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March 15, 2004

FILED
MAR 15 2004
Missouri Public Service Commission

Secretary
Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Re: Petition For Modification of Local Number Portability Obligations, and Alternatively for Suspension, and Motion for Expedited Treatment In the Matter of the Petition of Northeast Missouri Rural Telephone Company for Modification of the Federal Communications Commission Requirement to Implement Number Portability

Dear Secretary:

Enclosed please find an original and eight copies of the Petition For Modification of Local Number Portability Obligations, and Alternatively for Suspension, and Motion for Expedited Treatment In the Matter of the Petition of Northeast Missouri Rural Telephone Company for Modification of the Federal Communications Commission Requirement to Implement Number Portability.

Thank you for seeing this filed.

Sincerely,

Lisa Chase

Lisa C. Chase

LCC:lw

Encl.

CC: Public Service Commission
Office of Public Counsel

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FILED
MAR 1 5 2004
Missouri Public
Service Commission

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Petition of Northeast Missouri Rural Telephone Company for Modification of the Federal Communications Commission Requirement to Implement Number Portability	)))))	Case No. ___________

PETITION FOR MODIFICATION OF LOCAL NUMBER PORTABILITY OBLIGATIONS, AND ALTERNATIVELY FOR SUSPENSION, AND MOTION FOR EXPEDITED TREATMENT

COMES NOW Northeast Missouri Rural Telephone Company, ("Northeast" or "Petitioner"), pursuant to Section 251(f)(2) of the Telecommunications Act of 1996 (the "Act"), 47 U.S.C. §251(f)(2), and hereby petitions the Missouri Public Service Commission ("Commission") for a modification of Petitioner's obligations under Section 251(b) of the Act to provide local number portability ("LNP") to requesting Commercial Mobile Radio Service ("CMRS" or "wireless") providers, and, in the alternative, for suspension of such obligations for a period of two-years.

Petitioner seeks expedited treatment of this Petition and addresses the Commission's requirements for expedited treatment herein pursuant to 4 CSR 240-2.080(16).

SUMMARY

1. **The FCC's Porting Requirements**. On November 10, 2003 and January 16, 2004, the FCC issued Orders in CC Docket No. 95-116 regarding wireline-to-wireless (i.e. inter-modal) number portability. These orders conclude

that local exchange carriers must port numbers to wireless carriers by May 24, 2004.

Petitioner's obligation to implement number portability arises from 47 USC 251(b)(2). The FCC has defined number portability as the customer's ability to retain his number when changing service providers at the same location. When a wireline customer switches to a wireless service provider, he does not remain at the same location. The FCC has attempted to define customer location for purposes of intermodal portability in such a fashion as to allow porting if the wireless carrier's "coverage area" overlaps the geographic location of the rate center in which the customer's wireline number is provisioned.

The FCC has done so not based upon its authority over Petitioner under §251(b)(2), but under a different statute providing the FCC authority over wireless carriers.

2. **Issues**. The FCC has also defined the obligation to port the number as including an obligation to complete ported calls. However, where the wireless carrier has no interconnection with, or no facilities to, Petitioner, there remain unresolved issues such as whose obligation it is to complete the call, what carrier's facilities will be used to route the ported call, and who has the obligation to pay for use of these facilities. Petitioner has no such facilities outside its exchanges, and has no authority to carry traffic outside its exchanges.

The FCC has failed to resolve these issues, which are in litigation on various fronts, but these issues remain unresolved.

3. **Modification**. 47 USC 251(f) empowers the Missouri Public Service Commission to Modify Petitioners' obligation to implement LNP if it determines a modification is necessary to avoid a significant adverse impact on Petitioner's customers and an undue economic burden on Petitioner to comply with the FCC's orders by May 24, 2004. Petitioner seeks modification of the FCC's inter-modal LNP requirement to not require Petitioner to be responsible to complete a ported call to a wireless carrier that has not established and agreed to be responsible for the costs of a facility to Petitioner over which said ported calls can be delivered.

