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March 19, 2004

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MAR 19 PM 3:09
COMMISSION
CLERK

HAND DELIVERY

Ms. Blanca Bayo, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

040249-72

Re: Petition of GTC d/b/a GT Com to Modify Requirement to Institute Local Number Portability Pursuant to Section 251(f) of the Telecommunications Act of 1996

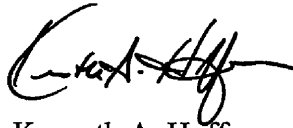
Dear Ms. Bayo:

Enclosed for filing in the above docket on behalf of GTC d/b/a GT Com ("GT Com") are the original and fifteen copies of GT Com's Petition to Modify Requirement to Institute Local Number Portability Pursuant to Section 251(f) of the Telecommunications Act of 1996.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for your assistance with this filing.

Sincerely,



Kenneth A. Hoffman

KAH/rl
Enclosures
gtcom\bayo319ltr

RECEIVED & FILED

R.V.N.

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

03717 MAR 19 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

PETITION OF)
)
GTC, INC. d/b/a GT Com,)
)
To modify requirement to institute)
local number portability pursuant)
to Section 251(f) of the)
Telecommunications Act of 1996)

Docket No. 040249-TL
Filed: March 19, 2004

**PETITION OF GTC d/b/a GT COM TO MODIFY
REQUIREMENT TO INSTITUTE LOCAL NUMBER
PORTABILITY PURSUANT TO SECTION 251(F) OF
THE TELECOMMUNICATIONS ACT OF 1996**

GTC, Inc. d/b/a GT Com (“GT Com” or “Company”), a wholly-owned subsidiary of FairPoint Communications, Inc. (“FairPoint”), files this Petition pursuant to Section 251(f)(2)¹ of the Telecommunications Act of 1996 (the “Act”) to modify the Federal Communications Commission’s (“FCC”) wireline to wireless porting (“intermodal porting”) requirements and grant GT Com an additional 12 months to comply with the FCC’s intermodal porting requirements. Approval of this modification is appropriate because the porting would be economically burdensome on the Company and therefore a modification is appropriate within the provisions of § 251(f)(2) of the Act. In support of this Petition, the Company represents the following:

I. Company Information

1. FairPoint is a Delaware corporation headquartered in Charlotte, North Carolina. FairPoint Communications provides telecommunications services through 26 rural local exchange carriers to more than 119 communities in 17 states across the United States.

¹ 47 U.S.C. § 251(f)(2) et seq.

DOCUMENT NUMBER-DATE
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FPSC-COMMISSION FILED

2. GT Com is a Florida corporation and local exchange telecommunications company as defined by Section 364.02(7), Florida Statutes, providing local exchange telecommunications services in the state of Florida. GT COM is a wholly-owned subsidiary of FairPoint, and as February of 2004, serves approximately 50,524 access lines in and around Taylor, Gulf, Calhoun, Franklin, Liberty, Madison, Jefferson, Bay, Gadsden, Jackson, Okaloosa, and Walton Counties, Florida.

3. The names, addresses, telephone and facsimile numbers of the Petitioner's representatives in this matter and the persons to whom all notices, orders, pleadings, discovery and correspondence should be sent in connection with this docket are as follows:

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Director Accounting/Revenue Requirements
GT Com
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II. Intermodal Porting Requirements

4. Section 251 of the Act requires all "telecommunications carriers"² to provide "to the extent technically feasible, number portability"³ in accordance with the requirements prescribed by the [FCC]."⁴ The FCC has extended the number portability requirements in

² "The term 'telecommunications carrier' means any provider of telecommunications services." 47 U.S.C. § 153(44).

³ Under the Act, number portability is defined as: "[T]he ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another." 47 U.S.C. § 153(30).

⁴ 47 U.S.C. § 251(b)(2).

§ 251(b)(2) of the Act to wireline local exchange carriers (“LEC”), which are required to port customers’ numbers to wireless carriers

where the requesting carrier’s ‘coverage area’ overlaps the geographic location of the rate center in which the customer’s wireline number is provisioned, provided that the porting-in carrier maintains the number’s original rate center designation following the port.... For purposes of this discussion, the wireless ‘coverage area’ is the area in which wireless service can be received from the wireless carrier.⁵

The FCC in the Wireline Porting Order stated that all LECs outside the top 100 Metropolitan Services Areas (“MSA”) must implement intermodal porting by May 24, 2004.⁶

5. The Act, however, provides that the Florida Public Service Commission (“Commission”) may suspend or modify the requirements of § 251(b)(2) for “rural carriers” when the economic impact on such a carrier is “burdensome:”

A local exchange carrier with fewer than 2 percent of the Nation’s subscriber lines installed in the aggregate nationwide may petition a State commission *for a suspension or modification* of the application of a requirement or requirements of subsection (b)... to telephone exchange service facilities specified in such Petition....⁷

This allows the Commission to suspend completely or modify as appropriate the porting requirements contained in § 251(b)(2) of the Act. The Act gives the Commission guidance as to when such a suspension or modification of porting requirements is appropriate:

The State commission shall grant such petition to the extent that, and for such duration as, the State commission determines that such suspension or modification --

⁵ See In the Matter of Telephone Number Portability; CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues, CC Docket No. 95-116, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 2003 WL 22658207 (F.C.C.) (November 10, 2003) ¶ 22 (“Wireline Porting Order”).

⁶ See id. at ¶ 29.

⁷ 47 U.S.C. § 251(f)(2). Emphasis added.

