

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

In the Matter of )  
)  
Telephone Number Portability )  
) CC Docket No. 95-116  
Petition of Guam Wireless Telephone )  
Company, LLC for Declaratory Ruling, or )  
Alternatively, Limited Waiver of )  
Rule 52.31 or Extension of Time, to )  
Comply with the Commission’s Wireless )  
Local Number Portability Requirements )

To: Chief, Wireless Telecommunications Bureau

**PETITION OF GUAM WIRELESS TELEPHONE COMPANY, LLC FOR  
DECLARATORY RULING, OR ALTERNATIVELY, PETITION FOR LIMITED  
WAIVER OR EXTENSION OF TIME**

Guam Wireless Telephone Company, LLC (“Guam Wireless” or “Company”), by its attorney and pursuant to Section 1.2 of the Commission’s Rules, 47 C.F.R. § 1.2, hereby requests a ruling declaring that the purported bona fide requests (“BFRs”) for local number portability (“LNP”) from the entity designated “GTA” are invalid. At a minimum, any ruling adopted should clarify that, if valid, the BFRs were stayed by the Court of Appeals for the District of Columbia Circuit (“D.C. Circuit”) in USTA v. FCC.<sup>1</sup> In the alternative, should the request for declaratory ruling be denied, Guam Wireless, pursuant to Sections 1.3, 1.925 and 52.31(d) of the Commission’s Rules, 47 C.F.R. §§ 1.3, 1.925, 52.31(d), petitions for an extension of time to February 15, 2006 to comply with the LNP requirements set forth in Section 52.31 of the Commission’s Rules.<sup>2</sup>

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<sup>1</sup> No. 03-1414 (D.C. Cir. Mar. 11, 2005).

<sup>2</sup> As this petition is filed less than sixty-days before the effective date of the request for LNP received on March 4, 2005, Guam Wireless supplementally requests waiver of the sixty-day requirement set forth in Section 52.31(d) of its Rules. See 47 C.F.R. § 52.31(d).

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## **I. Introduction and Background**

Guam Wireless operates as a Broadband PCS licensee under Part 24 of the Commission's Rules, as well as a Commercial Mobile Radio Service ("CMRS") provider under Section 20.3(a).<sup>3</sup> In addition, Guam Wireless is a "covered CMRS" provider under Section 52.21(d) of the Commission's LNP rules, and is therefore subject to the Commission's LNP requirements.<sup>4</sup>

On February 22, 2005, Guam Wireless received a form titled "Bona Fide Request Form (BFR)" from an entity simply designated "GTA" ("February BFR").<sup>5</sup> The block labeled "From (Requestor)" included a company name, contact name, and contact address, email, and phone number. The block labeled "To (Recipient)" was not filled-out. The block labeled "Timing" contained a date of request of February 23, 2005, but no effective date. The block labeled "Designated Wireless Switch CLLI Codes" listed switch "tumongunmimd." The block labeled "Designated Metropolitan Statistical Areas (MSAs)" contained the Metropolitan Statistical Area ("MSA") name "Guam."

On March 4, 2005, Guam Wireless received another purported BFR. The "From (Requestor)" block indicated that the form was from an entity simply designated "GTA" ("March BFR").<sup>6</sup> The request was for long-term LNP on switch AGANGU02CM0 in the Guam MSA with a date of request of March 4, 2005 and an effective date of September 15, 2005.

On July 18, 2005, David Duenas, Managing Director of Inside Plant Operations at GTA Telecom, the incumbent local exchange carrier ("ILEC") in the Territory of Guam ("Guam"), sent a

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<sup>3</sup> See 47 C.F.R. Part 24 and 47 C.F.R. § 20.3(a).

<sup>4</sup> See 47 C.F.R. § 52.21(d).

<sup>5</sup> See Attachment A.