4. **Suspension**. Petitioner seeks, in the alternative, a two year suspension of the FCC's Local Number Portability (LNP) requirements in order to avoid a significant adverse impact on Petitioner's customers and an undue economic burden on Petitioner to comply with the FCC's orders by May 24, 2004.

5. **Expedited Treatment**. Due to the critical timing issues of obtaining and implementing necessary software upgrades and possible switch upgrades and/or replacements, Petitioner respectfully requests that this petition be processed on an expedited basis so that Petitioner will have reasonable time to implement LNP if so required. As explained herein, Petitioner's Motion for Expedited Treatment satisfies Commission Rule 4 CSR 240-2.080(16).

DISCUSSION

A. WIRELESS-TO-WIRELINE LOCAL NUMBER PORTABILITY.

6. Petitioner provides local exchange and other telecommunications services in Missouri to approximately 8,803 subscribers. Petitioner is a Missouri corporation with its principal office and place of business located at:

P.O. Box 98
718 South West Street
Green City, MO 63545

A certificate of good standing from the Missouri Secretary of State is attached hereto as Attachment B. Northeast has no pending actions or final, unsatisfied adverse judgments or decisions which involve customer service or rates that have occurred within the last three years from the date of this Petition. The Affidavit of Mr. Ray Ford, General Manager of Northeast, verifying the accuracy of this information is marked as Attachment A and attached hereto. Petitioner is a "rural telephone company" as defined in 47 U.S.C.§153(37).

7. As an incumbent local exchange carrier ("ILEC"), Petitioner is subject to the requirements of Section 251(b) of the Act, which states that ILECs have "[t]he duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the [FCC]."[1] Effective as of May 24, 2004, the Act's number portability requirements include the obligation that, where Petitioner has received a bona fide request ("BFR") from a CMRS provider, Petitioner must make its switches capable of porting a subscriber's local telephone number to a requesting wireless carrier whose "'coverage area'

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[1] 47 U.S.C. § 251(b). "Number portability" is defined in the Act as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another." 47 U.S.C. § 153(30).

overlaps the geographic location of the rate center in which the [ILEC] customer's wireline number is provisioned, provided that the porting-in [CMRS] carrier maintains the number's original rate center designation following the port."[2] Thus, according to the FCC's Order, Petitioner must port numbers to requesting wireless carriers where the wireless carrier's coverage area overlaps the geographic location of the rate center to which the number is assigned, even though the wireless carrier's point of presence is in another rate center and has no direct interconnection with the wireline carrier. The FCC first made this requirement known on November 10, 2003, and the wireline-to-wireless (i.e. intermodal) requirements are very different from the FCC's rules which prohibit location portability between wireline carriers.

8. Petitioner's switches are not equipped for LNP. Therefore, implementing wireline-to-wireless LNP may require both software and hardware updates, and possible switch replacement. Petitioner is required to implement LNP on or before May 24, 2004. For the reasons set forth below, Petitioner hereby seeks modification of the FCC's inter-modal LNP requirements, and, in the alternative, suspension of the May 24, 2004 deadline as described herein pursuant to Section 251(f)(2) of the Act.

B. REQUEST FOR MODIFICATION

9. While Petitioner can upgrade its switches and networks with necessary hardware and/or software, such efforts only represent half of the cost and effort needed to implement inter-modal LNP in rural exchanges. Once the small company has its network LNP-capable, it is still faced with the cost and

[2] *In re Telephone Number Portability*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95-116, FCC 03-284 (Nov. 10, 2003) ("*Intermodal Portability Order*").

regulatory uncertainty of how to get calls to a ported number from its wireline network to a wireless network. This is an issue unique to small LECs, because wireless carriers have direct connections with larger LECs. Although the FCC has recognized the problem of designating different routing and rating points on LNP for small rural LECs, the FCC has not yet addressed the issue. As a result, there are no rules, guidelines, or resolution of certain outstanding issues related to wireline-to-wireless portability for rural carriers. This is especially problematic for call routing and rating issues.

