

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Numbering Resource Optimization |) | CC Docket No. 99-200 |
| |) | |
| Telephone Number Portability |) | CC Docket 95-116 |
| |) | |
| YORKVILLE TELEPHONE COOPERATIVE, INC. |) | |
| and |) | |
| YORKVILLE COMMUNICATIONS, INC. |) | |
| |) | |
| Petition for Limited Waiver and Extension of |) | |
| Section 52.31 of the Commission's Rules |) | |

To: Chief, Wireless Telecommunications Bureau

**PETITION FOR LIMITED WAIVER AND EXTENSION
OF TIME TO PORT NUMBERS TO WIRELESS CARRIERS,
TO SUPPORT NATIONWIDE ROAMING OF PORTED NUMBERS,
AND TO PARTICIPATE IN THOUSANDS BLOCK NUMBER POOLING**

Yorkville Telephone Cooperative, Inc. and its subsidiary, Yorkville Communications, Inc. (jointly referred to herein as "Petitioner"), by its attorneys, hereby requests a temporary waiver of Section 52.31 of the Commission's rules, and an extension of the May 24, 2004 date for initiation of wireless local number portability ("WLNP") services, support of roaming by customers with pooled or ported numbers, and implementation of thousands block number pooling obligations. In particular, Petitioner seeks a temporary waiver of up to three months of the requirement that Commercial Mobile Radio Services ("CMRS") carriers who have received a request from another wireless provider to make available within six months a long-term database method supporting number portability, roaming and pooling. As indicated below, Petitioner's

request for additional relief is specific, focused, and limited in scope. Petitioner has undertaken concrete steps to come as close as possible to full compliance, has documented its efforts, and has a clear path to full compliance. This Petition is filed in compliance with Section 52.31(d) of the Commission's rules.

I. Background

Petitioner's wireless operation is affiliated with its rural landline exchange operation, which serves about 2,039 access lines in a rural area of western Tennessee. The largest town served by Petitioner is Yorkville, TN. Petitioner's service area is located outside the largest 100 Metropolitan Statistical Areas (MSAs). Its cellular service area is situated within Market 643 - Tennessee RSA 1B2 and 1B3 - Lake. Petitioner has received a request to implement wireless number portability by May 24, 2004. In preparing to do so, Petitioner has encountered temporary obstacles and, for the reasons stated herein, Petitioner seeks additional time to complete the tasks necessary to implement WLNP services and the associated obligations.

A. Deployment of WLNP

Petitioner has been diligent in pursuing the technology necessary to offer WLNP and to support number pooling and nationwide roaming services. During the past several months Petitioner has explored and effectuated means by which requests for these services will be accommodated.

After research and consultation, Petitioner determined that it was necessary to apply for an Operating Company Number ("OCN") separate from that of Petitioner's affiliated wireline operations. Furthermore, full code npa-nxx numbers had to be obtained in order to secure for the wireless switch a Local Routing Number ("LRN") separate from the LRN of the wireline switch. This would allow numbers in the LERG to be differentiated as wireless or wireline. Because the LERG stores and records numbers in blocks of thousands, a 1000 block of numbers had to be

moved from the telephone switch's OCN to the wireless switch's new OCN, so that the LERG could recognize the wireless LCN. With the assistance of CHR Solutions and Syniverse Technologies (formerly TSI Telecommunication Network Services, Inc.), Petitioner has been able to implement the necessary numbering modifications. Petitioner is in a position, upon completion of scheduled cellular switch upgrades, to comply with the Commission's thousands block number pooling requirements.

In further effort to meet the required WLNP implementation schedule, Petitioner has devoted much time to negotiating and finalizing terms with Syniverse Technologies for a Service Provider Agreement with numbering administrator Neustar. It was necessary to enter into a series of interrelated contracts in order to establish methods and procedures for dealing with the Number Portability Administration Center ("NPAC"), including such documents as a Service Management System User Agreement, which references, for example, a Regional Statement of Work and a Master Agreement. The process of arranging for the numbering resource services contracts required for WLNP is complex, but Petitioner has successfully completed that stage of WLNP implementation.

Within the next eight weeks, Petitioner expects to conclude exchange of Trading Partner Profile information with one of its CMRS competitors, Verizon Wireless, from whom Petitioner has received a request for WLNP. Contact and technical information will be traded in accordance with customized terms of Petitioner's agreement with Verizon Wireless. Being kept aware of the status of Petitioner's WLNP capability, Verizon Wireless is expected to work compatibly with Petitioner to finalize the preparation process for number porting.

Most recently, Petitioner has been successful, in consultation with its wireless switch vendor, Tecore Wireless Systems, in identifying hardware and software upgrades to its switching system that will be enable the porting of numbers, as well as the associated services of number

pooling and roaming support. Petitioner has contracted for the installation of Tecore switch functionality features necessary to accommodate WLNP. The estimated timeframe for installation and initial activation of these features, from the present date, is within the next four months.

Petitioner plans to have the new features of its Aircore Switch, Software Version 12, provided by Tecore Wireless Systems, ready to activate and to test for processing number exchanges by July 24, 2004. The newly installed WLNP features must be tested before Petitioner can offer WLNP service to the public with a reasonable degree of reliability. In-depth testing will be performed by Petitioner in cooperation with Syniverse and Verizon Wireless. Petitioner expects testing to be completed within the following month. Full WLNP capability should be achieved no later than August 24, 2004.

