

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

**In the Matter of**

**Copper Valley Wireless, Inc.**

**Telephone Number Portability**

**Petition for Waiver of Rule Section 52.31,  
or Extension of Time, to Comply with  
the Commission's Wireless Local  
Number Portability Requirements**

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) **CC Docket No. 95-116**  
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**To: Chief, Wireless Telecommunications Bureau**

**PETITION FOR LIMITED WAIVER OR EXTENSION OF TIME**

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**Filed: December 23, 2004**

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**Summary**

Copper Valley Wireless, Inc. (“Copper Valley”) requests a one-year temporary waiver of the requirements of Section 52.31 of the Rules, or a one-year extension of time, up to and including February 25, 2006, within which to port numbers within its service area in the B4 Segment of the Alaska 2 – Bethel RSA. Copper Valley is the licensee of Cellular Radiotelephone Service Station KNKQ401. This Petition is prompted by an August 25, 2004 porting request received from Dobson Cellular Systems, Inc. (“Dobson”); and is being filed more than 60 days in advance of the February 25, 2005 effective date.

The essential justification for the requested relief is hardship. Copper Valley’s circumstances are exceptionally unique. Copper Valley is an extremely small, rural wireless carrier serving a very sparsely populated, but geographically extensive, rural area in the State of Alaska. It has a very small customer base and very modest revenues. Copper Valley’s network employs entirely analog Plexsys base station and switching equipment installed in the early 1990s, equipment which cannot be retrofitted or modified to support Wireless Local Number Portability. Copper Valley is in the process of replacing the equipment with state-of-the-art Code Division Multiple Access (“CDMA”) equipment manufactured by Nortel. The construction season in the relevant portion of Alaska is brief, ending in August. Dobson’s request was sent after the summer construction season had ended, a construction season which does not resume until the following May.

Copper Valley has met the Commission’s standards for securing the requested

relief. In addition, Copper Valley is also entitled to relief under the standards set forth in Section 251(f)(2) of the Communications Act of 1934, as amended; which Copper Valley submits sets forth the governing principles for decision in this case.

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<b>or Extension of Time, to Comply with</b>	)	
<b>the Commission's Wireless Local</b>	)	
<b>Number Portability Requirements</b>	)	

**To: Chief, Wireless Telecommunications Bureau**

**PETITION FOR LIMITED WAIVER OR EXTENSION OF TIME**

Copper Valley Wireless, Inc. ("Copper Valley"), pursuant to Sections 1.3, 1.925(a) and 1.925(b)(2) of the Commission's Rules, hereby requests a one-year temporary waiver of the requirements of Section 52.31 of the Rules, or a one-year extension of time, up to and including February 25, 2006, within which to port numbers within its service area in the B4 Segment of the Alaska 2 – Bethel Rural Service Area ("the Alaska 2(B4) RSA"). This Petition is prompted by a porting request, dated August 25, 2004, received from Dobson Cellular Systems, Inc. ("Dobson") specifying an effective date of February 25, 2005 (See Attachment A hereto). In support hereof, the following is shown:

**This Petition is Timely Filed**

1. This Petition is being filed at least 60 days in advance of the February 25, 2005 effective date of Dobson's porting request. Accordingly, the Petition is timely-filed under Section 52.31(d) of the Rules.

**Statement of Facts**

2. Copper Valley is the licensee of Cellular Radiotelephone Service Station KNKQ401, the Frequency Block B cellular system serving the Alaska 2(B4) RSA. Copper Valley is wholly-owned by Copper Valley Telephone Cooperative, Inc., a rural telephone cooperative that is owned by its subscribers. As such, Copper Valley is a Commercial Mobile Radio Service (“CMRS”) licensee and, therefore, is subject to the requirements of Section 52.31 of the Rules.