<sup>6</sup> See Attachment B.

letter to several Guam wireless providers, including Guam Wireless, declaring that GTA Telecom would not be able to support LNP by the September 15, 2005 deadline (“Duenas Letter”).<sup>7</sup> On July 27, 2005, TeleGuam Holdings, LLC (“TeleGuam”), on behalf of GTA Telecom and GTA Wireless, filed a petition with the Commission to extend the time for implementation of wireless-to-wireless LNP in Guam from September 15, 2005 to December 15, 2005 (“TeleGuam Petition”).<sup>8</sup> On August 5, 2005, TeleGuam filed a letter with the Commission requesting waiver of the sixty-day requirement for filing a petition for an extension of time, because it had filed its petition on July 27, 2005, less than sixty days before the September 15, 2005 deadline (“TeleGuam Letter”).<sup>9</sup>

All CMRS providers in Guam, including Guam Wireless, are currently connected to each other only through GTA Telecom as a tandem interconnecting carrier. There are no direct connections between CMRS carriers on Guam. All calls to and from Guam CMRS providers must be routed through a GTA Telecom switch.

GTA Telecom cannot currently provide LNP, nor will it be able to by September 15, 2005.<sup>10</sup> The company cannot presently serve as an N-1 carrier for location routing numbers (“LRN”) routing. GTA Telecom also cannot currently provide SS7 services directly or by peering, nor will it be able to by September 15, 2005.<sup>11</sup> Moreover, the Guam ILEC failed to attend a meeting of Guam wireless providers (to which it was invited) held on July 26, 2005 to organize an LNP Implementation Team and Inter-Carrier Testing Group. Repeated attempts to involve GTA Telecom

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<sup>7</sup> See Attachment C.

<sup>8</sup> See *Petition for Waiver of TeleGuam Holdings, LLC* in WCB Docket No. 95-116 (July 27, 2005).

<sup>9</sup> See Letter from Richard J. Metzger, Vice President – Regulatory, TeleGuam Holdings, LLC to Marlene H. Dortch, Secretary, FCC in WCB Docket No. 95-116 (August 5, 2005).

<sup>10</sup> See Duenas Letter, Attachment C.

<sup>11</sup> See TeleGuam Petition, at 2-3.

in the implementation and testing process have been declined by that company due to busy schedules and vendor visits.

Guam Wireless recently purchased a Tecore Switch, which is LNP-capable. While the switch replacement was necessary for several reasons, Guam Wireless purchased the Tecore Switch at great expense in part because it is LNP-capable and Guam Wireless wanted to make every effort to meet LNP requirements when they arose.

Guam Wireless has not yet purchased associated LNP feature software from Tecore, but it has undertaken to discuss the switch and software with other rural carriers in the United States that are using it, and has been assured that implementation problems are minimal. The Company has also negotiated with and received quotes for LNP support from both Verisign and Syniverse. However, Guam Wireless has as of yet neither purchased the LNP feature software nor signed agreements with Verisign or Syniverse due to delays in LNP implementation attributable to the ILEC in Guam.

## **II. Request for Declaratory Ruling**

A ruling should be adopted declaring that the two above-referenced “GTA” BFRs are invalid, or alternatively, clarifying that the BFRs are stayed by the D.C. Circuit in USTA v. FCC.

### *A. The February BFR is Invalid Because it Lacks an Effective Date*

The February BFR contained no effective date, or date by which the requestor seeks number portability. The Commission has required that a valid BFR contain, among other things, a tentative date six or more months in the future when the carrier requests number portability.<sup>12</sup> Since the

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<sup>12</sup> See Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 8352, para. 80 (1996).

February BFR did not contain such a tentative date (designated “effective date” on the form), it should be declared invalid on its face.

*B. The March BFR is Invalid Because the Requestor Name and Type of LNP Requested are Unclear*

The March BFR is defective in that the requestor name and the type of LNP requested are ambiguous. The Commission has stated that a valid BFR should contain, among other things, a “specific request” for long-term number portability.<sup>13</sup> Simply designating “GTA” does not constitute a “specific request” as it does not indicate which GTA entity is making the request nor, as a consequence, what kind of LNP is being requested. If the requestor were GTA Wireless, the BFR would be a request for wireless-to-wireless LNP. If it were GTA Telecom, the BFR would be a request for wireless-to-wireline LNP. This is critical information going to the essence of the BFR. Given this blatant ambiguity, the BFR must be declared invalid on its face.

