

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

In the Matter of)	
Telephone Number Portability)	
)	
The North-Eastern Pennsylvania Telephone Company)	CC Docket 95-116
Petition for Waiver of Section 52.23(b))	
of the Commission's Rules)	

To: Chief, Wireline Competition Bureau

PETITION FOR WAIVER

Pursuant to Sections 1.3 and 52.23(e) of the Commission's Rules,¹ The North-Eastern Pennsylvania Telephone Company ("NEP") hereby requests a temporary waiver of the May 24, 2004 implementation date² requiring NEP to support a long-term database method for number portability. Substantial and credible evidence supports NEP's position that special circumstances warrant an extension of the implementation date, and that the extension will serve the public interest. Accordingly, and in compliance with the specific directives set forth in Section 52.23(e), NEP seeks an extension of time, according to the schedule set forth below, to accommodate its replacement switch activities already underway. In support thereof, the following is shown:

¹ 47 C.F.R. §§ 1.3 and 52.23(e).

² NEP is a small incumbent local exchange carrier ("LEC") and Rural Telephone Company providing service in portions of Susquehanna, Wayne, and Lackawanna counties in Northeast Pennsylvania. Pursuant to the Commission's decisions in its November 10, 2003 and January 16, 2004 orders in CC Docket No. 95-116, NEP would be required to port numbers on an intermodal basis by May 24, 2004. In the Matter of Telephone Number Portability, CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, (rel. November 10, 2003) ("*Nov. 10 Order*"); In the Matter of Telephone Number Portability, *Order*, CC Docket No. 95-116 ("*Jan. 16 Order*") (rel. January 16, 2004).

I. Background

NEP has, for several years, been planning and implementing network upgrades to address expected network capability requirements and the introduction of advanced services. Beginning in early 2001, NEP sought switch equipment manufacturer quotes to upgrade its network in response to specific requirements related to the Communications Assistance for Law Enforcement Act (“CALEA”) and other future service plans.³ NEP’s existing switch network consists of eight exchanges served by eight stand-alone Nortel DMS 10 switches, configured in a host and satellite arrangement.

In March of 2001, Nortel provided a quote of approximately \$1,300,000 to upgrade NEP’s existing switches. NEP concluded that it was inefficient and uneconomical to continue to invest significant capital to upgrade what is, in NEP’s view, antiquated switch technology. Accordingly, NEP initiated a broader inquiry, seeking additional switch information and conducting an extensive analysis of available switch technology. Following this inquiry, NEP decided that it would replace its existing switch technology with software based switch technology (*i.e.*, a “soft switch”). A soft switch would provide switch features that would not only accomplish CALEA requirement goals but would also provide broadband service capabilities, local number portability, enhanced customer features and support for Internet protocol based services.⁴

At the time of its initial inquiry in 2001, soft switch technology for local, class 5 end

³ NEP subsequently obtained an extension of the CALEA requirements.

⁴ The switch deployment is but one part of an overall modernization and advanced services capability plan for NEP. Under a modernization plan adopted by the Pennsylvania Public Utility Commission, NEP and other LECs have committed to deploy network facilities to make broadband service available on a large scale. NEP is in the midst of a five year plan, beginning in 2001 ending in 2005, under which all of its customers will have access to broadband services. The soft switches are an integral part of that overall five year plan.

offices was in its first stage of development and installations. NEP continued to study its options and conducted further review of soft switch vendors and their soft switch capabilities.

Beginning in March 2003, NEP sought formal quotes and proposals from three different switch manufacturers. In September 2003, NEP contracted with Taqua, Inc. to purchase eight soft switches to be installed on a phased-in basis. The agreement calls for the installation and conversion of each of NEP's eight switches over eight consecutive quarters, with the first exchange to be completed in the first quarter of 2004. Under the anticipated schedule, one additional switch is expected to come "online" in each of the next seven quarters.⁵

The first switch has been installed but is not yet in service. The projected in-service date has been delayed because Taqua is attempting to resolve issues associated with the availability of service features currently provided through NEP's existing switches (*e.g.*, call forwarding/don't answer services, call waiting alert service, and interoperability problems with existing announcement systems). Because NEP will not deprive customers of the services they already receive, NEP cannot place the Taqua switch in service until these issues are resolved. Therefore, NEP awaits Taqua's resolution of these service features. While the new soft switch contains the hardware and software to implement local number portability using a database method, and Taqua has assured NEP that these features are expected to operate properly, portability has not yet been tested because the other service feature implementation issues are the focus of current efforts.

⁵ The schedule was developed specifically to enable NEP to finance its overall network modernization upgrade without taking on any new debt burden, a necessary consideration in a era of financial flux. This staged deployment is also required because of the limited availability of manufacturer and NEP installation personnel, thereby making it infeasible to deploy new switches in multiple exchanges simultaneously. Moreover, an orderly transition ensures that proper resources will be available for testing and resolution of unanticipated problems. As explained herein, to the extent that problems are encountered, confining the deployment to a single exchange at a time helps to limit potential disruption to NEP and its customers.