CALL ROUTING AND RATING ISSUES

10. The different call routing schemes used by wireless and wireline carriers make wireline-to-wireless LNP technically infeasible to the extent that a small company's network is not sufficient to deliver calls to a ported number on its own. Petitioner is a small rural local exchange company, and Petitioner's exchange boundaries have been defined by the Commission. Petitioner is unaware of any wireless carrier point of presence within its exchanges. Petitioner's network is physically unable to deliver a call to a wireless carrier without the use of a third-party carrier's network.

11. However, with the assistance of third-party carriers, calls to ported numbers can be delivered. There are costs associated with the assistance of third party carriers. These transportation costs of LNP, above and beyond making the Petitioner's network LNP capable, are beyond Petitioner's control. When the transport, network, and database costs are taken together, they make the cost of inter-modal LNP unduly economically burdensome, especially given that there are no regulatory guidelines with respect to the rating and routing of calls to ported numbers outside of Petitioner's network area.

MODIFICATION

12. Petitioner does not presently own facilities that would allow Petitioner

to deliver calls outside of its exchanges, nor does Petitioner have any arrangement with intermediate third party carriers to transport these calls on a "local" basis. Therefore, one of the main obstacles is the issue of how to transport calls between ported numbers in different switches from a small ILEC to a wireless carrier where their facilities are not interconnected. The FCC's Order recognized that number portability was a separate function from the exchange of traffic. (*See* ¶37.)

13. Petitioner seeks modification of the FCC's LNP requirements to address the call rating and routing issues. Specifically, Petitioner seeks modification such that if the requesting wireless carrier wants calls transported to a point outside of the local serving area of the ILEC on a "local" basis, then the wireless carrier will need to establish the appropriate facilities and/or arrangements with third party carriers to transport the ported number and the associated call. Until such arrangements are made, Petitioner can provide a recording indicating that it no longer serves the ported number, but the call can be completed by dialing (1+ area code). This modification would make the wireless carrier responsible for costs associated with transporting the call beyond the small ILEC rate center and thus place the costs on the carrier that caused them.

C. ALTERNATIVE REQUEST FOR SUSPENSION

14. The Missouri Public Service Commission may suspend or modify local number portability requirements to the extent necessary to avoid the imposition of a significant adverse economic impact on Petitioner's subscribers. Deploying wireless local number portability would impose such an adverse impact on Petitioner's subscribers. The cost of deploying inter-modal LNP is

significant. It involves costs associated with network upgrades, number portability database administration and query costs, and the potential for transport and routing costs that are beyond Petitioner's control. As discussed herein, inter-modal LNP for small, rural carriers does not simply involve upgrading their network systems. Once the small company has its network LNP-capable (which alone is a substantial cost), it is still faced with applicable number portability database administration and query costs the costs as well as the costs and regulatory uncertainty of how to get calls to a number ported to a wireless network. Under Section 52.33 of the FCC's rules, an ILEC may assess a monthly, long-term number portability charge on its customers to offset these initial and ongoing costs incurred in providing number portability.[3]

15. Only a very small number of Petitioner's subscribers are likely to take advantage of wireless local number portability, while all of Petitioner's subscribers will bear the substantial costs of making LNP available. First, Petitioner will be forced to divert limited capital funds to implement LNP for a small handful of subscribers rather than applying those funds to upgrade infrastructure that will benefit a large number of subscribers. Second, all of Petitioner's subscribers will be asked to directly bear a portion of those costs. Third, implementation of LNP may necessitate basic local rate increases for Petitioner's subscribers. Thus, implementation will have an undue economic impact on Petitioner and its subscribers. Suspension of Petitioner's inter-modal LNP obligations for two years will provide time for regulatory guidelines to be established and economical and practical solutions to be developed, before imposing burdensome costs on Petitioner and increased rates and surcharges on Petitioner's customers.

[3] 47 C.F.R. § 52.33. Not all costs of Alma's proposed network system upgrade may be recovered through a number portability charge; Alma's Universal Service Funds will be used to cover many of the upgrade expenses.

