

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

STATE OF  
PUBLIC UTIL

2004 JUL 21 PM 4:31

Docket No. 04M-203T

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

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**JOINT MOTION TO APPROVE STIPULATION AND SETTLEMENT, VACATE  
HEARING DATE, CONSOLIDATE DOCKET WITH DOCKET NO. 04M-202T  
AND FOR COMMISSION TO RETAIN JURISDICTION**

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Rye Telephone Company and WWC Holding Co., Inc. (together referred to as  
"the Parties"), having entered into a Stipulation and Settlement to settle this matter, move  
the Commission:


- (1) To approve the Stipulation and Settlement of the Parties that accompanies  
this motion. The parties believe the Stipulation is a fair settlement of the  
issues in this Docket and is in the public interest;
- (2) To vacate the July 29, 2004 hearing date set for this matter. The Parties'  
Stipulation and Settlement eliminates the need for the hearing;
- (3) Pursuant to 4 Code of Colorado Regulations 723-1-79 (a), to consolidate  
this Docket with 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.* In the event a hearing,  
workshop, or technical conference is required in this proceeding in the  
future, consolidation of the two dockets could be more efficient for the

Commission and the Parties. The issues in the two matters are substantially similar and the rights of the Parties will not be prejudiced; and,

- (4) To retain jurisdiction over this matter and keep this docket open until local number portability is implemented in the Rye Telephone Company Kim exchange.

Respectfully submitted this 21<sup>st</sup> day of July, 2004.


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**CERTIFICATE OF SERVICE**

I hereby certify that an original and six (6) copies of the foregoing **JOINT MOTION TO APPROVE STIPULATION AND SETTLEMENT, VACATE HEARING DATE, CONSOLIDATE DOCKET WITH DOCKET NO. 04M-202T AND FOR COMMISSION TO RETAIN JURISDICTION** was hand delivered this 21<sup>st</sup> day of July, 2004, to the following addressee:

Mr. Bruce N. Smith, Director  
COLORADO PUBLIC UTILITIES COMMISSION  
Logan Tower, Office Level 2  
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Denver, CO 80203

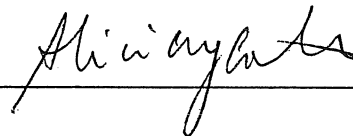
and a copy of the foregoing was mailed by depositing same in the U.S. Mail, postage prepaid, this 21<sup>st</sup> day of July, 2004, to the following addressees:

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

Exhibit A  
Docket No. 04M-203T  
Decision No. C04-0897  
August 3, 2004  
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Docket No. 04M-203T

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

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**STIPULATION AND SETTLEMENT**

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**Recitals**

A. On April 27, 2004, Rye Telephone Company ("Rye") petitioned this Commission to suspend the Federal Communications Commission's ("FCC") wireline to wireless local number portability ("intermodal LNP") obligations in Rye's Kim exchange pursuant to Section 251 (f)(2) of the Communications Act of 1934, as amended. Rye 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. Rye's Kim exchange is served by a relatively unique switch, known as a Redcom MDX switch. Given the technical limitations of this switching technology and its limited use in the Public Switched Telephone Network, real issues of technical feasibility exist with respect to Rye's ability to upgrade the Redcom MDX switch in time to meet its current LNP obligations.

C. On May 10, 2004, WWC Holding Co., Inc. ("Western Wireless") filed an Entry of Appearance and Notice of Intervention or, in the Alternative Petition to Intervene in this matter. The Commission concluded that the disagreement between Rye

and Western Wireless over facts stated in the two petitions required that this case be set for hearing.

D. In its order adopted May 12, 2004, the Commission urged Rye and Western Wireless to reach a compromise in settlement if possible.

E. Given Western Wireless's understanding of the unique technical challenges surrounding the Redcom MDX switch, and as a result of that understanding, Western Wireless is willing to enter into this stipulation with Rye to extend the LNP deadline established by the FCC for the Kim exchange, subject to the terms and conditions detailed below.

After conferring together on the issues, Rye and Western Wireless reached agreement on the following intermodal LNP implementation schedule in Rye's Kim exchange:

#### Agreement

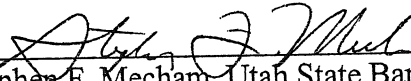
1. By June 3, 2005, Rye will provide a written status report to the Commission and Commission staff. Rye will make the report available to Western Wireless as a party to this agreement. In the report Rye will give a detailed description of its progress in implementing LNP and will identify all remaining issues to be resolved to meet the implementation date below. Rye will also identify any technical or vendor difficulties that could jeopardize compliance with the planned LNP implementation schedule. Parties to this agreement may request that the Commission schedule a technical conference to discuss the status reports. If Rye becomes aware of difficulties before June 3, 2005 that could delay LNP implementation, it will inform the Commission and Western Wireless, as soon as reasonably possible after it learns of them.

2. By December 30, 2005, or six months following the receipt of a bona fide request, whichever date is later, Rye will make intermodal LNP available to Western Wireless in Rye's Kim exchange, unless the Commission grants additional relief based on the information in the status report or for any extraordinary, unforeseen events that occur after June 3, 2005.

3. Prior to December 30, 2005, or six months after submitting a bona fide request, whichever date is later, Western Wireless agrees to establish direct two-way points of interconnection with Rye within the Kim exchange and the Rye/Colorado City exchange. The routing of all LNP traffic exchanged between Western Wireless and Rye will pass through these points of interconnection. Alternatively, Western Wireless may elect not to have direct connections with Rye. If such election is made, Western Wireless will be financially responsible for any and all costs related to the routing of traffic outside Rye's Kim and Rye/Colorado City network districts. The parties acknowledge that the FCC or this Commission may adopt rules or issue orders that establish rights and obligations with respect to routing, rating and compensation of traffic exchanged between parties that are different from the provisions of this stipulation and settlement. The parties agree that those new rules or orders shall govern the exchange of traffic between the parties prospectively from the date they are adopted or issued.


4. The Parties agree that the Commission retains jurisdiction over this matter until Local Number Portability is implemented by Rye in the Kim exchange, and agree that this docket should remain open until that time.

DATED and AGREED to this 21<sup>st</sup> day of July, 2004.

  
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