*C. If the GTA BFRs are Determined to be Valid, it Should be Clarified That They are Stayed*

If valid, the BFRs should be construed as requests for wireless-to-wireline LNP, or intermodal LNP. While the Commission has required wireless carriers to port numbers to wireline carriers within the number’s originating rate center,<sup>14</sup> that order was stayed on March 11, 2005 by

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<sup>13</sup> *Id.*

<sup>14</sup> See CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 23697, para. 22 (2003).

the D.C. Circuit as it applies to “small entities,”<sup>15</sup> pending the Commission’s preparation and publication of a Regulatory Flexibility Act (“RFA”) analysis.<sup>16</sup>

### **III. Petition for Limited Waiver or Extension of Time**

Should the declaratory relief requested above be denied, a limited waiver or extension of time to February 15, 2006 to allow Guam Wireless to comply with the Commission’s LNP requirements is warranted. As this petition is filed less than sixty-days before the effective date of the March BFR,<sup>17</sup> Guam Wireless additionally requests waiver of the sixty-day requirement contained in Section 52.31(d) of the Commission’s Rules.<sup>18</sup>

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<sup>15</sup> Guam Wireless is a “small entity” under the Regulatory Flexibility Act (“RFA”). The RFA defines “small business” as having the same definition as “small business concern” under the Small Business Act. *See* 5 U.S.C. § 601(3). “Small business concern” under the Small Business Act is one that 1) is independently owned and operated; 2) is not dominant in its field of operation, and 3) meets the size standards set by the SBA Administrator. *See* 15 U.S.C. § 632(a). The maximum number of employees allowed for a wired, cellular or other wireless telecommunications business to be considered “small” is 1,500. *See* 13 C.F.R. § 121.201. Guam Wireless is a “small entity” under the RFA because it is independently owned and operated, not dominant in its field, and has less than 1,500 employees.

<sup>16</sup> *See USTA v. FCC*, No. 03-1414, at 28.

<sup>17</sup> The February BFR from “GTA” has no effective date; therefore, there is no measure of sixty days before the effective date for purposes of submitting a request for extension of time. *See* discussion *supra* Part II.A. As a result, Guam Wireless does not believe it is required to petition for waiver of the sixty-day requirement for the February BFR. However, if it is determined that the February BFR is valid and has an effective date that is more than sixty days from the filing of this petition, Guam Wireless additionally requests waiver of the sixty-day requirement contained in Section 52.31(d) of the Rules for the February BFR.

<sup>18</sup> The Commission can waive its rules for good cause shown. *See* 47 C.F.R. § 1.3. The Commission has found that waiver is appropriate when special circumstances exist and deviation from the rules will serve the public interest. *See* Telephone Number Portability, Petition of Copper Valley Wireless, Inc., *Order*, DA 05-538, para. 5 (March 3, 2005) (“*Copper Valley Order*”). Due to the special circumstances surrounding LNP implementation in Guam and the obvious confusion for all wireless providers in the Guam market regarding the requests for LNP from the entity designated “GTA,” granting waiver of the sixty-day requirement and considering Guam Wireless’ petition for an extension of time would be in the public interest. Refusal to grant this waiver would require implementation of LNP by September 15, 2005, a deadline which apparently no Guam provider is prepared to meet, including both GTA Telecom and GTA Wireless. Strict imposition of a September 15, 2005 deadline would do harm to the telephone service of Guam consumers because no Guam provider is prepared to be LNP-capable by that deadline. Requiring all Guam providers subject to a BFR to become LNP-capable by September 15, 2005 would result only in misrouted and dropped calls for Guam consumers because GTA Telecom, by its own admission, is not yet prepared to provide SS7 service and act as an N-1 carrier to properly route the calls. *See* TeleGuam Petition.

*A. Wireless Local Number Portability Requirements*

Guam Wireless is a covered CMRS provider under the Commission's Rules, and therefore, must comply with the Commission's LNP Rules.<sup>19</sup> As a CMRS provider outside the 100 largest MSAs, Guam Wireless is required to provide local number portability by May 24, 2004, or within six months of a BFR, whichever is later.<sup>20</sup>

*B. Standards for Waiver/Extension*

Section 1.3 of the Commission's Rules provides that the Rules may be waived on petition for good cause shown.<sup>21</sup> Further, a petition for an extension of time under the Commission's LNP Rules must specifically demonstrate the basis for the petitioner's inability to comply through substantial, credible evidence.<sup>22</sup> The petition should include: 1) facts to demonstrate the reasons why the carrier cannot meet the deployment schedule; 2) an explanation of the activities the carrier has undertaken to comply with the schedule; 3) a list of the specific switches for which LNP has been requested; 4) the time the carrier will need to deploy those switches; and 5) a proposed schedule of milestones for meeting the deployment schedule.<sup>23</sup>

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<sup>19</sup> See 47 C.F.R. §§ 52.21(d), 52.31.

