

## Bonafide Request Form (BFR)

**Purpose:** This form is used to request deployment of long-term Local Number Portability as defined in the FCC mandates (CC Docket 95-116). Specifically, this form requests that **ALL** codes be opened for portability within the Metropolitan Statistical Areas and wireline switch CLLI codes designated below. This form may be used for both wireless and wireline requests.

### TO (RECIPIENT):

OCN: 0145

Company Name: BENTLEYVILLE TELEPHONE CO.

Contact Name: DANIEL HUGHES

Contact's Address: 608 S. MAIN STREET

BENTLEYVILLE, PA 15314

Contact's Email:

Contact's Fax:

Contact's Phone: 724-239-2222

### FROM (REQUESTOR):

Company Name: Sprint

Contact Name: Fawn Romig

Contact's Address: 6580 Sprint Parkway

KSOPHW0516-5B360

Overland Park, KS 66251

Contact's Email: fromig01@sprintspectrum.com

Contact's Fax: (913) 523-8333

Contact's Phone: (913) 794-9486

### Timing:

Date of Request: May 23, 2003

Receipt Confirmation Due By: June 9, 2003 (Due no later than 10 days after the Date of Request)

Effective Date: November 24, 2003 (Not less than 6 months from the Date of Request)

### Designated Metropolitan Statistical Areas (MSAs):

Note: MSAs refer to the U.S. Census Bureau MSAs. These may differ from the MSAs as separately defined by the wireless or wireline industries.

1<sup>st</sup> MSA: Pittsburgh, PA

4<sup>th</sup> MSA:

2<sup>nd</sup> MSA:

5<sup>th</sup> MSA:

3<sup>rd</sup> MSA:

6<sup>th</sup> MSA:

### Designated Wireline Switch CLLI Codes:

(CLLI - Common Language Location Identifier)

1<sup>st</sup> CLLI: BNVPAXBDS0

4<sup>th</sup> CLLI:

2<sup>nd</sup> CLLI:

5<sup>th</sup> CLLI:

3<sup>rd</sup> CLLI:

6<sup>th</sup> CLLI:

### Actions Required of the Recipient:

1. Within 10 days of receipt, provide confirmation to the requestor that this form has been received.
2. For **all** currently released codes, and those to be released at any future time, within the designated U.S. Census Bureau MSAs and wireline switch CLLI codes (where applicable), open **all** for porting within the LERG.
3. For **all** currently released codes, and those to be released at any future time, within the designated U.S. Census Bureau MSAs and wireline switch CLLI codes (where applicable), open **all** for porting within the NPAC (Number Portability Administration Center).
4. Ensure that all switches handling codes within the designated MSAs are Local Number Portability capable.

## **EXHIBIT 2**

KRASKIN, LESSE & COSSON, LLC  
ATTORNEYS AT LAW  
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520  
Washington, D.C. 20037

Telephone (202) 296-8890  
Telecopier (202) 296-8893

July 16, 2003

**VIA E-MAIL & OVERNIGHT DELIVERY**

Fawn Romig  
Industry Compliance and Operational Network Support, Numbering Solutions  
Sprint PCS  
6580 Sprint Parkway  
Mailstop: KSOPHW0516-5B360  
Overland Park, Kansas 66210

Dear Ms. Romig:

In our letter dated June 9, 2003, and in subsequent e-mails and telephone conversations, we notified you of over seventy companies represented by this firm that have received correspondence from Sprint PCS regarding number portability.<sup>1</sup> Having analyzed the generic letter and accompanying form dated May 23, 2003 (collectively, the Sprint PCS "mailings") sent to these companies, we question whether the mailings constitute a valid request for number portability. Moreover, even if the mailings were sufficient, the Sprint PCS correspondence does not request service provider portability that would enable customers of these LECs to retain their existing telephone numbers "at the same location" as the Act and FCC Rules require.<sup>2</sup>

The geographic areas specified in the mailings are limited to Metropolitan Statistical Areas ("MSAs"). Twenty-eight of these companies, however, operate wholly outside of any MSA. Additionally, on forms sent to fourteen of the companies that serve within MSAs, no specific market was indicated.<sup>3</sup> Accordingly, for these forty-two companies, the mailings fail to identify the "discrete geographic area" as required by the FCC.<sup>4</sup>

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<sup>1</sup> An updated list of the companies that we represent in this matter is attached.

<sup>2</sup> See 47 U.S.C. § 153(30); 47 C.F.R. § 52.21(k).

<sup>3</sup> The companies that operate wholly outside of any MSA and ones for which no specific market was indicated are specified with an asterisk on the attached list.

