

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Modifications of)
The Federal Communications Commission)
Requirement to Implement Intermodal)
Local Number Portability of Alma)
Telephone Company, Chariton Valley)
Telephone Corporation, Chariton Valley)
Telecom Company, Choctaw Telephone)
Company, Mid-Missouri Telephone)
Company a division of Otelco Inc.,)
MoKan Dial Inc., and Northeast)
Missouri Rural Telephone Company.)

Case No. _____

Joint Status Report

Comes now Alma Communications Company, d/b/a Alma Telephone Company, Chariton Valley Telephone Corporation, Chariton Valley Telecom Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company a division of Otelco Inc., MoKan Dial Inc., and Northeast Missouri Rural Telephone Company (hereinafter collectively referred to as the “Companies”), and submit this Joint Status Report as to their Modifications issued by this Commission with respect to intermodal local number portability:

1. On November 10, 2003 the Federal Communications Commission (FCC) issued a Memorandum Opinion and Order and Further Notice of Proposed Rulemaking in the Matter of Telephone Number Portability, CC Docket No. 95-116, in which the FCC required “intermodal” local number portability between wireline carriers and wireless carriers (commercial mobile radio service providers). The FCC Order recognized that,

when wireless carriers indirectly interconnect with rural wireline carriers, issues arise with respect to rating and routing points, and with respect to the responsibility for transport of traffic between the wireless and wireline carriers. Although the FCC recognized these issues, it did not resolve them.

2. Thereafter the Companies petitioned this Commission for modifications of their obligation to implement intermodal local number portability until these issues were resolved. The following dockets were established for these petitions:

- a. Alma Telephone Company: IO-2004-0453;
- b. Chariton Valley Telephone Corporation: IO-2004-0467;
- c. Chariton Valley Telecom Corporation: CO-2004-0469;
- d. Choctaw Telephone Company: IO-2004-0546;
- e. Mid-Missouri Telephone Company: TO-2004-0455;
- f. MoKan Dial Inc.: IO-2004-0545;
- g. Northeast Missouri Rural Telephone Company: IO-2004-0468.

3. In each of these dockets, the Office of Public Counsel, Staff, and the Company submitted unanimous stipulation and agreements with respect to establishing modifications as to the obligation of the Company to implement intermodal LNP.

4. By Orders in July of 2004 in each of these dockets, the Commission approved the stipulations and agreements. Among other things these Orders provided the following:

a. The FCC local number portability requirements for these Companies were modified to provide that, if wireline-to-wireless local number portability is requested after a Company has become fully LNP-capable, the Company shall notify the wireless

carrier that it is not the responsibility of the Company to establish facilities or arrangements with third-party carriers to transport calls on a local basis to a point outside the Company's local service area. This notice requirement was also to apply to a situation where a wireless carrier that had established facilities or arrangements, or both, with third-party carriers to transport calls to a point outside of the Company's local service area requested to port numbers to another wireless carrier that has not established such facilities or arrangements; and

b. While the above modification is in effect, neither the Company nor its wireline customers, will be responsible for any transport or long distance charges associated with porting numbers and any associated calls outside the Company's local service area; and

c. The Companies were directed to establish the appropriate intercept message; and

d. The Companies were directed to notify the Commission ten days from the date the FCC issued any further decisions addressing the rating and routing issues associated with porting numbers; and

e. The modifications were to remain in effect until thirty days after the FCC further addresses the rating and routing issues associated with porting numbers, unless otherwise ordered.

5. Thereafter, in 2005, the United States Court of Appeals for the District of Columbia issued a decision reversing the FCC's Orders of November 10, 2003 and January 16, 2004, and stayed the applicability of the FCC's intermodal LNP rules for rural telephone companies.

6. Pursuant to this federal appellate court decision, in July of 2006 this Commission issued Orders Clarifying Continuing Obligations Concerning Local Number Portability in the Companies' respective dockets referenced in paragraph 2 above. In these Orders, this Commission required the Companies to do the following:

- a. file a status report within 30 days of receipt of a request for intermodal local number portability; and
- b. file a status report within 30 days of the FCC's promulgation of new rules concerning intermodal local number portability.

7. Recently, on November 8, 2007, the FCC released its Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking in several related dockets, including WC Docket No. 07-244, CC Docket No. 95-116, and CC Docket No. 99-200. This Order contained the FCC's "Final Regulatory Flexibility Analysis" required by the Court of Appeals' stay of the FCC's intermodal LNP Order. At this point apparently the stay is considered by the FCC to have been lifted.

8. The FCC's Report and Order discussed the rating, routing, and transport issues associated with LNP between a rural LEC and indirectly interconnected wireless carrier. This Order did not decide those issues, instead finding such issues were outside the scope of that proceeding. Otherwise, this Order purported to reinstate the requirement that small rural LECs must port numbers to wireless carriers where the requesting wireless carrier's coverage area overlaps the geographic location in which the customer's wireline number is provisioned, provided that the "porting-in carrier maintains the number's original rate center designation following the port."

9. This FCC Order specifically recognized that small rural LECs were authorized to petition the appropriate state commission for suspension or modification of the LNP requirements imposed by 47 USC 251(b). See paragraph 15 of Appendix D to the FCC Order, Final Regulatory Flexibility Analysis.

Companies' Status Report

10. The Companies do believe that this November 8, 2007 FCC Order triggers their obligations to report such FCC Orders to this Commission pursuant to the terms of the original modification Orders in July of 2004, as modified by this Commission's July 2006 Orders Clarifying Continuing Obligations Concerning Local Number Portability.

11. The Companies do not believe that the FCC's November 8, 2007 Order and proposed rules operate to effect the July, 2004 Modifications Ordered by this Commission. The FCC did not decide the issues of rating, routing, and transport costs. The FCC did indicate that the transport cost issue was a "cost of interconnection more generally".

12. The Companies hereby notify this Commission that they consider their modifications to remain fully effective, and nothing further is required other than this Status Report.

13. All correspondence, pleadings, notices, orders, decisions, and authorization in this matter should be addressed to:

Craig S. Johnson
Law Office Craig S. Johnson
Attorney for the Companies
1648A East Elm
Jefferson City, Missouri 65101
(573) 632-1900
(573) 634-6018 (fax)

WHEREFORE, on the basis of the foregoing, the Companies respectfully request that the Commission accept this status report, that the Commission enter an Order stating that the Companies' modifications with respect to intermodal local number portability remain intact, together with such other and further relief as the Commission deems appropriate.

Respectfully submitted,

/s/ Craig S. Johnson
Craig S. Johnson, Atty.
Mo Bar # 28179
1648-A East Elm St.
Jefferson City, MO 65101
(573) 632-1900
(573) 634-6018 (fax)
craig@csjohnsonlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on this 3rd day of December, 2007, to the Office of Public Counsel, and to the Commission Staff General Counsel.

/s/ Craig S. Johnson
Craig S. Johnson