

**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 SECTION 251(f)(2) OF THE COMMUNICATIONS
ACT OF 1934, AS AMENDED**

**JOINT MOTION TO APPROVE STIPULATION AND SETTLEMENT, VACATE
HEARING DATE, CONSOLIDATE DOCKET WITH DOCKET NO. 04M-203T
AND FOR COMMISSION TO RETAIN JURISDICTION**

South Park 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 26, 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-203T, *In the Matter of Rye 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.

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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 South Park Telephone Company exchange.

Respectfully submitted this 21ST day of July, 2004.

Callister Nebeker & McCullough

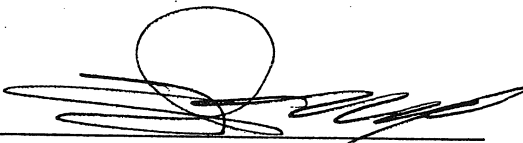


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CERTIFICATE OF SERVICE

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-203T AND FOR COMMISSION TO RETAIN JURISDICTION** was hand delivered this 21st day of July, 2004, to the following addressee:

Mr. Bruce N. Smith, Director
COLORADO PUBLIC UTILITIES COMMISSION
Logan Tower, Office Level 2
1580 Logan Street
Denver, CO 80203

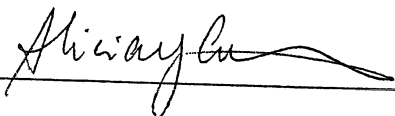
and a copy of the foregoing was mailed by depositing same in the U.S. Mail, postage prepaid, this 21st day of July, 2004, to the following addressees:

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STIPULATION AND SETTLEMENT

Recitals

A. On April 27, 2004, South Park Telephone Company ("South Park") 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. South Park 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. South Park's service territory is served by a relatively unique switch, known as a Redcom MDXi 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 South Park's ability to upgrade the Redcom MDXi 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

South Park 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 South Park 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 MDXi switch, and as a result of that understanding, Western Wireless is willing to enter into this stipulation with South Park to extend the LNP deadline established by the FCC, subject to the terms and conditions detailed below.

After conferring together on the issues, South Park and Western Wireless reached agreement on the following intermodal LNP implementation schedule:

Agreement

1. By October 1, 2004, South Park will provide a written status report to the Commission and Commission staff. South Park will make the report available to Western Wireless as a party to this agreement. In the report South Park 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. South Park 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 South Park becomes aware of difficulties before October 1, 2004 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 31, 2004, or six months following the receipt of a bona fide request, whichever date is later, South Park will make intermodal LNP available to Western Wireless, unless the Commission grants additional relief based on the information in the status report or for any extraordinary, unforeseen events that occur after October 1, 2004.

3. Prior to December 31, 2004, or six months after submitting a bona fide request, whichever date is later, Western Wireless agrees to establish a direct two-way point of interconnection with South Park within South Park's network. The routing of all LNP traffic exchanged between Western Wireless and South Park will pass through this point of interconnection. Alternatively, Western Wireless may elect not to have a direct connection with South Park. If such election is made, Western Wireless will be financially responsible for any and all costs related to the routing of traffic outside South Park's network district. 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 South Park in its service territory, and agree that this docket should remain open until that time.

DATED and AGREED to this 21st day of July, 2004.

For South Park Telephone Company



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