

OF THE STATE OF MISSOURI

Case No. TO-2004-0489

ORDER CLARIFYING CONTINUING OBLIGATIONS
CONCERNING INTERMODAL LOCAL NUMBER PORTABILITY
AND CLOSING CASE

Effective Date: July 27, 2006

On November 10, 2003, and January 16, 2004, the Federal Communications Commission issued orders requiring local exchange carriers to port telephone numbers to wireless carriers whose coverage area geographically overlapped the local exchange carrier's wire center. Those orders required local exchange carriers to upgrade their systems to be able to grant any bona fide request for number porting by a wireless carrier.

The Missouri Public Service Commission, seeing little benefit to premature retirement of existing switches or other large expenditures to accommodate potential porting requests, allowed carriers additional time for compliance in order to upgrade switches on a time-frame closer to the planned retirement schedule.

In the meantime, the FCC's requirement that carriers upgrade their switches was reversed in 2005 by the D.C. Circuit Court of Appeals. As no new requirements have been instituted and as the Commission-granted extensions are expiring, there is no need to examine whether the local exchange carriers have upgraded their switches or need additional extensions.

The Commission understands that local exchange carriers continue to have an obligation to port local numbers intermodally, as set forth in FCC requirements. Moreover, those requirements establish time limits by which the numbers are to be ported after a bona fide request.

Therefore, the Commission will require Fidelity Telephone Company ("the Company") to file a status report within thirty days of any request for intermodal number portability in which it sets out the date, and nature of the request and the Company's plan for meeting the request.

Furthermore, the Company shall file a status report within thirty days of the promulgation of new rules at the FCC pertaining to it and intermodal local number portability. Such status report shall include a brief description of any new requirements the new rules place on it, whether the Company meets those requirements, and if applicable, how the Company intends to meet the requirements with which it does not currently comply.

With the understanding that these status-report obligations continue until specifically altered or withdrawn, this case may be closed.

IT IS ORDERED THAT:

1. Fidelity Telephone Company shall file a status report within 30 days of receipt of a request for intermodal local number portability as set forth above.
2. Fidelity Telephone Company shall file a status report within 30 days of the FCC's promulgation of new rules concerning intermodal number portability as set forth above.
3. This order shall become effective on July 27, 2006.

4. This case may be closed on July 28, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(SEAL)

Morris L. Woodruff, Deputy Chief Regulatory
Law Judge, by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
On this 17th day of July, 2006.