

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Telephone Number Portability) CC Docket No. 95-116
)
Petition for Waiver and Extension of Time to)
Implement Wireless Number Portability in the)
Commonwealth of the Northern Mariana)
Islands)
)

To: The Chief, Wireless Telecommunications Bureau

**PETITION BY GTE PACIFICA INC. FOR WAIVER AND EXTENSION OF TIME TO
IMPLEMENT WIRELESS NUMBER PORTABILITY**

GTE Pacifica Inc. ("Pacifica"), pursuant to sections 1.3 and 52.32(c) of the Commission's Rules, respectfully requests an extension of time in which to implement wireless number portability ("WNP") in the Commonwealth of the Northern Mariana Islands ("CNMI"). Pacifica further requests a waiver of the requirement that it file its waiver request at least 60 days before the implementation deadline.

Pacifica holds license KNKN616 in the Cellular Radiotelephone Service in the CNMI. Pacifica is a wholly owned subsidiary of Pacific Telecom Inc. ("PTI"), an independent CNMI corporation.¹ On December 21, 2005, Pacifica received a bona fide request ("BFR") for WNP from Guam Cellular & Paging, Inc d/b/a Saipancell Communications ("Saipancell"), with an

¹ Pacifica was formerly an indirect subsidiary of Verizon Communications, but PTI and Pacifica were spun off in a transaction that closed in September 2005, and are now independent, investor-owned companies. Pacifica's parent company PTI is also the owner of the incumbent local exchange carrier in the CNMI, The Micronesian Telecommunications Corporation ("MTC").

effective date of July 1, 2006. A cellular carrier must provide WNP in response to a BFR from another carrier.²

The Commission may waive its rules for “good cause shown.”³ A waiver is appropriate “if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”⁴ In considering waiver requests, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy.⁵ The Commission’s WNP rules specifically permit carriers that are unable to meet the deadline for implementing WNP to submit a petition for extension of the deadline.⁶ Such petitions must demonstrate the carrier’s inability to meet the deadline, based on specific facts and circumstances.⁷ Extension petitions also must set forth the time within which the carrier will complete deployment and a proposed schedule with milestones for meeting the deployment date.⁸

The specific facts and circumstances here constitute special circumstances justifying a waiver, and demonstrate Pacifica’s inability to meet the deadline justifying an extension. Specifically, Pacifica, Saipancell, and all other wireless carriers in the CNMI are interconnected with each other through the network of the CNMI incumbent local exchange carrier (“LEC”),

² 47 C.F.R. § 52.31(a).

³ 47 C.F.R. § 1.3.

⁴ *Northeast Cellular Telephone v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁵ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

⁶ 47 C.F.R. § 52.31(d).

⁷ *Id.*

⁸ *Id.*

MTC. Until MTC updates its network and signaling infrastructure to support number portability, none of the wireless carriers in the CNMI will be able to implement WNP.

MTC, in turn, is not currently obligated to implement number portability because it is subject to the stay of the intermodal LNP requirement imposed by the United States Court of Appeals for the District of Columbia Circuit.⁹ Under the stay, the Commission's intermodal number portability requirement is stayed as to small entities such as MTC until the FCC prepares and publishes a Final Regulatory Flexibility Analysis ("FRFA") regarding the impact of the intermodal portability requirement on small entities.¹⁰

The Bureau previously has found that wireless carriers' dependency on the incumbent LEC's LNP implementation constituted special circumstances supporting an extension of the wireless carriers' WNP implementation deadline.¹¹ The Bureau noted that all CMRS carriers on Guam (which is adjacent to the CNMI) "connect to each other indirectly and rely on [the incumbent LEC] for switching and interconnection."¹² The Bureau found that the wireless carriers were "unable to implement porting until [the incumbent LEC] upgrades its network and they have an opportunity to coordinate and test their equipment with [the incumbent LEC's]

⁹ *United States Telecom Ass'n v. FCC*, 400 F.3d 29 (D.C. Cir. 2005). The only BFR that MTC has received is from Saipancell (i.e., an intermodal request).

¹⁰ See *Federal Communications Commission Seeks Comment on Initial Regulatory Flexibility Analysis in Telephone Number Portability Proceeding*, CC Docket No. 95-116, Public Notice, 20 FCC Rcd 8616 (2005).

¹¹ See, e.g., *Petition of TeleGuam Holdings, LLC to Extend the Date for Implementation of Wireless-to-Wireless LNP on Guam*, CC Docket No. 95-116, Order, 20 FCC Rcd 16323 (SCPD WT B 2005) ("*TeleGuam*").