3. Copper Valley’s cellular system is exclusively analog, and utilizes switching and base station equipment manufactured by Plexsys. The equipment has been discontinued by the manufacturer and is no longer being supported by the manufacturer. Accordingly, the system has no digital transmission capability, and cannot be modified or retrofitted (through, for example, the installation of software patches and upgrades) to be compliant with such features as the Commission’s Wireless Local Number Portability (“Wireless LNP”) requirements, the E-911 requirements, or the requirements of the Communications Assistance for Law Enforcement Act (“CALEA”). The equipment was installed in the early 1990s. As the statement of facts set forth below indicates, when all factors are considered in their totality, Copper Valley faces truly unique circumstances in achieving compliance – circumstances which would not be experienced by carriers operating in the remaining 49 states.

4. The Plexsys equipment utilized by Copper Valley is a first-generation, analog-only AMPS cellular system – and it may well be one of the few such systems currently in operation in the United States. The companies that initially designed, later acquired, and then provided technical service to the Plexsys cellular system equipment product line are no longer in business. Upon information and belief, Plexsys was acquired in 1995 or

1996 by COMSAT RSI of Herndon, Virginia, which subsequently discontinued all support services for the Plexsys product line. Two employees originally with Plexsys (and later with COMSAT RSI) later started Blue Ridge Communications to provide technical support for the Plexsys product line, but ultimately declared bankruptcy and went out of business. Thus, no support services of any kind currently exist for the equipment. (See Attachment B hereto).

5. Copper Valley is currently studying the feasibility of supplementing (and ultimately replacing entirely) the existing analog system with state-of-the-art base station and switching equipment manufactured by Nortel Networks ("Nortel") using the Code Division Multiple Access ("CDMA") air interface. Preliminary estimates place the cost of the new Nortel CDMA base station and switching equipment at \$4,361,072.87, excluding spares, installation and engineering (See Attachment B). Since not all customers can be immediately transitioned to the CDMA facilities, Copper Valley will be required to continue to operate the analog equipment indefinitely, at least until all customers are on the CDMA system. Installation of the CDMA switch alone would not provide Wireless LNP capability because the switch will not operate with the existing Plexsys base station equipment, meaning that it could not be used to place or complete calls.

6. Copper Valley's Cellular Geographic Service Area ("CGSA") embraces sparsely populated areas in the State of Alaska, with cellular base station facilities at or near Valdez, Glennallen, Willow Creek, Naked Island, Paxson, Heney Ridge, Slana, McCarthy, Lake Louise, Cordova and Whittier. All of these areas lie within the Valdez-Cordova Census Area, which has a 2000 Census population of 10,195 persons. Copper

Valley's CGSA covers only a small portion of the Valdez-Cordova Census Area.

According to the 2000 Census data, the Valdez-Cordova Census Area embraces a land area of 34,319 square miles. Thus, the Valdez-Cordova Census Area embraces 10,195 persons within an area of 34,319 square miles – and Copper Valley's CGSA does not embrace the entire area or the entire population – which equates to 0.297 person per square mile.

7. At present, Copper Valley is the sole provider of wireless service in Central Prince William Sound, in McCarthy and in areas around Paxson.

8. Copper Valley is a very small Tier III CMRS carrier, as defined in the Commission's E-911 Small Carriers Order to Stay (CC Docket No. 94-102), 17 FCC Rcd. 14841 (2002). As of December 15, 2004, Copper Valley had approximately 1,200 subscribers to mobile service, and an additional 162 households that receive fixed service. Of those 162 households, 83 are in the McCarthy area and the remaining 79 are in the Copper Basin area. For calendar year 2004, Copper Valley had gross revenues of \$1,452,976.00 as of October 30, 2004. For immediate past years, Copper Valley had gross revenues of \$1,704,500.00 in calendar year 2003; \$1,807,967.00 in calendar year 2002; and \$1,959,730.00 in calendar year 2001. As these figures demonstrate, annual gross revenues are generally declining. The net profit for calendar year 2004 (as of October 30, 2004) is only \$228, 770.00; for calendar year 2003 was only \$179,663.00; **with net losses** of \$306,577.00 and \$656,442.00 for calendar years 2002 and 2001, respectively. Thus, Copper Valley is an extremely small CMRS carrier with minimal revenues and limited financial resources at its disposal.