<sup>20</sup> See In the Matter of Verizon Wireless's Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation and Telephone Portability, *Memorandum Opinion and Order*, 11 FCC Rcd 14972 (2002).

<sup>21</sup> See generally *Copper Valley Order supra* note 18.

<sup>22</sup> See 47 C.F.R. § 52.31(d).

<sup>23</sup> *Id.*

*C. An Extension of Time is Warranted in the Instant Case*

1. Reasons Why Guam Wireless Cannot Meet the Deployment Schedule

Although Guam Wireless has purchased the necessary LNP-capable switch, it is currently unable to provide LNP. As explained above, Guam Wireless has not purchased the necessary software from Tecore, nor has it signed an agreement for LNP support. Guam Wireless is precluded from taking either of these steps until GTA Telecom is capable of providing SS7 service, acting as an N-1 carrier, and cooperating in the implementation and testing process necessary to provide LNP. This is because Guam Wireless is connected to other Guam CMRS providers (including GTA Wireless) only through GTA Telecom and, therefore, can only port numbers through GTA Telecom.

GTA Telecom is required to serve as an N-1 carrier (route ported numbers), even if it is unable to provide LNP.<sup>24</sup> In fact, the Commission has recently imposed forfeitures on ILECs for failure to do so.<sup>25</sup> GTA Telecom's inability to perform this essential function effectively prevents Guam Wireless from implementing LNP through no fault of its own. Compounding this technical problem, GTA Telecom has continually failed to make efforts to meet with other Guam area providers regarding LNP implementation, including declining to attend a meeting of the CMRS providers (to which it was invited) held on July 26, 2005 to organize an LNP Implementation Team and Inter-Carrier Testing Group. Without such cooperation in implementation and testing from GTA Telecom, Guam Wireless will be impeded in its ability to implement LNP on its LNP-capable switch.

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<sup>24</sup> See Telephone Number Portability, *First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, para. 69 (1997) and CenturyTel of Washington, Inc., CenturyTel of Cowiche, Inc., and CenturyTel of Inter Island, Inc., Apparent Liability for Forfeiture, *Notice of Apparent Liability for Forfeiture*, 19 FCC Rcd 8543, n. 1 (May 13, 2004) ("*CenturyTel NAL*").

<sup>25</sup> See *CenturyTel NAL*.

## 2. Activities Guam Wireless Has Undertaken to Comply

Guam Wireless purchased an LNP-capable Tecore Switch in part to be able to provide LNP within six months after receipt of a BFR. The Company also has discussed the required Tecore software with other rural carriers in the United States to ensure there will be only minimal problems with implementation. The Company has negotiated and received quotes for LNP support services from both Verisign and Syniverse. It has also been an active participant in all LNP implementation and testing efforts held to date in Guam. In short, Guam Wireless has done everything it can do within its control to become LNP-capable.

## 3. Switches for Which LNP Has Been Requested

The “GTA” BFRs requested LNP for Guam Wireless switches tumongunmimd<sup>26</sup> and AGANGU02CM0<sup>27</sup> in the Guam MSA.

## 4. Time to Deploy

Guam Wireless respectfully requests a five-month extension of the deadline, to establish a new effective date of February 15, 2006. Without knowing for sure when GTA Telecom will have SS7 capability, serve as an N-1 carrier, and cooperate in an implementation and testing program, Guam Wireless cannot provide a “date-certain” as to when it will be able to implement LNP. The Company is necessarily dependent upon the actions of GTA Telecom, but ready to act promptly once a testing program can begin.

## 5. Proposed Schedule of Milestones

It is impossible for Guam Wireless to provide the Commission with set milestones for LNP without knowing when GTA Telecom will begin working with Guam wireless providers on

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<sup>26</sup> See February BFR, Attachment A.