¹² *Id.* at ¶ 13.

upgraded system.” On this basis, the Bureau found that it was “reasonable to afford them additional time to implement porting.”¹³

The Bureau also found that establishing this type of coordinated implementation schedule would serve the public interest by ensuring “a smooth rollout of porting on Guam” so that “all carriers have sufficient time to complete and test ... upgrades” that were “necessary to support porting for both [the incumbent LEC’s affiliated wireless carrier] and unaffiliated carriers.”¹⁴ The Bureau further concluded that “[d]enying petitioners’ request for additional time to implement porting, by contrast, would likely result in dropped and misrouted calls because of unresolved technical issues in carrier networks.”¹⁵

For the same reasons, the Bureau should extend the deadline for Pacifica. Like the wireless carriers in Guam, Pacifica and the other wireless carriers in the CNMI are all interconnected indirectly through MTC, the incumbent LEC, and are all dependent on MTC’s routing and signaling networks for their own WNP implementation.¹⁶ MTC, like the Guam incumbent LEC, is not yet required to implement number portability. Thus, special circumstances exist justifying an extension of the WNP implementation date. Further, such an extension will serve the public interest by allowing for adequate testing and an orderly implementation of WNP in the CNMI.

¹³ *Id.*

¹⁴ *Id.* at ¶ 14.

¹⁵ *Id.*

¹⁶ *See also* Petition for Extension of Guam Wireless Telephone Company, LLC, d/b/a Hafatel, CC Docket No. 95-116 (filed June 28, 2006) (“the implementation and testing of Wireless LNP in the CNMI cannot begin or even be scheduled until [MTC] is capable of supporting the required SS7 services and can provide the services as an N-1 carrier”).

Pacifica respectfully requests an extension of time to implement WNP until 60 days after the date on which MTC is required to implement LNP after the lifting of the intermodal stay. This proposed implementation date is consistent with the 60-day timeframe established in the Rules for wireless carriers to implement WNP where a software upgrade is needed.¹⁷ The 60-day timeframe also conforms with the relief that was provided in the case of wireless carriers in Guam, which were required to implement WNP no later than 60 days after the extended implementation date granted to the incumbent LEC.¹⁸

Pacifica further requests waiver of the requirement that it file its request at least 60 days before the effective date of the BFR.¹⁹ Special circumstances support extension of the filing date. PTI is a small, investor-owned CNMI corporation that purchased PTI (including Pacifica and MTC) from a subsidiary of Verizon in a transaction that closed in September 2005. Since taking over the operations of the wireless company and the LEC less than one year ago, PTI has faced enormous transitional challenges, including updating regulatory filings and ensuring the continuity of business operations for both companies and establishing new tariffs for the LEC. Saipancell's BFR arrived barely three months after the closing, and Pacifica's small staff could not turn to it immediately because of the press of other tasks associated with the transition. The public interest also will be served by waiver of the 60-day filing requirement in this case. As

¹⁷ 47 C.F.R. § 52.31(a)(1)(iv)(B). Pacifica's switches will support WNP through the implementation of software upgrades.

¹⁸ *TeleGuam* at ¶ 15. In *TeleGuam*, the incumbent LEC's affiliated wireless carrier was required to implement WNP on the same date that the incumbent LEC implemented LNP (i.e., 60 days before the other Guam wireless carriers). There, however, the affiliated wireless carrier had stated that it could implement WNP by that date. Pacifica, in contrast, will require additional time to implement and test its WNP systems after MTC completes its LNP implementation.

¹⁹ 47 C.F.R. § 52.31(d).

described above, Pacifica is unable to implement WNP until MTC does so, and establishing a coordinated implementation schedule will allow for the smooth implementation of number portability in the CNMI.

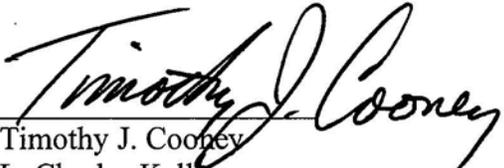
CONCLUSION

For the foregoing reasons, Pacifica respectfully requests that the Bureau grant it an extension of the implementation date for wireless number portability until 60 days after the date that MTC is required to implement LNP following the lifting of the D.C. Circuit stay

Respectfully submitted,

GTE PACIFICA INC.

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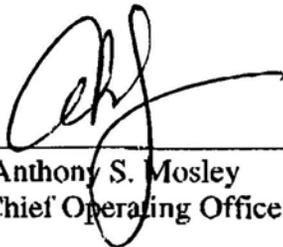
June 30, 2006

DECLARATION

I, Anthony S. Mosley, hereby declare under penalty of perjury as follows:

I am the Chief Operating Officer for Pacific Telecom Inc., parent company of both GTE Pacifica Inc. and The Micronesian Telecommunications Corporation.

I have reviewed the foregoing Petition by GTE Pacifica Inc. for Waiver and Extension of Time to Implement Wireless Number Portability, and certify that the facts stated therein are true and correct to the best of my personal knowledge and belief. I make this certification with respect to facts pertaining to both GTE Pacifica Inc. and The Micronesian Telecommunications Corporation.



NAME Anthony S. Mosley
TITLE Chief Operating Officer

Dated: June 30th 2006