

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO**

2004 AUG 20 PM 4:11
PUBLIC UTILITIES COMM.

Docket No. 04M-137T

IN THE MATTER OF EASTERN SLOPE RURAL TELEPHONE ASSOCIATION'S
PETITION FOR SUSPENSION OF LNP REQUIREMENTS

Docket No. 04M-138T

IN THE MATTER OF AGATE MUTUAL TELEPHONE COOPERATIVE
ASSOCIATION'S PETITION FOR SUSPENSION OF LNP REQUIREMENTS

STIPULATION AND SETTLEMENT

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Recitals

A. On March 24, 2004, Agate Mutual Telephone Cooperative Association ("Agate") and Eastern Slope Rural Telephone Association ("Eastern Slope") (collectively, the "Rural ILECs") petitioned this Commission to suspend the Federal Communications Commission's ("FCC") wireline to wireless local number portability ("intermodal LNP") obligations pursuant to Section 251(f)(2) of the Communications Act of 1934, as amended. The Rural ILECs argued that intermodal LNP implementation by the May 24, 2004 FCC-imposed deadline was technically infeasible, economically burdensome, and not in the public interest.

B. WWC Holding Co., Inc. ("Western Wireless") and Northeast Colorado Cellular Corp. ("NECC") (collectively, the "Wireless Carriers") filed interventions in this docket, which were ultimately granted by the Commission.

D. In its orders mailed June 10, 2004, the Commission set the above-referenced docket for hearing.

E. Agate serves an extremely small number of customers, and has concerns regarding its ability to effectively defray the costs of LNP compliance absent a guarantee that either federal or state universal service funding is available to cover Agate's costs of LNP compliance.

F. Eastern Slope has not yet been able to secure Signaling System Seven (SS7) links to serve those exchanges currently served by the switch located in its Hugo exchange. The exchanges served by the Hugo switch include the Arriba, Eads, Flagler, Genoa, Haswell, Hugo, Karval, Kit Carson and Woodrow exchanges. The Eastern Slope Woodrow exchange is situated in a different LATA than the Hugo switch. Cross-LATA SS7 signaling is not a service currently available from Qwest. Eastern Slope is advised that such service will become available in January of 2005.

After conferring together on the issues, The Rural ILECs and the Wireless Carriers have reached this Stipulation and Settlement ("Stipulation") as to the following terms and the Rural ILECs' intermodal LNP implementation schedule:

Agreement

1. The Parties agree to the suspension of the Rural ILECs' LNP obligations contained in the Commission's orders in these dockets mailed on April 30, 2004:

- (a) Docket No. 04M-137T, Eastern Slope: Decision No. C04-0449, *Decision Granting Petition in Part* (establishing a deadline of November 24, 2004 for LNP compliance for the Bennett exchange, and a deadline of May 24, 2005 for the Arriba, Eads, Flagler, Genoa, Haswell, Hugo, Karval, Kit Carson and Woodrow exchanges); and

- (b) Docket No. 04M-138T Agate: Decision No. C04-0448, *Decision Granting Petition in Part* (establishing a deadline of May 24, 2005 for LNP compliance for Agate).

2. The Rural ILECs will each separately provide a private letter report jointly addressed to the Wireless Carriers on or before February 1, 2005 describing its progress toward implementation and will also advise at that time whether it will be able to meet the May 24, 2005 date for LNP implementation.

3. Nothing in this Stipulation is intended to prohibit either party from seeking, or opposing, any additional relief beyond that provided herein, including additional suspension or waiver of the Rural ILECs' LNP obligations. It is agreed that any such additional relief, or opposition to such relief, will not be submitted in this docket, but must be submitted in the context of an independent petition filed with this Commission.

4. At such time as NECC has secured wireless spectrum to provide wireless coverage in Agate's service area, NECC may elect to provide Agate with a bona fide request for LNP service which Agate will not procedurally dispute. Agate will have six months after the receipt of any such NECC bona fide request in which to provide LNP service to NECC.

5. The Parties agree that the terms and conditions agreed to in this Stipulation, including the implementation schedules, shall survive the closure of this docket by the Commission, and that all Parties retain the right to take any action necessary to enforce the terms of this Stipulation.

6. Nothing in this Stipulation is intended to (1) Alter the Parties responsibilities to properly route telecommunications traffic, or (2) Create new obligations for any Party to alter its current means of interconnection with other Parties to this Stipulation.

DATED and AGREED to this 20 day of August, 2004.

AGATE MUTUAL TELEPHONE
COOPERATIVE ASSOCIATION

EASTERN SLOPE RURAL TELEPHONE
ASSOCIATION

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Exhibit A
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Decision No. C04-1101
September 14, 2004
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