Petitioner seeks to achieve WLNP and related capabilities as soon as technically feasible. Petitioner does not seek to deny or delay WLNP, or to specifically condition WLNP services on the signing of a comprehensive agreement for porting. Petitioner is thereby acting in a manner consistent with the Commission's directives announced in *Memorandum Opinion and Order*, 18 FCC Rcd. 20971, CC Docket 95-116, FCC 03-237 (rel. October 7, 2003).

B. Special Circumstances Justify Temporary Waiver

Petitioner plans to complete all of the above-described tasks and to be ready to deploy WLNP within five months of the present. The Commission has recognized that carriers may require some additional time to prepare for implementation of number portability. Petitioner has set forth herein its need for additional time to make modifications to its porting system to achieve technical readiness to port numbers to wireless carriers. Petitioner has completed the paper work necessary to secure NPAC database and numbering support, and is presently seeking to achieve common understandings and information exchange with the competing CMRS provider.

Pursuant to guidelines set forth in Section 52.31(d) of FCC rules, Petitioner has demonstrated through substantial, credible evidence the basis for its contention that it is unable to comply with the WLNP requirements by May 24, 2004. Likewise, in accordance with the provisions of *Intermodal MO&O*, para. 30, Petitioner has provided the Commission with “substantial, credible evidence that there are special circumstances that warrant departure from existing rules,” namely the requirement that number porting, pooling, and roaming support be initiated outside the top-100 MSAs by May 24, 2004. Petitioner has already encountered and dealt with the challenges of designing a means of implementation, preparing for administration, procuring switch equipment and software, and financing the project. The final steps toward WLNP are delineated, and Petitioner has embarked upon a detailed path to compliance.

Petitioner has shown good faith to date in taking steps toward WLNP implementation as soon as they were technically feasible. Petitioner seeks authority to continue the process in a manner that will assure a smooth transition for its customers and for wireless subscribers in Petitioner’s local area, so that Petitioner may deploy an efficient and dependable wireless porting system as soon as technically and practicably possible.

C. Discussion

Generally, the Commission’s rules may be waived when there is good cause shown¹ and “when special circumstances warrant deviation from the general rule, and such deviation will serve the public interest.”² In the context of local number portability, the Commission has recognized that individual waiver requests that are “specific, focused and limited in scope, and

¹ 47 C.F.R. § 1.3.

² Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) citing WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

with a clear path to compliance” may be granted where due to “technology-related issues” or “exceptional circumstances,” a carrier is unable to meet the established deadline.³ Petitioner’s request satisfies this standard. In support of its request Petitioner attaches hereto a letter from Tecore Wireless Systems verifying that it expects to develop a WLNP feature by May 31, 2004, which will enable Yorkville to begin installation and testing of WLNP capabilities.

Petitioner presents herein a waiver request that is specific, focused and limited in scope. The scope of the request is limited to Section 52.31 of the Commission’s rules. Petitioner has made good faith efforts to comply with the rule by implementing those stages of the process that have been technically achievable to date, and seeks only a temporary waiver permitting additional time to complete the process of compliance.

³ See, *WAIT Radio v. FCC*, 418 F.2d 1153, 1158 (D.C. Cir. 1969).

III. Conclusion

For the reasons set forth above, Petitioner requests a temporary waiver of Section 52.31 of the Commission's Rules for up to three months, through August 24, 2004. The public interest benefit in this case equals or exceeds that which the Commission has found in other instances to be sufficient for waiver. Accordingly, Petitioner requests that a waiver and temporary extension of up to three months be granted as proposed.

Respectfully submitted,

YORKVILLE TELEPHONE COOPERATIVE, INC.

and

YORKVILLE COMMUNICATIONS, INC.

By:  _____

David L. Nace
Pamela L. Gist
Its Attorneys

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March 18, 2004



March 15, 2004

Mr. Kerry Watson
General Manager
Yorkville Telephone Cooperative
4 Newbern Highway
Yorkville, TN 38389

Reference: Availability of the LNP feature on the Yorkville MSC

Dear Mr. Watson:

TECORE is currently in development of the Wireless Local Number Portability (LNP) feature for the Yorkville MSC. We anticipate completion of development of this feature by May 31, 2004. Deployment of this feature will follow your successful testing with other carriers and vendors with whom your MSC must interface.

If you should have any questions, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read "S. O. Shiblee". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Shiblee O. Shiblee
Chief Operating Officer

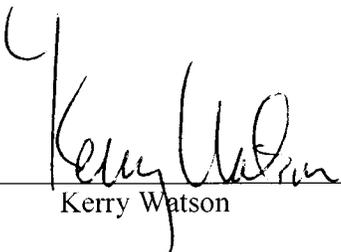
DECLARATION

I, Kerry Watson, hereby state and declare:

1. I am General Manager of Yorkville Telephone Cooperative, Inc. and Yorkville Communications, Inc.
2. I am familiar with the facts contained in the foregoing petition, and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts that are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of March, 2004.



Kerry Watson

CERTIFICATE OF SERVICE

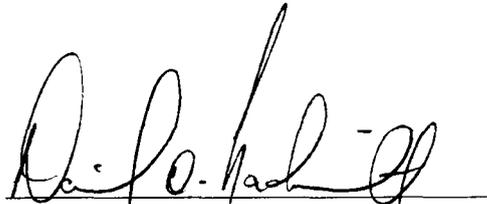
I, Daniel Ladmirault, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 18th day of March, 2004, sent by U.S. mail, first-class delivery, a copy of the foregoing Petition to the following:

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