

Bonafide Request Form (BFR)

Purpose:

The purpose of this letter is to request the deployment of long-term Local Number Portability as defined by the FCC. Specifically, this form requests that **ALL** codes serving the Metropolitan Statistical Areas be opened for portability in the LERG and the NPAC and **ALL** switches serving these areas are LNP capable.

Note: MSAs refers to the identified U.S. Census Bureau MSAs for 2000. These may differ from the MSAs as separately defined by the wireless or wireline industries. In those instances where no MSA has been identified, please reference Rate Center to ensure switches and NPA-NXXs serving those areas are opened for porting.

<u>TO (RECIPIENT):</u>	
	If LERG contact info is incorrect, please change below.
Company Name:	_____
Contact Name:	_____
Contact's Address:	_____ _____
Contact's Email:	_____
Contact's Fax:	_____
Contact's Phone:	_____

<u>FROM (REQUESTOR):</u>	
Company Name:	Cellco Partnership d/b/a Verizon Wireless
Contact Name:	Linda Godfrey
Contact's Address:	2785 Mitchell Drive Walnut Creek, CA 94598 Building 7-1, 7111G
Contact's Email:	Linda.Godfrey@Verizonwireless.com
Contact's Fax:	925-279-6621
Contact's Phone:	925-279-6570

<u>Timing:</u>	
Date of Request:	May 19, 2003
Receipt Confirmation Due By:	May 29, 2003 (Due no later than 10 days after the date of the request.)
Effective Date:	November 24, 2003 or May 24, 2004 pursuant to the FCC rules

**Wireline Bonafide Request form (BFR) for Local Number Portability
Otelco Nonportable NPA-NXXs and CLLIs**

COC TYPE	ST	RATE_CNTR	PORTABLE	NPA	NXX	Date NPA-NXX marked Portable	Comments	SOF 38-LNP	SWITCH	Date Portable	Comments
EOC	AL	ONEONTA	N	205	625			-	ONNTALXADS1		
EOC	AL	ONEONTA	N	205	274			-	ONNTALXADS1		

EXHIBIT 2

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

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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.¹ 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.²

The mailings seek only switch information rather than request the implementation of number portability.³ 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.⁴ Furthermore, although the generic form

¹ A list of these companies is attached.

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

³ 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.

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

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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.⁵

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."⁶ 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."⁷ 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,"⁸ our clients at this time has no need or desire to negotiate an agreement that goes beyond

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").

⁵ See 47 C.F.R. § 52.23(b)(2)(iv).

⁶ 47 C.F.R. § 52.23(c).

⁷ 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).

⁸ 47 U.S.C. § 252(a)(1).

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

Otelco Telephone LLC

DECLARATION OF DENNIS ANDREWS

I, Dennis Andrews, Regulatory Manager of OTELCO Telephone LLC, 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


[signature]