



Choice Phone LLC

543A Top Plaza Bldg.,
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Tamuning, Guam 96913
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August 16, 2005

Federal Communications Commission
Marlene H. Dortch
Secretary
445 12th Street, SW
Washington, DC 20554

Re: Telephone Number Portability, WCB Docket No. 95-116

Ms. Dortch:

Pursuant to Sections 1.3, 1.925 and 52.31(d) of the Commission's Rules,¹ Choice Phone LLC dba iConnect ("Choice"), a digital Specialized Mobile Radio ("SMR") operator serving Guam and the Northern Mariana Islands, hereby requests that the Chief, Wireless Telecommunications Bureau, grant a waiver of the LNP Rules and extend the date for implementation of wireless Local Number Portability ("LNP") on Guam to no earlier than February 15, 2006.

I. Facts

On April 4, 2005, Choice received a bona fide request ("BFR") from Guam Cellular & Paging Inc. dba GuamCell ("GuamCell") for implementation of wireless LNP by October 15, 2005.²

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

² See Attachment A.

Choice had also received an earlier BFR for LNP on March 4, 2005 from GTA³, the Guam Incumbent Local Exchange Carrier; however, this request was stayed as a result of a decision by the U.S. Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) on March 11, 2005.⁴ The Commission had required wireless carriers to port numbers to wireline carriers within the numbers’ originating rate center.⁵ However, the D.C. Circuit, while upholding the LNP rules, stayed the effect of the *Intermodal Order* as it applies to “small entities” because a Regulatory Flexibility Act (“RFA”) analysis was not prepared.⁶ Therefore, because the BFR came from GTA, a wireline carrier, and was sent to a wireless carrier, it is stayed by the D.C. Circuit’s decision pending an RFA analysis to be prepared and published by the Commission.

Choice provides SMR service to Guam utilizing Motorola iDen technology. Due to the small size of the Guam Market, Choice is utilizing a smaller iDen switch platform known as a Harmony Switch. The GuamCell BFR constitutes the first demand for implementation of LNP on a Motorola Harmony Switch. Upon receipt of the BFR, Choice immediately contacted Motorola and requested a software revision to provide LNP service. Choice has ordered the required software modifications. However, because this will be the first implementation of LNP on this platform, the Choice software will be a Beta version.

Due to the fact that the LNP software for the Harmony Switch is a Beta version and has never been tested outside of laboratory conditions, the software will, at minimum, require a ninety-day field test period to validate and debug the LNP features, and to ensure that the new software does not create adverse effects on the currently implemented iDen features and services. This testing cannot begin (or

³ Choice is unsure of what entities are actually represented by the correspondence from GTA and its various affiliates. Effective January 1, 2005, the assets of the Guam Telephone Authority were transferred from the Government of Guam to Teleguam Holdings LLC pursuant to Title 12, Chapter 12 §12101 of the Guam Code Annotated. A BFR under the letterhead of “GTA” signed by Robert Smith, Vice President of Sales and Marketing requesting LNP (not wireless LNP) was sent to each Guam CMRS service provider on March 4, 2005. On July 18, 2005, David S. Duenas sent a letter on behalf of “GTA Local Telecom” indicating its inability to provide LNP support at this time. See Attachment B. He signed the document as Managing Director, Inside Plant Operations for “GTA Telecom LLC.” The Guam Public Utilities Commission did not approve the transfer of the Certificate of Authority to provide local exchange service from Teleguam Holdings LLC to GTA Telecom LLC pursuant to Docket No. 05-03 until July 27, 2005. Therefore, although GTA Telecom may not have even had authority to issue any BFR, the BFR Choice received ostensibly was from GTA Telecom. There is no reason why Choice would consider a BFR under the letterhead “GTA,” which is the LEC in Guam, to actually be from GTA Wireless. *See also* GTA BFRs attached as Attachment C.

⁴ *See USTA v. FCC*, No. 03-1414 (D.C. Cir. March, 11, 2005).

⁵ *See* CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 23,697, para. 22 (2003) (“*Intermodal Order*”).

