

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-3096  
of Great Plains Communications, )  
Inc., Blair, for Suspension or )  
Modification of the Federal ) INTERIM RELIEF GRANTED  
Communications Commission )  
Requirement to Implement )  
Wireline-Wireless Number )  
Portability Pursuant to 47 ) Entered: March 3, 2004  
U.S.C. § 251(f)(2).

BY THE HEARING OFFICER:

This cause came to be heard by the Nebraska Public Service Commission upon the filing of a Motion filed by Great Plains Communications, Inc. (Great Plains) on February 23, 2004, seeking an order granting interim relief pursuant to 47 U.S.C. § 251(f)(2) and requesting a hearing (hereinafter referred to as Motion for Interim Relief). In support of its Motion, Great Plains avers that it has filed an application with the Commission pursuant to 47 U.S.C. § 251(f)(2) seeking suspension or modification of the requirement set forth *In the Matter of Telephone Number Portability*, CC Docket 95-116, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, FCC 03-284 (rel. November 10, 2003). The Intermodal Order obligates local exchange carriers located outside the top 100 metropolitan statistical areas (MSAs) to provide local number portability (LNP) and to be ready to port numbers to wireless carriers when certain conditions have been met. This obligation begins on May 24, 2004. Section 251 (f)(2) gives this Commission the jurisdiction to suspend or modify requirements of the FCC for rural carriers when such relief is sought. The language of this section reads in pertinent part,

(2) Suspensions and modifications for rural carriers .  
. . . The State commission shall grant such a 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.

The State commission shall act upon any petition filed under this paragraph within 180 days after receiving such petition. Pending such action, the State commission may suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers. 47 U.S.C. § 251(f)(2) (Emphasis Added).

Oral argument on the Motion for Interim Relief was held on March 2, 2004, in the Commission Hearing Room, Lincoln, Nebraska. Mr. Paul Schudel and Mr. James Overcash entered appearances on behalf of Great Plains; Mr. Steven G. Seglin and Mr. Gene DeJordy entered appearances on behalf of WWC License, LLC; Mr. Steven G. Seglin entered an appearance on behalf of Verizon Wireless; and Ms. Monica Barone entered an appearance on behalf of Sprint. Ms. Shana Knutson entered an appearance on behalf of the Commission.

#### O P I N I O N   A N D   F I N D I N G S

Upon consideration of the arguments given by Great Plains, WWC License, Verizon, Sprint and AT&T Wireless and the Motion for Interim Relief, I am of the opinion and find the Motion granting Interim Relief from the obligation to implement local number portability should be granted pending the review of this application until further notice by the Commission. However, as Hearing Officer, I will not set a date certain for the enforcement of the local number portability requirement at this time as requested by Great Plains. Rather, the Commission will make a determination on the duration of the interim relief after it has received evidence and held a hearing on the application. At that time, the Commission will further consider the time needed by Great Plains to implement LNP. Clearly, because of time constraints on the Commission's calendar, the 180-day timeframe in which the Commission must render its decision, and because of the number of applications filed with the Commission seeking a suspension under 47 U.S.C. § 251(f)(2), it would be difficult for the Commission to hold an evidentiary hearing and make its ruling on this and every application for suspension or modification of the LNP requirement filed with the Commission prior to the May 24, 2004, deadline. As Hearing Officer I find it appropriate to grant this motion for interim relief pending the Commission's review of this application.

The present decision to grant interim relief should in no way serve as a precedent as to how the Commission will rule on the merits of the underlying application.

Application No. C-3096

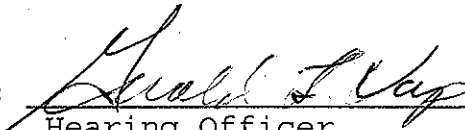
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O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that the Motion for Interim Relief be granted and the enforcement period be suspended until a date later to be determined by the Commission.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of March, 2004.

By:

  
Hearing Officer

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