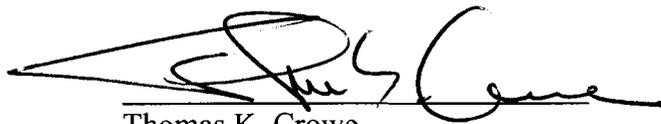
<sup>27</sup> See March BFR, Attachment B.

implementation and testing. GTA Telecom still has not contacted Guam Wireless regarding a schedule of meetings for such a program. However, Guam Wireless is willing to procure and install the necessary LNP software from Tecore, as well as secure the necessary support services from Verisign and Syniverse as soon as GTA Telecom is ready to begin the implementation and testing process.

#### **IV. Conclusion**

As shown above, a ruling should be adopted declaring that the purported BFRs for LNP from the entity designated “GTA” are invalid, or at a minimum, constitute requests for intermodal LNP and are stayed by the D.C. Circuit’s decision in USTA v. FCC. In the alternative, Guam Wireless’ petition for limited waiver or extension of time until February 15, 2006 should be granted.

Respectfully submitted,



Thomas K. Crowe  
**LAW OFFICES OF THOMAS K.  
CROWE, P.C.**  
1250 24<sup>th</sup> Street, N.W.  
Suite 300  
Washington, D.C. 20037  
(202) 263-3640  
firm@tkcrowe.com

**COUNSEL FOR GUAM WIRELESS  
TELEPHONE COMPANY, LLC**

August 19, 2005

**Attachment A**



P.O. Box 9008  
Tamuning, Guam 96931

624 North Marine Corps Drive  
Tamuning, Guam 96913

Tel: 671.644-4821  
Fax: 671.649-4821

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*February 22, 2005*

*Mr. John Wu, Operations Manager  
hafaTEL  
Guam Wireless Telephone Company LLC.  
125 Tun Jesus Crisostomo St. #208  
Tamuning, Guam 96913*

*Dear Mr. Wu:*

Please find attached a Bona fide Form ("BFR"), as required by the Federal Communications Commission's mandate in CC Docket No. 95-116, to request the deployment of long term Local Number Portability in the switches identified on the enclosed form.

Please feel free to contact my office, or Lucia R. Perez, Managing Director at 648-1000, or email at [lperez@gta.net](mailto:lperez@gta.net).

*Sincerely,*

A handwritten signature in black ink, appearing to read "R. Smith", with a horizontal line extending to the right.

**ROBERT SMITH**  
*Vice President  
Sales & Marketing*

*enclosures*

## **Bonafide 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 within the Metropolitan Statistical Area and wireline switch CLLI codes designated below. This form may be used for both wireless and wireline requests.

**TO (RECIPIENT):**

**OCN:**

**Company Name:**

**Contact Name:**

**Contact's Address:**

**Contact's Phone:**

**FROM (REQUESTOR):**

**Company Name: GTA**

**Contact Name: Robert Smith**

**Contact Name;**

**Contact's Address: 624 N Marine Dr,  
Tamuning, Guam 96913**

**Contact's Email: rsmith@teleguam.com**

**Contact's Phone: 671-646-1427/5527**

**TIMING:**

**Date of Request: 02/23/05**

**Receipt Confirmation Due By:**

**Effective Date:**

**Designated Wireless Switch CLLI Codes:**

**1<sup>st</sup> CLLI: tumongunmimd**

**2<sup>nd</sup> CLLI:**

**3<sup>rd</sup> CLLI:**

**4<sup>th</sup> CLLI:**

**5<sup>th</sup> CLLI:**

**6<sup>th</sup> CLLI:**

**Designated 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 releases 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 Administration Center).
4. Ensure that all switches handling codes within the designated MSAs are Local Number Portability capable.

**Attachment B**



P.O. Box 9008  
Tamuning, Guam 96931

624 North Marine Corps Drive  
Tamuning, Guam 96913

Tel: 671.644-4821  
Fax: 671.649-4821

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*March 4, 2005*

*Mr. Richard Wu, General Manager  
hafaTEL  
Guam Wireless Telephone Company LLC.  
125 Tun-Jesus Crisostomo St. #208  
Tamuning, Guam 96913*

*Dear Mr. Wu:*

Enclosed please find GTA's revised Bona fide Form ("BFR"), required by the Federal Communications Commission's mandate in CC Docket No. 95-116, to request the deployment of long term Local Number Portability in the switches identified on the enclosed form.