⁶ *See USTA v. FCC*, slip op. at 3.

even be scheduled) until GTA Telecom is capable of supporting the required SS7 services and can provide services as an N-1 carrier.

II. Justification for Waiver/Extension of Time

The five-prong requirements of Section 52.31(d) of the Commission's Rules must be satisfied to extend the time by which LNP implementation can be completed. The following demonstrates in chronological order that Choice has met all five prongs of Section 52.31(d).

All Guam CMRS carriers are currently interconnected through GTA Telecom as a tandem interconnecting carrier. At present, no direct connections exist between any Guam CMRS carriers. All traffic between the Guam wireless carriers is routed through a GTA Telecom switch to the terminating carrier.

On July 18, 2005, GTA Telecom sent a letter to all Guam area CMRS providers indicating that it is currently not able to support an LNP implementation and wishes to defer the activation date to December 15, 2005.⁷ GTA Telecom has not provided information to Choice regarding when the local exchange network will be ready for active LNP testing. In fact, GTA Telecom failed to attend a meeting among all Guam carriers (to which it was invited) held on July 26, 2005 to organize an LNP Implementation Team and Inter-carrier Testing Group. Not only did GTA Telecom decline to attend the meeting, it failed to respond to the Guam service providers' questions to clarify testing responsibilities and dates. Andrew Gayle, manager of GTA Wireless (the affiliated CMRS provider), also questioned the authority of the carriers to organize for implementation and testing of the services required to implement LNP.

Until GTA Telecom commits the resources to work with the Guam service providers, including Choice, and until GTA Telecom provides the Guam service providers with its milestones for LNP readiness, Choice is unable to provide the Commission with date-specific milestones. If Choice is able to begin testing the LNP software in its switch during the month of October, it expects to be able to implement LNP on February 15, 2006. If GTA Telecom is not ready to test in October, Choice will not be able to implement LNP on February 15, 2006.

Choice will require a full testing period in order to maintain quality of service for its subscribers and to ensure the proper implementation of LNP on its Harmony Switch. During the last 2 weeks of December, the testing will be suspended due to the high surge of new subscribers (historically the month of December has had far more activations by a significant factor) and because the engineering and software

⁷ See Attachment B.

support personnel of Motorola, the Number Portability Database (“NPDB”) providers and Choice will be on a holiday schedule. A full testing schedule will recommence during the week of January 2, 2006.

Based on the foregoing, Choice requests that an effective date of February 15, 2006, or until field-testing of the software can be completed utilizing GTA Telecom facilities as an N-1 switch, whichever is later, be established for wireless LNP implementation on Guam. This is necessary for implementing wireless LNP on Choice’s Motorola Harmony Mobile Switch located in Tumon, Guam (TUMNGU01CM0). On August 15th, Choice coordinated with GuamCell, the initiator of the BFR, and GuamCell has indicated that it will not object to the postponement of the wireless LNP implementation date. Therefore, Choice respectfully requests a limited waiver and an extension of time to implement the Commission’s LNP requirements.

Please direct questions regarding this letter to the undersigned.

Respectfully submitted,



Richard Yu
Member/Manager
Choice Phone LLC
Top Plaza Bldg.,
543-A, North Marine Drive
Tamuning, Guam 96913
(671) 888-8888
richard.yu@choicephone.com



4th April, 2005

Mr. Richard C. Yu
General Manager
Choice Phone LLC (I-Connect)
543A North Marine Drive
Tamuning, GU 96911

Dear Mr. Yu

Please find attached Guam Cellular & paging, Inc. dba. Guamcell Communications' Bona Fide Request Form (BFR) as required under Federal Communications Commission's mandate as stated in CC Docket No. 95-116. This request is in relation to the deployment of long term Local Number Portability as detailed in the attached form.

Should you have any questions, please feel free to contact me directly at 687-3377 or email me at mdomigan@guamcell.net.