(A) is necessary --

(i) to avoid significant adverse economic impact on users of telecommunications generally;

(ii) to avoid imposing a requirement that is unduly economically burdensome; or

(iii) to avoid imposing a requirement that is technically infeasible; and

(B) is consistent with the public interest, convenience, and necessity.⁸

III. Modification of the Porting Requirements is Appropriate

6. Section § 251(f)(2) of the Act clearly demonstrates Congress' recognition that the porting obligations on small rural carriers may be customized to account for the impact on a particular carrier. The implementation of intermodal porting by GT Com in Florida is a real example of the need for flexibility in this implementation. To implement intermodal porting, GT Com will need to install Siemens Software to enable the existing switch to perform the required intermodal porting functionality. The cost of the required software and other necessary ancillary services is approximately \$44,200, excluding a monthly database recurring cost of approximately \$750 per month, a recurring dip charge each time the local number portability (LNP) database is accessed, staff training, and other back-office costs. This information is set forth in the Affidavit of John J. La Penta, attached to this Petition as **Exhibit A**. Although these costs may be amortized through customer surcharges over a 5-year period,⁹ the Company would still need to fund the immediate financial impact required to implement intermodal porting. These costs make implementation of intermodal porting unduly economically burdensome on GT Com and a

⁸ 47 U.S.C. §§ 251(f)(2)(A)-(B).

⁹ 47 C.F.R. § 52.33(a)(1).

12-month suspension of the § 251(b)(2) porting requirements is appropriate, or until May 24, 2005. During this period, GT Com can explore technical compliance with intermodal porting, procure the necessary software and obtain the expertise from other FairPoint companies.

Because there have been to date no customers who have requested intermodal porting, the public interest would be served by this 12-month delay.

WHEREFORE, the Company respectfully requests a suspension of its intermodal porting obligations for 12 months or until May 24, 2005. Furthermore, in order to avoid a conflict with the May 24, 2004 deadline by which wireline-to-wireless number portability must be instituted, GT Com is requesting expedited consideration of this Petition.

Respectfully submitted,



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Attorneys for GTC, Inc. d/b/a GT Com

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

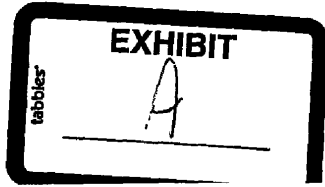
PETITION OF)
)
GTC, INC. d/b/a GT Com,)
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To modify requirement to institute)
local number portability pursuant)
to Section 251(f) of the)
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Docket No. _____

AFFIDAVIT OF JOHN J. LA PENTA OF
FAIRPOINT COMMUNICATIONS, INC.

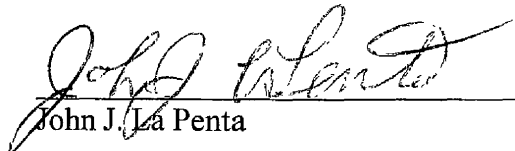
I, John J. La Penta, Assistant General Counsel of FairPoint Communications, Inc. ("FairPoint"), do make the oath that I have reviewed the Petition of GTC, Inc. d/b/a GT Com to modify requirement to institute local number portability pursuant to Section 251(f) of the Telecommunications Act of 1996 ("Petition") and do hereby certify that the facts and allegations contained in the Petition are true and correct to the best of my information and belief. In further support of the Petition, I represent the following:

1. GTC, Inc. d/b/a GT Com ("GT Com") is a small local exchange telecommunications company with approximately 50,428 access lines in and around Taylor, Gulf, Calhoun, Franklin, Liberty, Madison, Jefferson, Bay, Gadsden, Jackson, Okaloosa, and Walton Counties, Florida. GT Com is a wholly owned subsidiary of FairPoint.
2. GT Com is required, unless suspended by this Commission, to implement wireline-to-wireless number portability ("intermodal porting") porting by May 24, 2004.
3. The Commission is permitted, by § 251(f) of the Telecommunications Act of 1996 (the "Act"), to suspend or modify the intermodal porting requirements of "rural carriers." GT Com is a "rural carrier," as used in § 251(f)(2) of the Act and is therefore



entitled to request a 12-month suspension of its intermodal porting obligations from the Florida Public Service Commission.

4. To implement intermodal porting in Taylor, Gulf, Calhoun, Franklin, Liberty, Madison, Jefferson, Bay, Gadsden, Jackson, Okaloosa, and Walton Counties Florida, GT Com would need to install Siemens Software to enable the existing switch to perform the required intermodal porting functionality. The cost of the required software and other necessary ancillary services is approximately \$44,200, excluding a monthly database recurring cost of approximately \$750 per month, a recurring dip charge each time the LNP database is accessed, staff training, and other back-office costs. These costs include **spending additional thousands of dollars to activate the LNP required databases** and require **additional fees in the thousands of dollars on a recurring monthly basis to maintain these databases**. In addition, GT Com will have to pay recurring usage fees every time the databases are utilized for a DIP to see if a number has been ported. Moreover, GT Com will need to train additional staff to monitor and implement the Number Portability process. GT Com will use the 12-month suspension period to explore technical compliance with intermodal porting, procure the necessary software and obtain the expertise from other FairPoint companies.



John J. La Penta

State of North Carolina)
)
City/County of Mecklenburg)

Subscribed and sworn to before me this 18th day of March, 2004 in testimony whereof I have set my hand the day, month, and year aforesaid.

Anna B. Ritch
Notary Public

My commission expires 02-06-08