D. SECTION 251(F)(2) OF THE ACT PROVIDES AN EXCEPTION FOR CERTAIN RURAL TELEPHONE COMPANIES.

16. Section 251(f)(2) of the Act requires a state public utility commission to suspend or modify a party's obligations under Section 251(b) or (c) of the Act, in the case of a local exchange carrier "with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide," where the state commission determines that "such suspension or modification–

> (A) is necessary –
>
> > (i) to avoid a significant adverse economic impact on users of telecommunications services generally;
> >
> > (ii) to avoid imposing a requirement that is unduly economically burdensome; or
> >
> > (iii) to avoid imposing a requirement that is technically infeasible; and
>
> (B) is consistent with the public interest, convenience, and necessity."[4]

As demonstrated herein, Petitioner is eligible for and entitled to relief from the local number portability obligations under this provision.

17. Section 251(f)(2) relief is available to any ILEC with fewer than two percent of the Nation's subscriber lines installed in the aggregate. As of December 2002, there were approximately 188 million local telephone lines in service nationwide.[5] Petitioner serves approximately 8,803 subscriber lines, which is far less than two percent of the national total. Accordingly, Petitioner is eligible to seek relief under Section 251(f)(2) from the obligations imposed under

[4] 47 U.S.C. § 251(f)(2).

[5] FCC, *Federal Communications Commission Releases Study on Telephone Trends*, News Release (Aug. 7, 2003).

Section 251(b) and (c) of the Act. Number portability is an obligation imposed by Section 251(b).[6]

18. Under Section 251(f)(2), a state commission should grant an eligible ILEC relief from obligations imposed under Section 251(b) and (c) to the extent that the suspension or modification serves the public interest and is necessary (1) to avoid an adverse economic impact on the ILEC's subscribers ***or*** (2) to avoid an unduly burdensome economic requirement on the ILEC ***or*** (3) to avoid a technically infeasible requirement. A petitioning ILEC need only show that one of these conditions applies to its circumstances. The wireless local number portability requirements from which Petitioner seeks relief are sufficiently burdensome to justify a finding that several of the criteria under Section 251(f)(2) are satisfied and grant of the Petition is warranted.

19. **Undue Economic Burden on Petitioner's Subscribers**. The Missouri Public Service Commission may suspend or modify local number portability requirements to the extent necessary to avoid the imposition of a significant adverse economic impact on Petitioner's subscribers. Implementation of inter-modal LNP by Petitioner will involve significant costs associated with network upgrades, monthly database administration and query dip charges, transport costs, switching costs, and the cost of negotiating agreements with third-party carriers for transport and delivery of calls to ported numbers. Under Section 52.33 of the FCC's rules, an ILEC may assess a monthly, long-term

[6] *In re Telephone Number Portability*, First Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd 7236, 7303 (1997) (*LNP First MO&O*). Section 251(b) states that telecommunications carriers have a "duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission." 47 U.S.C. § 251(b).

number portability charge on its customers to offset the initial and ongoing costs incurred in providing number portability.[7] Therefore, Petitioner may recover any applicable number portability implementation and ongoing monthly costs through a charge on customers.

20. If the Commission does not grant modification, then Petitioner will be forced to recover transport costs, in addition to network and database costs, from its end user customers. This would defy the regulatory principle of placing costs on the cost causer. Instead, those customers that did port their numbers would avoid the very costs (LNP end user charges) of carrying their calls outside of Petitioner's exchange boundaries. This economic burden is significant for Petitioners' subscribers, particularly in light of the fact that few if any of the subscribers are expected to take advantage of wireless LNP and port their local wireline numbers to a wireless carrier.

21. **Undue Economic Burden on Petitioner**. Wireline-to-wireless LNP obligations impose a substantial economic burden on Petitioner. Petitioner will incur upfront substantial network costs of implementing intermodal LNP as well as number portability database administration and query costs. In addition to these costs, Petitioner also has the potential for transport and routing costs associated with inter-modal LNP that are beyond its control. Requiring Petitioner to implement inter-modal LNP and deliver calls outside of its exchange boundaries would impose a substantial economic burden upon Petitioner. First, the FCC has not resolved the inter-modal LNP issues, so it would be premature at this time to force Petitioner to divert limited capital resources from the

