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

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

REPLY TO COMMENTS ON AND OPPOSITIONS TO 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 "Yorkville"), by its attorneys, hereby reply to Comments submitted in the referenced proceeding by Nextel Communications, Inc. ("Nextel"), and to Oppositions submitted by Verizon Wireless ("Verizon") and by Dobson Communications Corporation ("Dobson"), to Yorkville's request for a three-month waiver of Section 52.31 of the Commission's rules, 47 C.F.R. §52.31, 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.

I. Yorkville Has Acted in Good Faith to Achieve Compliance

Yorkville plans to provide as soon as possible number portability, roaming and pooling in compliance with FCC requirements. Yorkville is technically unable to perform until switch upgrades are complete. Yorkville is the only TDMA/AMPS customer in the United States of its switch vendor, Tecore Wireless Systems ("Tecore"). (All the others are GSM.) Tecore is working hard to outfit Yorkville's switch with the features necessary for porting and pooling, and with the MIN/MDN separation necessary to support roaming. Tecore's projected, approximate date for installation of compliant Aircore Version 12 remains May 31, 2004.

For its part Yorkville has completed the exchange of Trading Partner Profile documentation with the two carriers from whom it has received LNP requests, Verizon and T-Mobile USA, Inc. [1] Yorkville has not received LNP requests from Nextel or Dobson, nor would it expect to hear from Dobson who does not serve Yorkville's area. [2]

As disclosed in Yorkville's Petition, Yorkville has already completed the administrative tasks of obtaining Operating Company Numbers and a new wireless Local Routing Number, and of securing the services of Syniverse Technologies, Neustar and the Numbering Portability Administration Center. These actions reflect a commitment to implement LNP by Yorkville, which serves only a few thousand wireless subscribers on a twenty-two cell system.

While it is on the road to compliance, the final act of upgrading Yorkville's switch is a matter beyond Yorkville's control. Tecore has committed to do the job, and it will be completed as soon as is technically feasible.

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[1] Verizon requested LNP services from Yorkville on or before November 24, 2003. T-Mobile USA, Inc. mailed its request to Yorkville just recently, on March 31, 2004. No other requests have been received.

[2] Yorkville submits that Dobson has not established standing as a party in interest to oppose Yorkville's Petition.

Yorkville has operated in good faith to overcome technical obstacles in preparation of porting and pooling and support of roaming services for ported and pooled numbers.. The only reason the May 24th porting schedule will not be met is the timing of switch upgrades, which then must be followed by testing. The delay and the potential for harm to others will be minimal.

II. A Temporary Waiver Will Not Harm the Public Interest

Yorkville's wireless operation serves five rural counties in western Tennessee. Yorkville has received no requests or inquiries from customers concerning their ability to port their wireless numbers away from Yorkville, although there have been a couple of informal inquiries from persons who may consider porting their numbers to Yorkville when the time is right. It therefore appears most unlikely that a short delay will not harm the public interest in any practical manner or with any long lasting consequences. Yorkville's request for relief is limited to time to install and test switch upgrades, and will not adversely impact Yorkville's rural subscribers or the public at large.

The Commission itself has recognized the public interest in allowing carriers to "implement and test the necessary system modifications to ensure reliability, accuracy, and efficiency in the porting process." [3] It is in no one's interest that LNP be offered until that system has been fully tested by the carrier in cooperation with its porting partners. After Teleore's upgrade is installed, all parties will benefit from an opportunity to test and ensure reliability.

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[3] See, *Order*, at para. 9 CC Docket No. 95-119, FCC 04-12, released January 16, 2004, granting a six-month extension of time for local exchange carriers with fewer than two percent of the nation's subscriber lines operating in the top 100 Metropolitan Statistical areas to comply with the wireline-to-wireless porting requirement, hereinafter referred to as the "*Two Percent Order*."

III. The Objections to Yorkville's Request for Limited Waiver Are Unsustainable

Yorkville understands the concerns generally expressed by Verizon, Nextel and Dobson for the principle that the FCC's porting, pooling and roaming obligations apply to all wireless carriers, large and small. However, Yorkville is not requesting that it be exempted from compliance, nor has Yorkville ever held or exhibited any intent to avoid or delay its obligations. Yorkville simply finds itself in the unusual position of being the sole U.S. TDMA/AMPs customer of switch vendor Tecore, who is rushing to develop a customized solution for Yorkville's switching platform. No ill intent on anyone's part is driving this situation or this proceeding.