II. Waiver is Warranted

Given the plans and commitments by Taqua and NEP, including the completion of activity that will lead to implementation of local number portability as the individual switches are replaced with the soft switch technology, an extension of time to allow for these activities to proceed in an orderly fashion is justified. In compliance with Section 52.23(e), NEP provides the following information:

A. The facts demonstrate why NEP is unable to meet the Commission's deployment schedule.

The facts set forth above demonstrate that NEP has already proceeded in an orderly fashion to upgrade its network in a manner that would allow for the implementation of local number portability and other advanced services. Until the Commission's intermodal number portability order in November of 2003, NEP did not expect that intermodal porting would be an imminent requirement, given that the geographic service area disparity between wireline and wireless carriers remained an unresolved issue. Following the Commission's *November 10 Order*, NEP immediately reviewed its number portability plans with Taqua. Taqua has assured NEP that number portability will be available in the new switches as they are successfully deployed. However, because the anticipated schedule for deployment extends beyond the May 24, 2004 date and because the implementation schedule is dependent on actions to be taken by Taqua to resolve some service features, NEP cannot feasibly meet the May 24, 2004 date⁶ for all eight switches. Accordingly, to accommodate the switch delivery and deployment schedule and necessary testing, and to provide sufficient time to resolve unexpected service feature problems, NEP seeks an extension of the number portability requirements consistent with the

⁶ While it is the intent of NEP and Taqua to have the first switch online by May 1, 2004, NEP cannot be certain that this date will be achieved because of the outstanding service features problems and the necessity to test number portability capability.

schedule set forth below.

B. NEP has undertaken efforts to meet the implementation schedule prior to requesting an extension of time.

As explained above, in the last several months NEP has been working diligently with Taqua to resolve service features in the new soft switches and to deploy the new switches as quickly as reasonably possible, while working within its limited resources and the need to execute an orderly transformation of its network. Recent activities with Taqua now make it apparent that it is unlikely that NEP will be able to meet the May 24, 2004 implementation date for all of its switches.

C. An extension is requested for the particular switches according to the planned deployment schedule.

NEP anticipates the completion of its switch deployment and testing of its new Taqua soft switches and the implementation of number portability according to the schedule set forth below. However, NEP notes that the projected deployment schedule is dependent on Taqua's delivery and resolution of service feature problems and the successful deployment of the number portability capability.

<u>Exchange</u>	<u>CLLI Code</u>	<u>Projected Switch In-Service Date</u>
Union Dale	UNDLPAXUDSO	May 1, 2004
Harford	HAFDPAXHDSO	June 30, 2004
New Milford	NMFRPAXNDSO	September 30, 2004
Jackson	JKSNPAXJDSO	December 31, 2004
Thompson	THSNPAXTDSO	March 31, 2005
Pleasant Mount	PLMTPAXPDSO	June 30, 2005
Clifford	CLIFPAXCDSO	September 30, 2005
Forest City	FRCYPAXFDSO	December 31, 2005 ⁷

⁷ The Forest City switch is a tandem switch through which the other seven offices connect for traffic to and from other carriers. NEP understands that the NEP installation will be Taqua's first deployment of multiple end office switches to be tied to a tandem.

NEP proposes that number portability capability be available for porting carriers in these switches thirty days following the dates set forth above which are the projected dates on which the switch is expected to be in service.⁸ Because these dates are contingent on activity by Taqua, compliance dates cannot be predicted with certainty.⁹

E. NEP will provide the Commission with reports of milestones and deployment progress.

Given the uncertain nature of the deployment of the Taqua soft switches as explained herein, NEP will provide the Commission with quarterly progress reports and updates to the projected schedule set forth above. These reports will provide relevant details regarding the matters discussed above, a summary of the steps taken since the last report, and any updates to the deployment schedule, including solutions which would allow NEP to advance its deployment schedule and/or number portability availability.

III. Conclusion

As demonstrated above, NEP has undertaken an extensive effort to upgrade its network so as to make its switches capable of advanced services and other functions such as local number portability. These activities now depend on a schedule that has been developed with the equipment manufacturer, and this schedule also depends on the resolution of unanticipated problems in the deployment of certain service features and functions. Accordingly, NEP seeks an extension of the number portability requirements consistent with the timeline set forth above.

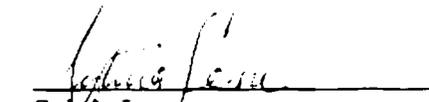
⁸ As stated above, it is not yet certain whether the first switch will be in service by May 1, 2004.

⁹ Taqua has suggested to NEP that Taqua may be able to arrange some form of makeshift "indirect" arrangement for number portability for the other switches once the first soft switch is in place and operating properly. NEP has no way to be certain whether Taqua can successfully provision such makeshift arrangement. In any event, the more prudent approach is to deploy switches utilizing the intended version of number portability capability, continue to concentrate on the planned deployment without diverting its limited resources to makeshift arrangements, and to avoid makeshift arrangements that may cause more problems.

In consideration of the totality of circumstances leading up to this request and the commitments of NEP set forth above, NEP respectfully submits that it has met the criteria of Section 52.23(e) in support of an extension of the number portability implementation dates as set forth herein. Grant of its request under these specific facts and circumstances is consistent with the implementation of number portability in a reasonable fashion.

Respectfully submitted,

The North-Eastern Pennsylvania Telephone Company

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March 23, 2004

DECLARATION OF EDWARD E. TOURJE

I, Edward E. Tourje, President of The North-Eastern Pennsylvania Telephone Company, do hereby declare under penalty 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.

Edward E. Tourje
Edward E. Tourje

Dated: March 22, 2004

CERTIFICATE OF SERVICE

I, Darlene Poindexter, 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 via US Mail, postage prepaid, on this 23rd day of March 2004, on the following parties:



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