9. The installation of the CDMA equipment will require construction of a new system through, for example, the installation of additional transmitters and antennas at the cell sites and, if needed, the construction of new towers. There is a limited construction season in the areas served by Copper Valley during which this work can be performed; and some of the cell sites are accessible only by helicopter due to, for example, the absence of paved roads in many areas. Construction can be performed only in the months of May through August. In winter, conditions are extremely harsh. Winter temperatures generally range from 20 to 25 degrees Fahrenheit in the Valdez/Prince William Sound area, and minus 20 to minus 40 degrees Fahrenheit in the Copper Basin area. Snowfall approximates 320 to 350 inches annually in the Valdez area, and 36 to 48 inches annually in the Copper Basin area. "Daylight" hours are extremely limited. Winter daylight (such as it is) consists of twilight conditions lasting approximately four hours per day (from roughly 10:00 a.m. to 2:00 p.m.). On a cloudy winter day, virtual nighttime conditions exist 20 hours-per-day; and street lights in Valdez (the largest community served by Copper Valley, with a population of between 4,000 and 5,000 persons) remain illuminated.

10. If required to comply with the February 25, 2005 Wireless LNP deadline specified in Dobson's porting request, Copper Valley could have to shut down its operations entirely. This would work a substantial hardship to its 1,200 mobile and 162 fixed subscribers. The one-year extension requested in this Petition is the realistic minimum needed to obtain and install the required replacement equipment.

11. As the foregoing clearly demonstrates, the totality of the circumstances present in this case are truly unique and would not arise in any of the remaining 49 states.

12. The extension of time requested will enable Copper Valley to complete its new network equipment selection and installation activities that will render the system Wireless LNP, E-911 and CALEA compliant (See Attachment B).

**The Wireless Local Number Portability and Waiver Requirements**

13. Under the Commission's Rules, wireless carriers serving the top-100 MSAs were required to implement Wireless LNP by November 24, 2003, provided that they had received a bona fide deployment request from another carrier on or before February 24, 2003. Sections 52.31(a) 52.31(a)(1)(iv) of the Rules. According to the Commission, "carriers must be able to request deployment in any wireless switch that provides service to any area within that MSA, even if the wireless switch is located outside the perimeter of that MSA, or outside any of the 100 largest MSAs." Number Portability First Order on Reconsideration, 12 FCC Rcd. 7236, Para. 138 (1997). For areas outside the top-100 MSAs, Wireless LNP must be implemented within six-months of receiving a deployment request from another carrier. Number Portability 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, FCC 03-126, released June 18, 2003 at Para 8 n.17; Number Portability First Order on Reconsideration, 12 FCC Rcd. 7236, Para. 137 (1997).

14. The Commission may waive its rules when good cause is demonstrated. Section 1.3 of the Rules; WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied* 409 U.S. 1027 (1972). The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990). In doing so, the Commission may take into account considerations of hardship,

equity, or more effective implementation of overall policy on an individual basis.

Northeast Cellular, 897 F.2d at 1166; WAIT Radio, 418 F.2d at 1159. Commission rules are presumed valid, however, and an applicant for waiver bears a heavy burden. WAIT Radio, 418 F.2d at 1157. Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest. WAIT Radio, 418 F.2d at 1159. In seeking an extension of the LNP deployment deadline, a carrier must provide substantial, credible evidence to support its contention that it is unable to comply with the deployment schedule. Section 52.31(d) of the Rules.

15. If a wireless carrier is unable to meet the six-month deployment deadline, "it may file with the Commission at least 60 days in advance of the deadline a petition to extend the time by which implementation in its network will be completed." Section 52.31(d) of the Rules. Under Section 52.31(d) of the Rules, Wireless LNP waiver or extension of time requests "must set forth: (1) the facts that demonstrate why the carrier is unable to meet [the] deployment schedule; (2) a detailed explanation of the activities the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time; (3) an identification of the particular switches for which the extension is requested; (4) the time within which the carrier will complete deployment in the affected switches; and (5) a proposed schedule of milestones for meeting the deployment date."