[7] 47 C.F.R. § 52.33. As a small rural telephone company, Petitioner has a small customer base over which to spread these implementation costs. Under the LNP surcharge cost-recovery formula, Petitioner would recover its LNP specific implementation costs by dividing the total costs incremental to providing LNP by the total number of subscribers on an exchange-specific basis, over a 60-month period.

provision of reliable, high-quality services in markets that are already challenging to serve. Second, it would force Petitioner to provide service outside of Petitioners' certificated service area, which could lead to additional legal and regulatory issues.[8] Finally, it would require Petitioners to devote limited resources to implement LNP for a small handful of subscribers (if any) rather than applying those funds to upgrade infrastructure that will benefit a large number of subscribers.

22. In summary, only a very small number (if any) of Petitioner's subscribers are likely to take advantage of wireless local number portability, while all of Petitioner's subscribers will bear the substantial costs of making LNP available. A Commission determination under Section 251(f) to grant modification or suspension to avoid a significant adverse economic impact on Petitioner's end users, or to avoid imposing a requirement that is unduly economically burdensome on Petitioner, will not be contrary to any FCC findings. The FCC has not made a cost/benefit analysis as to the economic impact of

[8] Petitioner is aware of at least one case in which the scope of inter-modal LNP obligations is at issue in litigation between two carriers, and has been remanded to the FCC for clarification by the Seventh Circuit Court of Appeals. see *Starnet, Inc. v. Global Naps, Inc, et al.*, Case No. 03-2990, *Order* (January 9, 2004).

intermodal LNP on small rural ILECs.[9] The public interest will best be served by granting modification, or, in the alternative suspension.

THE PUBLIC INTEREST WILL BE SERVED BY GRANTING THE REQUESTED RELIEF.

23. The modification, or in the alternative suspension, of Petitioner's LNP obligations will ensure that subscribers are not forced to bear significant costs for something from which they are unlikely to benefit, and for which there are no clear regulatory guidelines. Modification will serve the public interest in that it will require the cost causer to bear some of the costs and responsibility for porting numbers outside of Petitioner's service areas, and establish a much needed framework for carriers to implement intermodal LNP in small carrier exchanges until key implementation issues now pending at the federal level to get resolved.

Lack of Clarity

24. The FCC's November 10, 2003 *Memorandum Opinion and Order* recognized the problem of designating different routing and rating points on LNP for rural LECs, but the FCC declined to address the issues in its decision. (See ¶ 39-40.) As a result of the FCC's decision to move forward without addressing

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[9] *see In the Matter of Telephone Number Portability CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, CC Docket No. 95-116, *Reply Comments of the Office of Advocacy, U.S. Small Business Administration on the Further Notice of Proposed Rulemaking and Initial Regulatory Flexibility Analysis*, filed Feb. 4, 2004 ("The FCC released a Memorandum Opinion and Order ("MO&O") as part of the same document as the *Further Notice*. The MO&O addressed wireline-to-wireless porting while the *Further Notice* addressed wireless-to-wireline porting. Both actions, however, dealt with important issues relating to intermodal portability and both imposed requirements and costs on small rural wireline carriers. The FCC did not conduct a regulatory flexibility analysis for the MO&O on the basis that it was an interpretative rule. Advocacy does not agree with this assessment and believes that regulatory requirements imposed by the MO&O are similar in nature and scope to those in the *Further Notice* and require a notice and comment rulemaking and an RFA analysis." fn. 12).

these implementation issues, there are no rules, guidelines, or resolution of certain outstanding issues related to wireline-to-wireless portability for rural carriers.

25. The rules designed for wireline-to-wireline LNP do not apply to wireline-to-wireless LNP as these two forms of LNP differ substantially. The federal rules define number portability as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another." (47 C.F.R. § 52.21) LNP between wireline carriers does not require porting numbers beyond an exchange (i.e. no 'location portability'), however, LNP between wireline-to-wireless carriers whose "coverage area" overlaps the wireline carrier's exchange does require porting numbers beyond a small company exchange in which wireless carriers have no facilities (i.e. 'locational portability'). This significant difference creates rating and routing issues that have yet to be addressed.