I apologize for the inconvenience, and please feel free to contact my office, or Lucia R. Perez, Managing Director at 648-1000, or email at [lperez@gta.net](mailto:lperez@gta.net)

*Sincerely,*

A handwritten signature in black ink, appearing to read 'R. Smith'.

**ROBERT SMITH**  
*Vice President  
Sales & Marketing*

*enclosure*

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## Bonafide 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 within the Metropolitan Statistical Area and wireline switch CLLI codes designated below. This form may be used for both wireless and wireline requests.

**TO (RECIPIENT):**

**OCN:**

**Company Name:** GUAM WIRELESS TELEPHONE COMPANY, L.L.C.

**Contact Name:** JOHN WU

**Contact's Address:** 125 TUN JESUS CRISOSTOMO ST. #208, TAMUNING, GUAM 96913  
**Contact's Phone:** 671-788-0588

**TIMING:**

**Date of Request:** 03-04-2005

**Receipt Confirmation Due By:** 03-15-2005

**Effective Date:** 09-15-2005

**Designated WirelessSwitch CLLI Codes:**

**1<sup>st</sup> CLLI:** AGANGU02CM0

**2<sup>nd</sup> CLLI:**

**3<sup>rd</sup> CLLI:**

**FROM (REQUESTOR):**

**Company Name:** GTA

**Contact Name:** ROBERT SMITH

**Contact Name:**

**Contact's Address:** 624 North Marine Corps Dr. Tamuning, Guam 96913

**Contact's Email:** rsmith@gta.net

**Contact's Phone:** 671-646-1427/5527

**4<sup>th</sup> CLLI:**

**5<sup>th</sup> CLLI:**

**6<sup>th</sup> CLLI:**

**Designated 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 releases 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 Administration Center).
4. Ensure that all switches handling codes within the designated MSAs are Local Number Portability capable.
5. Switch must be able to support for deployment of long term Local Number Portability as defined in the FCC mandates (CC Docket 95-116).

**Attachment C**



624 North Marine Corps Drive  
Tamuning, Guam 96913

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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 649-8887

Mike Dornigan  
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.

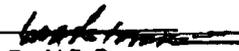
Although GTA has been working to procure and install the necessary equipment to support the LNP service, shipping problems and material shortages have caused delays in the implementation schedule. While GTA has prioritized resources in an attempt to avoid these delays, it is becoming apparent that GTA 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.

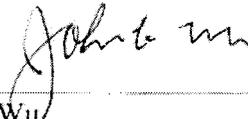
Sincerely yours,

GTA Telecom LLC

  
David S. Duenas  
Managing Director  
Inside Plant Operations

## VERIFICATION

I, John Wu, declare that I am Chief Operating Officer of Guam Wireless Telephone Company, LLC; that I am authorized to and do make this declaration for said company; that I have read the foregoing Petition of Guam Wireless Telephone Company, LLC for Declaratory Ruling, or Alternatively, Petition for Limited Waiver or Extension of Time, and know the contents thereof; and that, to the best of my knowledge and belief, all facts asserted therein are true and correct. Executed on August 19, 2005.

  
\_\_\_\_\_  
John Wu

## CERTIFICATE OF SERVICE

I, Jaclyn J. Murray, a Legal Assistant with the Law Offices of Thomas K. Crowe, P.C., hereby certify that a copy of the foregoing "Petition of Guam Wireless Telephone Company, LLC for Declaratory Ruling, or Alternatively, Petition for Limited Waiver or Extension of Time" was mailed by United States First Class mail, postage prepaid, this 19<sup>th</sup> day of August 2005 to the following persons:

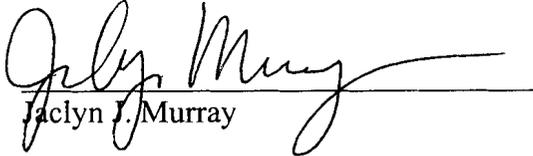
Catherine W. Seidel  
Acting Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Thomas Navin  
Chief  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Jennifer Salhus  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Pam Slipakoff  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Robert Smith  
Vice President  
GTA  
P.O. Box 9008  
Tamuning, Guam 96931

  
Jaclyn J. Murray