**The Requested Waiver or Extension of Time is Clearly Warranted**

16. In view of Copper Valley's exceptionally unique circumstances, it is abundantly clear that good cause exists to grant the requested temporary waiver or extension of time. Copper Valley has submitted substantial, credible evidence to support

its contention that it is unable to comply with the February 25, 2005 deployment deadline.

17. The essential justification for the requested waiver is hardship – hardship accruing to both Copper Valley and its subscribers. As noted above, Copper Valley is a very small Tier III CMRS carrier serving approximately 1,200 mobile subscribers, with an additional 162 households receiving fixed-point service, within the Alaska 2(B4) RSA. The service area is within the Valdez-Cordova Census Area, a census area which is sparsely populated with a 2000 Census population of only 10,195 persons but yet geographically extensive with a land area of 34,319 square miles. Gross revenues are comparatively modest and net income is even more modest – comparatively small net income for calendar years 2003 and 2004 and net losses for calendar years 2001 and 2002. The system currently uses exclusively analog equipment that was installed in the early 1990s (and Copper Valley may well have one of the few such systems in the country so equipped), equipment which cannot be modified or upgraded to provide Wireless LNP, E-911 or CALEA. To achieve compliance with these Commission requirements, the equipment must be replaced at substantial cost – and Copper Valley simply needs additional time to complete the equipment selection, purchase and installation process. Were it not for the need to comply with the Wireless LNP, E-911 and CALEA requirements, the existing analog equipment (while quite old) would probably still have many years of useful life left in it, and be adequate for the communications needs of Copper Valley’s customers.

18. The equipment replacement with new state-of-the-art equipment is thus regulatory driven, not marketplace driven. The installation of a new state-of-the-art

digital switch, standing alone, is not a solution because the analog base station equipment simply will not operate with a digital switch. Installation of new equipment is hampered by a simple fact of life – the very short Alaska construction season (a factor in the construction of the new cell site facilities), which is confined to the months of May through August. Indeed, Dobson’s porting request was sent on August 25, 2004; i.e., after the end of the construction season, which does not resume until the following May.

19. It is against this backdrop that Copper Valley’s request for a temporary waiver or extension of time must be assessed. The equipment replacement project (while seemingly modest in scope for a large carrier) is a daunting task for a small carrier in Copper Valley’s circumstances – circumstances unlikely to be faced by rural carriers outside the State of Alaska.

20. In fact, the inability to achieve compliance by February 25, 2005 is simply beyond Copper Valley’s control. The inability derives from the economics associated with Copper Valley’s extremely small size. Copper Valley has no control over the fact that it is extremely small. Given the demographics of the Valdez-Cordova Census Area, Copper Valley will never be anything other than a very small carrier with a very modest revenue base. The entire census area has a population of only 10,195 persons, and as land area of 34,319 square miles, factors which establish the upward limit of potential subscriber level and revenue growth and a ceiling which cannot be exceeded.

21. Clearly, no valid public interest purpose would be achieved by denying Copper Valley’s request. If required to comply with the Wireless LNP requirements before the replacement equipment is installed and operational, Copper Valley would seemingly have no alternative other than shutting down its operations; and thus denying

service to its existing mobile customers and fixed-point service households – an extreme hardship for both Copper Valley and its customers. The United States Court of Appeals for the District of Columbia Circuit views with extreme disfavor Commission regulatory requirements which require a wireless carrier to shut down all or part of its system.

Petroleum Communications, Inc. v. FCC, 22 F.3d 1164 (D.C. Cir. 1994).