Customer Confusion

26. The FCC issued an order of clarification on November 20, 2003 which notes that transport of calls can be handled as it is currently handled today. Today, no wireless carriers have facilities in Petitioner's exchange. Petitioner routes calls destined for a wireless carrier network to an interexchange or toll carrier. When a wireline number is ported to a wireless carrier, Petitioner can route calls to the ported number now on the wireless carrier network to an

interexchange or toll carrier. However, this will result in the customer being charged toll for what appeared to be a local call, causing customer confusion and frustration. A recorded explanation that the number has been ported and is no longer served by Petitioner will help alleviate the confusion. There are no regulatory guidelines with respect to routing of such calls on a "local" basis. Any arrangements to route such calls through a third-party "transiting" carrier on a "local" basis would involve additional costs. It is unclear who bears the burden of those additional costs: the carrier losing the ported number or the carrier gaining the ported number.

Clarity sought by Industry/Petitioner

27. The telecommunications industry has not sat idle following the FCC's inter-modal LNP Order issued on November 10, 2003. Substantial effort has been set forth at the federal level to obtain clarifications with respect to rating and routing, cost recovery, the lack of rulemaking procedures and failure to conduct an initial regulatory flexibility analysis (e.g. an analysis of the economic impact of proposed regulations on small entities and potential alternatives that

minimize the burden).[10] Petitioner, and other small Missouri LECs, are members of national associations who have filed Petitions and Comments at the federal level, and Petitioner has been monitoring these proceedings in hopes of gaining the necessary clarifications for implementing inter-modal LNP. Implementing inter-modal LNP is not simply a matter of installing hardware and/or software. Petitioner has been assessing implementation costs and monitoring industry comments with respect to a means by which to implement inter-modal LNP given the outstanding rating and routing issues.

Missouri Commission exercise of its Jurisdiction is in the Public Interest

28. This Commission has jurisdiction over the small LECs doing business in Missouri. This Commission has jurisdiction and charge over the customers of the small LECs doing business in Missouri. The FCC Order was issued without a regulatory flexibility analysis of the economic impact on small companies or their customers, it does not provide the regulatory guidance needed to enable small companies to fully assess its costs and implement its

[10] *see In the Matter of Telephone Number Portability CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, CC Docket No. 95-116, *Reply Comments of the Office of Advocacy, U.S. Small Business Administration on the Further Notice of Proposed Rulemaking and Initial Regulatory Flexibility Analysis*, p. 3 (Feb. 4, 2004); see also *NTCA and OPASTCO v. FCC*, D.C. Court of Appeals, Case No. 03-1443; *In the Matter of Telephone Number Portability CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, CC Docket No. 95-116, *Emergency Joint Petition for Partial Stay and Clarification* (November 21, 2003); *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, *Bellsouth Corporation Petition for Declaratory Ruling and/or Waiver* (November 14, 2003) [pertaining to cost recovery]; *In the Matter of Telephone Number Portability CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, CC Docket No. 95-116, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking* (Nov. 10, 2003) [Many comments in response to the NPRM for wireless-to-wireline LNP also address problems with wireline-to-wireless LNP because they are essentially the same.]; *Starnet, Inc. v. Global Naps, Inc., et al.*, Court of Appeals, Seventh Circuit, Case No. 03-2990, *Order* (January 9, 2004) [Seventh Circuit Court of Appeals remanded this case to the FCC to clarify the scope of its wireline number portability obligations.]

mandates, and it does not provide the regulatory clarity to mitigate customer confusion. This Commission has been granted jurisdiction pursuant to 47 U.S.C. §251(f)(2) to make its own determinations of the economic burden to Petitioner and Petitioner's customers, and to find that it is in the public interest in Missouri to suspend and/or modify the application of inter-modal LNP.

29. Historically, This Commission has required that there be some minimal level of customer concern or a "community of interest" before requiring rate-of-return regulated companies to expend significant resources to offer a new service. In this case, there has been no such showing. Rather, as demonstrated herein, the FCC's inter-modal LNP requirements result in adverse economic impacts on end users and produce undue economic burdens on Petitioner. The public interest would be best served by examining the issues thoroughly and avoiding the possibility of increased rates and surcharges until regulatory guidelines have been issued and the most economical and practical solution is developed.

