

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Petition of New )  
London Telephone Company, Orchard )  
Farm Telephone Company, and )  
Stoutland Telephone Company for )  
Suspension of the Federal )  
Communications Commission )  
Requirement to Implement Number )  
Portability )

Case No. TO-2004-0370

**PETITIONERS' REPLY TO STAFF RECOMMENDATION**

COME NOW New London Telephone Company (New London), Orchard Farm Telephone Company (Orchard Farm), and Stoutland Telephone Company (Stoutland) ("Petitioners") and for their reply to Staff's Recommendation in this case, state to the Missouri Public Service Commission (Commission) as follows:

1. On February 9, 2004, Petitioners filed a request with the Commission pursuant to 47 U.S.C. §251(f)(2) for a two-year suspension of the Federal Communications Commission's (FCC) intermodal porting obligations. Petitioners' pleading explained that Petitioners' switches are not equipped for number portability; therefore, the switches will need to either be modified or replaced.

2. On February 19, 2004, the Staff of the Commission (Staff) issued its Recommendation in this matter, recommending that the Commission grant the Petitioners a temporary suspension for six months, until November 24, 2004, to allow Petitioners to assess the costs and benefits of switch upgrades versus switch replacements. Staff recommended that the Commission direct Petitioners to file

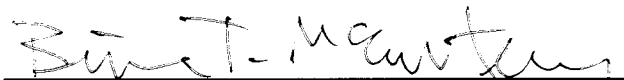
updates in May and July as to the status of the cost/benefit analysis. Staff also recommended that the Commission direct Petitioners to file a final analysis by September 24, 2004 in order to "allow further Staff recommendation and Commission determination as to whether the statutory requirements of Section 251(f)(2) of the Act are met to allow an additional 18 month suspension."

3. Petitioner believes that Staff's proposal for an initial six-month suspension is reasonable, and Petitioner is willing to work with Staff to provide information and updates in support of the full two-year suspension as outlined in Staff's Recommendation. Therefore, unless the Commission chooses to grant Petitioners' request for a two-year suspension outright, Petitioners recommend that the Commission adopt Staff's proposal as a reasonable compromise.

WHEREFORE, Petitioners respectfully request that the Commission grant Petitioners' request for a two-year suspension, or in the alternative, adopt Staff's recommendation for an initial six-month suspension to allow Staff and the Commission to review more information before ruling on a further eighteen-month suspension.

Respectfully submitted,

By:



W.R. England, III                      Mo. #23975  
Brian T. McCartney                  Mo. #47788  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 East Capitol Avenue, P.O. Box 456  
Jefferson City, MO 65102-0456  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)  
(573) 635-7166  
(573) 634-7431 (FAX)

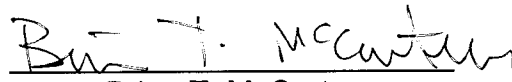
Attorneys for Petitioners

## 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 23<sup>rd</sup> day of February, 2004, to the following parties:

William K. Haas  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

Michael F. Dandino  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, Missouri 65102

  
\_\_\_\_\_  
Brian T. McCartney