<sup>4</sup> See *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability: Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, CC Docket Nos. 99-200, 96-98, 95-116 (rel. June 18, 2003) at para. 10 ("Requesting telecommunications carriers must specifically request portability, identify the discrete geographic area covered by the request, and

Further, in at least two instances, the request was sent to the wrong company<sup>5</sup> and in many instances the switch information contained on the forms is incorrect.<sup>6</sup> For example, one company received a mailing that identifies the switches of the company's affiliate rather than the company's switches.<sup>7</sup>

The mailing fails to indicate whether Sprint PCS provides service within the companies' respective LEC service areas. The rules specify that number portability is required only if requested by "another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate."<sup>8</sup> Furthermore, for most of the companies, there is no local interconnection in place between Sprint PCS and the LEC, demonstrating the absence of Sprint PCS' local presence and any indication of its "plans to operate" within the area.

The Act and the FCC have defined the obligation of a LEC to provide number portability that enables the "users of telecommunication services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."<sup>9</sup> If you have facts to indicate that Sprint PCS plans to ensure that the customer retains his/her telephone number "at the same

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provide a tentative date by which the carrier expects to utilize number portability to port prospective customers").

<sup>5</sup> Hancock Telephone Company located in New York received a mailing directed to Hancock Rural Telephone Cooperative located in Indiana and ComSouth Telecommunications, Inc. received a mailing directed to Hawkinsville Telephone Company, a company that no longer exists.

<sup>6</sup> The FCC's orders and rules require local exchange carriers to implement number portability only "in switches for which another carrier has made a specific request . . . ." See, e.g., *In the Matter of Telephone Number Portability: First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7273 (1997); 47 C.F.R. § 52.23(c).

<sup>7</sup> Although the correspondence is addressed to Horry Telephone Cooperative, Inc., the form specifies switches which belong to an affiliated, but separate company, HTC Communications, Inc.

<sup>8</sup> 47 C.F.R. § 52.23(c).

<sup>9</sup> 47 U.S.C. § 153(30) (emphasis supplied); 47 C.F.R. § 52.21(k) (emphasis supplied). The FCC has distinguished this "service provider portability" from "location portability," a much different form of portability that the FCC has determined is not required by statute. "Location portability" is defined as "the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another." 47 C.F.R. § 52.21(i) (emphasis supplied).

Ms. Fawn Romig  
July 16, 2003  
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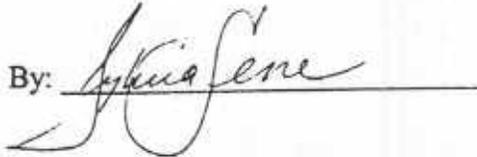
location" please provide us with those facts and we will reevaluate our analysis of the Sprint PCS request on the basis of these facts.

While we and our clients recognize that pursuant to Section 252 of the Act, carriers are free to "negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of Section 251,"<sup>10</sup> our clients at this time has no need or desire to negotiate an agreement that goes beyond the standards the FCC has set forth pursuant to Section 251. As noted, the geographic portability that would result from the Sprint PCS request has not been required by the FCC under Section 251.

Again, we would be pleased to review any additional facts Sprint PCS may offer to demonstrate that its request is not for geographic number portability.

Sincerely,

Kraskin, Lesse & Cosson, LLC

By: 

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<sup>10</sup> 47 U.S.C. § 252(a)(1).

**ATTACHMENT**

**List of Companies Represented by Kraskin, Lesse & Cosson, LLC in Matters  
Pertaining to Correspondence From Sprint PCS Regarding Number Portability**

Bentleyville Telephone Company

KRASKIN, LESSE & COSSON, LLC  
ATTORNEYS AT LAW  
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520  
Washington, D.C. 20037

Telephone (202) 296-8890  
Telecopier (202) 296-8893

July 23, 2003

**VIA E-MAIL & OVERNIGHT DELIVERY**

Linda Godfrey  
Interconnection, Numbering and Mandates  
Verizon Wireless  
2785 Mitchell Drive  
Walnut Creek, CA 94598

Dear Ms. Godfrey:

Our firm represents several local exchange carriers that have received correspondence from Verizon Wireless regarding number portability.<sup>1</sup> Having analyzed the letters and accompanying forms (collectively, the Verizon Wireless mailings”) sent to these companies, we question whether the mailings constitute a valid request for number portability. Moreover, even if the mailings were sufficient, the Verizon Wireless correspondence does not request service provider portability that would enable customers of these LECs to retain their existing telephone numbers “at the same location” as the Act and FCC Rules require.<sup>2</sup>

The mailings seek only switch information rather than request the implementation of number portability.<sup>3</sup> The process of responding to the information request has been “simplified” by Verizon Wireless by allowing carriers to update the attached form, which has been provided for this purpose. This attachment is comprised of a generic form with no carrier or market information indicated and a spreadsheet containing the switch information referenced in the letter. Accordingly, the mailing fails to “specifically request portability” and “identify the discrete geographic area” as required by FCC Rules.<sup>4</sup> Furthermore, although the generic form

<sup>1</sup> A list of these companies is attached.