VII. MOTION FOR EXPEDITED TREATMENT

30. Pursuant to 4 CSR 240-2.080(16), Petitioner seeks a Commission order on or before April 15, 2004 because of the impending FCC deadline. Petitioner also respectfully requests that any Commission decision denying a two-year suspension include a suspension of the FCC's wireline-to-wireless LNP requirements until at least six months after the effective date of the Commission's order.

31. As explained above, the FCC's recent orders impose requirements that are substantially different from its prior LNP rules, and the FCC has yet to clarify a number of issues related to wireline-to-wireless LNP for small rural local

exchange carriers. Moreover, the FCC's LNP orders require costly software updates and possibly switch replacement. These updates and possible switch replacements will result in higher costs for rural customers, and it will be difficult for small rural carriers to complete these updates by May 24, 2004. Therefore, granting the Petition will prevent Petitioner from being in violation of FCC orders and avoid increased costs for rural customers.

32. Granting Petitioner's request will allow Petitioner more time to implement the technical requirements for LNP and provide more time for the FCC to clarify the LNP requirements for small, rural telephone companies. There will be no negative effect on Petitioner's customers or the general public. To Petitioners' knowledge, none of Petitioner's customers have requested porting. This pleading was filed as soon as it could have been after reviewing the FCC's recent decisions, seeking clarification of those decisions, attempting to assess implementation procedures and costs, and monitoring the efforts of similarly situated carriers in the industry with respect to how to implement intermodal LNP.

CONCLUSION

The costs and technical challenges to either upgrade or replace a switch are substantial. Both the Petitioner's subscribers and the company itself will absorb these costs. Each of the concerns raised in this petition fall within the criteria set forth in Section 251(f)(2) under which this Commission may suspend or modify Petitioner's LNP implementation obligations. While each of these concerns is valid, the most compelling concern is that of public interest. The Petitioner's subscribers will bear a significant financial burden for the benefit of a handful of subscribers, and ironically, the few subscribers who might benefit from LNP by porting their numbers will, in so doing, avoid the very costs (*e.g.*, LNP end user charges) of implementing LNP. For these reasons, granting this petition is in the public interest.

Respectfully submitted,

ANDERECK, EVANS, MILNE PEACE & JOHNSON

By: Lisa Chase

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ATTORNEYS FOR PETITIONER

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 15 day of March, 2004, to the following parties:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

General Counsel
Office of the Public Counsel
P.O. Box 7800
Jefferson City, Missouri 65102

Lisa Chase
Lisa Cole Chase

VERIFICATION

I, Ray Ford, General Manager of Northeast Missouri Rural Telephone Company, hereby verify and affirm that I have read the foregoing **PETITION FOR SUSPENSION AND MODIFICATION OF LOCAL NUMBER PORTABILITY OBLIGATIONS AND MOTION FOR EXPEDITED TREATMENT** and that the statements contained herein are true and correct to the best of my information and belief.

Signature

STATE OFMISSOURI)

COUNTY OF SULLIVAN)

Subscribed and sworn to me, a Notary Public, on this 9th day of March, 2004.

Lori S. LaFaver

Notary Public

My Commission expires 9/26/04

Lori S. LaFaver, Notary Public
Sullivan County, State of Missouri
My Commission Expires 9/26/2004

Attachment A

STATE OF MISSOURI

Matt Blunt
Secretary of State

CORPORATION DIVISION

CERTIFICATE OF GOOD STANDING

I, MATT BLUNT, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

NORTHEAST MISSOURI RURAL TELEPHONE COMPANY
T00000571

was created under the laws of this State on the 20th day of October, 1952, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 18th day of February, 2004

Matt Blunt

Secretary of State

Certification Number: 6419955-1 Page 1 of 1 Reference:
Verify this certificate online at http://www.sos.mo.gov/businessentity/verification

SOS #30 (1-01)

Attachment B