

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

|                                                   |   |                                     |
|---------------------------------------------------|---|-------------------------------------|
| In the Matter of the Modifications of the Federal | ) |                                     |
| Communications Commission Requirement to          | ) | <b><u>Case No. IO-2008-0187</u></b> |
| Implement Intermodal Local Number Portability for | ) |                                     |
| Small Rural Local Exchange Carriers in Missouri   | ) |                                     |

## **ORDER ACKNOWLEDGING RECEIPT OF STATUS REPORT**

Issue Date: January 25, 2008

Effective Date: January 25, 2008

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. On July 3, 2006, the Missouri Public Service Commission issued Orders Clarifying Continuing Obligations Concerning Local Number Portability for each company. The orders clarifying

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

On November 8, 2007, the FCC released its Report and Order, Declaratory Ruling, Order on Remand, and Notice of Proposed Rulemaking. This Order contained the FCC's "Final Regulatory Flexibility Analysis" required by the Court of Appeals' stay of the FCC's intermodal LNP Order.

The FCC's Report and Order discussed the rating, routing, and transport issues, but did not decide those issues. The FCC Order 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).

On December 5, 2007, the Missouri Small Telephone Group ("Companies") filed a Joint Status Report pursuant to this Commission's July 2006 Orders Clarifying Continuing Obligations Concerning Local Number Portability.

The Companies do not believe the FCC's November 8, 2007 Order effect the July, 2004 Modifications Ordered by this Commission as no decisions were made regarding rating, routing, and transportation costs.

The Commission has reviewed the Joint Status Report. As no new requirements related to intermodal LNP's were instituted in the FCC's November 2007 Order, nor did the FCC address the rating and routing issues associated with porting numbers, this Commission will keep the modifications ordered in its 2004 Order in effect. The companies shall continue the status-report obligations, as referenced above, until specifically altered or withdrawn.

**IT IS ORDERED THAT:**

1. The Joint Status Report filed on December 5, 2007, is accepted by the Commission.
2. The Companies shall notify this Commission when the D.C. Circuit Court of Appeals' stay of the local number portability rules has been lifted.
3. The Companies shall continue to notify this Commission within 30 days of receipt of a request for intermodal local number portability as set forth in the July 3, 2006 Order Clarifying Continuing Obligations Concerning Intermodal Local Number Portability and Closing Case.
4. The Companies shall continue to notify this Commission within 30 days of the FCC's promulgation of new rules concerning intermodal number portability as set forth in the July 3, 2006 Order Clarifying Continuing Obligations Concerning Intermodal Local Number Portability and Closing Case.
5. This order shall become effective on January 25, 2008.
6. This case may be closed on January 26, 2008.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory Law  
Judge, by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 25th day of January, 2008.