

20. Pending Legal Challenges: Court challenges are currently pending to examine various aspects of the FCC's orders imposing wireline-to-wireless LNP on small carriers.⁹

21. Adverse Economic Impact 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. 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 the initial and ongoing costs incurred in providing number portability.¹⁰

22. Undue Economic Burden on Petitioner. The Commission may also suspend or modify local number portability requirements to the extent necessary to avoid an undue economic burden on Petitioner.

23. If the Commission does not grant suspension, then Petitioner will incur costs associated with hardware and/or software replacement/upgrades, programming, training, and translations work. Petitioner will also face ongoing database query costs associated with porting numbers.

FILED

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Missouri Public
Service Commission

⁹ See e.g. United States Court of Appeals, D.C. Circuit, *US Telecom. Ass'n et al. v. FCC*, Case No. 03-1414, and *Nat'l Telecom. Coop. Ass'n et al. v. FCC*, Case No. 03-1443.

Exhibit No. 39
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