

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Requests by ) Application No. C-3423  
34 Nebraska Rural Local Exchange )  
Carriers to Review the )  
Commission's July 20, 2004, )  
Order Granting Suspension of the ) ORDER  
Federal Communications )  
Commission's Requirement to )  
Implement Wireline-Wireless )  
Number Portability Pursuant to )  
47 U.S.C. § 251(f)(2). ) Entered: April 1, 2008

APPEARANCES:

**For the Rural Independent Companies:**

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**For the Commission Staff:**

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BY THE COMMISSION:

On December 7, 2007, a supplemental application was filed, through counsel, on behalf of a number of rural independent local exchange carriers<sup>1</sup> seeking an Order extending the date by which said companies are required to provide intermodal Local Number Portability (LNP) as previously set forth in the Commission's July 12, 2005 Order entered in this docket. Interventions were filed by Alltel Wireless and N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless. Subsequently, the Commission entered an order on February 5, 2008, clarifying that the date by which the Rural Local Exchange Carriers (RLECs) are required to implement wireline-wireless number portability is April 5, 2008, unless a further extension was timely sought.

On February 15, 2008, the Commission received a request from several RLECs<sup>2</sup> informing the Commission that they will implement wireline-wireless number portability by the April 5, 2008 date and asking the Commission to conclude the docket as it related to their previous extension requests.

The Commission held a hearing on the remaining RLEC extension requests on March 17, 2008. Appearances were entered as shown above.

The RLECs and the formal intervenors presented a signed Stipulation which covered the remaining RLEC extension requests except for the request by Sodtown. Exhibit A to the Stipulation

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<sup>1</sup> For the purpose of this order "rural local exchange carriers or RLECs" refers to the requesting rural local exchange carriers which filed a supplemental application and the companies comprising the Rural Telecommunications Coalition of Nebraska (RTCN) which filed a Request for Further Relief.

<sup>2</sup> These RLECs included: Cambridge Telephone Company, Clarks Telecommunications Co., Dalton Telephone Company, Inc., Elsie Communications, Inc., The Hamilton Telephone Company, Hartington Telecommunications Co., Inc., Hemingford Cooperative Telephone Company, Hershey Cooperative Telephone Co., The Nebraska Central Telephone Company, Northeast Nebraska Telephone Company, Pierce Telephone Co., and Stanton Telecom, Inc.

lists a timeline in which all remaining RLECs in Nebraska requesting additional time will implement LNP consistent with the Federal Communications Commission's rules and regulations. The stipulation specifies that the RLECs covered by the stipulation will submit progress/status reports. The first report is due June 1, 2008. Progress reports are then due in two month intervals until December 1, 2008. For companies with an implementation date of December 31, 2008, a final report is due on or about January 15, 2008, confirming completion of the required LNP implementation.

At the hearing the parties requested the Commission approve the Stipulation and adopt the implementation schedule provided in Exhibit A to the Stipulation. Upon consideration of the Stipulation presented in this proceeding the Commission is of the opinion and finds the Stipulation should be approved as filed herein.

Sodtown requested an open-ended waiver. According to the information presented, Sodtown has very few access lines and the costs of a switch upgrade at this time would be economically burdensome for consumers in Sodtown's exchange. The Commission therefore finds that Sodtown should be granted an extension of time to implement intermodal LNP until a date later to be determined. Sodtown shall be required to file a progress report to the Commission by June 1, 2008, and then on December 1, 2008. Sodtown shall be required to submit a progress report thereafter every first business day of June and December until LNP has been implemented. The progress report shall include information regarding any plan to replace or upgrade switching facilities which would be LNP capable.

The Commission will exercise continuing jurisdiction over the RLECs receiving an extension of time to implement wireline to wireless LNP. As provided in the Stipulation, the intervenors may have the opportunity to contest any further extension of the LNP implementation date set forth in the implementation schedule.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the stipulation filed in this matter be, and it is hereby, approved.

IT IS FURTHER ORDERED that the extension requests are granted and the requesting rural local exchange carriers are

required to implement intermodal local number portability in accordance with the implementation schedule set forth in Appendix A to the Stipulation.

IT IS FURTHER ORDERED that reports shall be filed with the Commission as prescribed in the stipulation.

IT IS FURTHER ORDERED that Sodtoun file reports with the Commission semi-annually beginning June 1, 2008 updating its plans to upgrade or replace switching facilities which would enable it to become LNP capable.

IT IS FURTHER ORDERED that for good cause shown, the Commission may modify this Order and conduct such further proceedings as it may deem just and reasonable to enforce the obligations of the rural local exchange carriers as provided herein.

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of April, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

Commissioners Concurring:

Chair

ATTEST:

Executive Director