<sup>2</sup> See 47 U.S.C. § 153(30); 47 C.F.R. § 52.21(k).

<sup>3</sup> According to the letter, the purpose of the mailing is pursuant to a specific FCC Rule which requires carriers to provide, upon request, “a list of their switches for which provisioning of number portability has been requested (and therefore provided).” The carriers on the attached list have either responded to this information request directly or we are responding on their behalf.

<sup>4</sup> See *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*:

Ms. Linda Godfrey  
July 23, 2003  
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specifies the date of the request as May 19, 2003, many of the letters are dated May 28, 2003 with postmark dates well into the month of June. Accordingly, if the mailing was intended to constitute a request for a LEC, which currently is not number portable-capable, to implement number portability by November 24, 2003, the request, in these instances, was not timely made.<sup>5</sup>

The mailing fails to indicate whether Verizon Wireless provides service within the companies' respective LEC service areas. The rules specify that number portability is required only if requested by "another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate."<sup>6</sup> Furthermore, for most of the companies, there is no local interconnection in place between Verizon Wireless and the LEC, demonstrating the absence of Verizon Wireless' local presence and any indication of its "plans to operate" within the area.

The Act and the FCC have defined the obligation of a LEC to provide number portability that enables the "users of telecommunication services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."<sup>7</sup> If you have facts to indicate that Verizon Wireless plans to ensure that the customer retains his/her telephone number "at the same location" please provide us with those facts and we will reevaluate our analysis of the Verizon Wireless request on the basis of these facts.

While we and our clients recognize that pursuant to Section 252 of the Act, carriers are free to "negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of Section 251,"<sup>8</sup> our clients at this time has no need or desire to negotiate an agreement that goes beyond

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*Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, 95-116 (rel. June 18, 2003) at para. 10 ("Requesting telecommunications carriers must specifically request portability, identify the discrete geographic area covered by the request, and provide a tentative date by which the carrier expects to utilize number portability to port prospective customers").*

<sup>5</sup> See 47 C.F.R. § 52.23(b)(2)(iv).

<sup>6</sup> 47 C.F.R. § 52.23(c).

<sup>7</sup> 47 U.S.C. § 153(30) (emphasis supplied); 47 C.F.R. § 52.21(k) (emphasis supplied). The FCC has distinguished this "service provider portability" from "location portability," a much different form of portability that the FCC has determined is not required by statute. "Location portability" is defined as "the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another." 47 C.F.R. § 52.21(i) (emphasis supplied).

<sup>8</sup> 47 U.S.C. § 252(a)(1).

Ms. Linda Godfrey  
July 23, 2003  
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the standards the FCC has set forth pursuant to Section 251. As noted, the geographic portability that would result from the Verizon Wireless request has not been required by the FCC under Section 251.

Again, we would be pleased to review any additional facts Verizon Wireless may offer to demonstrate that its request is not for geographic number portability.

Sincerely,

Kraskin, Lesse & Cosson, LLC

By: 

Attachment

**ATTACHMENT**  
**Updated List of Local Exchange Companies Represented by Kraskin, Lesse & Cosson,**  
**LLC in Matters Pertaining to Correspondence From Verizon Wireless**  
**Regarding Number Portability**

Bentleyville Telephone Company

**KRASKIN, LESSE & COSSON, LLC**  
**ATTORNEYS AT LAW**  
**TELECOMMUNICATIONS MANAGEMENT CONSULTANTS**

2120 L Street, N.W., Suite 520  
Washington, D.C. 20037

Telephone (202) 296-8890  
Telecopier (202) 296-8893

July 15, 2003

**VIA E-MAIL & OVERNIGHT DELIVERY**

Shannon Reilly  
Corporate Counsel - Regulatory Affairs  
T-Mobile USA, Inc.  
12920 SE 38<sup>th</sup> St.  
Bellevue, WA 98006

Dear Ms. Reilly:

Thank you for confirming that the generic mailings from T-Mobile USA, Inc. ("T-Mobile") regarding number portability do not apply to the companies listed in our March 31, 2003 and April 14, 2003 correspondence, that provide service outside the top 100 MSAs.