22. As noted, Copper Valley's existing network equipment cannot be modified or upgraded to achieve Wireless LNP compliance. The equipment must be replaced at substantial cost, and Copper Valley is working on the equipment replacement project at this time. In NOW Licenses, LLC, Mimeo DA 04-1382, released May 17, 2004, the Commission granted temporary relief from the port-in component of the Wireless LNP requirements to a carrier in the process of replacing its equipment with Wireless LNP-capable equipment. Notably, the carrier's existing equipment was capable of being modified or upgraded to achieve Wireless LNP compliance. Nevertheless, the Commission granted some relief, stating that because "NOW's current switch will most likely soon be discarded and full LNP achieved by a new switch, any further upgrades to the existing switch will provide little benefit to consumers to justify the substantial cost, particularly given that the cost is incurred only to achieve porting in capability." NOW Licenses, LLC at Paragraph No. 9. Similarly, in the Commission's Digital Wireless TTY Order (CC Docket No. 94-102), 17 FCC Rcd. 12084 (2002), temporary relief from digital wireless TTY obligations was granted to several small wireless carriers for their facilities operating on the Time Division Multiple Access ("TDMA"), a technology which was being discontinued by the equipment manufacturers and for which new functionalities were not being developed. The circumstances there were strikingly similar to the

circumstances here. In granting relief, the Commission noted that requiring the carriers to implement TTY capability in their TDMA networks would be a waste of resources since infrastructure vendors and handset manufacturers were moving away from TDMA; the petitioners were small, rural carriers with limited resources; and requiring the carriers to expend a large sum of money on what would essentially be an interim solution would not be a good allocation of resources. Digital Wireless TTY Order, Paragraphs 21 and 22. Notably, the carriers were given an 18-month extension of time. Digital Wireless TTY Order, Paragraph No. 18. If the costs associated with upgrades to an existing switch capable of modification are deemed to be unjustified under the public interest analysis and thus warranting an extension of time, then it is axiomatic that a limited waiver or extension of time is warranted where, as here, the existing equipment cannot be modified but instead must be replaced. Indeed, in the Digital Wireless TTY Order, these circumstances were deemed adequate to justify an 18-month extension of time – less time than Copper Valley is requesting herein.

23. The remaining matters addressed by Section 52.31(d) of the rules are as follows: The particular switches for which the extension of time is requested are the four Plexsys D200/400 switches at Valdez, Glennallen, McCarthy and Cordova, which will be replaced with a Nortel single switch platform. Copper Valley anticipates that the new equipment will be installed and operational by February 25, 2006. Copper Valley anticipates that it will sign an equipment purchase agreement during the first quarter of 2005; and will submit such interim reports as the Commission may require.

**The Commission's Wireless LNP Waiver Standard is Impermissibly Strict**

24. Section 251(f)(2) of the Communications Act of 1934, as amended (“the Act”), permits a rural local exchange carrier (“LEC”) to petition its state public service

commission for relief from the LNP requirements. Section 251(f)(2) of the Act specifies that the “State commission shall grant such petition to the extent that, and for such duration as, the State commission determines that such suspension or modification (A) is necessary (i) to avoid a significant adverse economic impact on users of telecommunications services generally; (ii) to avoid imposing a requirement that is unduly economically burdensome; or (iii) to avoid imposing a requirement that is technically infeasible; and (B) is consistent with the public interest, convenience and necessity.” Notably, Section 251 of the Act does not impose an LNP obligation on CMRS carriers, such as Copper Valley. Instead, rightfully or wrongfully, the requirement was imposed on CMRS carriers by the Commission through the aegis of statutory construction. See, e.g., Telephone Number Portability First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd. 8352 (1996). Yet the standard adopted by the Commission for obtaining relief from the Wireless LNP duties is impermissibly more restrictive than the standard adopted by Congress for rural LECs and codified in Section 251(f)(2) of the Act. There is simply no indication in the Act that Congress intended to authorize the Commission to adopt a standard more restrictive than the one adopted by Congress for rural LECs, and thereby to deny CMRS carriers equal protection of the law or the benefits of regulatory parity.

