

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04M-202T

IN THE MATTER OF SOUTH PARK TELEPHONE COMPANY'S REQUEST FOR
SUSPENSION OF WIRELINE TO WIRELESS NUMBER PORTABILITY OBLIGATIONS
PURSUANT TO § 251(f)(2) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
WILLIAM J. FRITZEL
APPROVING SECOND STIPULATION
AND SETTLEMENT**

Mailed Date: December 6, 2004

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On April 27, 2004, South Park Telephone Company (South Park) filed a Petition requesting that the Commission suspend the Federal Communications Commission wireline to wireless local number portability (intermodal LNP) obligations pursuant to § 251(f)(2) of the Communications Act of 1934 as amended.

2. On May 10, 2004, WWC Holding Company, Inc. (Western Wireless), filed an Entry of Appearance and Notice of Intervention.

3. On July 21, 2004, South Park and Western Wireless filed a Stipulation and Settlement with the Commission.

4. The Commission approved the Stipulation and Settlement in Decision No. C04-0898, mailed on August 4, 2004. As part of the Stipulation and Agreement and the Commission order, South Park was ordered no later than December 31, 2004, or six months following the receipt of the *bona fide* request, whichever date is later to make available intermodal LNP

available to Western Wireless unless the Commission granted additional relief based on information in a status report or for any extraordinary, unforeseen events that occur after October 1, 2004.

5. On October 21, 2004, South Park filed a Petition with the Commission requesting that the Commission further suspend the LNP implementation date from December 31, 2004 to December 30, 2005.

6. On October 29, 2004, Western Wireless filed a Response Opposing South Park's Petition.

7. The Commission at its Weekly Meeting held on November 3, 2004, referred the matter to an Administrative Law Judge for hearing.

8. In its Petition filed on October 22, 2004, South Park states that it is having difficulty with its switch vendor, and as a consequence it is technically infeasible for South Park to implement LNP by December 31, 2004.

9. On November 19, 2004 South Park and Western Wireless filed a Joint Motion to Approve Second Stipulation and Settlement, and the Second Stipulation and Settlement. In the Second Stipulation and Settlement, the parties agreed to extend South Park's LNP implementation date from December 31, 2004 to March 31, 2005, or six months after South Park receives a *bona fide* request whichever date is later. The parties also agree that all other provisions of the July 21, 2004 Stipulation and Settlement remain in effect.

10. It is found and concluded that the Second Stipulation and Settlement and the joint motion to approve the same states good grounds and it is in the public interest to approve the Second Stipulation and Settlement.

11. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER

A. The Commission Orders That:

1. The Joint Motion to Approve Second Stipulation and Settlement filed by South Park Telephone Company and WWC Holding Company, Inc., is granted.

2. The Second Stipulation and Settlement, attached to and incorporated in this Order is accepted.

3. South Park Telephone Company's local number portability implementation date is extended from December 31, 2004 to March 31, 2005, or six months after South Park Telephone Company receives a *bona fide* request, whichever date is later. All other provisions of the July 21, 2004 Stipulation and Settlement remain in effect.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

a) If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

b) If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may

stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Administrative Law Judge