

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

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
TMP Corp.)	
and)	
TMP Jacksonville, LLC)	
)	
Petition for Waiver of Section 52.31(a))	
of the Commission's Rules)	

To: Chief, Wireless Telecommunications Bureau

PETITION FOR WAIVER

Pursuant to Sections 1.3, 1.925 and 52.31(d) of the Commission's Rules,¹ TMP Corp. and TMP Jacksonville, LLC (the "TMP Companies") hereby requests temporary waiver of the May 24, 2004 implementation date² requiring the TMP Companies to support provide a long-term database method for number portability. Substantial and credible evidence supports the TMP Companies' position that special circumstances warrant a short extension of the compliance deadline. Accordingly, and in compliance with the specific directives set forth in Section 52.31(d), the TMP Companies seeks an extension of time until November 24, 2004. In support thereof, the following is shown:

¹ 47 C.F.R. §§ 1.3, 1.925 and 52.31(d).

² The TMP Companies provide wireless services outside the largest 100 MSAs. Pursuant to the Commission's timetable, they would be required to port numbers "within six months after receiving the [porting] request or within six months after November 24, 2003, whichever is later." In re Verizon Wireless's Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation, *Memorandum Opinion and Order*, 17 FCC Rcd. 14972, 14986 (2002) (citation omitted). Having received valid porting requests, the May 24, 2004 date is activated for each company.

I. Background

TMP Corp. is a CMRS provider serving the Quincy, Illinois – Hannibal Missouri market (BTA 367) and the Galesburg, Illinois market (BTA 161). TMP Jacksonville, LLC, an affiliated entity, provides CMRS service to the Jacksonville, Illinois market (BTA 213). The TMP Companies and their subscribers enjoy minor economies of scale resulting from the ability to share certain expenses and utilize jointly certain elements of system infrastructure. Of relevance in this proceeding, the TMP Companies share the mobile switch. The Companies have finalized plans to purchase a portability-capable switch which, due to the manufacturer's scheduling, will not be installed until after the May 24, 2004 deadline. Accordingly, the TMP Companies seek a short extension of time in which to install the replacement switch.

II. Waiver is Warranted

Given the circumstances surrounding the TMP Companies' number portability implementation activities, the requested extension of time is justified. In compliance with Section 52.31(d), the TMP Companies set forth the following information:

A. The Facts Demonstrate Why the TMP Companies are Unable to Meet the Commission's Deployment Schedule

As detailed in regular reports to the Commission, the TMP Companies have struggled to bring the current switch, manufactured by Ainet, into compliance with TTY requirements.³ Ultimately, the decision was made to abandon the Ainet infrastructure and purchase a TTY-compliant switch. After some delay associated with the lender approval processes, the TMP Companies accepted a bid from Nortel and, as reported on January 15, 2004, anticipated the installation of the switch to be complete by April 15, 2004. Because this switch also would

³ See Petition for Waiver filed by TMP Corp. and TMP Jacksonville, LLC, CC Docket No. 94-192 (June 4, 2002) and quarterly reports of the TMP Carriers filed thereafter.

provide a number portability solution to the TMP Companies, they were confident that they would be capable of meeting the May 24, 2004 deadline.

In late February, however, Nortel informed the TMP Companies that the earliest in-service date available would be September 4, 2004. Accordingly, to accommodate some slippage and testing requirements, the TMP Companies seek an extension until November 24, 2004, or six months, within which to meet number portability obligations.

B. A Detailed Explanation of the Activities that the Carrier has Undertaken to Meet the Implementation Schedule Prior to Requesting an Extension of Time

The TMP Companies have, in good faith, attempted to meet the implementation schedule prior to requesting an extension of time. Recognizing that its current infrastructure was unsatisfactory for a number of reasons, including compliance with number portability obligations, the TMP Companies initiated an orderly process leading toward switch replacement, as demonstrated in its quarterly TTY reports.⁴ TMP Corp. received a portability request from US Cellular with respect to a recently-purchased system in Galesburg, Illinois; TMP Jacksonville, LLC received a portability request from Verizon Wireless. With respect to both requests, the TMP Companies responded that they anticipated being ready and able to port numbers on the required date, as requested. It was only upon receipt of Nortel's installation schedule that the TMP Companies were aware that their implementation plans would be delayed. The TMP Companies have contacted US Cellular and Verizon Wireless to inform them of the unforeseen delay. Neither company was inclined to withdraw or modify its respective porting request, thus forcing the instant waiver request. Furthermore, to the extent that there exists a portability solution for the Airnet switch, the TMP Companies, based upon their experience,

⁴ *Id.*

believe it financially irresponsible to attempt the deployment of a purported solution for the six-month period of requested relief.

C. An Identification of the Particular Switches for Which the Extension is Requested

The current Airnet switch (CLLI code GLDNILAACM0) will be replaced by a Nortel DMS SNXA, which will be assigned the CLLI code GLDNIL01CM0.

D. The Time in Which the Carrier Will Complete Deployment in the Affected Switches

As described above, the TMP Companies anticipate complete deployment and testing of the new Nortel DMS SNXA switch by November 24, 2004. The TMP Companies note that the projected implementation schedule is dependent upon Nortel's delivery and installation scheduling, and upon coordination and testing between the TMP Companies and the requesting carriers.

E. A Proposed Schedule with Milestones for Meeting the Deployment Date

The TMP Companies will provide the Commission with quarterly progress reports during the period within which the extension is provided. Those reports will provide relevant progress details, and a summary of the steps taken and to be taken to deploy the new switch which will support porting.

III. Conclusion

As demonstrated above, the TMP Companies have actively and appropriately responded to *bona fide* requests to implement number portability. Only recently discovering that it will be technically impossible to meet the current May 24, 2004 implementation deadline, the TMP Companies seek a limited extension within which to comply with wireless carriers' porting

requests. As demonstrated above, and in the context of the totality of the circumstances leading up to this request, the TMP Companies respectfully submit that they have met the criteria of Section 52.31(d) in support of the instant request for an extension of the May 24, 2004 number portability implementation date. Accordingly, grant of this request under these specific facts and circumstances is consistent with the implementation of number portability in a reasonable fashion and in “such manner as will best conduce to the proper dispatch of business and to the ends of justice.”⁵

Respectfully submitted,

**TMP Corp. and
TMP Jacksonville, LLC**

By: _____

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Date: March 23, 2004

⁵ 47 U.S.C. §154(j).

DECLARATION OF TREY LUTRICK

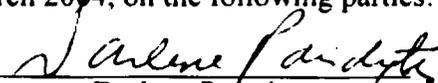
I, Trey Lutrick, CEO of TMP Corp. and TMP Jacksonville, LLC, do hereby declare under penalty of perjury that I have read the foregoing Petition for Waiver and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.


[name]

Dated: 3/22/04

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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