25. It is abundantly clear that Copper Valley is entitled to relief under the Section 251(f)(2) standard – and, indeed considerably more relief than it is requesting in this petition. For example, relief avoids the significant adverse economic impact on users of telecommunications services generally by eliminating any requirement that Copper Valley discontinue its operations due to an inability to meet a Commission-imposed

regulatory requirement, or that customers bear higher costs than necessary to receive the basic voice services that they are already receiving over the existing analog facilities. Relief would avoid imposing a requirement that is unduly economically burdensome by eliminating any *de facto* requirement that Copper Valley replace its cellular system network equipment prior to the end of its useful life span. Because under the Section 251(f)(2) standard Copper Valley would be able to use its existing analog Plexsys equipment indefinitely, relief would avoid imposing a Wireless LNP requirement that is technically infeasible given the capabilities of the current equipment. Given all of these factors, Section 251(f)(2) relief is consistent with the public interest.

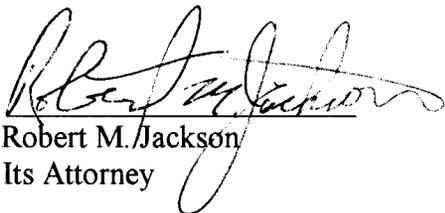
26. While the record in this case clearly demonstrates that Copper Valley is entitled to the requested relief under the Commission's criteria, Copper Valley is nevertheless compelled to note that it is even more entitled to relief under the Section 251(f)(2) standard. Copper Valley respectfully submits that Section 251(f)(2) of the Act sets forth the governing principles for decision in this case.

**WHEREFORE**, Copper Valley requests that the instant petition be granted.

Respectfully submitted,

**Copper Valley Wireless, Inc.**

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By:   
Robert M. Jackson  
Its Attorney

Filed: December 23, 2004

**ATTACHMENT A**

**Bonafide Request Form (BFR) Checklist & Sample Form**

CVCI

**Purpose:** The following is a recommended checklist that should be followed when requesting that other service providers support long-term Local Number Portability (LNP) and open **ALL** codes for porting within specified Metropolitan Statistical Areas (MSAs) and the specified wireline switch CLLI (Common Language Location Identifier) codes. This applies to both wireline and wireless requests.

1. Identify the U.S. Census Bureau MSAs for which support of long-term Local Number Portability is being requested.
  - a. Note: The U.S. Census Bureau MSA's may differ from MSAs separately defined by the wireline and wireless industries.
  - b. Note: The FCC mandate does not require proof from the requestor of the potential to support port-ins in the designated MSAs.
2. Identify the codes within the specified MSAs.
3. Check the LERG to verify that the codes are not already open for porting.
4. Check the NPAC to verify that the codes are not already open for porting.
5. Complete and submit a Bonafide Request Form (BFR) containing the following information:
  - a. Contact Information: First refer to the WNPO BFR Contact Matrix posted on the NPAC website (under WNPO) for the contact information to be completed for the recipient. If the intended recipient has not provided this contact information to the WNPO, then refer to the contact information in the LERG. It is the responsibility of the intended recipient carrier to ensure that their contact information is up to date.

To (Recipient):

- i. Contact Name
- ii. Company
- iii. Contact's Address
- iv. Contact's Email
- v. Contact's Fax
- vi. Contact's Phone

From (Requestor):

- i. Contact Name
- ii. Company
- iii. Contact's Address
- iv. Contact's Email
- v. Contact's Fax
- vi. Contact's Phone

U-04-57

- b. Specify the U.S. Census Bureau MSAs for which the BFR recipient should support LNP (for both wireless and wireline recipients).
  - c. Specify the wireline switch CLLI (Common Language Location Identifier) codes for wireline recipients only.
  - d. Specify the date of request.
  - e. Specify the effective date (when switches must be capable and codes must be open for porting) – not less than 6 months from the date of request.
  - f. Specify the actions requested – opening codes in the LERG and NPAC, and ensuring that the switches are LNP capable.
  - g. Specify the Date the Confirmation of Receipt of Request is Due - Confirmation of receipt of request is due within 10 business days.
  - h. Form must state that it is requesting support for deployment of long-term Local Number Portability and site references. (Reference the FCC mandates)
6. Verify confirmation received.

