional relief in the near future, including an evidentiary hearing to resolve any outstanding cost recovery or implementation issues. Petitioners concur with Staff's concerns, and Petitioners remain willing to participate in an evidentiary hearing to address implementation and cost recovery issues.

### CONCLUSION

Petitioners respectfully request that the Commission issue an order in this case to: (1) recognize the FCC's limited waiver until May 24, 2004 for Petitioners to comply with the FCC's wireline-to-wireless porting requirement; (2) keep this case open to monitor developments involving wireline-to-wireless LNP; and (3) grant such further relief as the Commission deems necessary.

Respectfully submitted,

By Brian T. McCartney

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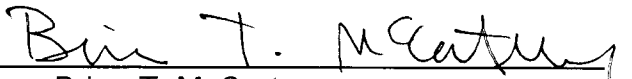
## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 20<sup>th</sup> day of January, 2004, to the following parties:

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