



ignored its regulatory responsibilities, Choice has consistently attempted to meet these obligations. Choice had planned for well over a year to implement the TECORE LNP solution by the May 24, 2004 deadline. Choice applied for and implemented new NXX codes in order to effect a conversion from the arrangements previously utilized for wide-area NXX codes to local NXX codes available in the post-LNP environment. In addition, Choice made arrangements with NeuStar for access to database information, and it has signed a contract with TSI to interface with NeuStar and other carriers. These are not the actions of a company attempting to avoid compliance with LNP.

Having determined that further reliance on its existing switch vendor is futile, and having finally secured partial financing for a new switch, Choice intends to replace the existing switch as quickly as possible. This being the case, it makes no sense to waste time or resources to attempt the implementation of an LNP solution with its current vendor with little expectation that such an effort would be successful, and in any event, soon replaced.

Flush with an entrée to capital unavailable to Choice, the larger carriers ignore or downplay Choice's efforts to comply with the Commission's mandates, instead characterizing the request for a modest extension of time as an "easy out."<sup>4</sup> To the contrary, Choice has engaged in exhaustive efforts to secure the necessary financing, investigating and attempting numerous financing sources, including vendor capital, commercial loans, leases, governmental loans, equity financing, and has even contemplated the sale of the system. For three years, Choice has employed an investment broker in an attempt to access capital. At the same time, Choice has worked diligently with its current switch vendor, TECORE, to cobble together a compliant

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<sup>4</sup> Comments of Nextel at p. 4.

system.<sup>5</sup> The candid response to the oppositions' criticism that Choice "could have and should have" purchased a compliant switch on a more timely basis is simply that if Choice "could have" made such a purchase, it "would have."

The oppositions cavalierly suggest that the mere availability of a purported LNP solution for the current TECORE switch is "proof" that LNP compliance is "possible," therefore rendering a waiver unsustainable. This "just do it" philosophy is utterly ridiculous, given Choice's documentation of its lack of success with TECORE software upgrades. Although the commenters may scoff at the notion, it is clearly irresponsible to attempt a short term "fix" which, given prior experience under similar circumstances, is more likely to render currently working components nonfunctional than it is actually to provide the promised LNP solution.

It is evident that Choice is not attempting to evade its obligations, but rather is attempting to work through its temporary difficulties in a manner which will cause the least disruption to the public and other carriers. As reported in the Petition, Choice has even contacted the companies which submitted *bona fide* requests to determine how critical it was to them to meet the May 24, 2004 deadline. While the contacted representatives of these carriers were unwilling to provide a written withdrawal or extension of the porting request, each carrier verbally commented that a short delay was not a concern, given the circumstances. Assuming, *arguendo*, that a temporary solution is even available, implementation would require not only Choice and also each of its porting partners to conduct duplicative testing. The costs associated with this effort are wasteful.

The oppositions' punitive stance is nonproductive, and should be ignored. Having demonstrated that circumstances beyond its control will cause a brief delay in compliance,

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<sup>5</sup> See Petition at pp. 3-4.

Choice seeks a limited extension of time to meet its LNP obligations. Because substantial and credible evidence supports its proposal, Choice submits that grant of its request is warranted.

Respectfully submitted,

**CHOICE WIRELESS, LC**

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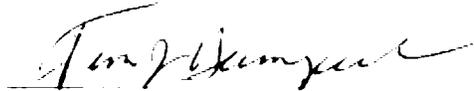
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Its Counsel |

Date: April 22, 2004

**DECLARATION OF TIM J. HUMPERT**

I, Tim J. Humpert, President of Choice Wireless, LC, do hereby declare under penalty of perjury that I have read the foregoing "Reply Comments of Choice Wireless, LC," and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.



Tim J. Humpert

Dated: 4-21-04

**CERTIFICATE OF SERVICE**

I, Darlene Poindexter, of Kraskin, Lesse & Cosson, LLC, 2120 I Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Reply Comments of Choice Wireless, LLC" was served on this 22<sup>nd</sup> day of April 2004, on the following parties:

  
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