**Notes/Clarifications:**

- This form is to be submitted for MSAs outside of the top 100. All codes within the top 100 MSA/CMSAs are required to be opened for porting by 11/24/03 (per the NRO – 3<sup>rd</sup> Report/Order & 2<sup>nd</sup> Order on Reconsideration in CC Docket 96-98 & 99-200.
- Service Providers (SPs) can set up an effective date in LERG requests to open codes for porting.
- Once a code is open for porting in the LERG and NPAC, that status can be changed in the future if needed.
- There is no requirement in the FCC orders to prove the potential to port-in customers within the designated area before requesting that a SP open codes for porting.
- SPs can make a request at any time for codes to be open for porting MSAs outside the top 100, however the clock does not start ticking until after 11/24/03.



**ATTACHMENT B**

December 22, 2004

**Copper Valley Telephone Cooperative**

P.O. Box 337

Valdez, AK 99686

Attn.: Mr. Tim Rennie

Dear Mr. Rennie:

Pursuant to our discussion regarding the capabilities of the CVW system, the existing Copper Valley Wireless cellular system is exclusively an analog, AMPS, first generation cellular system, designed in the late 1970's, with general deployment occurring in the 1980's to early 1990's.

The RF and switching equipment is manufactured by Plexsys. COMSAT RSI of Herndon, VA, acquired Plexsys in the mid 1990's. COMSAT RSI has discontinued all support services and development of the Plexsys product line.

Subsequent technical support, however, no new development, was provided by Blue Ridge Communications, which consisted of two former employees of Plexsys. Blue Ridge Communications has since ceased operations. Currently, there are no technical or developmental services available for the Plexsys equipment.

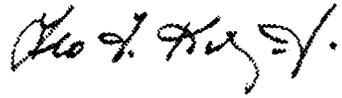
The existing Plexsys system is unable to support any digital transmission capabilities. There are not any software revisions or upgrades available that would allow the system to become compliant with the Wireless Local Number Portability requirements, E-911 requirements, or the Communications Assistance for Law Enforcement Act.

Copper Valley Wireless is diligently investigating the feasibility of migrating from the existing analog wireless system to a current generation Code Division Multiple Access (CDMA) system, manufactured by Nortel Networks. Nortel Networks is the second leading manufacturer of next generation CDMA transmission equipment. The initial estimate for a systemic upgrade to the Nortel CDMA platform is \$4,361,072.87, excluding spares, installation, and engineering. The Nortel Networks platform is compliant with the LNP, E-911, and CALEA requirements.

Due to economic restraints, Copper Valley Wireless will transition customers to the new facilities in a phased approach, as dictated by funding. Copper Valley Wireless will be required to continue to operate the AMPS system in certain areas indefinitely. Any areas operating on the Plexsys system will not have LNP, E-911, and CALEA features, as stated above.

If there are any questions, please feel free to contact me.

Best Regards,

A handwritten signature in black ink, appearing to read "Leo F. Kutz, Jr." with a stylized flourish at the end.

Leo F. Kutz, Jr.  
Kutz Telecommunications Consulting  
Vice-President of Engineering

**DECLARATION UNDER PENALTY OF PERJURY**

I, Tim Rennie, hereby state the following:

1. I am the Chief Executive Officer of Copper Valley Telephone Cooperative, Inc., the parent corporation of Copper Valley Wireless, Inc.

2. I have read the foregoing "Petition for Limited Waiver or Extension of Time." With the exception of those facts of which official notice can be taken, all facts set forth therein are true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 22 day of December, 2004.

  
Tim Rennie