In addition to the companies listed in the March 31<sup>st</sup> and April 14<sup>th</sup> correspondence, we represent five other local exchange carrier ("LEC") clients -- Bentleyville Communications Corp. (PA), Big Sandy Telecom (CO), Cascade Utilities, Inc.(OR), Chouteau Telephone Company (OK) and Clay County Rural Telephone Cooperative, Inc. (IN) -- that provide local exchange service in portions of the top 100 MSAs.<sup>1</sup> Having analyzed the generic letters and accompanying forms dated February 21, 2003 (collectively, the T-Mobile "generic mailings") sent to these companies, we question whether they constitute a valid request for number portability. Moreover, even if the generic mailings were sufficient, the T-Mobile correspondence does not request service provider portability that would enable customers of these LECs to retain their existing telephone numbers "at the same location" as the Act and FCC Rules require.<sup>2</sup>

As you are aware, the generic mailing was directed "To Whom It May Concern." In many instances, our client recipient is an entity that operates more than one company. Accordingly, the correspondence lacks specificity as to which carrier the purported request was directed. Moreover, neither the letter nor the form provided with the T-Mobile generic mailing contains any specific information about the geographic area served by the LEC,<sup>3</sup> the switches for

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<sup>1</sup> Company addresses for the first four companies were provided on the list attached to our letter dated March 31, 2003. The address for Clay County Rural Telephone Cooperative, Inc. is 2 S. West Street, Cloverdale, Indiana 46120.

<sup>2</sup> See 47 U.S.C. § 153(30); 47 C.F.R. § 52.21(k).

<sup>3</sup> *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability:*

which the request is made<sup>4</sup> or the specific relevant exchanges of the LEC in which number portability is requested.

To the best of the knowledge of four of the five companies, T-Mobile does not provide service within their respective LEC service areas. The rules specify that number portability is required only if requested by “another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate.”<sup>5</sup> Furthermore, there is no local interconnection in place between T-Mobile and any of these five LECs, demonstrating the absence of T-Mobile’s local presence and any indication of its “plans to operate” within the area.

The Act and the FCC have defined the obligation of a LEC to provide number portability that enables the “users of telecommunication services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.”<sup>6</sup> If you have facts to indicate that T-Mobile plans to ensure that the customer retains his/her telephone number “at the same location” please provide us with those facts and we will reevaluate our analysis of the T-Mobile request on the basis of these facts.

While we and our clients recognize that pursuant to Section 252 of the Act, carriers are free to “negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of Section

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*Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, 95-116 (rel. June 18, 2003) at para. 10 (“Requesting telecommunications carriers must specifically request portability, identify the discrete geographic area covered by the request, and provide a tentative date by which the carrier expects to utilize number portability to port prospective customers”).*

<sup>4</sup> The FCC’s orders and rules require local exchange carriers to implement number portability only “in switches for which another carrier has made a specific request . . . .” *See, e.g., In the Matter of Telephone Number Portability: First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7273 (1997); 47 C.F.R. § 52.23(c).

<sup>5</sup> 47 C.F.R. § 52.23(c).

<sup>6</sup> 47 U.S.C. § 153(30) (emphasis supplied); 47 C.F.R. § 52.21(k) (emphasis supplied). The FCC has distinguished this “service provider portability” from “location portability,” a much different form of portability that the FCC has determined is not required by statute. “Location portability” is defined as “the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another.” 47 C.F.R. § 52.21(i) (emphasis supplied).

Ms. Shannon Reilly

July 15, 2003

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251,"<sup>7</sup> our clients at this time have no need or desire to negotiate an agreement that goes beyond the standards the FCC has set forth pursuant to Section 251. As noted, the geographic portability that would result from the T-Mobile request has not been required by the FCC under Section 251.

Again, we would be pleased to review any additional facts T-Mobile may offer to demonstrate that its request is not for geographic number portability.

Sincerely,

Kraskin, Lesse & Cosson, LLC

By: \_\_\_\_\_

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<sup>7</sup> 47 U.S.C. § 252(a)(1).

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DECLARATION OF BENTLEYVILLE TELEPHONE COMPANY

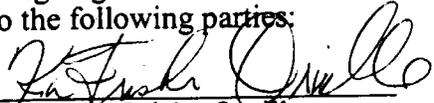
I, David A. Gallia, Controller of Bentleyville Telephone Company do hereby declare under penalties of perjury that I have read the foregoing "Petition for Waiver" and that the facts stated therein are true and correct, to the best of my knowledge, information, and belief.

Date: 11-21-03

David A. Gallia  
[signature]

**CERTIFICATE OF SERVICE**

I, Ka Triska Orville, of Kraskin, Lesse & Cosson, LLC, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Petition for Waiver" was served on this 21<sup>st</sup> day of November 2003, via hand delivery to the following parties:

  
Ka Triska Orville

William Maher, Chief  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Cheryl Callahan, Assistant Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW

Eric Einhorn, Chief  
Telecommunications Access Policy  
Division  
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