Yorkville faces technological and operational limitations not faced by large carriers. Nevertheless, it has met all the hurdles set before it except for the switch upgrade and testing. Verizon unfairly suggests that Yorkville has "failed" to resolve basic numbering issues. [4] After describing the efforts undertaken, Yorkville's Petition clearly stated, "Petitioner has been able to implement the necessary numbering modifications."[5] Likewise, the Trading Partner Profile ("TPP") exchange process was completed with Verizon before Verizon filed its Opposition citing Yorkville as having not done the necessary preparation to complete its TTP. Verizon radically mischaracterizes Yorkville's description of actions it has taken toward compliance as disclosure of faults and failings, rather than what it is -- information required by Section 52.31(d)(2). [6]

Nextel claims that Yorkville has not demonstrated that it is incapable of meeting the LNP

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[4] Verizon Opposition, page 4.

[5] Petition, page 3.

[6] 47 C.F.R. §52.31(d)(2).

obligations.[7] However, Yorkville included with its Petition both a signed statement from its switch vendor disclosing that an LNP feature is "in development" for Yorkville's switch, and a signed Declaration of Yorkville's General Manager attesting to the truth of the facts set forth in the Petition. Nextel also claims that Yorkville gave no explanation for what led to its need for an extension of the May 24 deadline. In fact, Yorkville made plain that its need for extension is based upon the need to receive capability features from its vendor. All other actions and consultations have been completed. Nextel also criticizes Yorkville because it "merely lists the actions it has taken to become LNP-capable, without ever stating why, despite these purported actions, it will be unable to meet the May 24 deadline." [8] In fact, such information is required by Section 52.31(d), [9] and Yorkville is unable to meet the deadline because its switch requires a custom upgrade. Nextel finds it "plain" that it is not that Yorkville and other Petitioners are incapable of LNP compliance, "but rather that they do not want to implement LNP based on the costs associated with upgrading their existing switches." [10] Nothing could be more inaccurate. Yorkville has already procured the upgrade, Yorkville is willing and ready to offer LNP as soon as technically possible, and Yorkville has never complained about the cost to the Commission or made cost a factor in its request for waiver. Nextel makes an unfounded accusation of bad faith against Yorkville.

Dobson submits that Yorkville has been lax in its efforts to achieve compliance, and that

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[7] Nextel Opposition, page 4.

[8] Nextel Opposition, page 6.

[9] 47 C.F.R. §52.31(d)(2).

[10] *Id.*

no special circumstances exist to support a waiver. [11] In fact, Yorkville has been diligent in requesting its vendor to supply compliant features, and the vendor is seeking to meet that request. Additional time is needed to complete the task due to the nature of the switch, which is the only one of its kind, not conducive to off-the-shelf solutions. Dobson also avers that Yorkville's thousands-block number pooling obligations began in November 2002. [12] This is incorrect. Section 52.20(b) of FCC Rules provides for exemptions to the pooling mandate. [13] Specifically, the FCC exempts from the pooling requirement Tier III wireless carriers, such as Yorkville, whose LNP obligations have not been triggered. [14] Because porting and pooling go hand in hand, it is fitting that Yorkville's request for temporary relief of one be considered contemporaneously with that for the other. Yorkville's request for temporary waiver of the requirement to support roaming for pooled and ported numbers results from the same causation, namely switching upgrades. The request is appropriately included in Yorkville's Petition.

IV. Conclusion

Good cause exists to grant Yorkville's Petition. Special circumstances exist for the small carrier, which faces technological and operational hurdles in implementing the necessary modifications to provide number portability, pooling and roaming. Its individual circumstances

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[11] Dobson Opposition, page 6.

[12] Dobson Opposition, page 7.

[13] 47 C.F.R. §52.20(b).

[14] *Numbering Resource Optimization*, 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, 18 FCC Rcd 12472, 12480 (2003) (*Numbering Resource Optimization Fourth Report and Order*).

warrant a brief deviation from the implementation deadlines. Yorkville will deploy a compliant pooling and porting system that supports roaming to pooled and ported numbers as soon as technically possible.

For the reasons set forth above, Yorkville maintains its request 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:_____

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April 22, 2004

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 22nd day of April, sent by U.S. mail, first-class delivery, a copy of the foregoing Reply to Comments and Oppositions to the following:

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