Best regards,

Mike Domigan
Corporate Controller
Guamcell Communications

received

Justin Evaristo
4/05/05

Bona Fide Request Form (BFR)

Purpose: This form is used to request deployment of long-term Local Number Portability as defined in the FCC mandates (CC Docket 95-116). Specifically, this form requests that ALL codes be opened for portability with the Metropolitan Statistical Areas and wireline switch CLLI codes designated below. This form may be used for both wireless and wireline requests.

TO (RECIPIENT):

OCN: 1085

Company Name: Choice Phone LLC (I-Connect)

Contact Name: Richard C. Yu

Contact=s Address: 543A Top Plaza Bldg, N. Marine Drive
Tamuning, Guam 96911

Contact=s Phone: (671) 647-4336

FROM (REQUESTOR):

Company Name: Guam Cellular & Paging, Inc.

Contact Name: Mike Domigan

Contact=s Address: Century Plaza, 219 S. Marine Dr.
Suite 206/7, Tamuning, Guam 96911

Contact=s Email: mdomigan@guamcell.net

Contact=s Phone: (671) 649-7243

TIMING:

Date of Request: 04/04/2005

Receipt Confirmation Due By: 04/15/2005

Effective Date: 10/15/05

Designated Wireline/Wireless Switch CLLI Codes:

1st CLLI: TUMNGU01CM0

4th CLLI:

2nd CLLI: TMNGGU01CM0

5th CLLI:

3rd CLLI:

6th CLLI:

Desingated Metropolitan Statistical Areas (MSAs):

MSA Name: Guam

MSAs refer to the U.S. census bureau MSAs. These may differ from the MSAs as separately defined by the wireless or wireline industries.

Action Required of the Recipients:

1. Within 10 days of receipt, provide confirmation to the requestor that this form has been received.
2. For all currently released codes, and those to be released at any future time, within the designated U.S. Census Bureau MSAs and switch CLLI codes (where applicable), open all for porting within the LERG.
3. For all currently released codes, and those to be released at any future time, within the designated U.S. Census Bureau MSAs and wireline switch CLLI codes (where applicable), open all for porting within the NPAC (Number Portability Administrative Center).
4. Ensure that all switches handling codes within the designated MSAs are Local Number Portability capable.



624 North Marine Corps Drive
Tamuning, Guam 96913

July 18, 2005

John Borlas
IT&E Overseas, Inc.
Fax 646-4723

Andrew Gayle
GTA Wireless, LLC
Fax 644-0010

Robert Kelley
Various Telecom Carriers
Fax 472-0400

John Wu
Guam Wireless Telephone CO, LLC
Fax 649-6667

Mike Domigan
GuamCell Communications
Fax 649-7247

Richard Yu
Choice Phone LLC
Fax 647-7840

Sent via FAX and email

Hafa Adai:

As you may be aware, GTA Local Telecom is working to provision the necessary equipment to support Local Number Portability (LNP). This endeavor addresses the bona fide written request GTA Wireless, LLC submitted on March 15, 2005. The LNP request has an initial implementation deadline of September 15, 2005.

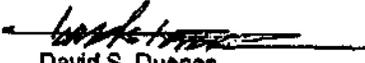
Although GTA has been working to procure and install the necessary equipment to support the LNP service, shipping problems and material shortages have caused delays in the implementation schedule. While GTA has prioritized resources in an attempt to avoid these delays, it is becoming apparent that GTA will not meet the LNP deadline.

Consequently, we regret to inform you that we will not meet the LNP deadline of September 15, 2005. We estimate the activation date will be deferred until December 15, 2005. We regret any inconveniences this delay may cause.

If you have any questions regarding this issue please feel free to call me at 644-2200.

Sincerely yours,

GTA Telecom LLC


David S. Duenas
Managing Director
Inside Plant Operations

CERTIFICATE OF SERVICE

I, Richard Yu, hereby certify that a copy of the foregoing "Request for Waiver and Extension of Time" was served today by electronic mail upon the following:

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Marlene.Dortch@fcc.gov

Catherine Seidel
Acting Chief
Wireless Telecommunications Bureau
Federal Communications Commission
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Jennifer Salhus
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Richard C. Yu