

**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	)	Case No. _____
Local Number Portability for Small Rural	)	
Local Exchange Carriers in Missouri	)	

Joint Status Report

Come now the Missouri Small Telephone Group ("STCG" or "Companies")(See Attachment A) and for their Joint Status Report as to their Modifications and Suspensions issued by the Missouri Public Service Commission (Commission or PSC) with respect to "Intermodal" Local Number Portability (LNP) state to the Commission as follows:

1. **The FCC's Intermodal LNP Order.** 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. Specifically, wireline carriers were required to port local exchange telephone numbers to commercial mobile radio service ("CMRS" or "wireless providers"). The FCC's 2003 *Intermodal LNP Order* recognized that, when wireless carriers indirectly interconnect with rural wireline carriers, difficult 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. However, the FCC did not resolve those issues in the 2003 *Intermodal LNP Order*.

2. **Modification – Transport Issue.** In response to the FCC's *Intermodal LNP Order*, all of the STCG companies sought modification from the Missouri PSC in order to address the transport issues when the two carriers are not directly interconnected. Specifically, the STCG companies sought modification such that if a requesting wireless carrier wants calls transported to a point outside of the small company's local serving area, then the wireless carrier would need to establish the appropriate facilities and/or arrangements with third party carriers to transport the ported number and the associated call. The Office of Public Counsel and the PSC Staff supported the STCG Companies' request for modification, and the PSC granted the modifications in the following cases:

BPS Telephone Company	TO-2004-0484
Citizens Telephone Company	TO-2004-0486
Craw-Kan Telephone Cooperative, Inc.	TO-2004-0505
Ellington Telephone Company	TO-2004-0480
Farber Telephone Company	TO-2004-0437
Fidelity Telephone Company	TO-2004-0489
Goodman Telephone Company	TO-2004-0490
Granby Telephone Company	TO-2004-0493
Grand River Mutual Telephone Corp.	TO-2004-0456
Green Hills Telephone Cooperative	TO-2004-0428
Holway Telephone Company	TO-2004-0403
Iamo Telephone Company	TO-2004-0459
Kingdom Telephone Company	TO-2004-0487

KLM Telephone Company	TO-2004-0401
Lathrop Telephone Company	TO-2004-0457
Le-Ru Telephone Company	TO-2004-0494
Mark Twain Rural Telephone Co.	TO-2004-0458
McDonald County Telephone Co.	TO-2004-0491
Miller Telephone Company	TO-2004-0511
New Florence Telephone Company	TO-2004-0503
New London Telephone Company	TO-2004-0370
Orchard Farm Telephone Company	TO-2004-0370
Oregon Farmers Mutual Telephone Co.	TO-2004-0526
Ozark Telephone Company	TO-2004-0490
Peace Valley Telephone Co., Inc.	TO-2004-0438
Rock Port Telephone Company	TO-2004-0439
Seneca Telephone Company	TO-2004-0490
Steelville Telephone Exchange, Inc.	TO-2004-0454
Stoutland Telephone Company	TO-2004-0370

The Commission's *Orders* in these cases provided the following:

- a. The FCC's intermodal LNP requirements were modified to provide that, if wireline-to-wireless local number portability is requested after a Company has become fully LNP-capable, then 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; and
- b. This notice requirement was also to apply to a situation where a wireless carrier that has established facilities or arrangements, or

both, with third-party carriers to transport calls to a point outside of the Company's local service area is requested to port numbers to another wireless carrier that has not established such facilities or arrangements; and

- c. 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
- d. The Companies were directed to establish the appropriate intercept message for use if a wireless carrier has not established the appropriate facilities or third-party arrangements to transport ported calls; and
- e. 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
- f. The modifications were to remain in effect until thirty days after the FCC further addresses the rating and routing issues associated with porting numbers, or unless otherwise ordered.

As discussed below, since the FCC has not resolved the rating or routing issues associated with porting numbers (indeed, the FCC has specifically declined to do so), the Missouri PSC's modifications of the FCC's 2003 *Intermodal LNP Order* remain in effect today.

3. **Suspensions.** Some of the STCG companies also received suspensions from the LNP requirements, and the FCC's November 2007 *Order* may cause the D.C. Circuit's stay on the intermodal LNP requirements to be lifted. Therefore, this subgroup of companies is in the process of evaluating the costs of compliance with intermodal LNP and the possible customer impacts in order to determine whether or not to seek additional suspension of the FCC's intermodal LNP requirements. If it appears that further suspension is necessary, then those companies seeking further suspension will file formal requests for suspension with the Commission.

4. **The D.C. Circuit's Remand of the *Intermodal LNP Order*.** In 2005, the United States Court of Appeals for the District of Columbia issued a decision remanding the FCC's Orders of November 10, 2003 and January 16, 2004. *United States Telecom Ass'n v. FCC*, 400 F.3d 29 (D.C. Cir. 2005). The D.C. Circuit's Order stayed the applicability of the FCC's intermodal LNP rules for small rural telephone companies and directed the FCC to complete a regulatory flexibility analysis to determine the LNP rules' impact on small rural companies.

5. **The Missouri PSC's 2006 Clarification Orders.** In July 2006, the Missouri PSC issued *Orders Clarifying Continuing Obligations Concerning Local Number Portability* in the STCG Companies' LNP cases reference above. The Commission's 2006 *Clarification Orders* observed that the intermodal LNP requirements had been stayed for small companies, so there was no need to consider or grant further suspensions of the FCC's *Intermodal LNP Order*. Accordingly, the Missouri PSC 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.

The *Clarification Orders* also closed the Companies' various LNP cases.

6. **The FCC's November 2007 Intermodal LNP Order on Remand.**

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. The FCC's November *Order* contained the FCC's "Final Regulatory Flexibility Analysis" required by the D.C. Circuit Court of Appeals' stay of the FCC's intermodal LNP rules and may result in the court's stay of the FCC's rules being lifted and the reinstatement of 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." The November 2007 *Order* discussed the rating, routing, and transport issues associated with LNP between a rural LEC and indirectly interconnected wireless carrier. However, the 2007 *Order* did not make any decision or resolve those issues, instead finding such issues were outside the scope of the proceeding.¹

¹ *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, *Report and Order, Declaratory Ruling, Order on Remand, Notice, and Proposed Rulemaking*, released Nov. 8, 2007, FCC 07-188, Appendix D, *Final Regulatory Flexibility Analysis*, ¶4 (stating that "the issue of

7. The November 2007 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).²

8. The November 8, 2007 FCC *Order* did not: (a) result in any “new” rules related to intermodal LNP; or (b) address the rating and routing issues associated with porting numbers. Therefore, the modifications granted by the Missouri PSC regarding the transporting of ported calls to indirectly connected wireless carriers remain in place. However, the November 2007 Order may result in the D.C. Circuits’ stay of the LNP rules being lifted and therefore impact some of those small companies that sought and received suspension of the LNP requirements. In an abundance of caution, the STCG companies are filing this status report in order to notify the Commission about this recent FCC order pursuant to the terms of the original modification Orders in July of 2004, and pursuant to the terms of the July 2006 Orders Clarifying Continuing Obligations Concerning Local Number Portability.

9. **No Impact on Modification.** The FCC’s November 2007 *Order* and proposed rules do not have an impact on the 2004 LNP Modifications ordered by this Commission. Specifically, the FCC’s 2007 *Order* did not decide the issues of rating, routing, and transport costs. Therefore, the PSC’s modifications remain fully effective, and nothing further is required other than this Status Report.

transport costs associated with calls to ported numbers is outside the scope of this proceeding and not relevant to the application of the LNP obligations under the Act.”)

² *Id.* at Appendix D, ¶¶ 6 and 15.

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

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WHEREFORE, the STCG Companies respectfully request that the Commission accept this Status Report and grant such other relief as the Commission deems appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been sent by electronic mail this 5th day of December, 2007, to:

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ATTACHMENT A

BPS Telephone Company
Citizens Telephone Company
Craw-Kan Telephone Cooperative, Inc.
Ellington Telephone Company
Farber Telephone Company
Fidelity Telephone Company
Goodman Telephone Company
Granby Telephone Company
Grand River Mutual Telephone Corp.
Green Hills Telephone Cooperative
Holway Telephone Company
Iamo Telephone Company
Kingdom Telephone Company
KLM Telephone Company
Lathrop Telephone Company
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